



# International Centre for Prison Studies

## ICPS NEWS DIGEST

### 14<sup>th</sup> Edition – March - April 2013

Welcome to the fourteenth edition of the ICPS News Digest, a selection of news items from around the world on prison and the use of imprisonment. We aim in the Digest to cover all regions and include new developments in policy and practice, as well as information from official and intergovernmental bodies. The Digest is produced bi-monthly and this issue covers the period from 1 March to 30 April 2013. Please click on the blue highlighted words to access the news reports.

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#### **Prison populations**

Serious levels of overcrowding in prisons in [Bangladesh](#) are leading to problems relating to financial constraints, provision of health facilities, meeting sanitary requirements and providing administrative support. The country's 68 prisons are holding 72,104 prisoners despite only having capacity for 33,750.

In its report on [Portugal](#) the Council of Europe's Committee for the Prevention of Torture noted the steady increase in the prison population and recommended a multi-pronged approach towards eradicating overcrowding. In their response the Portuguese authorities refer to the steps being taken to expand the application of alternative measures to imprisonment and to the ongoing investment to improve prison conditions.

In [Ireland](#) the Joint Oireachtas Committee on Justice has expressed concern at the increase in the prison population, which rose from 59 prisoners per 100,000 of the population in 1995 to 93 per 100,000 in 2013. The Committee recommended that prison sentences of less than six months should be replaced with community service orders, and recommended that standard remission be increased from one quarter to one third.

[Costa Rica](#)'s Constitutional Court has ordered the Ministry of Justice not to accept any more prisoners at La Reforma prison due to overcrowding, stating that 'not a single additional prisoner' can be sent to the prison. The Minister of Justice said the construction would begin this year on two new modules at the prison, plus five more nationally. However he added that the new modules at La Reforma would not be enough to end the problem of overcrowding at the prison.

[Egypt](#)'s prison authority has ordered the release of 885 prisoners ahead of the country's Sinai Liberation Day celebrations, while in [Afghanistan](#) the President has ordered the release of more than 1,000 prisoners who had served their prison sentences but were held in prison because they were unable to pay court-imposed fines.

The [Syrian](#) President has issued an order freeing up to 7,000 prisoners. Under the terms of the decree, death sentences are being reduced to life sentences, life sentences are being reduced to twenty years and amnesty is being granted to certain prisoners who are older than 70 or have incurable diseases.

The prisoner amnesty declared by the outgoing President of the [Czech Republic](#) on New Year's Day had, by 28 February, applied to 50,184 people, including 13,154 on prison sentences and 28,310 on suspended sentences. The vast majority of the prison sentences were for less than 12 months.

Figures from the General Board for Prison Services in [Portugal](#) show that at the end of 2012 foreigners made up nearly one fifth of all prisoners in the country's prisons.

According to a new study in the [US](#) by The Sentencing Project, women's imprisonment rates have outpaced those of men over a decade. The report says 'the number of women incarcerated in state or federal prisons rose by 21.6 percent compared to a 15.6 percent increase for men.' The study looked at data from 2000 to 2010 and found that the rate of incarceration for Hispanic women rose by 23.3 percent, and white women's by 47.1 percent.

The [Cambodian](#) League for the Promotion and Defense of Human Rights (LICADHO) has drawn attention to the continuing increase in the rate at which women are being sent to prison in the country. Women and girls make up eight percent of prisoners in the country but their imprisonment rate has been growing four times faster than the male rate. LICADHO called on the Cambodian judicial authorities to reconsider the overuse of imprisonment of women and girls for petty non-violent offences such as drug crimes and theft.

A new report by [Canada](#)'s Correctional Investigator has found that the number of aboriginal prisoners in federal prisons has risen by more than 50 percent over the last decade. Aboriginal people make up 23 percent of the federal prison population but make up only about four percent of the general population. The Investigator believes the numbers reflect decades of discriminatory policies.

A modern high security prison that can accommodate 1,000 prisoners is under construction in Melrose, central [Mauritius](#). The Commissioner of Prisons said the new prison would make

it possible to accommodate prisoners in appropriate conditions and to fight against overcrowding. There are approximately 2,700 prisoners in the country, around 500 more than the prisons have capacity for.

