

HEUNI Paper No. 15

World Prison Population: Facts, Trends and Solutions

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**The European Institute for Crime Prevention and Control,
affiliated with the United Nations
Helsinki, 2001**

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ISSN 1236-8245

The Institutes comprising the United Nations Crime Prevention and Criminal Justice Programme Network organized a joint workshop on “ World Prison Populations: Facts, Trends and Solutions”, on 10 May 2001 in connection with the Tenth Session of the United Nations Commission on Crime Prevention and Criminal Justice.

HEUNI is pleased to publish hereby the general report of the workshop as well as the Keynote lecture.

The other papers presented at the Workshop are available at UNICRI's website http://www.unicri.it/html/digital_publications.htm.

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World Prison Population: Facts, Trends and Solutions

Rapporteur's Report by Brian Tkachuk

Background to the Workshop

The issue of prisons, and particularly prison overcrowding and the resulting financial and inherent human rights problems, remains of great concern to many member states as has been repeatedly stated at UN Commission meetings, UN Congresses on the Prevention of Crime and the Treatment of Offenders and other international events. The issue transcends a number of areas addressed in the Vienna Declaration including women, juveniles, victims of crime, protection of witnesses, health, pre trial detention and restorative justice and other alternatives to incarceration. It also impacts upon other issues relevant to the Crime Prevention and Criminal Justice Programme including the management of prisoners convicted of organized crime, corruption and bribery as well as the management and temporary detention of victims in cases of human smuggling. The practical workshop "*World Prison Populations: Facts, Trends and Solutions*", held on May 10, 2001 in conjunction with the 10th Session of the Commission, was part of the collaborative effort by the UN Programme Network Institutes to address these issues and contribute substantively to the work of the Programme.

* Brian Tkachuk, Director Corrections Program - International Centre for Criminal Law Reform and Criminal Justice Policy, Vancouver BC Canada.

Workshop Focus, Presentations and Discussion

The workshop programme (Appendix) featured a presentation by **Roy Walmsley**, Consultant to the European Institute for Crime Prevention and Control, affiliated with the United Nations (HEUNI) and Associate of the International Centre for Prison Studies (King's College, University of London). Mr. Walmsley provided an in depth analysis and interpretation of particular trends and issues relevant to all regions in the world with a focus on global prison populations and trends, based on the World Prison Population List and the World Prison Brief[†].

Mr. Walmsley highlighted the fact that there are over 8 ½ million prisoners held in penal institutions throughout the world, either as pre-trial detainees (remand) prisoners or having been convicted and sentenced. With a world population of 6.1 billion this represents an average incarceration rate of 140 prisoners per 100,000 population. This statistic may not in itself be alarming but the fact that prison populations grew in most countries and invariably, in all regions of the world, throughout the 1990s is. Even more shocking is that, in some developed countries, growth during this period was as high as 40%. This growth cannot alone

[†] The World Prison Population List was first published in 1999, the Second Edition appearing in 2000 - Roy Walmsley, Research Findings Nos 88 and 116. Home Office Research, Development and Statistics Directorate, London UK. The World Prison Brief is a development of the above and appears on-line (www.prisonstudies.org); it is produced at the International Centre for Prison Studies, King's College, London.

be explained by increasing crime rates. Simply, there remains a belief that prison is preferable to the alternatives.

Of more concern than the increase in imprisonment rates themselves are the conditions that have prevailed as a result. High prison populations have led to prison overcrowding which invariably leads to a multitude of other problems. Decreased living space results in poor hygiene and sanitation. In some countries there is insufficient bedding and clothing and food quality and quantity are compromised. Health care is difficult to administer, there is more tension and violence amongst prisoners as well as violence against staff. With overcrowding staff/prisoner ratios fall leading to less supervision and the inability to engage in constructive programs and activities conducive to reintegration. In summarizing the impact of imprisonment, and particularly overcrowded prisons, Mr. Walmsley referred to the often used phrase that prisons are "universities of crime" and imprisonment is "an expensive way of making bad people worse". However, imprisonment in periods of growth and overcrowding are even more damaging.

In addressing the measures necessary to reduce prison populations Mr. Walmsley cited a number of examples including the decreased use of pre-trial detention, and where unavoidable, a pre-trial period that is kept as short as possible. Where imprisonment is required shorter sentences remain an option. In many countries there are disproportionate and lengthy sentences for certain offences. In citing this measure Mr. Walmsley noted that, in countries that use lengthy sentences, there is no evidence of improved rehabilitation on release. Other measures to reduce the use of imprisonment included

increased use of parole and conditional release as well as other alternatives to incarceration such as community service, amnesties and restorative justice practices.

In order to get these measures adopted it is necessary to convince all of the key players including policy makers and legislators, the judiciary police and prosecuting authorities as well as the media and the general public. Key people must be well informed and misinterpretations challenged.

Mr. Walmsley's world overview was followed by interpretations of particular regional issues.

Elías Carranza, Director of the United Nations Latin American Institute on the Prevention of Crime and the Treatment of the Offenders (ILANUD), provided an analysis for the region of Latin America and the Caribbean in the form of a paper entitled *Prison Overcrowding in Latin America and the Caribbean: Situation and Possible Responses*. The paper presented some basic official data on prison populations, incarceration rates and prison overcrowding for 26 countries of Latin America and the Caribbean. Mr. Carranza stated that one factor, prison overcrowding, was present and negatively affecting all aspects of prison functions and prison conditions in every country of the region. The issue of overcrowding affects all sectors including matters of health, hygiene, nutrition, recreation, training as well as the work and security of both inmates and personnel. He suggested that until the problem of overcrowding is resolved, efforts to improve other aspects of a prison system were unlikely to have an impact and may prove completely futile. Measures to address the problem of prison overpopulation, by

building more prisons or reducing the number of prisoners through alternative approaches, were presented. Mr. Caranza also stressed the need for effective action at the political level, at the levels of correctional systems and at the individual prison management level.

