Welcome to the second edition of the ICPS News Digest, a selection of news items from around the world on prison and the use of imprisonment. The articles have mainly been selected for their relevance to current debates in the UK. The Digest will be produced bi-monthly and this issue covers the period from 1 March to 30 April 2011. Please click on the blue highlighted words to access the news reports.

Prison populations

Prison overcrowding continues to be a major issue in many countries of the world. A report from Iran revealed that there are now more than 220,000 prisoners in the country, 55,000 of whom were imprisoned in the last year and a half alone. The official capacity of the Iranian prison system is 85,000.

It was reported that Serbian prisons are overwhelmed, with 11,000 prisoners being held in facilities designed to accommodate 6,500 prisoners. The Helsinki Committee for Human Rights in Serbia attributes the problem to a repressive judicial system which keeps prisoners behind bars when they could be serving the last third of their sentence outside prison.

In Chile the Government is drawing up plans to ease overcrowding in the country’s prison system, following a fire in an overcrowded prison which left 81 prisoners dead. The plan includes the building of new prisons with high and low security sections, new training for the prison guards and a proposed amnesty under which up to 10,000 prisoners could be released.

The Tanzanian Principal Commissioner of Prisons announced that the number of prisoners has been significantly reduced through parole, expansion of facilities and provision of bail to prisoners on remand. However he did not provide figures.

In Costa Rica it was announced that 60% of the country’s prison population is between the ages of 12 and 35, meaning that a majority of prisoners come from the economically active section of the population. The information was revealed as part of an application for a loan of US$187 million to increase prison capacity.

Data released by the Turkish Ministry of Justice showed there are currently 479 children in prison with their convicted mothers. These children are allowed to stay with their mothers until the age of six. Children under the age of three must stay with their mothers in their
cells, while in some prisons kindergartens are available for those aged between three and six.

In Ireland it was announced that the number of people imprisoned for failing to pay fines has risen almost fivefold over recent years. The number has risen from 1,335 in 2007 to 4,806 in 2009, while the provisional figure for 2010 is 6,681. New legislation has been enacted to make it easier for people to pay fines imposed by the court by instalment; however this has not yet been put into action due to difficulties in the Courts Service information technology system.

Drugs

Nine years after Portugal decriminalised the possession of small amounts of narcotics for personal use, a report shows that the experiment is paying off. Since the new law, arrests for crimes related to drugs have fallen by almost two thirds, and prisons fell from 119% of capacity to 102%. The proportion of prisoners imprisoned for drug related crimes was halved.

In the US a growing number of states are rethinking their drug laws. Delaware, Florida, Indiana, Massachusetts and Pennsylvania are among those that have pending bills to reduce penalties for drug offenders, in some cases by directing defendants into treatment programmes. Similar laws have taken effect in South Carolina, Colorado and New York in recent years. In 2007 Texas started diverting more drug offenders away from prison. The changes cost US$241 million, less than half what the state anticipated it would have spent to build three more prisons.

Treatment of prisoners

Prison conditions in many countries of the world are a source of great concern. In Egypt seven human rights NGOs signed an open letter to the Government drawing attention to the dangerous security and health conditions in a number of Egyptian prisons, where 13 or 14 prisoners are held in cells of three or four square metres, food is meagre and the distribution is irregular and the smuggling of knives and drugs into prisons is a major problem.

A report on the Freetown Prison in Sierra Leone tells of the appalling conditions in the prison, where scabies is rampant, soap and water are scarce, children are held alongside adults and eight people are held in cells designed for two.

The Kenya National Commission on Human Rights has produced a report documenting the poor state of human rights in prisons in the country. It said the facilities were congested, torture was rampant and that poor sanitation and corruption were still the norm. However the Kenyan Government has disagreed with the report, claiming that the prison reforms were in “top gear”.
In **Zimbabwe** two prisoners have submitted an application to the Supreme Court alleging that the State was violating the sections of the Constitution that deals with protection against inhuman treatment. One of the prisoners told the Court that he was kept naked for a month, in darkness and in leg irons.

Former women prisoners from prisons across Tamil Nadu in **India** have alleged torture and inhumane treatment, reporting that they were stripped naked and abused verbally and physically, were denied basic facilities and had to offer bribes to receive legal aid, which should be free. In **Saudi Arabia** two prison guards were fired for mistreating prisoners.

