



PENAL REFORM INTERNATIONAL

Annual Report 2006



Penal Reform International

Penal Reform International is a non-governmental organisation established in 1989 and registered in The Netherlands. Its head office is based in London, UK. Individuals or non-governmental organisations are eligible to apply for membership.

In 2006, PRI's Board had 16 members from 15 countries. PRI has consultative status with the United Nations and the Council of Europe, and observer status with the African Commission on Human and Peoples' Rights.

Executive Director: **Paul English**

PRI registration number
(The Netherlands): **40025979**

Website: **www.penalreform.org**

Acknowledgements

PRI would like to thank the following for their support in 2006:

Belgian Ministry of Foreign Affairs	Swedish International Development Agency
Butler Family Trust	Tide Foundation
Catholic Organisation for Relief and Development, The Netherlands	UNICEF
Comité Catholique contre la Faim et pour le Développement, France	United Nations Office for Drugs and Crime
Department for International Development, UK	United Nations Development Fund
Development Cooperation Ireland	VEBO
European Union	
Food and Agriculture Organisation of the United Nations	
Ford Foundation	
Foreign and Commonwealth Office, UK	
Harold Simmons Foundation	
Interchurch Organisation for Development and Cooperation, The Netherlands	
Ministère des Affaires Etrangères, France	
Netherlands Ministry of Foreign Affairs	
NORLAG	
Open Society Institute	
RCT/Empathy	
Romanian Ministry of Finance	

PRI Mandate	page 3
PRI Methods of Work	page 3
Foreword	page 3
Overview and highlights	page 4
Regional Approach	
Central Asia	page 6
Central, East and Southern Africa	page 8
Eastern Europe	page 10
Great Lakes	page 12
Middle East and North Africa	page 14
North America	page 16
Russia, Belarus and Ukraine	page 18
South Caucasus	page 20
West Africa	page 23
PRI Structure	page 25
Finance	page 26



Foreword

The foreword to the 2005 Annual Report emphasised the increased difficulties in carrying out penal reform. This has resulted from a changed political environment in which increasingly aggressive and destabilising forces are compelling governments to prioritise security and law, sometimes to the exclusion of fundamental human needs and rights. PRI therefore continues to work in a difficult environment, where an emphasis on the rights of prisoners and detainees, and on improving conditions of detention – aims that seemed self-evident ten years ago – now need constant justification. Concepts and beliefs that once had credibility when PRI was developing its mandate no longer sit comfortably with the more punitive policies of criminal justice systems around the world. The most prevalent of these beliefs was that prisons damage people and that alternatives needed to be vigorously explored.

While 2005 could be described as a 'year of introspection', 2006 was by contrast a 'year of action', setting a pace that brought cogency into an organisation that was on the verge of pushing the panic button. Reasons for the closure of several offices two years previously began to make more sense as progress towards a more substantive, far-reaching and in-depth approach towards reform in criminal justice systems was advocated through newer forms and tools of engagement. While direct programmes and projects in prison and criminal justice systems continued in regions like Central Asia, Eastern Europe, and Central, Eastern and Southern Africa, the thrust of PRI's work began to take other forms. In accordance with the enhanced advocacy role envisaged for the organisation in 2005, initiatives were developed to influence international bodies and governments, thereby putting the necessary reforms on a wider and more permanent footing.

During 2006 the strategic changes that sought to enable PRI to fulfil its mandate within the new and challenging global environment were implemented in a number of ways. Fifteen years of hands-on regional work in different parts of the world, with the cooperation and assistance of regional partners, has produced a wealth of knowledge, experience and skills across the organisation. This is now being systematically collated, organised and developed to provide a reservoir of information from which to inform the future work of PRI. The most significant part of this process has been progress towards the production of thematic, issue-based resources. The



development of an informative and comprehensive website aims to ensure greater visibility of PRI's work – to policy makers, institutional practitioners and penal reformers throughout the world.

The expansion of PRI's Board to include new members from Canada, Chile, Mozambique, Nigeria, and Hong Kong – in addition to existing members from Europe, the United States, Northern and Eastern Africa, and South Asia – has given fresh impetus to PRI as an organisation, both in extending its reach to new areas as well as receiving valuable contributions on innovative ways to approach the issue of penal reform.

As the details set out in this report will show, PRI's work in regions and at the international level is both developed and defined by the cooperation and support it has received from several sources at every juncture. Like-minded organisations, generous funding agencies, civil society groups, enlightened government bodies, and individuals have all contributed towards helping PRI ensure and keep alive those concerns and sensitivities relating to penal justice that entitle a society to be called civilised.

Rani Dhavan Shankardass Chairperson

Overview and highlights ● ● ● ● ● ●

2006 was a year in which the external climate for penal reform continued to be challenging, with many countries focusing on security issues. The use of imprisonment as a sanction for criminal behaviour continued to rise. One consequence of this has been an increase in prison overcrowding – where a country's prison population is greater than the official capacity of its penal institutions. This was not only the case in developing countries, but also in the UK, where 17,000 prisoners were forced to double up in cells designed for one person. Overcrowding strains the resources of the prison system to provide adequate services (including health and medical services) for prisoners, and restricts opportunities for educational and vocational training to assist the reintegration of offenders back into society. It impacts on prisoners' mental and physical health, and chronic overcrowding is a major contributing factor to deaths in custody. It also affects prisoners' families as prisoners may be sent far from their homes, making contact with their families problematic and exacerbating feelings of loneliness and depression.