A new central jail with capacity for 6,000 prisoners is under construction in Sharjah, [United Arab Emirates](#). The jail will comprise an administrative building, two separate buildings for men and women and another building for juveniles. In [Iceland](#) a new prison is being built on the outskirts of Reykjavik. The new prison will have capacity of 56 prisoners and will include a special department for women prisoners.

## Health

A report from [Australia](#) suggests that scores of unconvicted prisoners who suffer serious cognitive impairment are being indefinitely held in state prisons because of a lack of secure care facilities. The predominantly Aboriginal population of prisoners who have not been found to have committed a crime and yet remain in a legal limbo of indefinite detention are being denied remedial programmes and behavioural therapy. Disability justice advocates are calling for urgent action to provide proper care facilities for the cognitively impaired, with warnings that the rising incidence of foetal alcohol spectrum disorder among indigenous populations will swell the numbers of intellectually disabled who repeatedly come into contact with the criminal justice system.

About 20,000 of the 70,000 prisoners in [Italian](#) prisons have developed diseases such as psychosis, depression, severe anxiety and bipolar disorder, according to experts. Since 1960 a 300 percent increase in prison suicides has been reported. Guards dealing with prisoners are also becoming less mentally healthy according to the experts: between 2000 and 2011, 68 suicides were reported among Italian prison workers. The problems are exacerbated by the overcrowding in the prisons.

Screening every prisoner for TB and treating them upon diagnosis, coupled with improved cell ventilation and an urgent focus on alleviating overcrowding are the cornerstones of the government's plans to tackle the disease according to the [South African](#) deputy president. He also announced new TB guidelines for prisons, which includes the roll-out of the Gene Xpert machine, a rapid TB diagnostic, which can cut down a two week diagnosis to two hours. The aim is to screen every new prisoner as they arrive as well as current prisoners.

In the [US](#) the New York state Attorney General's office has launched an investigation into Correctional Medical Care (CMC) Inc., a private health care contractor that has become the State's largest provider of medical services to county jails. The investigation comes in the wake of nine prisoner deaths at several different jails between 2009 and 2011 that have all been linked to negligent or inadequate care provided by CMC. A report by the Commission of Correction's Medical Review Board highlighted inadequacies in the care provided by CMC, including poor communication, negligence, and failure to live up to its own stated standards of medical care.

The former director general of health services for [Canada](#)'s federal prisons has argued that national health services should be more involved in providing health care in prisons, saying

that provincial jails and federal prisons are closed systems, which has led to a patchwork of healthcare services for the 38,000 adults imprisoned in such facilities. Among the problems highlighted are the interruption of care for chronic physical and mental conditions, a lack of preventive care, lapses in care for communicable diseases and a lack of coordination between correctional facilities. She argues that linking prisons with mainstream doctors, nurses, psychologists, addiction counsellors and other health care providers could help ensure prisoners get continuous care when leaving prison.

Giving prisoners drug substitution treatment, needles and condoms are key ways to help curb addiction and HIV infection in [European](#) prisons, experts said during an international conference on addiction in prisons organised by the Council of Europe. Statistics show that 15 to 25 percent of prisoners in Europe were convicted of drug related offences and one prisoner in six is a drug user. So far, only 60 prisons around the world conduct needle and syringe exchange programmes, and some countries forbid condom distribution in prisons.

A report by the [US](#) Government has signalled that the Obama administration may be open to a shift from law enforcement to addiction treatment in a release of a new policy proposal on the so called 'war on drugs.' The report states "While law enforcement will always play a vital role in protecting our communities from drug-related crime and violence, we simply cannot incarcerate our way out of the drug problem."

## **Treatment of prisoners**

The [Russian](#) Federation Council has approved a government sponsored bill aimed at bringing the country's administrative detention practice into line with international standards. The bill defines the rights of detained individuals, including the right to legal assistance, to send correspondence and petitions, and to receive parcels, free bed linen, personal hygiene items, books and periodicals. It also includes a requirement that detained people should be treated politely by the detention centre administration, staff and medical personnel. Concerns have been raised about conditions in [Russian](#) prisons, where almost 4,000 prisoners died in 2012.

A [Colombian](#) congressman has urged the government to take action to improve the conditions in the country's prisons, amid reports that hunger strikes and non-violent protests by prisoners are taking place in five prisons across the country. Over the past few years numerous reports of poor health, gross overcrowding and a lack of basic facilities in the prisons have emerged.