The **Finnish** prison system has been criticised because there are still 222 cells which do not have toilets in them, despite the European Committee for the Prevention of Torture (CPT) calling for the situation to be addressed on a number of occasions.

In **Canada** the British Columbia Civil Liberties Association (BCCLA) has launched a constitutional challenge in the Supreme Court seeking to drastically reform the use of solitary confinement in Canadian prisons. The challenge is in the form of a civil claim on behalf of 24 year old Bobby Lee Worm who has spent over three years in an isolation cell. The BCCLA claim that the length of time spent without any meaningful human contact will compound Ms Worm’s pre-existing mental illness and make it harder for her to reintegrate on release.

In **Belarus** human rights activists have criticised the continued use of a cell in the pre-trial detention centre at Valadarski Street prison in Minsk, which is described as a “torture chamber”. The cell is used for those who refuse to cooperate with the authorities, and despite it being overcrowded more prisoners are being sent there. Some prisoners do not have anywhere to sleep and political prisoners are held with those accused of grave criminal offences “creating an unbearable psychological climate.”

The Public Defender in **Georgia** has released his human rights report covering 2010. According to the report 142 prisoners died in 2010, a 56 per cent increase on the previous year, mainly because of the inadequate healthcare system in the prisons. About 70 per cent of those who died were aged between 21 and 50. The report also notes the problem of overcrowding. The report calls on the authorities to liberalise criminal justice policy and to amend the criminal procedures code by replacing the current practice of consecutive sentencing with concurrent sentences.

In **France** there is a great deal of concern about the rise in the number of suicides in French prisons. NGOs say that one prisoner tries to commit suicide every three days, and the chances of a suicide are ten times higher inside a prison than outside. Conditions in French prisons have also been criticised, due to overcrowding, poor hygiene standards and prisoners being denied basic rights. Prison suicides are also an issue in **New York** where on 14 February 2011 the State Commission of Corrections issued a Chairman’s memorandum
noting that suicides in the state prisons rose to 32 in 2010, the highest rate since the 1980s, and suggesting that facilities review their policies for handling prisoners who may be at risk of suicide.

The authorities in Greece continue to deny that problems exist within the country’s prison and detention systems, despite repeated warnings from human rights watchdogs. The European Committee for the Prevention of Torture (CPT) issued a public statement highlighting existing problems that need to be addressed by the authorities, only the sixth time such an action has been taken since 1989. One of the main problems highlighted by the CPT is that Greek prisons fail to provide safe and secure conditions, citing examples where hundreds of prisoners are guarded by only two or three prison officers.

A study in Australia examining sexual behaviour and sexual culture in jails in New South Wales and Queensland suggests that popular beliefs about prison sex are largely myths. Contrary to portrayals of jails as sexually rampant places, the survey found that only 7 per cent of male prisoners had had sex with another prisoner, while for female prisoners the number was higher at around one-third.

Upon arriving at San Pedro prison in La Paz, Bolivia, the facility looks like any other prison with plenty of guards, thick walls and security gates. Yet on the inside San Pedro looks like a poor neighbourhood than a prison, as the streets are lined with children and there are marketplaces, restaurants and even a hotel. The prisoners make their own rules, and elect a leader and financial secretary. However there is a high rate of violence in the prison and no intervention from the police.

The European Committee for the Prevention of Torture (CPT) has released its report of a visit to Turkey. The CPT found that the number of allegations of ill-treatment at the time of arrest or during police custody has fallen, but the report raised a number of concerns such as prison and refugee centre conditions, access to lawyers, health care, complaint follow up, record keeping and information on rights.

There are cases where positive changes are being made in the treatment of prisoners. In Bangalore, India, the state government has agreed to double the wages and offer more job opportunities to prisoners in the Central prison. The idea behind the move is that “by providing them employment, the department is helping them to earn for their basic needs."

The Judicial Services Commission and the Justice Law and Order Sector in Uganda have started teaching prisoners about their rights, appealing to prisoners to take a keen interest in the law and the language used in court so that they are able to defend themselves during court procedures.