Analysis of issues in Asia was presented by **Mikinao Kitada**, Director of the United Nations Asia and Far East Institute for the Prevention of Crime and Treatment of Offenders (UNAFEI).

For most Asian countries, prison overcrowding poses a major challenge and is a serious concern for the relevant criminal justice systems. The observation of various provisions contained within the United Nations Standard Minimum Rules for the Treatment of Prisoners is often absent. There is an over reliance on imprisonment and plans to implement and alleviate overcrowding are urgently required.

Using an illustration of prison situations in a country without overcrowded prisons and a typical country with overcrowded prisons, Mr. Kitada concluded that adequate controls over the intake and release procedures of prisons are required to maintain appropriate levels in the prison population. Measures necessary to alleviate overcrowding in the Asia-Pacific region included innovative planning, the implementation of alternatives to imprisonment and collaboration at all levels of the criminal justice system.

Eric Kibuka, Director of the United Nations African Institute for the Prevention of Crime and the Treatment of Offenders (UNAFRI) provided a startling account of prison conditions in Africa where, in most countries, imprisonment and the apparent punitive element characterised

by such sanctions remains the cornerstone of correctional penal systems. He also pointed out that, in many African countries, there is evidence abound of harsher penalties being imposed in the form of lengthening periods of imprisonment. Notwithstanding noticeable rapid growth rates in national populations over the past twenty years and increased crime rates leading to more individuals being sent to prisons, there is hardly evidence of new penal institutions being constructed in that period. The result of this is overcrowded prison populations affecting thirteen of the fifteen African countries mentioned in the study. This issue combined with inadequate resourcing results in non-observance of most international and regional standards. In many cases prison overcrowding aggravates and precipitates the increasing indignities and suffering on the part of inmates. In some situations inmates not only lack adequate clothing, food and basic hygiene requirements, but worse, they are denied space to lie or even sit.

The issue of women is also of particular concern in Africa. In some countries facilities are lacking to make provisions for women who are mothers to remain with their children, even while nursing. In other cases the lack of resources make it difficult to establish the necessary physical arrangements for preventing the abuse of woman and children prisoners by other prisoners or prison officials.

In addition to increasing populations and an overall increase in crimes, the absence of viable alternatives, including bail where appropriate, are virtually non-existent. As a consequence, pre-trial detainees constitute a high percentage of prisoners in most countries. Consequently, deliberate measures towards reducing the prison

population by, inter alia, speeding up the trial process could lead to a decrease in these populations. Other solutions include the adoption and use of other alternative measures such as diversion, community service, fines, compensation schemes, suspended sentences, binding over, police supervision and non custodial measures for children.

Mr. Kibuka concluded by stating that there are no easy solutions but what clearly emerges is the need for technical assistance to assist respective jurisdictions in addressing this issue. UNAFRI is mandated to assist member states in their efforts in this regard but its intentions and endeavours are seriously constrained by its weak financial position.

Following the overview of prison populations, both world-wide as well as through the regional analyses, the workshop featured several technical presentations highlighting initiatives and practical solutions to address a number of issues confronting correctional jurisdictions around the world.

Jan van Dijk, Director of the United Nations Centre for International Crime Prevention - Office for Drug Control and Crime Prevention (CICP), highlighted activities of a project aimed at strengthening the legislative and institutional capacities of Lebanon's juvenile justice system to effectively improve the prison conditions of juveniles in that country. Activities of this project included:

- Setting up a new harmonized and standardized format for the reports to be completed by clerks of the courts and prison personnel dealing with juveniles.

- Setting up new training curricula in the field of juvenile offenders in their respective training schools.
- Reforming the prison system for juvenile males detained and improving detention conditions at the central prison of Roumich.
- Technical Assistance for the Government to build a new rehabilitation and observation centre for juveniles convicted or on remand.

The objective and activities of the project were essentially aimed to take up the challenge of juvenile delinquency and as a priority, among others, to ensure that detention conditions for juveniles in conflict with the law were improved.

Future activities of the project will address the issue of minor female detention and to pursue the prevention of delinquency and recidivism.

Doris Layton MacKenzie, Ph.D., Professor of Criminology and Criminal Justice and Director of the Evaluation Research Group, University of Maryland, USA, presented a paper entitled "Sentencing and Corrections in the 21st Century: Setting the Stage for the Future".

Dr. MacKenzie pointed out that in the last thirty years, dramatic changes have occurred in the United States in the philosophy and practice of sentencing and corrections. The emphasis on rehabilitation and the use of an indeterminate model of sentencing changed to a focus on determinate sentencing. Determinate sentencing was first supported in the interest of fairness and justice but later it became the keystone of the crime control model of corrections. The increasing

crime rates of the late 1970s and early 1980s led many to advocate for changes in corrections and sentencing policies to help control crime. Determinate sentences as well as intermediate sanctions, a war on drugs, three-strikes and correctional boot camps were instituted as part of this control.

In her presentation Dr. MacKenzie examined the changes that occurred, the impacts of the changes and the emerging paradigms in U.S. sentencing and corrections. At this point there is growing recognition that the crime control policy has had an unintended result (disproportionately high percentage of the population incarcerated) and there appears to be movement to the return to the rehabilitation model.

Drugs in prison establishments have been a serious, realistic issue for quite a while in a vast majority of countries around the globe. In most countries it took a long time before the responsible parts of administration admitted to the existence of such a problem.

Alfred W. Steinacher, head of the penal service at Hirtenberg Prison (Austria), shared his experience in the establishment and creation of a drug free area in Austrian prisons.