PRI does not accept that the solution to prison overcrowding is to increase prison capacity. Building new facilities does not address the cause of prison overcrowding and may divert resources away from initiatives to deal with the underlying social problems relating to crime, such as mental health or drug addiction.

Prison conditions, overcrowding and health in prisons are just some of the themes of PRI's work. In 2006, we continued to develop our work along more thematic lines, and many of our regional programmes reflect this intention to work in a more integrated and developmental way. The overarching objective for PRI is to discourage the overuse of imprisonment as a criminal sanction. Within this remit, other themes address differing aspects of the penal and criminal justice systems and seek to diminish the damaging impact they have on individual lives. The implementation of internationally recognised human rights standards is key to our work. Themes for current work include:

- alternatives to prison;
- juvenile justice;
- women in prison;
- health in prisons;
- prison overcrowding;
- independent prison monitoring;
- pre-trial detention;

- abolition of the death penalty.

PRI planned (and sought funding for) a multi-regional project to promote abolition of the death penalty, and at the same time highlight the destructive impact of life without the possibility of release. PRI recognises that simply replacing the death penalty with the inevitability of death in prison, with no hope of release or rehabilitation, is not a constructive alternative. Life-sentenced prisoners should be entitled to the same rights as other prisoners, and these should comply with UN human rights standards, including the *Standard Minimum Rules for the Treatment of Prisoners*.

PRI worked throughout the year to consolidate this previously agreed change of direction. We also increased our core staff, to enable us to be more effective and efficient in underpinning our regional and policy work, as well as improving central functions, such as fundraising, finance and publications and research.

International standards

PRI welcomed the entry into force of the *Optional Protocol to the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment* in June. This standard establishes a system of domestic and international visits to any place of detention or imprisonment and will be key to preventing ill-treatment. In December, the UN General Assembly adopted two new treaties, both of which have tremendous potential to protect the rights of some of the most vulnerable prisoners– the *Convention on the Rights of Persons with Disabilities* and the *International Convention for the Protection of All Persons from Enforced Disappearance*.

Policy and Advocacy

A successful recruitment for the new post of Policy Director was achieved, and an advocacy strategy to increase PRI's influence on international bodies and governments further developed. PRI's policy and advocacy work during the year included attending the UN Commission on Crime Prevention and Criminal Justice in Vienna, using the opportunity to promote awareness of and recognition for the *Lilongwe Declaration on accessing legal aid in the criminal justice system in Africa*. Two oral statements were made and a very successful side meeting on Malawi's Paralegal Advisory Service was

held. In November, PRI was delighted with the adoption of the *Lilongwe Declaration on accessing legal aid in the criminal justice system in Africa* at the 40th session of the African Commission on Human and Peoples' Rights.

PRI continued to focus throughout the year on building its relationships with the United Nations Office on Drugs and Crime (UNODC) and the International Committee of the Red Cross (ICRC), and was represented on the UNODC expert panel to develop a series of 'tools' for criminal justice impact assessment.

PRI attended the European Forum for Prison Conditions, organised by Genepi (a French students' organisation that provides teaching and rehabilitative activities for prisoners) to mark its 30th anniversary. Conference discussions focused on reviewing the revised European Prison Rules and PRI gave a presentation on its experience of prison monitoring.

PRI participated in a number of other international events throughout the year. In July, the Executive Director attended the National Union of Jurists of Cuba summer conference, and addressed the UK government's round-table discussion on approaches to human rights. Both sessions of the African Commission on Human and Peoples' Rights were attended by PRI delegations, and PRI was the sole international NGO representative at the conference of the Heads of Correctional Services for Central, Eastern and Southern Africa, presenting a paper on *Forging partnership to achieve penal reform in Africa*. PRI also attended a subsequent regional conference on Justice Sector Reform in sub-Saharan Africa during which the PRI film *Path to Justice* was shown.

At the Organization for Security and Co-operation in Europe (OSCE) meeting in Warsaw, PRI co-presented a side event with the Association for the Prevention of Torture (APT): *Putting Theory into practice: lessons from the first states to ratify the Optional Protocol to the UN Convention against Torture*. This event was co-sponsored by the Foreign Ministries of Denmark, Switzerland and the UK.

In December, PRI held a round-table meeting on *Global Challenges in Criminal Justice and Prison Reform* with some of its donors and other organisations active in penal reform.