In Saudi Arabia the Directorate General of Prisons is intent on developing its programme of enabling prisoners to be in constant contact with the outside world, while in New Zealand voluntary smoke-free units have been introduced in six prisons ahead of the move in July to
completely smoke-free prisons. A report from Russia claims that confinement conditions at pre-trial detention centres are approaching international standards. In Germany transgender men and women will be able to wear whichever clothes they want after a court ruled that personal rights superseded security concerns when it comes to clothes.

Health

Physical and mental illness are prevalent in prisons. In South Africa the duty of the state to ensure humane conditions of detention and thus manage risk situations proactively in prisons was the subject of a recent decision from the Western Cape High Court, which ruled that the Department of Correctional Services is responsible for the safe custody under humane conditions of prisoners and that the department is responsible for their health and welfare. The court found that the department was held liable for a prisoner, Dudley Lee, contracting tuberculosis (TB) because the department was aware that the prevailing conditions of detention facilitated the spread of TB but failed to take any measures to prevent it.

An outbreak of TB in a prison in Ireland led to four prisoners being hospitalised and 17 others being kept under review.

A spokesman from the Prison Service in Zimbabwe said that deaths in prisons have been reduced by more than 50% in the last two years, citing the improvement in healthcare delivery and the availability of food as the driving factors. There are health inspections for all new prisoners, and NGOs have been helping to maintain health standards in prisons by donating food and medicine.

A study was undertaken in Switzerland to provide a detailed description of the health problems presented by detainees in Switzerland’s largest remand prison. The study found that illicit drug use (40.2%) and mental health problems (32.6%) were frequent, but most of these detainees (57.6%) had more generic primary care problems, such as skin (27.0%), infectious diseases (23.5%), musculoskeletal (19.2%), injury related (18.3%), digestive (15.0%) or respiratory problems (14.0%).

Prison violence

Violence in prisons continues to be a problem. Two prisoners were killed and 14 people wounded during a riot in a prison in Tikrit, Iraq. Prisoners said that they set fires in their cells to protest against ill treatment, poor conditions inside the prison and against corruption. They allege that the families of many prisoners are forced to pay prison officers and guards every month so their relatives will receive better treatment.

Officials in Nepal have warned that there is a risk of more violence in the country’s jails because they are overcrowded, understaffed and lack basic equipment. The officials told a parliamentary committee that the prisons needed immediate funding and monitoring
equipment to stop violence. In March a television executive was shot inside a Kathmandu jail.

In Mexico authorities found more than a dozen firearms, ammunition and drugs in a northern prison after a prisoner was killed in a shoot-out with guards. Days later the acting governor of a prison in Nuevo Laredo, also in Mexico, was stabbed to death during a routine inspection of the jail. Officials said a fight had broken out between some 50 prisoners when the stabbing happened.

In Lebanon two prisoners were killed when security forces stormed the country’s largest prison, Roumieh, following a riot. The prisoners had been rioting in protest at the severe overcrowding at the prison, which has capacity for 1,500 prisoners but is currently holding 3,700 (only 721 of whom are convicted prisoners). The prisoners broke windows, set fire to mattresses and took three security guards hostage. The hostages were subsequently freed and police took control of the prison.

A court in north-western Russia has jailed seven senior prison staff for torturing prisoners and ordering them to be raped by other prisoners. The former head of the prison department for St Petersburg and its region, Vyacheslav Tippel, received the longest sentence of seven years. Four prisoners who carried out the rapes were all acquitted.

**Developments in rehabilitation**

Many countries continue to introduce initiatives to aid in the treatment and rehabilitation of prisoners. At Recife women’s prison in the state of Pernambuco, Brazil, a beauty pageant was held. Each of the 12 contestants was judged on beauty, general knowledge and their good behaviour whilst in prison. The winner received £400 to go in her prison bank account to buy luxuries, and will receive special career training. The event was organised by Brazil’s Ministry of Social Development and Human Rights as a way of reintegrating prisoners back into society on release.