Before the implementation of the Drug Free Zone (DFZ) at Hirtenberg Prison the internal situation was constantly degrading. In terms of productivity, inmates' health conditions and professional morale as well as lack of motivation amongst inmates and officers reached a point where it was terrifying to be in Hirtenberg. The situation simply could not deteriorate any further.

The project was launched on October 10, 1995 with approximately 20 inmates involved. Within 3 months the number of participants increased to 150 and now encompasses 176 inmates, i.e. equivalent to 72% of the inmate population.

The process requires inmates sign a contract on a voluntary basis that obligates them to complete abstinence with regard to alcohol and addictive drugs. At the same time, they enjoy certain privileges (phone calls with their families, less restrictive visit regulations, etc.) as long as they adhere to their commitment.

Apart from a considerably less violent environment, productivity has increased dramatically, drug abuse has decreased accordingly and inmates enjoy more privileges than usual under such circumstances. Likewise, the drop out rate due to the consumption of illicit substances is negligible. As a consequence, inmates stand a much better chance of being reintegrated into society upon their release and display less hate and resentment toward the "system" for having caused adverse long term effects on their personality and/or health.

In his presentation **Jon Klaus** visiting fellow at the United Nations Interregional Crime and Justice Research Institute (UNICRI) looked at the issue of organized crime from the perspective of prisons.

It would appear that both the political, police and judicial authorities believe that once an organised crime figure / criminal is sent to jail, the problem is solved. Mr. Klaus indicated that recent reports, studies and experiences suggest that the institutional menu of privileges and treatment for the "privileged" may only serve as a new base of operations. Ill-informed and

naïve presumptions, assumptions, policies and conditions only create a more fertile base for organised crime to continue to exist and, in fact, to grow under even more protected conditions.

In several countries, organised crime figures all but run the institutions. Worse still, the institutional conditions and power base for such "protected" individuals create a strong incentive for the recruitment of the less fortunate and younger prisoners. Clearly, such an environment is not conducive to rehabilitative treatment plans where they might exist.

Having such an alternative power structure with virtually unfettered influence within a correctional environment, creates tremendous pressure on staff and management to co-operate either through threat or corruption. Thus, when attempts to regain control are initiated, the results are often violent and end up by creating negative prisoner-staff relations that last for years.

Without adequate support and resourcing, corrections are forced to rely on police resources (which are usually already strained) to deal with the problems caused by organised crime and corruption and thus cannot, under such conditions, develop the expertise required to aid and assist external law enforcement. Given the lack of political and international profiling and attention, reports of agencies such as Amnesty International and Prison Reform International are virtually ignored. The magnitude of what is required to address the problem simply makes inattention a useful response.

There are few links with other potential partners, even within the new UN and European Rules for dealing with Corruption and Organized Crime. In the Proto-

cols, judges, prosecutors, police and customs are all mentioned - but the "Correctional Profession" (probation, parole and prisons) is ignored. Strangely enough, it is these front line workers with more education and experience that seem to be marginalized from the global thrusts. Law enforcement around the world, without fully engaging and involving its partners in the fight against organised crime and corruption, can have the opposite outcome and de facto become a fractional and divisive force. Given the talents of correctional staff, it could become a potential "windfall" if utilised / harvested appropriately. Corrections have been, and hopefully will become a meaningful partner in the global war against crime.

In the final technical presentation **Gary Hill**, representing the International Scientific and Professional Advisory Council of the United Nations Crime Prevention and Criminal Justice Programme (ISPAC) addressed the issue of prison management and provided some practical solutions to managing prisons in overcrowded situations without an increase in resources.

Mr. Hill indicated that some people see management in terms of a strong personality who is able to inspire and get others to accomplish tasks. Others see management as an unemotional, unseen group that receives and weighs all the relevant information and somehow makes the proper decision. In reality, management is not any one thing. Rather, it is all of the policies, methods and procedures used in the operation of an enterprise and the way they are carried out, co-ordinated and administered.

When government officials, politicians and citizens of a nation are confronted with sights of prisons that are holding

two, three or more times the number of prisoners they were designed to hold, the initial reaction is to talk of ways to reduce the crime rate or of using alternatives to reduce the prison population. These are important topics and need to be explored. However, while these talks are going on, the truth is that the directors of individual prisons and their staff must try to provide humane treatment for those they have been ordered to hold. For those in charge of managing the prisons, their choices of who or how many come to them are generally limited. Often, as more prisoners are sent to their facilities, requests for additional food, personnel, equipment and/or funds are denied. Usually, the overcrowded prisons exist where resources for non-convicted citizens also are scarce. Increased resources for the prisons could mean fewer resources for schools, public housing, public medical care, sanitation services or the handicapped. In these environments, the head of each facility must find the methods, internal policies, procedures and resources to run the prison.

In his presentation Mr. Hill provided some basic methods that those in charge of managing overcrowded facilities could use to keep staff morale at an acceptable level, provide inmates with on-going programs and services and find innovative methods to keep the prison a humane environment. Specific activities dealing with prison sanitation, adequate feeding, security, protecting inmate rights, inmate labour, visiting and staff morale were covered. However the resounding message of his presentation was that one must be motivated, imaginative and creative to find appropriate solutions to the day to day problems confronting correctional managers.

Opportunities for **discussion** followed both the sessions, the first of which provided world-wide and regional overview of prison populations and the second which featured the technical presentations. These provided opportunities for specific questions and elaboration of key aspects of the earlier presentations.

Emerging from the presentations, discussion and comments was consensus of the need for the issue of prisons to remain at the forefront of the crime prevention and criminal justice agenda. The issue of prisons is all too often ignored and afforded low priority in relation to other criminal justice priorities. It comes as no surprise that prison overcrowding and escalating prison populations remains as one of the most significant challenges that confront countries world-wide.