Publications

PRI also had a busy publications programme throughout the year, assisting the Commonwealth Secretariat in London with developing a human rights training manual for prison staff in the Commonwealth. An intern



©PRI, 2006

UNODC / PRI training session on paralegal aid in post-conflict environments

programme, funded by the Open Society Institute (OSI), enabled PRI to undertake a research review, and improve the production of core publications. Work began on the development of a prisoner file management handbook for the UN Office on Drugs and Crime. This tool, intended as a resource for prison administrations, will highlight best practice and offer practical recommendations to improve file management systems, with detailed reference to international standards. PRI also planned the production of a *Compendium of Prison Legislation*, aimed at draftsmen and policy makers, to enable them to compile their own legislation. Again, this refers to the international legal framework governing prisons and places of detention. PRI's quarterly newsletter was re-launched in April, in English and French, and is now distributed to all key partners and stakeholders.

Developing PRI's English language website was a key objective for 2006 and included a complete redesign to update and expand relevant information in an easily accessible format. We will be looking for ways to develop a multi-lingual website in 2007.

Regional approach

Central Asia



In Kazakhstan, the ratification of the *International Covenant on Civil and Political Rights* and the *International Covenant on Economic, Social and Cultural Rights* in late 2005 resulted in a serious overhaul of criminal justice legislation. The creation of the State Commission on Democratisation in March 2006 under the leadership of President Nazarbayev, was tasked among other things with improving the judiciary and law enforcement bodies, as well as supporting the development of civil society.

The prison population in Kazakhstan continues to fall as alternatives to imprisonment are introduced. Improvements are also being made to conditions of detention, although tuberculosis (TB) and HIV infection rates remain an ongoing concern.

Following the Tulip Revolution in late 2005, instability, corruption and a weakening economy have characterised the political landscape in Kyrgyzstan. A new constitution, which was adopted in November 2006, has led to increasing conflict between the government and opposition. The moratorium on the death penalty was extended in late 2005 by President Bakiev, causing ongoing uncertainty about progress towards abolition. Although the prison population has decreased, prison conditions remain poor, particularly for those living on death row following the moratorium.

Although Tajikistan has progressed steadily towards political stability in recent years, the independence of the media and the judiciary, as well as widespread corruption within the civil service remain persistent problems. A moratorium on the death penalty was adopted in 2004 and legislation providing for alternatives was adopted in 2005. However, prison conditions need substantial improvements and access by external bodies is restricted.

PRI activities in the region

PRI's work in the Central Asia region focuses on promoting alternatives to imprisonment, improving prison management practice and encouraging the ratification of the *Optional Protocol of the Convention against Torture* (OPCAT). PRI is also working to build the capacity of local NGOs, facilitate the creation of networks and alliances

with penal reformers in the region and support the development and promotion of good practice.

Promoting alternatives to imprisonment

In Tajikistan, PRI undertook research with partner organisations on the implementation of criminal legislation in the country. The purpose of the research was to identify the barriers to reducing the prison population. The research report, *Improving criminal legislation on the application of alternatives to imprisonment in the Republic of Tajikistan 2005-2006*, contained several recommendations aimed at increasing the number of offences carrying alternative sanctions to imprisonment, including fines, community service and limitations of freedom. The report was presented to the government in February for consideration and further promotion. PRI also supported the creation of a national advisory council on alternatives to imprisonment and worked with partner organisations to produce a concept paper on the development of a probation service in Tajikistan.

Recognising the important role of raising public awareness of the negative impact of imprisonment, PRI worked closely with the media in Kazakhstan, Kyrgyzstan and Tajikistan in order to shape positive public opinion in favour of alternative sanctions. More than 150 news articles and features appeared in regional, republican and local media during the course of the year.

Promoting ratification and implementation of OPCAT

To make prison systems in the region more open and transparent, and to prevent the practice of torture and other cruel, human or degrading treatment or punishment, PRI worked to promote the ratification of OPCAT and encourage the greater involvement of civil society in penal reform.

In Kazakhstan, PRI produced recommendations and anti-torture materials which were presented to the Criminal Board of the Supreme Court in preparation for a Supreme Court resolution on combating torture in places of detention. PRI contributed to the *National Human Rights Report for 2006* and the *National Human Rights Action Plan 2007-2010*, focusing on the development of public monitoring in places of detention as a mechanism for the prevention of torture. PRI also ran a small grants programme for NGOs to support their involvement in making prisons more open and transparent.

Throughout the year, PRI continued its support of the national network of Public Monitoring Commissions (PMCs) in Kazakhstan. PRI assisted in the drafting of legislative amendments to extend public monitoring to police cells. It also produced a short public information film on anti-torture issues in both Russian and Kazakh which was launched in June and aired on republican and local TV channels.

Supporting abolition of the death penalty

PRI continued to produce and disseminate materials throughout the region promoting the abolition of the death penalty and the humane management of life-sentenced prisoners.

In March, PRI organised a study visit for representatives of the Ministry of Justice in Kyrgyzstan to observe measures undertaken in neighbouring Kazakhstan following the moratorium on the death penalty. The delegation met with prison authorities, visited a pre-trial detention centre and a high security colony for life- and long-term sentenced prisoners, where they had the opportunity to see at first hand the implementation of alternative sanctions to the death penalty. As a result, the delegation produced recommendations on the introduction of a fixed term of life imprisonment as an alternative to the death penalty in Kyrgyzstan. An alternative draft law is now being prepared.