The International Committee of the Red Cross (ICRC) has suspended all prison visits in [Uzbekistan](#) because its terms were not respected, including being able to speak to prisoners in private about conditions of detention. Torture is rife in Uzbekistan's criminal justice system, according to UN human rights investigators and activist groups such as Human Rights Watch.

Several hundred prisoners in [Georgia](#) complained to the public defender's office between September and December 2012, saying they have been subject to mistreatment by prison staff, according to the ombudsman's annual report to parliament. In April the heads of three

prisons in [Georgia](#) were detained on charges of torturing prisoners. The [Georgian](#) authorities have called on a German expert to carry out a study of the current situation in the country's prisons.

The United Nations says the number of [Congolese](#) prisoners who died in the country's jails nearly doubled in 2012 due to poor conditions, corruption and torture. A report by the UN's human rights office said 101 prisoners died in 2012, up from 56 in 2011 and 54 in 2010.

An internal Correctional Service [Canada](#) report obtained by the Canadian Press has shown that responses to a question by the 2,200 participants in an ethical climate survey about 'treating offenders with respect as human beings' were dropped from the final report because of a 'lack of unanimity.' The report states that "most probably, the (corrections) community does not share a common understanding and expectations regarding respect toward offenders." It continues: "apparently social values around respect toward offenders have not been encouraged within CSC to the same extent as values of respect toward the organization and co-workers -- leaving this aspect to each individual's discretion."

An inquiry has been commissioned by the [Maltese](#) home affairs minister after a surprise visit to the Corradino Correctional Facility found prison warders were leaving work without permission. Over 570 instances of officials leaving their workplace without permission or before their shifts were over were uncovered in an audit of work times. Witnesses told the board of inquiry that the abuses had been going on for at least 13 years.

The 485 prisoners in Milima Prison in [Zambia](#) are living off one meal a day due to broken down kitchen equipment. In addition, the water pumps which supply water to the prison are old and constantly break down and require replacement. The erratic water supply has also led to the collapse of the sewage system. The Officer-in-Charge has appealed to the Government for help.

Officials from the Prison Officers Association in the [Bahamas](#) are calling on the government to rectify the growing amount of faeces that has accumulated on the ground in the maximum security section of Her Majesty's Prison because of problems with the plumbing. According to the POA, the faecal matter has reached almost ankle high causing great concern for the health of prisoners and staff.

A 16 year old Aboriginal boy has been treated for bed sores after being locked down in a prison cell for up to 24 hours a day for nine weeks, the West [Australian](#) children's court has heard. The juvenile became despondent and asked his parents not to visit him after he was strip searched 16 times at the Hakea adult prison in Perth where the state government is holding more than 100 boys as young as 14. The juveniles were moved to the prison following a riot in the state's only juvenile detention facility.

In [Chile](#) 235 prisoners have gone on hunger strike in Copiapó prison. Eight of these prisoners have also mutilated themselves. The prisoners are petitioning for quicker judicial procedures, lighter sentences and more transparency in inquiries.

A fight over forced haircuts has left four [South African](#) prisoners injured and correctional service authorities confronting the religious rights of prisoners. According to senior warders and prisoners at Westville prison, prisoners who observe the Muslim, Rastafarian and Shembe religions, which do not allow the cutting of hair, were forcibly shaved by members of the emergency support team to prevent them from hiding weapons and drugs in their hair. The state Correctional Services Minister has commissioned an investigation into the incident.

A prisoner serving a four and a half year sentence at Timișoara prison has successfully prosecuted the [Romanian](#) government at the European Court of Human Rights over the conditions of his detention. The prisoner made a series of complaints over the conditions, including sharing a cell measuring 4.5 meters in length, 3.2 in width and 3 meters high with eight other detainees, one of whom was suffering from syphilis. He also said the cell was very cold as the window was broken. Other complaints included dirty, unhygienic conditions, broken bathroom facilities and infestation with parasites. The Court found in favour of the prisoner on the grounds of the size of the cell and said there was no need to determine the truth of the prisoner's other claims as the overcrowding alone was sufficient to find against the Romanian government. According to the court, a minimum space of three square meters is necessary for each prisoner.