In many parts of the developing world the issue of prison overcrowding has led to conditions where, not only are countries unable to meet international standards for the treatment of offenders, but they are all too often unable to provide for the most basic of human needs including the provision of food, clean water, blankets and shelter and basic health care. Not only men but women, juveniles and in some cases children are subject to abuse, either directly or as an unintended consequence of severely overcrowded facilities. The fact remains that blatant human rights violations in prisons, whether intentional or as an unintended consequence of severely overcrowded prisons, continues to occur.

For developed nations the challenge related to the exorbitant amount of resources spent on imprisonment as well as the social stigmatization of a society who is seen as locking up too many of its citizens.

Throughout the discussion consensus emerged of the need for stronger political will, both domestically and internationally, to tackle this issue. These are not merely domestic issues and there is a need for a concerted effort by the global community to assist states requiring same to seek and implement alternatives to imprisonment world-wide in order to address the overriding issue of prison overcrowding.

The final element of discussion was with respect to the issue of prisons and other crime prevention matters in relation to the current priorities and work program of the Commission. In this regard it was emphasized that prisons must remain as an activity to be addressed within the context of the program. This is supported by the fact that the Vienna Declaration makes specific commitment and calls for efforts to contain prison growth and prison overcrowding, contain the use of pre-trial detention and to promote effective alternatives to incarceration. It also encourages the development of restorative justice policies, procedures and programmes that are respectful of the rights and needs of victims, offenders and communities.

The issue also transcends a number of areas and proposed actions called for in the Vienna Declaration including women, juveniles, protection of witnesses, health, pre trial detention and restorative justice and other alternatives to incarceration. It also impacts upon other issues relevant to the Programme including the management of prisoners convicted of organized crime, corruption and bribery as well as the management and temporary detention of victims in cases of human smuggling.

To conclude, a commitment was made by the Network Institutes to continue their technical assistance activities and programme efforts in support of the Commission, including activities that will benefit worldwide prison reform initiatives to address this most challenging issue of prison overcrowding.

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The Programme Network Institutes would like to express their appreciation to the CICP and its staff for their support and assistance in holding this first collaborative technical assistance workshop. The network also expresses its utmost gratitude to Sergio Viaggio who facilitated and the student volunteers who provided the translation services to all participants during the workshop.

APPENDIX

World Prison Population Facts, Trends and Solutions

Vienna, 10 May 2001

Programme

- 10:00 a.m.** Chair: Alberto Bradanini, Director of UNICRI
Appointment of Rapporteur: (Brian Tkachuk, Director, Sentencing and Corrections Program, ICCLR&CJP)
- 10:10 a.m.** Opening Remarks and Overview of the Day
Speaker: Anna Alvazzi del Frate, Research Officer, UNICRI
- 10:20 a.m.** Statement by Jan van Dijk, Director of CICP
- 10:30 a.m.** Statistical Overview of World Imprisonment
Roy Walmsley, Consultant to HEUNI and Associate of the International Centre for Prison Studies (King's College, University of London)
- 11:00 a.m.** Regional Interpretations
- Latin America and Caribbean
Speaker: Elias Carranza, Director of ILANUD
 - Prison Population in Asian Countries: Facts, Trends and Solutions
Speaker: Mikinao Kitada, Director of UNAFEI
 - Africa
Speaker: Eric Kibuka, Acting Director of UNAFRI
- 12:20 p.m.** Discussion

3:00 p.m. Round Table on World Prison Population: Facts, Trends and Solutions: Chair: Roy Walmsley

"Sentencing and Corrections in the 21st Century: Setting the Global Stage for the Future", paper by Doris L. MacKenzie, Director of the Evaluation Research Group and Professor, Department of Criminology and Criminal Justice at the University of Maryland, USA (presentation sponsored by NIJ)

"Strengthening the Legislative and Institutional Capacities of Lebanon's Juvenile Justice System", Jan van Dijk, Director of the United Nations Centre for International Crime Prevention - Office for Drug Control and Crime Prevention (CICP)

"The Creation of a Drug-free Area in Austrian Prisons", Mr. Alfred Steinacher, Prison Department, Ministry of Justice of Austria (presentation sponsored by ISISC)

"Imprisonment and Alternatives to Imprisonment: Organised Crime Effects in the Developing World", Jon Klaus, UNICRI Visiting Fellow

"Prison Management" Mr. Gary Hill, Chair of the ISPAC Functional Committee

5:00 p.m. Discussion

5:30 p.m. Concluding Remarks by the Rapporteur

World Prison Population: Facts, Trends and Solutions

Keynote Paper by Roy Walmsley

Introduction

On the occasion of its first session, the United Nations Commission on Crime Prevention and Criminal Justice mandated the Institutes comprising the Crime Prevention and Criminal Justice Programme Network* to provide technical assistance to Member States on issues relevant to the Programme (ECOSOC Resolution 1992/22). In recent years, the role of the Institutes and their contributions to the work of the Commission and the Centre for International Crime Prevention (CICP) in the implementation of the Programme have been repeatedly acknowledged.

In their effort to further contribute to the work of the Programme, the Network Institutes, at their Fifteenth Co-ordination Meeting, agreed to collaborate in the organisation of practical workshops and events in support of the work of the Commission. These activities, to be organised on an ongoing basis, would be in

fulfilment of the mandates given to the Institutes by the Commission to provide technical assistance to Member States on relevant issues of the Programme.

During this first collaborative event, being held on the occasion of this 10th Session of the Commission, it was agreed that these efforts would build upon the success of the ancillary meetings and workshops organised by the Institutes and held during the 10th and earlier United Nations Congresses on the Prevention of Crime and the Treatment of Offenders. Consideration was also given to the current Work Programme of the Commission, particularly the implementation of the Vienna Declaration adopted at the 10th Congress. Following extensive discussion and consultation amongst members of the Institutes, and having obtained the support of CICP, the issue of “prisons” was selected as the topic for this first event.

