

# **Penal Reform in the context of Security Sector Reform and International Development**

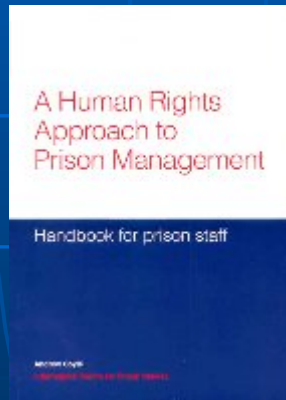
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# Key publications

A Human Rights Approach to  
Prison Management

Handbook for prison staff



Guidance notes on  
Prison Reform



# Prison systems in most countries of the world fail to fulfil their proper functions

- **Overcrowding**
- **Under-resourced**
- **Infectious diseases**
- **Violence, brutality and human rights abuses**
- **Women, children and young people at high risk of abuse**
- **Rehabilitative activities** not available
- **Prison staff** usually under trained and underpaid
- **Corruption**
- Prisons given much **less importance** than police
- **Marginalised and poverty-stricken** groups
- Often contain many **petty offenders** whilst major criminals can escape incarceration through corruption

**A lawful prison system that treats prisoners with respect for their human dignity is necessary for:**

- the maintenance of the rule of law
- compliance with international human rights treaties

# Imprisonment is governed by an international human rights framework which covers:

- the treatment of prisoners
- the use of imprisonment only within a legal framework
- the treatment of children and juveniles
- the rights of prisoners whilst detained
- the rights of pre-trial prisoners
- alternatives to prison

**A properly functioning  
criminal justice system is  
an essential element of  
good governance and an  
important basis for  
economic success**

Prison improvement can be an essential part of any **health reform programme** since prisons are prime sites for the spread of **infectious diseases.**

# Key Players

- Minister of Justice or Interior
- Director General of the Prison Service and some other more operational prison service staff
- Chief Justice
- Director of Public Prosecutions/Chief Prosecutor
- Attorney General
- Local Bar Association or Law Society representatives, possibly from a penal affairs interest group
- Parliamentarians from each of the main parties interested in criminal justice (perhaps members of a justice or penal affairs group in parliament)
- Representatives where applicable of UNDP, World Bank, OSCE and other IGOs with local offices.
- Local and international media representatives
- Local NGO representatives
- Clergy – especially those who work as chaplains in the prisons
- Representatives of local government from regions which have prisons or a particularly high prison population
- Academics