The Singapore Prisons Service is looking into acquiring three self-service kiosks which would allow prisoners to have faster access to letter forms to write home to their families, and to check the benefits to which they are entitled. The I-Kiosk self-service machine will also allow prisoners to check, for example, television time, special canteen items allocated to them for good behaviour and library books available. The Singapore Prisons Service is also looking at extending its Gang Renunciation Programme to institutions for delinquent youths. The Programme is currently available in the country’s prisons and since its introduction in 2009 more than 200 gang members in prison have renounced their affiliations.

Prison education in the Bawku Municipality in Ghana is to be revamped to provide training skills to prisoners. The Bawku Municipal Non-Formal Coordinator said that the skills to be taught include reading, writing, numeracy and developmental activities such as a tree planting exercise.
In Malaysia the Home Ministry has announced the introduction of a Correctional Rehabilitation Programme which comprised rehabilitation activities outside the prison walls. The programme is an extension of the current programme in which prisoners are placed in the armed forces’ camps where their tasks include maintenance and cleanliness of the building, landscaping and minor repairs, grass cutting, agriculture and livestock activities and painting. Prisoners chosen to work outside the camps will have to meet certain criteria. They should not have more than 24 months left of their sentence, and must have a clean disciplinary record. Those serving sentences for murder or sexual offences are not eligible.

In Brunei Darussalam a Handicrafts and Agricultural Products Exhibition was organised as part of the Prisons Department’s 57th Anniversary. The Deputy Minister for Home Affairs congratulated the department for organising the exhibition as it showed the creativity and skills of officers and prisoners at prison institutions. He added that such creativity and skills should be encouraged and highlighted the department’s role to provide vocational training that can be marketable and able to contribute towards greater independent and overall development.

In Changua prison in Taiwan more than 2,000 prisoners routinely take part in mass dancing sessions as part of a larger programme aimed at reforming prisoners through art and creativity. The prison also has organised groups that practice calligraphy and painting or engage in old trades such as noodle making, furniture carpentry and even the production of traditional Chinese lanterns.

In the US the Pew Center on the States has published its report “The State of Recidivism: The Revolving Door of America’s Prisons.” The study shows that nationally 43 per cent of prisoners return to prison within three years, and the authors estimate that the 41 states covered in the report would make significant savings – $6345 million in the first year – if they managed to cut their recidivism rate by 10 per cent. A report in the Economist gives examples of initiatives being undertaken in a number of states to reduce the chances of prisoners returning to prison after release.

In New South Wales, Australia, an initiative called circle sentencing is being used which is designed to give indigenous Australians an alternative to the criminal justice system. Aborigines are 14 times more likely to go to prison (28 times more likely if they are juveniles) than their white counterparts. The circle sentencing courts follow the principles of those in Canada, which were pioneered in 1992 as a way of managing the crime rate among the indigenous population there. Elders, lawyers and the magistrate together discuss the crime, the background of the victim and the impact the crime has had on the community. A sentence is then pronounced.

Sentencing and the law
In the US state of Michigan, a federal judge is due to decide whether the state’s practice of sending juveniles to prison for life without the possibility of parole is unconstitutional. Unlike most states Michigan has no minimum age limit when it comes to charging children as adults. Currently there are 351 prisoners serving life sentences for murders they committed as juveniles, some as young as 14. Many were “aiders and abettors” who served as look outs on robberies or drug deals where a murder took place. The judge has said he would issue an opinion within three weeks.

Elsewhere in the US a report shows that fewer children in trouble with the law are being sent to adult court because of a five year trend of states changing laws to keep young offenders away from adult prisons. Three states have raised the age at which juveniles are automatically tried as adults to 18, and two further states are poised to make similar changes. Ten further states have made it harder to transfer youths from juvenile to adult court.

In Indonesia a bill is being deliberated which aims to take a more humane approach to juvenile delinquency through the increased use of diversion from the criminal justice system. The bill divides children into three categories: Under five year olds, adolescents up to 12 and juveniles who are younger than 18. The Law and Human Rights Minister explained that “All under fives and adolescents who commit crimes must be returned to their parents or foster parents, while juvenile criminals have to be given a chance to undergo rehabilitation and diversion programmes.”

A bill has been passed by the Turkish Parliament’s Justice Commission which proposes increased sentences for sexual offences, as well as allowing the use of chemical castration on those convicted of sexually abusing children or having sexual intercourse with a minor. Legal experts have expressed concern over the proposals.