Prison overcrowding, and the resulting financial and human rights problems related to this phenomenon, remain one of the paramount concerns to Member States, as has been repeatedly expressed by developed and developing countries at Commission meetings and other international fora. Although it is not feasible to address all of these related issues within a one day workshop, it is a topic which includes a number of issues contained within the Vienna Declaration such as women, juveniles, victims of crime, witness protection, restorative justice, health implications, pre-trial detention and alternatives to incarceration. The

* During the preparation of this paper the Author consulted Brian Tkachuk, Director, Sentencing and Corrections Programme, the International Centre for Criminal Law Reform and Criminal Justice Policy, and Anna Alvazzi del Frate, United Nations Interregional Crime and Justice Research Institute.

* The United Nations Crime Prevention and Criminal Justice Programme Network consists of the Centre for International Crime Prevention and a number of interregional and regional institutes around the world, as well as specialized centres. The network was developed to assist the international community in strengthening international cooperation in the crucial area of crime prevention and criminal justice. Its components provide a variety of services, including exchange of information, research, training and public education.

sentencing and management of prisoners convicted of organised crime, as well as the corruption and bribery of prison officials, are among the issues requiring attention. The question of implementation and adherence to the relevant UN standards and norms, as well as other international statutes, must also be addressed.

The workshop will feature a presentation focusing on global prison populations and trends, based on the World Prison Population List and the World Prison Brief*. In depth analysis and interpretation of particular trends and issues relevant to world regions will follow. A roundtable format will then focus on practical discussion and exchange of ideas on these most challenging issues. The objective of the workshop is to examine the problems caused by escalating prison populations that cannot be addressed by correctional officials alone. This problem connects with all components of the criminal justice system and requires a concerted effort by political leaders and criminal justice officials at the national and international levels.

It is the intent of this paper to introduce the key aspects of the workshop and the issues that will be discussed.

World Prison Population - Overview

In order to fully understand the magnitude of the problem, it is important first of all to have an appreciation of the number of prisoners incarcerated world-wide.

* The World Population List was first published in 1999, the Second Edition appearing in 2000 - Roy Walmsley, Research Findings Nos 88 and 116. Home Office Research, Development and Statistics Directorate, London UK. The World Prison Brief is a development of the above and appears on-line (www.prisonstudies.org); it is produced at the International Centre for Prison Studies, King's College, London.

The second edition (2000) of the World Prison Population List shows that over 8 ½ million people are held in penal institutions throughout the world, either as pre-trial detainees (remand prisoners) or having been convicted and sentenced. Half of these are in the United States, Russia and China, and the first two countries also exhibit the highest prison population rates.

At the beginning of the year 2000, Russia had the highest prison population rate in the world, some 730 per 100,000 of the national population, followed by the USA (690). After these two countries come Belarus and Kazakhstan, and four small territories in the central America/Caribbean region whose high rates owe much to the imprisonment of drug smugglers who are not nationals of the countries in question - Belize, the Bahamas, the Cayman Islands and the US Virgin Islands. All these countries have rates of at least 460 per 100,000. It needs to be emphasised that their rates of between 460 and 730 per 100,000 are vastly greater than what is to be found in most parts of the world, since two thirds of countries have rates of 150 per 100,000 or below.

Another important aspect of the world prison population situation is the fact that prison population rates vary considerably between different regions of the world, and between different parts of the same continent. For example, in Africa the median rate for southern African countries is more than five times that in central and west Africa; in the Americas the median rate for the Caribbean countries is nearly three times the rate for South American countries; in Asia the median rate for the central Asian countries is about six times the rate for south-central Asia (mainly the Indian sub-continent). In Europe, the median rate for central and eastern Euro-

pean countries is more than three times that for southern European countries. The countries of Oceania (including Australia and New Zealand) have a median rate just below the world average.

The variations in prison population rates across the world deserve close study by criminologists in order to examine the reasons for such diversity, and by policy makers and other criminal justice experts who may wish to consider whether there is scope for reducing the size of the prison population in their country, given the huge costs and the disputed efficacy of imprisonment. The reasons for this diversity and the possibility of reducing the size of prison populations are addressed later in this paper.

Growth and Trends in Prison Populations

Prison populations have grown during the 1990s in many parts of the world. In western Europe, and also in central and eastern Europe, the growth has been over 20% almost everywhere and at least 40% in half the countries. Out of the 33 European countries (leaving aside the very small states) there has been growth in 28. In the six most populous countries in the Americas, the growth has been 12% only in Canada, but between 60 and 85% in the US, Mexico, Argentina, Brazil and Colombia. Elsewhere, the growth has been, for example, over 50% in Australia, 38% in New Zealand, 33% in South Africa and 10% in Japan. The general trend during the 90s, at least in many of the developed countries, has been for a rise in prison populations, often with a 40% growth over the decade.

Considering the current trend over the last three years, there has been growth in 24 of the European countries, and growth

of over 10% in more than half of these. In the Americas, there has been growth in the last three years in all six countries mentioned - over 50% in Colombia, 30% in Mexico, 26% in Brazil, 13% in the US, 9% in Argentina and 1% in Canada. There has also been continued growth in Australia and South Africa, New Zealand and Japan. There is no sign of the growth that has occurred during the 1990s slowing down or reversing itself. Only in two of the 43 countries observed - Sweden and Finland - has there been a consistent downward trend in the last three years. Finland is the only country that has had a downward trend throughout the decade.