A constitutional appeal has been filed by the Catholic Human Rights Commission in [South Korea](#) which claims that jails that hold an excessively large number of prisoners in a confined space are a violation of human dignity. The appeal relates to Seoul Detention Center where overcrowding means that prisoners only have 1.24 m<sup>2</sup> of space each. This is the first time a constitutional appeal has been filed concerning overcrowding in prisons.

Judges in [Thailand](#) have agreed to implement the United Nations rules on the treatment of women prisoners, also known as the Bangkok Rules. According to the Appeals Court President, 'most judges' in the country have agreed to take into account the circumstances of convicted women when sentencing them.

## **Prison violence**

Thirteen people were killed and some 65 injured in a prison riot in the central [Mexican](#) state of San Luis Potosi. The head of the state's prison system said that at least 100 prisoners participated in the riot which she blamed on a gang that had been harassing and robbing other prisoners. Four prisoners also died in a fight at a prison in the [Mexican](#) city of Nuevo Laredo.

Seven inmates were killed and 13 injured in a prison in north eastern [Brazil](#) after a rival gang set fire to a cell, authorities said. The fire was apparently an act of retaliation after one of the prisoners wounded another in front of his family during visiting day on Sunday, authorities said in a statement. Prisoners said the fight violated an agreement among prisoners to refrain from attacks on visiting day. Military police entered the prison in Fortaleza and regained control of the facility, which houses more than 1,100 prisoners, most awaiting sentencing.

In Arizona, [US](#) at least 17 prisoners were injured during a fight involving 300 white and Mexican prisoners against 100 African-American prisoners.

A medical report into claims by prisoners that they were beaten by special police forces in a northern [Greek](#) prison has found that 28 men suffered bruising on various parts of their bodies and showed signs of having been attacked with electroshock weapons. Sixty prisoners claim they were assaulted by masked officers during a search of their cells. According to the Initiative for Prisoners' Rights, the police took the prisoners out of their cells, struck them with batons and tasers, forced them to walk on all fours and left them naked in the prison gym. The justice ministry subsequently ordered an urgent disciplinary investigation into the incident.

## **Developments in rehabilitation**

New open security units have been opened at [Tasmania](#)'s Risdon Prison to help prisoners transition to life in the community. The O'Hara cottages can hold up to 12 prisoners and, according to the Corrections Minister, "have been set up to reflect as closely as possible a traditional living environment and the absence of bars and high security fences, along with greater emphasis on empowering prisoners to make decisions, will help to reduce the risk of reoffending post release."

[Australian](#) Capital Territory correctional authorities are preparing to launch an ambitious programme to stop prisoners returning to crime by helping them to rebuild almost every aspect of their lives for a full year after release. The government has spent more than \$1 million setting up a 'Throughcare Unit' that will link prisoners up with everything from housing, employment, transport, health services and drug and alcohol rehabilitation for a year after release from prison or at the end of their parole period.

Prisons in the Eastern Province of [Saudi Arabia](#) will soon be the first in the Kingdom to implement the Prison Family Home Project, which will allow visits by family members in special houses. Under the project, a prisoner will be allowed to receive his wife, children and parents for a whole day once a month in a furnished house with a living room, two bedrooms and a kitchen. Some eligible prisoners will also be allowed visits outside the prison for one day a month.

Some 400 prisoners in prison in the [Turkish](#) province of Antalya are engaging in various activities in 19 different workshops in the prison. The prisoners are making leather bags, furniture and home textile products, and can also learn book binding, xylography and paper marbling. Two yachts have also been built in the workshops. Vocational courses and workshops have been established in 225 of the country's prisons.

[Moroccan](#) prisoners will have access to books thanks to a new human rights partnership between prison administrators and universities. More than 5,000 books will be distributed to some 60 prisons across the Kingdom.



All prisoners in [Bahrain](#) could soon be provided with free education, training and jobs as part of a new law designed to improve prison conditions in the country. An article of the law approved by the Shura Council requires the Education Ministry to work with the Interior Ministry to establish a 'prison curriculum.' The Interior Minister would be obliged to determine education and training guidelines, bylaws and the best way to conduct exams. Work will also be compulsory for convicted prisoners, unless they are medically unfit.