The European Court of Human Rights has again reprimanded Germany over its system of preventive detention for violent offenders. The ruling came in response to a court case brought by a sex offender who was originally sentenced to three years in prison but was incarcerated for 17 years after preventive detention was applied. The German Constitutional Court is looking at the issue but has not yet come to a final conclusion.

The German Constitutional Court has also ruled that prisoners held in conditions that violate their human dignity could be set free if the situation is not addressed. The Court decided in favour of a former prisoner who spent 151 days in an eight square metre cell with another prisoner and no separate bathroom facilities. The court ruled that each prisoner should have a minimum of six to seven square metres of floor space each.

The American Civil Liberties Union of Alabama, US, has filed a federal class lawsuit against the state alleging that its policy of segregating prisoners with HIV from the rest of the prison population is discriminator and illegal. The lawsuit also accused the state of denying access
for these prisoners to rehabilitative and community re-entry programmes and may result in them serving longer sentences. The department also requires all men with HIV to wear white armbands that publicly discloses their health status, in violation of medical ethics and international human rights law.

Members of Parliament in South Africa have tabled far reaching changes in the country’s prison laws. The Correctional Matters Amendment Bill would change the category of prisoners who qualify for medical parole so that those who are incapacitated can be considered as well as those who are terminally ill. Another proposal in the Bill is that prisoners awaiting trial should have to wear prison uniforms in order to prevent escapes. The uniform would be different from that worn by sentenced prisoners. The South African Correctional Services Minister has also announced plans to set up pre-release centres for people who have committed petty crimes, halfway houses for young prisoners who cannot get parole because they do not have an address, and the use of correctional supervision rather than prison for those sentenced to under two years in prison.

In Russia a law has been passed banning minimum prison sentences for 68 offences, including hooliganism, fraud and robbery. The law also gives judges a greater say on types of punishment for certain crimes, allowing fines and community service work instead of prison terms. It is hoped that the change in the law may reduce the prison population by one third.

Prisoners in Swedish prisons cannot be forbidden from smoking in their cells with reference to fire risk or safety reasons, the Supreme Administrative Court has ruled. The case concerned a prisoner at the prison in Skåninge. The ruling resulted in the Swedish Prison and Probation Service introducing guidelines which stipulated that an individual assessment has to be completed in each case.

Politicians across the political divide in Botswana have called on the government to lift the voting ban imposed on serving prisoners. The Botswana Movement for Democracy said that voting is a fundamental right of a person, while the Botswana Democratic Party said that the time has come for prisoners to be allowed to vote just like other Batswana.

The Supreme Court in Kathmandu, Nepal, has directed the government to ensure the right to conjugal visits to prisoners to ensure their constitutionally guaranteed fertility and reproductive rights. Meanwhile recent regulation changes in the state of New York in the US will allow prisoners in same sex marriages or civil partnerships to have the same right to conjugal visits as those in traditional marriages.

Legislation banning pregnant women in Idaho, US from being shackled as they give birth is heading to the Senate for a full vote in order for it to become law. The legislation would prevent women in labour or delivering their babies from having leg or waist restraints. They could only have soft wrist restraints in extraordinary circumstances, and those would need to be removed if the doctor so ordered.
The new coalition government in Ireland has published a Bill which makes provisions to allow courts to issue community service orders instead of sending offenders to prison. The new government has also pledged to abolish prisoners’ automatic entitlement to a quarter off their sentence for good behaviour, to introduce periods of electronic tagging for sex offenders and violent criminals after they have served their sentence, and to cut judges’ salaries in line with other public sector reductions.

A survey of 300 people in Victoria, Australia, by the Sentencing Advisory Council has shown that almost three quarters support increasing use of community work and other sentencing options to building more prisons. More than 90 per cent of those surveyed said mentally ill offenders should be treated in mental health facilities, while more than 88 per cent backed programmes that taught young offenders job skills, values and self-esteem. More than 83 per cent said drug addicted offenders should be rehabilitated and counselled rather than jailed.

**Prison policy**

The New South Wales Aboriginal Land Council, Australia, says that it is unacceptable that most of the recommendations from the Royal Commission into Aboriginal Deaths in Custody have still not been acted on, 20 years after the Commission published its final report. The Council has called on the Prime Minister to review the situation.

