

# INTERNATIONAL PRISON NEWS DIGEST

## 30<sup>th</sup> Edition – November - December 2015

Welcome to the thirtieth edition of the International Prison 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 November to 31 December 2015. Please click on the blue highlighted words to access the news reports.

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### Prison populations

The prison population in the [Australian](#) state of New South Wales increased by 14 percent between October 2014 and September 2015, reaching a new record high of 11,801 adult prisoners. The Bureau of Crime Statistics and Research said the increase had largely been driven by a rapid and unexpected rise in the number of prisoners on remand. More than 900 extra remand prisoners entered NSW prisons during that period, almost double the increase in sentenced adult prisoners.

Also in [Australia](#), the number of women in Victorian prisons has risen by 25 per cent over the past five years to record levels. On February 7 this year, the highest ever number of female prisoners, 465, were in the state's two women-only prisons: the Dame Phyllis Frost Centre in Melbourne's western suburbs and Tarrengower prison near Maldon. The higher prison population, which has risen due to tougher sentencing laws and a crackdown on parole laws by the previous Coalition government, has put an enormous strain on the Corrections system including counselling and mental health services.

[Cambodia](#)'s badly overcrowded prison population rose by nearly 20 per cent in the first 10 months of this year, government data show, raising serious health concerns. In September 2014, a report from rights group Licadho gave the nation's prison occupancy rate at 179 per cent of capacity. A spokesman for the general department of prisons said that the spike was due to increased drug arrests and a slow moving justice system. The lack of alternative

forms of punishment has led to large-scale imprisonment for minor drug offences, he added.

A number of [Latin American](#) countries have seen a sharp rise in the incarceration rate for non-violent drug offenders, a segment whose growth has been faster than that of the general prison population, a series of new studies by the Research Consortium on Drugs and the Law shows. The studies encompassed nine countries in the region: Ecuador, Bolivia, Peru, Costa Rica, Brazil, Colombia, Uruguay, Argentina and Mexico. The number of prisoners behind bars for small-scale drug dealing or drug trafficking ranges from 10 percent of the overall prison population in Mexico to 27 percent in Bolivia. All of the countries saw an increase in the number of people incarcerated for non-violent drug offences. In Brazil, the number was up 320 percent between 2005 and 2012, compared to a 51 percent increase in the general prison population.

The outgoing President of [Tanzania](#) pardoned a total of 4,160 prisoners as he handed over power to the new President. The presidential pardon included 887 prisoners who will be set free and 3,293 whose jail term will be reduced by at least one-sixth. The Home Affairs minister explained that the presidential pardon would benefit prisoners suffering from HIV/Aids, tuberculosis and cancer after their conditions have been confirmed by a panel of medical experts. Others are those who were jailed while they were pregnant as well as breastfeeding and non-breastfeeding mothers. Prisoners with physical and mental disabilities are also included in the presidential pardon.

Efforts in [Costa Rica](#) to end prison overcrowding by transferring 600 convicts to semi-open facilities have sparked heated debate in the country, with media and some judges fearing an ensuing crime wave. The government insists the move is needed to end dire conditions in prisons causing serious human rights violations. Resistance has mounted to the move. A citizen has lodged an appeal against the transfers and several Costa Rican newspapers assert that dangerous criminals are being let loose. Justice Minister Cecilia Sanchez denied that and said the transfers she has accelerated since being appointed in July aim to end a "serious overcrowding problem". She elaborated: "[The overcrowding] has prompted complaints against us in the Inter-American Court of Human Rights. There have been 18 orders by national judges to close 11 of our 13 penitentiaries. Furthermore, there are Constitutional Court decisions obliging compliance."