Reasons for Prison Population Growth

It is well established that crime rates alone cannot explain the movements in prison populations. In many countries crime rates, including rates for the more serious crimes, have been stable or even decreasing while the prison populations have risen steadily. Part of this rise in the prison population is attributed by many experts to an increasing belief in a number of countries that prison is preferable to the alternatives.

As Kuhn (1997) pointed out, an increased fear of crime, a loss of confidence in the criminal justice system, disillusionment with positive treatment measures, the strength of retributionist philosophies of punishment, all lie behind this belief. Loss of confidence in the system may lead to more draconian legislation being passed, and harsher sentences may be used as emergency remedies to keep society integrated. Retributionist philosophies can readily be translated into popular demands for longer, tougher sentences.

Such factors do appear to have led to a change in attitudes in some parts of Europe and North America among key groups (policy-makers, members of the judiciary, prosecutors and the media) as well as the general public.

Attitudes can also be influenced in the short-term by isolated dramatic events such as the 1993 Bulger incident in England (the killing of a young child by two other children) and the 1996 Dutroux case in Belgium (involving kidnapping, paedophilia and murder). The United States has seen an increase in random shootings of young people by strangers. Such events can generate public demands for a more punitive response to certain crimes and offenders, demands which may be accepted by policy makers and courts alike. Even after the focus in the media has moved on to other matters, more punitive policy responses tend to remain in place.

Getting down to specifics, here are some examples of factors that seem to have recently affected the growth in the prison population in specific countries.

Consider Portugal, the country with the highest prison population rate in Western Europe. Portugal entered the 1990s with an average rate for Western Europe. The main reason for the growth is increased sentence lengths. Amnesties had short-term effects but made no lasting impact. In addition, a revision of the penal code led to more restrictive conditions in respect of the granting of parole.

Consider England and Wales where the prison population is now more than 50% higher than it was in the early 1990s, producing the second highest rate in Western Europe. In the opinion of many, the rise is attributable to public anxiety, aggravated

by media reaction to one particularly serious murder and to crime in general. The use of custodial sentences rose by 40%, sentence lengths rose by more than 10%, and now seven or eight years later the prison population remains at the level that it reached after this event (the Bulger case). Consider the Netherlands, which has long been renowned for its low prison population rate. In the 1990s, it has had the largest rise of any west European country, and its prison population has almost doubled. The increase is again attributable to a rise in the use of custody and in the length of the sentences imposed.

Consider the countries of central and eastern Europe. Throughout the region, there was a marked rise in criminality at least until 1992/3, as the barriers of the previous repressive regimes were removed, and this seems to have been reflected in increasing use of imprisonment. Why, then, the continued rise in the following four or five years when crime rates were generally fairly stable? The most commonly believed explanation is that although the overall crime rates were not rising, the public, the media and the politicians were all alarmed by the changes in the nature of crime, with the emergence of new and previously unheard of forms of criminality, such as transnational organised crime, economic crime and, in some countries, contract killings. This climate of fear in countries where the legal provisions had not yet caught up with these new forms of criminality, led to crime in general being more likely to result in pre-trial detention, subsequent imprisonment, longer terms of imprisonment and conditional release being more sparingly allowed.

Next, consider the United States. The state of prison growth in the US, accord-

ing to Tonry (1999), “arises partly from American moralism and partly from structural characteristics of American government that provide little insulation from emotions generated by moral panics and long-term cycles of tolerance and intolerance”. He argues that “America’s unprecedented and unmatched taste for imprisonment and harsh criminal justice policies” has little to do with the offenders and everything to do with the public. “The anomaly that public receptivity to proposals for harsh crime and drug policies remained high in the late 1990s even in the face of substantial and long-term drops in crime rates and in drug use” is explained by, first: “conservative politicians found it in their interest to keep voters’ attention focussed on an issue about which liberals are reluctant to disagree”; second: “the mass media has learned that crime pays in terms of public fascination with the darker sides of life and that fears vicariously enjoyed in front of the television or the movie screen are generalised to life outside the home”; and third, “in the 1990s people don’t really care about the effectiveness of crime and drug abuse policies” but instead support harsh policies for ‘expressive’ reasons, because at this time they “value the denunciatory qualities of harsh laws”.

In consideration of the above, it seems that the growth in prison populations in these European and North American countries is mainly policy-driven. In *specific* terms it is because of more use of prison, longer sentences and, in many European countries at least, because of more restricted use of parole or conditional release.

Why Do High Prison Populations Matter?

Often one will hear people say: why does it matter if you have large prison populations? The more criminals you lock up the less crime they can commit. But research has shown that to have a significant effect on crime levels you would have to lock up far more people and for longer periods - at great public expense - than even the countries who are most enthusiastic about imprisonment have been willing to do.

Again, what does it say about the nature of a country when it finds it necessary to lock up a high proportion of its people? Russia and the US are locking up more than 1 in 80 of their male citizens - and the proportion is of course much higher if you recalculate excluding boys too young to be imprisoned and older men, of whom very few are included in prison populations. What does this say about the crime prevention in these countries? Does social cohesion matter? Should the emphasis be more on promoting social integration and less on locking people up?

Whatever one might think about these broader issues, it is the practical considerations that are the most powerful in demonstrating that high prison populations really do matter. Above all, high prison populations and growth in prison populations invariably lead to overcrowding. The better off countries manage to build more prisons as the numbers rise, but overcrowding still persists. Overcrowded prisons are a breach of United Nations and other international standards which require that all prisoners shall be treated with the respect due to their inherent dignity and value as human beings including being accorded a reasonable amount of space.

High prison populations and growth in numbers do not only bring overcrowding. They usually bring with them a host of other major problems - not only restricted living space, but also poorer conditions of hygiene and poorer sanitation arrangements and less time for outdoor exercise. In many countries, there is insufficient bedding and clothing for prisoners when there is significant prison population growth, and the food is less satisfactory in terms of quality and quantity. Health care is more difficult to administer effectively. There is more tension, more violence between prisoners, more violence against staff. Risks of self-injury and suicide increase.