In Kyrgyzstan, PRI helped to monitor prison conditions of death-sentenced prisoners with local partners. The resulting report, *Voices from the Hellhole*, described conditions in which prisoners on death row are subject to mandatory handcuffing when removed from their cells and other discriminatory measures such as receiving smaller food rations than other prisoners and being forbidden to receive food parcels from relatives. Death row inmates

were found to be kept in underground cells where sanitary facilities and access to water were highly unsatisfactory. The report made specific recommendations to the government to make legislative amendments to address these problems. These were widely discussed at a subsequent round-table meeting in Bishkek in October, which was attended by all relevant state bodies, the international community, local NGOs and media organisations. The report was later submitted to the parliament and presidential administration for consideration ahead of the new laws on the abolition of the death penalty.

Improving prison management

PRI's activities in relation to prison management practice have focused on supporting the development of an integrated approach to prison health reform. In partnership with the Royal Netherlands Tuberculosis Foundation (KNCV), PRI published a manual entitled, *Human Rights and Health in Prisons: a review of strategy and practice*, which outlines programmes aimed at improving the management of HIV and tuberculosis in prisons. It was published in July and launched at an international conference on human rights and health in prisons, held in Almaty, Kazakhstan.

In Kyrgyzstan, PRI worked with the Ministry of Justice to develop a national programme of prison service reform. The programme was submitted to the government in January and was adopted in March.

In Tajikistan, PRI supported the creation of a human rights resource centre for prison staff. The resource centre was provided with modern equipment and relevant legal literature and is used for conducting different events organised by the prison system and also by local NGOs – partners of the Tajik prison system. PRI continues to provide the centre with information materials.

PARTNERS

AIDS Foundation East-West (AFEW)
General Prosecutor's Office, Kyrgyz Republic
General Prosecutor's Office, Kazakhstan
General Prosecutor's Office, Tajikistan
Majlisi Oly of the Republic of Tajikistan (Tajik Parliament)
Ministry of Interior, Kazakhstan
Ministry of Justice, Kyrgyz Republic
Ministry of Justice, Tajikistan
Embassy of the Royal Netherlands in Kazakhstan
Embassy of the United Kingdom in Kazakhstan
European Commission
Freedom House Kazakhstan
Justice Council under the President

OSCE Centre in Almaty
OSCE Centre in Bishkek
OSCE Centre in Dushanbe
Office for Democratic Institutions and Human Rights, Warsaw
Parliament of Kazakhstan
Parliament of Kyrgyz Republic
Presidential administration of Kazakhstan
Presidential administration of Kyrgyz Republic
Royal Netherlands Tuberculosis Association (KNCV)
Supreme Court of Kazakhstan
Supreme Court of the Republic of Tajikistan
Soros-Kyrgyzstan Foundation
Swiss Cooperation Office, Tajikistan
Training Centre for Judges under Justice Council under the President

DONORS

Foreign and Commonwealth Office (FCO), UK
Interchurch Organisation for Development Cooperation (ICCO), the Netherlands
Netherlands Embassy in Almaty

Central, East and Southern Africa



Prison overcrowding remains a considerable problem in the region. In Kenya, the prison population exceeds official capacity by 230 per cent; in Zambia the figure stands at 160 per cent; and in Uganda and Tanzania the figure is 100 per cent above the capacity. These are all among the top ten African countries with the worst levels of prison overcrowding.

As a result, prison conditions remain appalling and congestion limits the impact of reform initiatives. In some cases, overcrowding and lack of resources have led to crisis situations resulting in high prisoner mortality rates. In Malawi, 321 prisoners died in 2006, representing an average death rate of over 25 deaths per 10,000 prisoners per month.

Delays in the criminal justice system mean that cases can drag on for months and even years. The remand population in Malawi is low, remaining steady at under 25 per cent thanks, among other things, to the permanent review of cases and the legal assistance provided by the Paralegal Advisory Service (PAS). In Kenya and Tanzania, the remand population is substantially higher at 40 per cent. Although the remand population in Uganda fell by five per cent during 2006, thanks to the work of PAS-Uganda, it still remains high at 58 per cent.

PRI activities in the region

PRI's work in the region concentrates on promoting and implementing legal aid and alternatives to imprisonment – particularly community service – as well as working to improve conditions of detention and prison management.

Promoting legal aid in the criminal justice system

PRI continued to lead on the Paralegal Advisory Service programme, which deploys trained paralegals in prisons, police and courts in Malawi. The PAS has developed links with community-based animators to facilitate the tracing of sureties and parents/guardians, as well as refer juvenile cases back to local communities for alternative dispute mechanisms. New developments in 2006 included the launch of a 24-hour paralegal duty roster in police stations. This now means that juveniles can receive assistance from the point of arrest and police custody. With support from the United Nations Children's Fund (UNICEF), the

community-referral scheme piloted at the end of 2005 was rolled out by the end of the year to all four regions in Malawi, supported by the production of a Chichewa version of the PRI film on the PAS, *Path to Justice*.