Over the past 12 years, the rate of juveniles committed to prison or other correctional facilities in the [United States](#) dropped by 53 percent, according to analysis from the Pew Charitable Trusts. Taking data from the Department of Justice's Office of Juvenile Justice and Delinquency Prevention, Pew calculated that the juvenile commitment, or sentencing, rate fell in 49 states between 2001 and 2013, with the rate dropping by 50 percent or more in 26 states. The rate increased only in North Dakota and the District of Columbia. The state policy director for Pew's Public Safety Performance Project said he saw two principal reasons behind the steep decline: firstly, the drop in juvenile violent crime arrests almost matches the drop in juvenile commitments. Secondly, state policymakers are increasingly interested in reforming their juvenile justice system to prioritise alternative forms of punishment over incarceration or commitment to residential facilities.

## **Health**

The United Nations Office on Drugs and Crime (UNODC) and Voluntary Service Overseas (VSO) have launched a joint regional programme on Promoting Human Rights and Access to Health Services in Prisons in [southern Africa](#). Southern Africa remains the epicentre of the global HIV and tuberculosis (TB) epidemics. This programme aims to improve the situation at both policy and service delivery levels, in order to contribute to effective and sustainable improvement of health and realisation of rights of prison populations in the targeted countries such as Lesotho, Malawi, Mozambique, Swaziland, Tanzania, Zambia and Zimbabwe.

[Greek](#) authorities have pledged immediate measures to improve conditions at the hospital and psychiatric clinic of Athens's maximum-security Korydallos Prison following a protest by prisoners who refused food and medication for over 20 days. Prisoners were protesting substandard infrastructure, the inadequate number of doctors and shortages in medical supplies. Following a request by the Prime Minister, the Justice Minister and Health Minister issued a joint statement saying that plans are under way to improve healthcare for prisoners in Greek prisons, including through administrative reforms, the hiring of extra staff and upgrades in equipment. It added that 50 people have left prison as a result of legislation granting early release to prisoners with serious disabilities introduced earlier in the year.

In [Ireland](#), drug users will be able to use supervised injecting rooms in Dublin next year, followed shortly afterwards by Cork, Galway and Limerick, according to the Minister in charge of the National Drugs Strategy. The Minister also outlined plans to decriminalise the possession of small amounts of drugs, including heroin, cocaine and cannabis, for personal use, as part of a "radical cultural shift" in the approach to drug addiction. "I am firmly of the view that there needs to be a cultural shift in how we regard substance misuse if we are to break this cycle and make a serious attempt to tackle drug and alcohol addiction," he said, adding that compassion had to be brought to the issue, and that as far as possible drug addiction should be removed from the criminal justice system.

## **Treatment of prisoners**

The [US](#) state of New York has agreed to a major overhaul in the way solitary confinement is administered in its prisons, with the goal of significantly reducing the number of prisoners held in isolation, cutting the maximum length of stay and improving their living conditions. The five-year, \$62 million agreement is the result of a lawsuit brought by the New York Civil Liberties Union over the treatment of prisoners in solitary confinement in the prisons. For 23 hours a day, 4,000 prisoners are locked in concrete 6-by-10-foot cells, sometimes for years, with little if any human contact, no access to rehabilitative programs and a diet that can be restricted to a foul-tasting brick of bread and potatoes known at the prisons as "the loaf." The changes are expected to reduce the number of prisoners in solitary confinement by at least a quarter and usher in a range of reforms, including limiting the time served to three months in most cases and providing the prisoners with certain privileges, including monthly phone calls and group recreation.

Correctional Service [Canada](#) has revealed that it has cut the number of prisoners housed in long-term solitary confinement by more than 50 per cent since March. In a rare interview, a senior administrator at CSC told a newspaper that the reduction is part of an agency-wide effort to reduce the use of solitary confinement in federal prisons that began two years ago with the release of 104 reform proposals arising from the coroner's inquest into the death of Ashley Smith.