When there is growth in prison numbers the staff-prisoner ratio invariably falls. Reduced staff-prisoner ratios are likely to mean less effective supervision by staff and less time for them to organise activities to ensure that there is a positive regime which maximises the chances of successful reintegration into the community. In particular, treatment programmes, including pre-release courses, are likely to be negatively affected. Furthermore, there are likely to be harmful effects on staff in terms of increased stress and sickness levels. There are also likely to be harmful effects on families and friends outside the prisons, because they rapidly become aware of the increased levels of tension and stress affecting prisoners and staff.

It has been said that prisons are "universities of crime" and imprisonment is "an expensive way of making bad people worse". It is clear that imprisonment in conditions of growth in numbers and overcrowding is even more damaging.

Reducing High Prison Populations: The Measures Necessary

So what needs to be done to reduce high prison populations and to combat the growth? Indeed, if it is accepted that imprisonment should be used as sparingly as possible, then prison population totals that are not necessarily among the very highest may also need to be reduced. Even when the overall prison population in a country is not particularly high, there will often be overcrowding, at least in some of the pre-trial prisons.

First of all, less use can be made of pre-trial (or remand) imprisonment. In many countries, suspects are detained in prison almost automatically once they are arrested. Others know that pre-trial imprisonment is often unnecessary. Legislation needs to be in place to ensure that there are appropriate restrictions on the circumstances in which pre-trial imprisonment can be used, so that it is limited to cases where offences are particularly serious or where for some other reason it is clearly not in the public interest to allow the suspect to remain in the community.

Second, when a person is held in pre-trial imprisonment the period should be as short as possible. In many countries, the investigation procedures are long and even when a decision has been taken to prosecute there are delays in arranging the court hearing because of a backlog of cases. Legislation can be introduced to shorten investigation procedures and can also be used to tackle the factors that create the backlog of cases.

Next, it is important to increase the availability of alternatives to prison sentences. The existence of alternatives certainly does not guarantee that prison populations will not be high, but in many coun-

tries there are limited options for courts, just fines, imprisonment and sometimes suspended imprisonment. Probation and community service have been introduced in a number of countries and are planned for more. Community service is showing signs of reducing prison population totals, for example in sub-Saharan Africa. Then there is the question of ensuring that there are actual reductions in the *use* of prison sentences for convicted offenders. In many countries, large numbers of people are held in prison although they are not regarded by anyone either as a danger to society, or as having committed so serious a crime that only imprisonment could reflect its gravity. In other countries, such people are not imprisoned and prison population levels are lower. A wider application of the Tokyo rules on alternatives to imprisonment is recommended.*

Next, where prison sentences are unavoidable, they can be made as short as possible. Again, there are vast disparities between the length of sentence that offenders are likely to get for a particular crime in one country and the length they would get in another. Although such disparities can be explained by differences in legislation and public opinion, it does not mean that longer sentences provide for more security of citizens.

Again, high prison populations can be reduced by increasing the use of early release procedures - parole and conditional release. Contrary to this, many countries have become more restrictive in granting early release. But there are a number of advantages, from the point of

view of the public - from the point of view of the potential victims - of increasing the use of parole. The most obvious must be the assistance that parole can give to the reintegration of the offender into the community.

If the above measures are ineffective in bringing prison populations down, or cannot be applied (because they have not been legislated for or because they would not be acceptable in a particular country), then consideration can be given to the use of amnesties for less serious offenders who are approaching the end of their sentences. Amnesties are essentially a measure of short-term value, but if high prison population levels and overcrowding cannot be effectively combated in any other way, amnesties can play a useful role.

Finally, one must consider a measure which can be an alternative not only to the use of imprisonment but to the use of the criminal justice system itself. Restorative justice is recognised increasingly as the way forward in a number of circumstances, not all of them involving minor offences. Although there is no concrete evidence that restorative justice has led to the reduction of prison populations it is believed that it will play an increasing role in doing so, as it is used more and more *instead* of criminal justice procedures, instead of *imprisonment*, and *during* imprisonment as a measure which is likely to create the conditions in which earlier release becomes possible.

Reducing High Prison Populations: Getting the Measures Accepted

It is one thing to identify the measures that need to be taken to reduce high prison populations and to combat the growth in numbers, it is another to persuade those concerned actually to take

* United Nations Standard Minimum Rules for Non-Custodial Measures (The Tokyo Rules), adopted by the Eighth UN Congress on the Prevention of Crime and the Treatment of Offenders, Havana, Cuba, 1990 (A.Conf.144.28/Rev.1).

them. Merely changing laws and creating possibilities of new non-custodial sanctions is obviously not enough.

To get these measures accepted it is necessary to convince all the key players in the criminal justice world. The policy makers (including government ministers) and legislators must be convinced; so must the judiciary and also the police and prosecutors. And it is vitally important to convince the media and the general public.

Policy makers and legislators must be helped to understand what imprisonment can achieve, what its limits are and what its dangers are. They must also fully understand the financial costs entailed by a high level of imprisonment. If they are not impressed by the arguments for greater humanity and social reintegration they will sometimes be impressed by the expense of imprisoning so many people.