Having overseen the implementation and running of PAS since its inception in 2000, PRI began preparations in 2006 to exit from direct involvement. To support this process, PRI invited a leading expert on legal aid reform from the University of Kwa-Zulu Natal, South Africa, to assess the legal aid systems in place and advise on options for establishing the PAS as an independent entity. PRI also started working closely with the Ministry of Justice to design a national legal aid plan.

In April and May, PRI organised and hosted the first regional meeting of the national PAS coordinators which took place in Nairobi, Kenya. Participants came from Kenya, Uganda, Tanzania and Malawi. PRI has since followed up with PAS Uganda to see how paralegals from PAS Malawi can assist with extending the programme to police stations and courts.

In 2006, PRI-PAS continued participating in research coordinated by the Open Society Justice Initiative on Pre-Trial Detention Reform covering various countries including Malawi. The PRI-PAS contribution focused on the role of paralegal aid in reducing pre-trial detention.

In Kenya, PRI continued to work with the Legal Resources Foundation (LRF), with support from the French Ministry of Foreign Affairs, to extend the provision of paralegal services of the Kenya Prisons Paralegal Project (KPPP) to five out of eight provinces in Kenya. The service now covers 22 penal institutions across the five regions which have the highest remand populations in the country. Between July and December the service ran over 800 paralegal clinics, which reached out to more than 30,000 remand prisoners. Project activities have helped result in the acquittal of 906 remand prisoners during this time. A further 227 prisoners were given free bonds and 917 prisoners had their bonds or bail terms reduced.

In Zambia, PRI was invited by the Commissioner of Prisons to explore a pilot paralegal scheme in the country. In November, PRI visited Zambia to hold discussions with the Zambian Prison Service and the Legal Resources Foundation on the development of such services. Meetings were also held with senior representatives from the Ministry of Justice, the Zambian Prisons Service, the Zambian Human Rights Commission, the Judiciary and the Magistracy, civil society partners and development partners.

In Liberia, PRI worked with United Nations Office for Drugs and Crime, the United Nations Mission in Liberia

(UNMIL), the Government of Liberia and civil society organisations on the potential development of paralegal services. In November, with the support of UNODC, PRI organised a regional paralegal training course in Malawi on post-conflict environments. The course was aimed at equipping paralegals from Malawi, Uganda and Kenya with the knowledge and skills to be deployed to Liberia and other states emerging from conflict to act as mentors for future paralegals there. Discussions also began with the United Nations Mission in Sudan (UNMIS) and PRI's partner the People's Legal Aid Centre (PLACE) on the development of a paralegal pilot in Sudan.

To support the promotion of paralegal aid, the *Paralegal Aid Clinic Manual* was revised and updated, with a second edition planned for publication in 2007. The report of the 2004 Lilongwe conference on legal aid, *Access to Justice in Africa and Beyond: Making the Rule of Law a Reality*, was edited and designed during the year and planned for publication jointly by PRI, the Bluhm Legal Clinic of Northwestern University (Chicago) and the US organisation NITA (National Institute for Trial Advocacy) in 2007.

The *Lilongwe Declaration on Accessing Legal Aid in the Criminal Justice System in Africa* was promoted at the Vienna Commission on Crime and Justice in May and at the 39th and 40th Ordinary Sessions of the African Commission on Human and Peoples' Rights (ACHPR) in Banjul in April and November. The Declaration was formally adopted by the ACHPR on 29 November 2006.

Implementing alternatives to custody

With support from the French Ministry of Foreign Affairs, PRI continued to help the Kenya National Committee on Community Service Orders (NCCSOK). Training sessions were delivered to magistrates, community leaders,



©PRI, 2006

PRI / PLACE delegation with the Sudanese Prison Service

community service officers and other stakeholders throughout the year on the principles and structure of the community service order programme in Kenya. More than 40 training courses were delivered to over 800 participants. The prison decongestion programme, which was established in 2005, continued its work to substitute prison terms with community service orders where appropriate. The Chair of the Community Service committee has now delegated authority to local judges to visit prisons and conduct such exercises. This is now a continuing practice and it has received support from magistrates.

Improving prison conditions and prison management

Following the termination of the Prison Farms Development Phase 2 programme in 2005, and given that prisons were faced with a rations crisis, PRI strived to maintain support to the Prison Farms Section in Malawi to enable the consolidation of the programme and the

PARTNERS

Bluhm Legal Clinic, Northwestern University
Chicago
Centre for Legal Assistance (CELA), Malawi
Centre for Human Rights Education, Advice
and Assistance (CHREAA), Malawi
Creative Eyes, Tanzania
Envirocare, Tanzania
Foundation for Human Rights Initiative
(FHRI), Uganda
Kenya National Community Service Orders
Committee
Kenya Prisons Service
Legal Aid Project – Uganda Law Society
Legal Resources Foundation (LRF), Kenya
Legal Resources Foundation (LRF), Zambia