The European Committee for the Prevention of Torture (CPT) has criticised [Ireland](#)'s justice chiefs for high levels of violence in prisons, slopping out and the practice of detaining failed asylum seekers in jail for up to eight weeks. Inspectors also raised concerns about the verbal and physical abuse of suspects by gardai and the detention of mentally-ill convicts in ill-equipped and unsuitable prisons. Inspectors reported 330 prisoners were still slopping out in Cork, Limerick and Portlaoise prisons at the time of the review. They said Cork was a particular cause for concern with many prisoners forced to share a cell and confined in them for long periods of the day. The committee also raised concerns about healthcare in police custody and a total lack of organisation and management of health services in Portlaise, and inadequate healthcare in Limerick Prison. It also called for full reviews on the deaths of four people in prison in 2013 and 2014. The committee called for authorities to clarify the legality of holding prisoners on the "loss of all privileges" which they said was akin to solitary confinement for up to 56 days.

The Committee for the Prevention of Torture has recommended that the authorities in [Gibraltar](#) completely review the provision of healthcare at Windmill Hill Prison, an area which it claims suffers from a number of structural deficiencies. The CPT also criticised the length of disciplinary punishments, where prisoners are confined to their cells alone for 23 hours a day for as long as six weeks with no stimulation. The report also finds Windmill Hill is not suitable to accommodate juveniles, pointing out that at the time of the visit, two juveniles were there: one of them 14 years old. It also recommends a review of the current arrangements for accommodating persons detained for immigration offences; and that more activities should be made available for all prisoners - including through better access to activities for female prisoners, and provision of activities in which both men and woman can participate together.

One thousand eight hundred [Omani](#) prisoners went on a hunger strike at the high-security Central prison in Samayil province to protest that their names were not included in the recent royal pardon. They claim to have met all the requirements for the pardon. The Muscat representative on the Municipal Council, said that the prisoners only demanded that they be treated fairly by the authorities as well as be allowed to meet the minister of the Royal Court to convey their message.

Prisoners in [Mexico](#) are paying enormous fees in order to ensure that their essential needs are met and for physical security, according to a BBC news report which highlights the role of prisons in fuelling illegal markets, corruption, and organised crime. Mexican prisoners pay between \$150 and \$300 per month for basic services to survive their sentences, according to the report. In order to meet their essential human needs, including access to drinking water and bathing, as well as protection, prisoners across Mexico pay fees to prison guards, officials and other prisoners. In order to have a place to sleep and a blanket, for example,

prisoners pay around \$6. Prisoners also have to pay for every change of their sanctioned uniforms - around \$1.20 for each set. And in some prisons, prisoners pay around \$20 per day just to be counted on the official attendance list. Communication with the outside world is also costly and difficult, as there are fees for phone cards as well as having a cellular phone, which can cost between \$90 and \$121. Additionally, families have to pay for visits, including individual fees for every door they pass through. The profits from such fees are allegedly passed upwards to high-level officials, reported the BBC, although government officials deny this level of corruption.

In his last days in the job, the outgoing [New Zealand](#) Corrections Minister backed calls for an independent prisons inspectorate, in the wake of failures at privately run Mt Eden prison. Cassandra Harwood, whose partner, Wayne Hotton, was found dead on his own in a locked isolation cell at Mt Eden, said earlier this year an independent prisons inspectorate was needed to prevent similar tragedies. The Minister supported the idea, saying an independent inspectorate for public and private prisons is "something that I'm eager to see put in place". He added: "I believe that the current inspectorate does a great job ... but I also believe that an independent inspectorate is a good idea. It is about strengthening the independent oversight of the whole corrections system, and ultimately what that does is provide assurances for the public, for ministers, and also for offenders and their families."

A human rights organisation has documented hundreds of cases of death as a result of torture and medical negligence in [Egyptian](#) detention facilities over the past two years, claiming that newly adopted laws have been a principal reason for the phenomenon. In a report titled: "Death behind bars: Torture and denial of medical care in detention in Egypt", the Swiss human rights organisation Alkarama shows evidence that the number of deaths in detention have trebled in Egypt since General Abdel Fatah al-Sisi led a military coup on 3 July 2013. The report documents 323 cases of death in Egyptian prisons between August 2013 and September 2015, which the organisation alleges were "direct consequences of torture, ill-treatment or denial of medical care". According to the report, newly adopted laws give prison personnel the right to use torture and negligence which has allegedly been a principal reason behind the rise in the number of deaths within detention facilities.