The judiciary obviously have a key role to play. They too must become fully aware of what imprisonment can and cannot achieve, and of the harm it can do. All judges ought to be familiar with prison conditions and well informed about the opinions of prison experts, especially including those who work in prisons and with prisoners. They should also receive information concerning the impact of their sentences on prison population levels, and where possible, on the future criminal careers of those they sentence. Furthermore, they should be informed about sentencing disparities although they may regard disparities between their own practice and that of others merely as a result of the difference in individual cases. Some judges are well known to be resistant to anything which they see as a restriction on their discretion and indeed there is a possibility of information on

disparities leading as much to a levelling up of lower sentencing levels as to a levelling down of higher levels. But the broader the picture they receive of practice in other jurisdictions for example, and the better they are able to accept it through improved judicial training, the less of a risk this may be. But clearly, any policy of reducing the use of imprisonment and the length of sentences must win the hearts and minds of the judges.

The police and prosecuting authorities often exercise a major filtering influence in the criminal justice system, and not just in respect of offenders whose crimes are so minor that they would be unlikely to receive sentences of imprisonment. Indeed, in some countries prosecutors have a significant role in determining the sentences imposed. Efforts to provide criminal justice officials with balanced information about imprisonment should certainly extend to the police and prosecuting authorities.

However, it is not just the criminal justice professionals that need to be won over. The media and the general public play a crucial role in many developed countries. The media are the source of much information, both true and false. It has been argued (by Mathiesen, 1997) that, intentionally or not, the media exert pressure on policy-makers to make decisions based less on principles than on what will be readily acceptable to the prejudices of the average voter, who is not well-informed in such matters. Mathiesen suggests that this weakens the importance of national debate on fundamental issues of criminal policy. The media image is thus selective, simplified and skewed, and drives discussion down to the level of the sound-bite. If this analysis is accepted, it may well be that the public's fear of crime and hostility towards offenders in general needs to be counter-

acted by providing more accurate descriptions of offenders and the circumstances from which they commit their offences and by providing information on the functions of punishment, on the relative effectiveness of custodial and non-custodial measures and on the reality of prisons. The public is not generally aware of the problems faced in prisons, nor of the dangers of the uncontrolled use of imprisonment, nor of its human and financial costs. Representatives of the media who are receptive to these issues can be drawn into a debate on how criminal justice should be reported. The basic requirement is for more responsible media coverage. Media watchdogs could be required to ensure that coverage of sensational and rare offences and incidents is balanced; at the very least such coverage should point out how rare such incidents are.

The International Crime Victim Survey (ICVS, see van Kesteren et al., 2000) includes a question on public attitudes to punishment, asking the respondents what sentence they considered most appropriate for a recidivist burglar - a man aged 21 who is found guilty of burglary for the second time, having stolen a colour television. A community service order was seen as the most appropriate sentence in the 16 industrialised countries providing results in the 2000 ICVS: 41% of respondents recommended it. Imprisonment was recommended by 34% of respondents and was the first choice in eight countries. Support was highest in the USA, where 56% opted for it. In the UK and Japan too over 50% favoured imprisonment.

How successful can anyone hope to be in significantly influencing policy-makers, judges, the media and the public in this way? Maybe we can't expect many dra-

matic turnarounds, but every little helps and dramatic turnarounds are certainly not impossible. The example of Finland is instructive. Finland is the country which has had a steady downward trend in its prison population during the 1990s. This trend started in the 1970s, since when the numbers have been halved. Törnudd (1997) argues that specific law reforms, expressly designed to reduce the prison population were introduced (for example redefining laws and penalties concerning theft and increasing the use of suspended sentences and parole). But he stresses that the decisive factor was not the reforms themselves but the readiness of civil servants, the judiciary and the prison authorities to use all available means to bring down the number of prisoners. They had noticed that their Scandinavian neighbours had much lower numbers in prison and that their own figure was a legacy of Soviet influence on the country. This led a group of key individuals to define Finland's prison population rate as a problem and hence to produce a number of measures, not only law reforms and alterations to sentencing practice, but also low-level day to day decisions, which all contributed to the desired result. According to the ICVS findings, public support for a community service order in Finland increased markedly after 1989, when this sanction was introduced in Finland, suggesting that formal sentencing change can increase support for alternatives to imprisonment. So it can be done, if the determination can be created in the right quarters.

To do this there is a requirement for criminal justice experts to:

- ensure that the key people are well-informed;

- provide information to, and stimulate discussion among, opinion formers, the media and the general public;
- challenge media misrepresentations;
- draw attention to how similar countries or jurisdictions cope differently;
- bring the key people together to promote policy discussions, leading to decisions as to the direction in which policy ought to move.

If steps are not taken to reduce high prison population rates and stem the growth, then the current 8 ½ million in prison will soon become 10 million or more and we will be creating a world where a significant minority are locked away, at a great cost in human as well as financial resources, despite the fact that there is only a need to incarcerate, either to register our abhorrence at what has been committed or to protect ourselves from further serious crime, a far smaller number.

What this paper has not covered is the possibility of tackling the social causes of crime by supporting families, by early identification of vulnerable children, by promoting social cohesion and by making more citizens feel that they have a stake in the welfare of their community. The conclusions of this paper are as follows:

- prison populations in some countries are very high and in many countries they are growing;
- there are vast disparities between countries, including neighbouring countries;
- the growth is mainly policy-driven and attributable to more use of imprisonment, longer sentences and less use of parole and conditional release;
- high prison populations and growth in numbers are harmful to prisoners and to staff; they lead to breaches of recognised international standards and they decrease the chances of prisoners, when released, being satisfactorily re-integrated into the community;
- a number of workable measures needed to tackle these problems are indicated;
- the main challenge is to set about convincing the key people to apply them.

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United Nations Crime Prevention and Criminal Justice Programme Network

The United Nations Crime Prevention and Criminal Justice Programme Network consists of the United Nations Centre for International Crime Prevention and a number of interregional and regional institutes around the world, as well as specialised centres. It has been developed to assist the international community in strengthening international co-operation in the crucial area of crime prevention and criminal justice. Its components provide a variety of services, including exchange of information, research, training and public education.

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