Some Southern African Heads of Corrections and Prisons have signed a treaty, dubbed the Sandton Declaration that seeks to advance the transformation and harmonisation of prisons. Key among the issues was the need to provide decent meals and proper medication to prisoners, and other areas included regional cooperation on rehabilitation, alternatives to imprisonment, and security and risk management of offenders.

A new private prison has opened in Auckland, New Zealand. The Mt Eden Corrections Facility is the first since 2005 to be managed by a private sector contractor. Opposition parties have condemned the move and the Green party has raised concerns about problems at overseas prisons run by the British company Serco, which will operate the new prison, claiming that international reports linked Serco prisons with violence, overcrowding and poor health care. Details of the $300 million contract between Serco and the government show that the company will be fined $150,000 for every prisoner escape or death, and will lose $100,000 every time it breaks the law or loses control of prisoners.

Meanwhile in Australia the secretary of Western Australia’s prison officers union has called on the government to tear up its contract with G4S, the private company responsible for prisoner transport, after an Aboriginal elder died of heatstroke in the back of an un-conditioned prison van whilst being transported to court.

A prison in New York state in the US, has found a new way to finance itself – through advertising. Advertisements featuring defence lawyers and bail bondsmen will be seen by
prisoners on a giant screen in the Erie County Holding Center in Buffalo. The ads particularly target those who have been recently arrested. A third of the proceeds from the adverts, which could amount to $8,000 to $15,000 per year, will go to the jail.

An audit conducted by the US Justice Department’s Office of Inspector General has shown that the federal government is paying $1.2 billion a year, at least $15 million too much, to house prisoners at state and local corrections facilities. The report found that state and local facilities at times take advantage of a shortage of options for federal detainees and demand rates that appear to generate excessive profits.

In the US the former House Speaker Newt Gingrich has joined with the Right on Crime campaign to urge conservative legislators to lead the way in addressing prison reform, citing examples where states have shown that it is possible to cut costs without compromising public safety by reducing the prison population.

The government in New Zealand has called for public submissions on a discussion document which reviews part of the bail system. The proposals include widening situations where a reverse burden of proof applies to bail decisions to include people charged with serious Class A drug offences or murder. A reverse burden of proof shifts the onus onto the individual to prove they are fit for bail. Other proposals include continuing to allow electronically monitored bail for defendants charged with serious offences, and tightening up bail conditions for defendants aged 17 to 19 who have previously served a prison sentence.

Driven by budget problems, in the US states are trying to make juvenile detention more localised by closing state youth prisons and instead letting local governments lock up young offenders.

In the Cayman Islands the chief officer of the Portfolio of Internal and External Affairs has said that “tough prisons do not make good prisoners, just tough prisoners.” The portfolio is focusing on how to rehabilitate prisoners and stop their criminal behaviour in order to tackle the high rate of repeat offending in the country.

The Sri Lankan government is to commence its four-year prison relocation programme at a cost of over Rs. 10 billion by the end of the year to relocate all the major prisons that are sitting on prime land.

The Russian Justice Ministry has promised clearer registration rules for nongovernmental organisations and called for increased public control over prisons. The Justice Minister said that groups comprising business people, public figures and clergy should have a say on which prisoners get released on parole- currently a corruption ridden practice.

The Iraqi government has announced that it would shut down a controversial jail that has been dogged by allegations of abuse. The jail in Baghdad’s high security Green Zone, called
Camp Honor, fell under the nominal supervision of the Justice Ministry but was actually controlled by two security branches affiliated with the Prime Minister’s military office. The facility had its own investigators and barred families and lawyers from visiting.

**Prison population rates per 100,000 of the national population in selected jurisdictions**

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<th>Jurisdiction</th>
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These statistics were taken from World Prison Brief Online at 4 May 2011. Statistics are not necessarily from the same year but represent the most recent figures available. Further statistics can be found on the World Prison Brief page of the International Centre for Prison Studies website [www.prisonstudies.org](http://www.prisonstudies.org). ICPS is very grateful to the Esmée Fairbairn Foundation for supporting this News Digest.

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