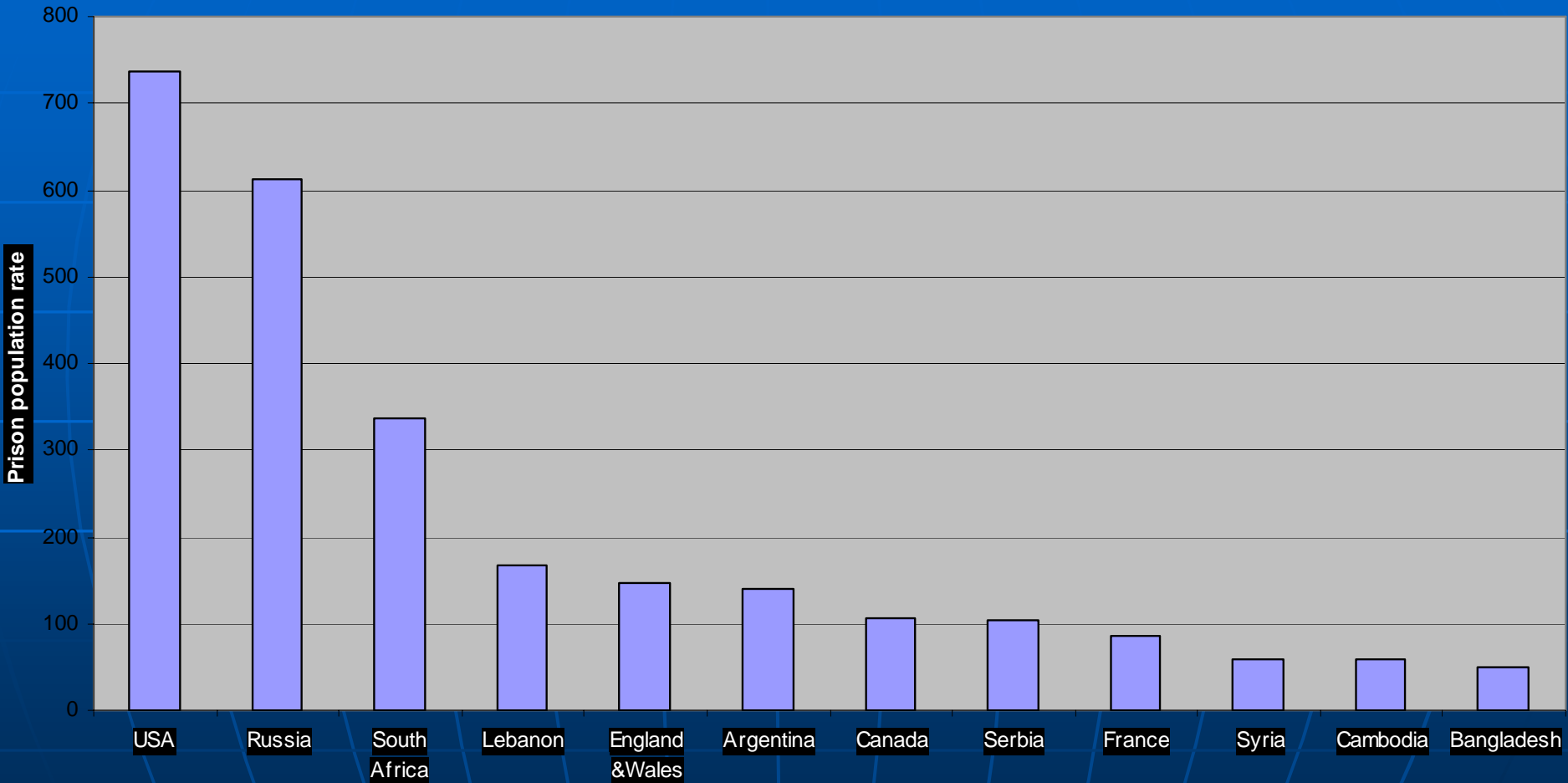
# Entry points

- Through the law officers  
Concern about the state of the system might come from 'users', i.e. the Attorney-General, the Director of Public Prosecutions, the Chief Justice.
- The Prime Minister  
The new Prime Minister wants to speed up the transition from former totalitarian rule and demilitarise the prison system
- Through the Minister of Justice  
A newly appointed Minister of Justice looking for support for an agenda of change
- Through the Justice Committee of Parliament  
A group of parliamentarians want to reform the law to incorporate a human rights perspective into the prison law and to allow for the introduction of alternatives to prison
- Through the prison administration

- The new Human Rights Commission  
Just been set up and have a mandate to visit places of detention and to implement OPCAT
- A coalition of NGOs wanting to do rehabilitation
- An employers' federation wanting to help in prisoner rehabilitation
- The Government has been persuaded by UNICEF following a negative report from the Committee on the Rights of the Child to reform the juvenile justice system
- The National Women's Commission is concerned about women in prison
- The Minister of Health is concerned about the impact on public health of the serious health situation in the prisons
- The Minister for Human Rights asks for help after a very high profile court case involving human rights abuses in prisons.

# Prison Population Rates

Prison population rates



# European Court of Human Rights

- **Iwanzcuk v. Poland (25196/94) 15 November 2001**
- **Paul and Audrey Edwards vs. the United Kingdom (46477/99) 14 March 2002**
- **Kalashnikov vs. Russia (47095/99) 15 July 2002**
- **Mouisel v. France (67263/01) 14 November 2002**
- **Romanov vs. Russia (Application no. 63993/00) 20 October 2005**

# Areas of action

- Penal reform projects and sustainable change
- Getting started – doing a pre-project needs assessment
- Measuring and evaluating project outcomes
- Dealing with prison overcrowding
- Pre-trial detention
- Bringing prisons within the rule of law
- Moving prisons to civilian control: demilitarization
- Prison staff and their training
- Humanising the treatment of prisoners
- Improving prison health care
- External inspection, monitoring and redressing grievances
- Encouraging the involvement of civil society
- Reforming women's prisons
- Children in prison
- Developing alternative sentences



[http://www. \*\*prisonstudies\*\* .org](http://www.prisonstudies.org)