In [China](#) more than 270 female prisoners who could not read and write have been educated at Beijing Women's Prison. Simple Chinese, maths and English lessons are taught to those women with only primary or middle school education. The prison also encourages the prisoners to take part in college entrance exams to improve their education and pave the way for employment.

According to the [South African](#) Correctional Services Minister around 63,240 prisoners were serving their sentences outside prison in March 2013. Of this number, 48,323 were on parole and 14,917 were serving non-custodial sentences. The Minister called on the public to help reintegrate paroled and released prisoners back into society. The [South African](#) Department of Correctional Services has also embarked on a series of victim-offender dialogues aimed at reducing the rate of repeat offences and prison overcrowding in the country. The Department hopes such dialogues becoming a normal part of rehabilitation in the correctional services system.

Substandard paperwork, poor communications and haphazard help for prisoners are jeopardising public safety and compromising the successful reintegration of prisoners back into the community, an internal Correctional Service [Canada](#) audit has found. While protocols are in place to ensure the "adequate and effective release" of offenders, they aren't always followed. The audit reveals widespread problems ranging from crucial information missing from files to offenders being released without the resources or documentation that would facilitate a successful transition. The parliamentary secretary to the minister of public safety said the Service has accepted all the audit's recommendations and is now putting protocols in place to ensure police, parole officers and victims get the right information in a timely fashion.

## **Sentencing and the law**

The United Nations Working Group on Arbitrary Detention has raised concerns regarding the excessive use of deprivation of liberty and the lack of effective legal assistance to people arrested and detained in [Brazil](#). One of the experts said "there is a culture of using deprivation of liberty as the norm and not as an exceptional measure for serious offences required by international human rights standards." Access to justice is also a major area of concern as the majority of people in prison in Brazil are poor and cannot afford effective legal assistance.

The government of [Bermuda](#) has announced it will introduce legislation mandating that prisoners will have to serve at least 12 months of their prison sentences before being eligible for release on parole. The Public Safety Minister said the measure would allow more time for prisoners to take advantage of in-prison rehabilitation and treatment programmes.



[Belgian](#) prison authorities have announced that from now on prisoners sentenced to between eight months and three years for minor offences will serve their sentences at home wearing electronic bracelets in an effort to tackle prison overcrowding. However, eligible prisoners will still have to spend some time in prison waiting to be given a bracelet. In some cases prisoners were provided with a bracelet 18 months after the sentence was passed.

[Chinese](#) courts convicted and punished 5.24 million people from 2008 to 2012, up 25.5 percent over the period 2003 – 2007, according to the country's top judge. He said that despite progress over the past five years the court still faced a number of difficulties. Efforts are needed to guarantee the independence of judges and courts and to improve the transparency of court work.

Drug users in [Slovakia](#) who possess a small amount of illegal drugs for their own use and who do not pose a threat by dealing in drugs may no longer be sent to prison once a draft amendment to the Criminal Code prepared by the Ministry of Justice and approved by the cabinet in February is approved by parliament. Under the current law only amounts of drugs up to ten single doses can be considered to be for personal use, and conviction for possession of any amount over this normally results in a mandatory custodial sentence of four or more years. The changes mean that drug users caught with an amount of drugs exceeding ten single doses but still considered for personal use can face three years in prison with the possibility of a suspended sentence.

The [Georgian](#) Parliament has approved amendments to the criminal procedure code and criminal code which will shift the balance in favour of concurrent rather than consecutive sentencing. Under current legislation a defendant who is found guilty of multiple crimes will receive the longest of the separate sentences in full for the gravest offence and half of the sentences for the other offences. If the proposed amendments go into effect, concurrent sentencing should prevail over consecutive, meaning that if a person is found guilty of multiple offences the lesser penalties would be absorbed by the graver penalties.

Thousands of people in [Germany](#) are choosing to go to prison for a few days rather than pay small fines for offences such as fare dodging, illegal parking and shoplifting, costing an estimated €120 million a year. The Justice Minister of the state of North Rhine-Westphalia is planning to allow courts in future to stop sending such people to prison but to adapt punishments to each individual offender, for example imposing a driving ban on persistent illegal parkers, or a ban on travelling to the Alps for a fare-dodging skiing fan.