## **Prison violence**

At least a dozen prisoners and guards were wounded during a riot at an overcrowded prison in [Guinea](#)'s capital Conakry, according to the government and security sources. "Hundreds of prisoners mutinied... against the prison governor... who is intensely disliked by the prison population," a security source based in Conakry told AFP. Hundreds of police were deployed around and inside Conakry Civil Prison, from where gunshots were heard for at least two hours, according to witnesses. A prison guard said 13 prisoners were wounded during the riot.

Seventeen prisoners were killed in a [Guatemalan](#) prison after fighting broke out between two rival gangs. More than 3,000 prisoners are held at the jail, which was built to house just 600. Special forces and the army were sent into the prison to take control and, at one point, about 2,300 prisoners were engaged in a stand-off with the security forces. Members of violent street gangs make up the bulk of Guatemala's prison population and deadly gang

warfare inside prison walls is not uncommon. Severe overcrowding makes it hard for guards to control the prisoners - who are often heavily armed with home-made weapons as well as firearms smuggled into the jail.

In [Indonesia](#), three people died after a bloody riot at Bali's Kerobokan jail which involved use of samurai swords, guns and machetes. Local police investigated the alleged clash between three gangs inside and outside the prison. A 100-strong riot squad was called to the facility after members of one of Bali's most notorious enforcer gangs turned up to the jail, armed with machetes and knives and samurai swords and demanding to get inside after hearing of a fight between two of the men's blocks. Following the riots, the bodies were removed from the jail and staff were evacuated, while police negotiated with those inside the complex.

Police in the south of [Russia](#) detained the acting head and six guards of a juvenile prison suspected of beating seven prisoners, one of whom died, according to the state Investigative Committee. The Federal Penitentiary Service (FSIN) sent a group of inspectors headed by its director to investigate.

A representative of the [Moroccan](#) Prison Service told a Parliamentary committee that the country's prisons are still marked by violence and no positive change was achieved in the last year. He said the number of assaults among prisoners has nearly doubled, increasing from 1,410 in 2014 to 2,479 in 2015. Violence against prison staff is also high, rising from 88 attacks in 2014 to 168 in 2015, according to the same source.

## **Developments in rehabilitation**

Prisoners at Yerwada Central Jail in the [Indian](#) state of Maharashtra can cut their sentences by up to three months if they impress wardens in the ancient Indian practice of yoga, said the prison chief responsible for the programme. "There's a written and physical exam and those who excel will be given remission with respect to their performance," Bhushankumar Upadhyay, additional director general of the Maharashtra prison department told AFP. "We have started the written tests and the practical examination will commence in January. We are going to hold two exams a year and prisoners can get a maximum of three months early release," he added. Upadhyay said the programme was aimed at improving their mental and physical wellbeing. Prisoners have to answer questions such as "What is Yoga?" and "How does it help you?" as well as perform a series of complex moves.

A group of male and female prisoners at [Malawi](#)'s Zomba Prison have received a Grammy nomination in the World Music category, marking the first time that a music act from the landlocked southern African country will be represented at the prestigious awards. Released last January, the album "I Have No Everything Here" by the Zomba Prison Project is an eclectic collection of 20 songs, 18 of which were written by the prisoners themselves. Most of the participants are serving life sentences. Overall, some 70 male and female prisoners aged from their early 20s to 70s were involved in some form in the album. The producer said that despite being a "money-losing device", the project has raised funds that have helped some of the prisoners get legal representation and gain release from their

sentences. "In an ideal world, the hope is that something like this can lead to future opportunities for individuals," he said.