Malawi Centre for Advice, Research, and
Education on Rights (CARER)
Malawi Prisons Service
Ministry of Justice Malawi
Ministry of Home Affairs and Internal
Security, Malawi
Nanzikambe, Malawi
Open Society Justice Initiative
Peoples' Legal Aid Centre, Sudan
Uganda Prisons Service
United Nations Development Programme
Malawi
United Nations Mission in Liberia
United Nations Mission in Sudan
United Nations Office on Drugs and Crime
Youth Watch Society, Malawi
Zambia Prisons Service (ZPS)

DONORS

Alan and Nesta Ferguson Trust
Comité Catholique contre la Faim et pour le
Développement (CCFD)
Ministry of Foreign Affairs, France
UK Foreign and Commonwealth Office
UK Department for International
Development – Malawi Safety Security and
Access to Justice (MaSSAJ) Programme
United Nations Development Programme
(UNDP)
United Nations Children's Fund (UNICEF)
United Nations Food and Agricultural
Organisation (FAO)

sustainability of the farms. In October, PRI co-signed a project support document with the Government of Malawi and the United Nations for a prison farms and open prison villages project. PRI has since been working to mobilise donors and support. PRI continued to promote proposals for an open prison pilot in Malawi as a component of the prison farm programme, following the 2002 visit to an open prison village in Rajasthan, India, by representatives from the Malawi Prison Service and government. A prison farm package was developed, including two technical training manuals and the PRI film on the Malawi Prison Farms, *Seeds of Freedom*, which was approved by the government in 2006.

With a grant from of the UK Foreign and Commonwealth Office, PRI undertook two visits to Sudan in early 2006 to assess prison conditions and opportunities for penal reform work in the country. Following a series of workshops to assess training needs, PRI worked on the development of a human rights training curriculum and manual for prison officers in partnership with the local NGO, the Peoples' Legal Aid Centre. Upon validation by Sudanese authorities, a training of trainers programme was scheduled for early 2007.

Eastern Europe



In September the European Union (EU) announced that Bulgaria and Romania had met the accession criteria – which included making improvements in criminal justice standards – and would therefore become EU members in January 2007. Whilst both countries have made considerable progress in reforming their justice systems corruption will remain an ongoing priority for both governments and the EU will monitor progress in this area.

In Bulgaria the Ministry of Justice received EU support for projects addressing the needs of prisons and the development of a probation service. NGOs have been collaborating with the Prison Service on the implementation of these projects.

In Romania, amendments to the existing Penal Code, the Criminal Procedural Code and a new law on the execution of sentences entered into force in October with the aim of bringing national legislation in line with European standards. New staff were recruited by the National Prison Administration and Probation Service to implement the provisions of the new legislation.

In Moldova, the Execution of Punishments Code came into force on 1 July. Based on European standards, the legislation will be implemented gradually as resources become available.

PRI activities in the region

PRI's work in Eastern Europe centres on promoting health and human rights in prisons, developing alternative sanctions to imprisonment and facilitating the reintegration of offenders back into the community. Building the capacity of local NGOs to promote and deliver penal reform is central to PRI's work in the region.

Promoting health and human rights

As part of a project funded by the Interchurch Organisation for Development Cooperation (ICCO) and the Catholic Organisation for Relief and Development (CORDAID) to promote health and human rights in prisons in Moldova, PRI, together with local partner the Institute for Penal Reform (IRP) delivered three training sessions to prison psychologists and social workers on the human rights of prisoners, focusing in particular on the preparation of prisoners for release from detention. In conjunction with the training, PRI organised a study

visit to Romania for NGO and prison administration representatives to observe the development of offender rehabilitation programmes.

Statistics published by the Ministry of Justice in 2006 show that the number of community service orders increased nine-fold between 2004 and 2005. In 2004, when the new Penal Code entered into force, only 1.5 per cent of criminal sanctions were community service. In 2005 the percentage had risen to 12.7 per cent and in 2007 the figure stood at 26.3 per cent. In June, PRI organised three regional round-table meetings in Balti, Cahul and Chisinau to review community service and the barriers to its effective implementation in the respective regions. Participants included prosecutors, police officers, enforcement officers, and local authority representatives. This was followed by a national conference in September to review the problems identified at the round-table meetings. Proposals were developed by participants, which will now be incorporated into the next stages of implementation of community service in Moldova.

Other activities in Moldova have included the development of a mediation pilot with local partner IRP. The pilot is aimed at promoting the use of mediation in criminal cases as a tool for reconciliation. Thirty-six cases used mediation in 2006 based on referrals received from prosecutors and police during the pilot period. In May, PRI hosted a seminar on mediation in conjunction with the Centre for Scientific Research in Legal Orders. Mediation expert, Krzysztof Pawlowski, attended the seminar and presented the Polish experience of applying mediation in criminal cases.