The [Australian](#) Children's Commissioner has said that a tough-on-crime proposal in the state of Queensland to remove an internationally held principle to keep children out of prison will do more harm than good. The state government's Safer Streets Crime Action Plan proposes "removing the principle that when sentencing a young person for an offence, detention should be the last resort." The Attorney General said no final decision had been made but sentencing options should be available to courts to provide "appropriate consequences" for committing offences.

In Victoria, [Australia](#), a major report by the state's sentencing council has found that Aboriginal defendants are significantly more likely to receive a jail term than their non-indigenous counterparts. The report found that between July 2010 and June 2011, almost 37 percent of Kooris whose cases were analysed received prison sentences compared with 28.5 percent of non-Koori defendants. In the past decade the indigenous imprisonment rate in the state has risen from 705 prisoners per 100,000 of the population to 1,444 per 100,000.

## **Prison policy**

Prisoners in Bihar, [India](#), are being issued with smart cards so that they can buy items from the canteen through cashless transactions. The service was launched in Beur central jail and will be rolled out to another 55 prisons in the state. The cards can also be used to hold the prisoner's medical information and any medication they are on, along with details of the prisoner's family and information on court dates.

The majority of the prison staff at the 1735 prison in [Antigua](#) called in sick in protest at the shortage of staff at the prison, meaning that on some days there are only two staff, each guarding over 160 prisoners. The protest has meant that trusted prisoners are being used to escort other prisoners, as well as open the prison's main gate, among other duties.

Prison staff in the [Netherlands](#) have threatened to go on strike unless the junior Justice Minister withdraws reform plans, which include closing down a number of prisons. The Minister is planning to close dozens of prisons and several secure psychiatric units in order to cut spending by €340m. He also plans to increase the use of multiple occupancy cells and put more people under electronic surveillance. The reforms will cost 3,700 jobs.

A report from the [US](#) suggests that at least five California state prisons have a colour coding system, with blue signs on cell doors for black prisoners, white for white, red, green or pink for Hispanic, yellow for everyone else. This means that when prisoners attack guards or other prisoners the prison staff can restrict all prisoners of that race or ethnicity to prevent further violence. Prison officials say such moves can be necessary in a system plagued by some of the worst race-based gang violence in the country, while a federal class action suit filed in 2011 says race-based restrictions are an ineffective and unjust way of keeping prisoners safe.

The [Maltese](#) Ministry of Justice, Home Affairs and National Security is considering a major overhaul of the entire administrative structure of the Corradino Correctional Facility which may remove significant sections of the prison's management from the direct control of the Malta Police Force. Among the possibilities being looked at is a proposal for a dual administrative set up, in which two distinct people will be appointed to run the operational/administrative side on one hand and the correctional aspect of prison management on the other.

Prisoners in [Turkey](#) are now allowed to receive 24 hour conjugal visits from their spouses, and special rooms for these visits are being arranged by the prison authorities. The visits are

a reward for prisoners who actively participate on educational and rehabilitative activities, behave appropriately to prison staff and carry out tasks given to them by prison officials.

A new law has come into force in [Thailand](#) which allows the use of electronic monitoring of prisoners who meet certain criteria. However, the deputy director of the [Thai](#) Correctional Department has said that they have not been allocated funds in order to buy the devices.

The [French](#) Government has tasked the Justice and Interiors Ministers with pushing through reforms to the country's overcrowded prisons. France's 191 prisons – some of them dating back to the Middle Ages – are among the most run-down in Europe. Rats and cockroaches, blocked drains and piles of rubbish are common. The reforms, which will be presented to Parliament in the spring, are set to reverse a decade of "zero tolerance" crime policy, and are likely to include reforms aimed at making prison a last resort by using fines, probation, treatment and training for less serious offences.

[Russia](#)'s prison administration has launched a smartphone application to send mail to prisoners. The application can be used to send a message to a prisoner at a particular prison or correction facility which will check and censor it and then give a printout to the prisoner.

In [China](#) a local area network (LAN) established by the Shanghai Qingpu Prison plays a major role in providing information to prisoners who can use it as an interaction and education platform. The LAN is divided into 26 channels including news, forums, libraries, and law consultation, and contains more than 2,800 digital books and over 3,700 video study courses. Prisoners are trained in how to use the LAN and can write articles for submission, send text messages to their families, borrow books, learn to use software and even do some shopping.

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