More and more penitentiaries in [El Salvador](#) are incorporating agricultural work and other activities to keep prisoners busy. 210 women live and work at the Centro Penitenciario para Mujeres Granja Izalco – a prison farm for women in the municipality of Izalco in the western department of Sonsonate. The farm was inaugurated in January 2011 as part of the government's efforts to offer occupational alternatives in the country's overpopulated prisons, to gradually ease the problems of idle prisoners, overcrowding, violence and crime that have reigned supreme in the penitentiaries for decades. Of the 210 prisoners, 80 work in the fields, while the rest are active in other areas, such as cooking in the prison kitchen or taking care of the prisoners' children. On the 26 hectares of land used by the prison farm, the women use agroecological methods to grow radishes, sesame, tomatoes, corn, papaya and other fruit and vegetables. A small chicken farm has also begun to operate, and a tilapia fish farm is on the cards. The Izalco prison farm is part of the government programme Yo Cambio (I Change), which includes a number of measures aimed at boosting the reintegration of prisoners and reducing recidivism. The programme offers skills training, activities and work to keep prisoners busy and improve their reinsertion into society once they are released. Projects also include rebuilding, enlarging and refurbishing existing prisons and the construction of new facilities, to ease the serious problem of overcrowding.

The [US](#) President Barack Obama has announced a series of executive actions to help current and former prisoners re-enter society, as he continues his campaign to wind down the war on drugs and reform a "broken" system. Obama's plans include provision of millions of dollars in education grants for current prisoners, new policies to help former prisoners find housing, a "clean slate clearing house" to help former prisoners clear their records where possible, and a call to Congress to "ban the box" – the space on a job application that asks about criminal backgrounds. In his weekly address, Obama said his executive actions were intended to "help Americans who paid their debt to society reintegrate back into their communities" and "reward prisoners with shorter sentences if they complete programs that make them less likely to repeat an offense".

## **Sentencing and the law**

Government officials in the [Cayman Islands](#) have said that the Conditional Release Bill will come into effect in February. The law paves the way for prisoners on life sentences to receive a minimum term tariff and introduces a more formal rehabilitation and release regime for all prisoners. However, government has not made any financial provision in this year's budget for the change. The bill addresses human rights issues relating to current mandatory life jail terms, where prisoners face dying behind bars. The law introduces a minimum tariff of 30 years for a life term given to those convicted of murder, unless there are exceptional circumstances, when it could be less, or aggravating circumstances that could see it being increased. Under the new law, after the three decades behind bars prisoners can apply for parole but it will be up to the conditional release board to decide whether someone serving that life term is ready or not for release. They will also be tasked with deciding whether other prisoners who have served 60 percent of their sentences could be returned to the community without immediately reoffending.

A review of the [Australian](#) state of Victoria's "unworkable" baseline sentencing laws has been ordered by the State Government, which has said it wants to ensure consistency in sentencing for serious crimes. The Court of Appeal ruled the legislation was defective and "incapable of being given any practical operation" when dismissing an appeal by prosecutors against the jail sentence for a Melbourne man accused of incest. The legislation was introduced by the Napthine government last year, despite criticism from senior figures in the legal profession. The legislation directs judges to base prison sentences around a theoretical median set by the parliament for six serious offences, including murder and child molestation.

[Russian](#) President Vladimir Putin has signed a law allowing the Constitutional Court of Russia to decide whether or not to comply with judgements made by international human rights courts. The law enables Russia's high court to overthrow decisions made by the Strasbourg-based European Court of Human Rights (ECHR). The bill has been officially adopted by Russia's parliament and permits the court to review rulings of international human rights bodies and pronounce them "non-executable" if the court deems they contradict Russian constitution. Russia has lost a number of cases in Strasbourg and has been ordered to pay out large compensation in some instances.