Improving equal treatment of vulnerable groups in prison

In Romania and Bulgaria, PRI works with a number of partners, including Prison Fellowship Romania, the Association of Probation and Mediation in Justice from

the Czech Republic and the Regional Fund – IGA Bulgaria, to ensure the equal treatment and human dignity of marginalised groups serving prison terms or held in detention. As part of this programme, two training sessions for local NGOs were organised in Romania and Bulgaria during May and June. The training sessions, which looked at both developing services for vulnerable categories of prisoner, and campaigning effectively for their equal treatment in prison, were delivered by Romanian, Dutch and Czech experts. Following the training, four social service projects and six campaign projects were developed by local NGOs with support from the project.

In June, PRI and IGA Bulgaria organised a conference in Sofia on improving the protection of vulnerable prisoners and conditions of detention. Delegates comprised representatives from the prison and probation services of Bulgaria and Romania, as well as representatives from the ministries of justice and local NGOs and representatives from Western European countries. Discussions centred on reviewing the successes and failures of the penal systems to meet human rights standards and highlighting models of effective practice. A conference report was published in September 2006.

Alternatives to imprisonment

As part of its project to promote community service in Romania, PRI held a three-day training programme in January for more than 60 probation officers and representatives from local authorities and NGOs in all 41 districts in the country. The aim of the programme was to improve the skills of probation staff in developing networks in local communities. Between February and September, the network facilitators went on to deliver more than 300 workshops across the country for local authorities, private business, teachers, judges, prosecutors and media representatives in order to promote the wider use of community service.

PARTNERS

Association Roma Access Tomis Constanta, Romania
Alternative Sociale Association, Romania
Centre for Community Justice (CJC), Moldova
Crime Prevention Fund (IGA), Bulgaria
Bulgarian Judges Association
Foundation for Community Care Services (FCCS), Romania
Institute for Penal Reform (IRP), Romania
International Society for Human Rights, Moldova
Ministry of Justice, Moldova
Ministry of Justice, Romania

National Administration of Penitentiaries, Romania
Prison Fellowship Bulgaria
Prison Fellowship Romania
Pro Probatiune Foundation, Romania
Romanian Center for Education and Human Development (CRED)
Romanian Magistrates Association
Sf Imp. Constantin si Elena Foundation, Romania
Stil Alter-Nativ Association, Romania
Targoviste spre Europa Association, Romania
The Association for Probation and Mediation in Justice, Czech Republic
The Hungarian Helsinki Committee, Hungary

DONORS

Interchurch Organisation for Development Cooperation (ICCO), the Netherlands
Catholic Organisation for Relief and Development (CORDAID), the Netherlands
Foundation for an Open Society, Romania
British Embassy, Bucharest
The Swiss Foundation, Vebo
Open Society Institute, Sofia
European Commission

In February, dedicated outreach was undertaken with journalists in Romania to promote the responsible reporting of community service within the media. A three-day training programme was delivered to 20 journalists from print and broadcast media in the country.

A survey of judges' perceptions of community service was also carried out during the year, the results of which were published in a report published in September. The survey found that 22.8 per cent of respondents viewed community service as a benefit to the community; 29.8 per cent felt it was beneficial to the criminal justice system in terms of reducing costs; and 26.6 per cent believed community service was beneficial to offenders as it enabled them to stay within the community.

In September, PRI organised a three-day conference to develop final recommendations on the development of community service legislation and programmes in Romania. Representatives from the Ministry of Justice, the University of Bucharest, the National Institute of Magistrates and local NGOs took part in the discussions.

Great Lakes



Twelve years after the genocide in Rwanda, more than 700,000 accused participants still await judgement and 80,000 people remain in detention, far exceeding the national prison capacity of 44,660 people. This situation has placed enormous pressure on the justice system and on processes to strengthen the rule of law.

2006 was marked by delays in the judicial process. One of the reasons for this was the introduction of a new administrative structure throughout the country in which the number of regional provinces was reduced from thirteen to five. All judicial activities halted for three months during the transition. However, police continued to arrest people during this time. Since appearance at courts was impossible and warrants could not be delivered, approximately 2,000 people were detained illegally as a result.

The abolition of the death penalty in Rwanda earned greater prominence on the political agenda following the government's wish to have all files and detainees held by the International Criminal Tribunal for Rwanda transferred from Arusha to the national jurisdiction. The political committee of the Revolutionary Patriotic Front



©PRI, 2006

PRI training of trainers session in Burundi

(RPF) voted in favour of abolition in October, paving the way for a vote within Parliament.

In Burundi, the numbers of detainees increased in 2006 to about 9,000, far exceeding the national prison capacity of 4,000 people. At the end of the year the President of the Republic announced Burundi's intention to abolish the death penalty. This decision was received with great satisfaction within political circles, as well from human rights defenders. At the same time, a presidential decree stated that all death penalty sentences would be commuted to life imprisonment without parole and that juveniles, terminally ill prisoners and prisoners aged over 65 years would be released.

In Rwanda, the Penal Code Bill introduced community service – *travail d'intérêt général (TIG)* – for small common law offences for the first time (it was already used for genocide offenders who had confessed). Burundi is similarly preparing to introduce community service for minor offences, although the legislation is also still at the draft stage.