## Prison policy

[Irish](#) prison officers and their families suffer "severe" consequences if they challenge their peers' inappropriate and sometimes misogynistic behaviour. In a special report on prison culture, the inspector of prisons found staff are under "incessant pressure" to conform to behaviour which is "at best unprofessional and at worst misogynistic and even misanthropic". This includes inappropriate behaviour, with staff in a number of prisons drinking at lunchtime and returning to duty without any rebuke from senior staff, and staff using "improper and inappropriate language" to each other and prisoners. The inspector called for a formal code of ethics which would ensure "basic human rights principles" are implemented on a day-to-day basis. The report said there needed to be a "sound recruitment policy" to ensure only those with the "correct personality, experience, and potential" are selected, and these staff should undergo comprehensive education and training — similar to a two-year course in Norway — and receive support and mentoring.

The [Irish](#) Government's failure to allow prisons, Garda stations and other places of detention to be inspected by the United Nations has become a source of national embarrassment, a senior UN official has said. Professor Malcolm Evans, whose work focuses on preventing torture and degrading treatment, expressed frustration at the fact that the Government has repeatedly promised but failed to ratify a system of independent international inspections. He said at the last universal periodic review of the human rights records of all 193 UN member states in 2011 that Ireland's failure to sign up to the UN's anti-torture protocol (Opcat) was openly criticised, even by some countries in the developing world with very poor human rights records.

A sweeping review of the [Canadian](#) criminal justice system, including tough-on-crime laws enacted by the previous government, will be launched by the Department of Justice under

the new Liberal minister. It will examine a decade's worth of criminal law reforms introduced under the Conservatives, including the controversial practice of mandatory-minimum sentencing and the contentious two-year-old prostitution law. It also could extend to victim surcharges and restrictions on early parole for first-time, non-violent offenders. The backbone of the Tory's signature tough-on-crime legislative agenda was the more 60 mandatory-minimum sentencing terms for various crimes, including gun-related, narcotics and sex offences. But the minister appears to support critics who argue that the strict regimes have taken away important judicial discretion. "As a former Crown prosecutor, I recognize that there are many reasons why people enter the criminal justice system and uphold and support necessary discretion being provided to judge in particular circumstances," she said.

The [South Korean](#) government has decided to ease parole restrictions in an attempt to give convicted criminals a better chance of reintegrating into society, and to reduce overcrowding in prisons. Under the changed conditions, those who serve at least 80 percent of their prison sentence are eligible for parole. Currently, only those who complete more than 90 percent of their sentence are eligible for early release. While high-profile figures such as politicians or executives of large corporations are likely to be subject to the eased measures, violent criminals including murderers and rapists will be excluded.

In [Samoa](#), the acting assistant commissioner for Tafaigata prison says allowing more prisoners to spend time with their families during the weekend is one option being considered to stop prisoners escaping. Sagaga Galu Frost says that, at the moment, only a select group of prisoners have been picked to spend every second weekend with their families. However Sagaga says this could be changed into a visit every weekend, depending on the prisoners' conduct, and whether they follow the strict rules while serving their sentence. The administration at Tafaigata has been under increasing pressure to tighten security following the recent escape of prisoners from the jail.

Privately-run Mt Eden prison has fallen to the bottom of [New Zealand](#)'s prison rankings after months of scandal over "fight clubs" and alleged mistreatment of prisoners. In the Department of Corrections' most recent prison performance tables, for the 12 months to June 2015, the Serco-run Mt Eden corrections facility is at the bottom of the rankings - in the "needs improvement" category. The performance tables are meant to monitor and evaluate prisons' performances every three months, based on their security, internal procedures, and rehabilitation rates. Mt Eden's fall comes after it was rated "exceptional" in five previous performance tables stretching back to March 2014. Allegations of organised fight clubs and contraband issues emerged after recordings of incidents at Mt Eden were posted online, while a number of prisoners have also made accusations of mistreatment. The Department of Corrections took over control of the prison in July after the allegations were revealed.

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