PRI activities in the region

PRI's activities in the region are focused on providing institutional and civil society support to improve prison conditions and address prison overcrowding through the promotion of alternative sanctions to imprisonment. PRI is also conducting independent monitoring and research on the implementation of the *gacaca* process.

Monitoring the *gacaca* process

During 2006, the Rwandan authorities faced mounting pressure to accelerate the resolution of genocide litigation and increase public participation in the *gacaca* jurisdictions. Although the involvement of the population in the *gacaca* process increased during the year, the quality of justice being delivered did not improve. The

validity of testimonies came under scrutiny as reports emerged of witnesses being put into jail accused on false testimony or refusal to testify. In July, the *gacaca* trials were rolled out nationally. In the three-month period that followed, more than 10,000 people were incarcerated, resulting in a dramatic increase in the prison population.

PRI's research and monitoring programme on the *gacaca* process continued throughout the year, focusing on the national roll-out of the *gacaca* jurisdictions and the implementation of community service as an alternative sanction to imprisonment. In June, PRI published a research report entitled, *Information gathering during the national phase*, which looked at the activities of the administrative authorities and also the *nyumbakumi* (person responsible for ten houses within a village) in collecting testimonies for the *gacaca* trials. The report highlighted the failure to collect testimonies for the defence and how this had diminished the rights of the accused to a defence.

In December, PRI published a second report on the implementation of community service for people convicted of genocide crimes. Those convicted of second category crimes, which include murder, can now do half of their prison sentence in the form of community service, provided they have confessed their crimes. The report, entitled *Community service: areas of reflection*, looked at the operation of the labour camps created to manage the delivery of community service and the perceptions of the camps by the various stakeholders, especially genocide survivors, the people undertaking community service and their families.

As a result of PRI's reports and ongoing lobbying efforts an investigation was launched by the National Service of the Gacaca Jurisdictions (SNJG) to look at the allegations of arrests for false testimony or refusal to testify. Following a ruling by the SNJG, *gacaca* judges are

PARTNERS

Association Burundaise pour la protection des droits humains et des personnes détenues (APRODH), Rwanda
Avocats Sans Frontières (ASF)
Collectif des ligues et associations de défense des droits de l'homme (CLADHO), Rwanda
Comité International de la Croix Rouge (CICR), Rwanda and Burundi
Commissariat général de la police pénitentiaire, Burundi
Commission Nationale des Droits de la Personne (CNDP), Rwanda
Danish Institute for Human Rights, Rwanda
Dignité en détention
Direction Générale des Affaires Pénitentiaires, Burundi

Human Rights Watch (Rwanda and Burundi)
IBUKA (Collectif des associations de rescapés du génocide), Rwanda
Justice et Paix, Rwanda
Ligue des Droits des Grands Lacs (LDGL)
Ligue pour la Promotion des Droits de l'Homme au Rwanda (LIPRODHOR)
Ministry of Interior Security, Rwanda
Ministry of Justice, Rwanda
Ministère de la Justice, Burundi
Ministère de l'Intérieur, Burundi
National Prisons Service of Rwanda
RCN Justice et Démocratie
Service National des Juridictions Gacaca, Rwanda
Secrétariat National au Travail d'Intérêt Général, Rwanda

DONORS

Direction Générale de la Coopération et du Développement du Royaume de Belgique
Direction du Développement et de la Coopération Suisse

Improving prison practice

PRI has also supported the Rwandan Prison Service in the development of detainee file management software to assist in the management of criminal cases and the monitoring of the prison population, particularly in relation to prison overcrowding. PRI attended regular meetings with penitentiary and judicial representatives throughout the year to identify and develop the mechanisms to support the system.

In Burundi, PRI organised a first training of trainers session in June in partnership with the General Director of Prison Administration (GDAP), the penitentiary police and local Burundese organisation, Association pour la Protection des Droits Humains et des Personnes Détenues (APRODH). The training was delivered to more than 20 staff from the respective agencies notably on penitentiary law, on functioning judicial institutions law, social work, health and the role of the penitentiary service. Following the training, a committee was established to identify ways to improve collaboration between the prison guards and the prison directors in order to improve prison management.

Supporting sentencing reform

In Burundi, PRI has been working with local human rights institutions and organisations to consider opportunities for supporting the implementation of community service, following proposed new measures within the Penal Code. In Rwanda, PRI has been promoting the extension of community service to common law offences, along with the introduction of further alternative sanctions to imprisonment, such as suspended sentences, within the Gacaca Law, a measure which was implemented in 2007.

Middle East and North Africa



With the exception of Somalia, all Arab League members are party to the *UN Convention on the Rights of the Child (CRC)* and have taken steps to implement its provisions in national legislation. However, CRC standards are far from being met across the region. In many countries, deprivation of liberty is the only formal sanction available and as a consequence, children are often picked off the streets for vagrancy or arrested for minor crimes and exposed to violence and abuse in prisons and other state detention facilities. Deprived of a family environment, they are isolated and unable to access legal assistance or appropriate educational, recreational and vocational activities that would otherwise help them to reintegrate.

PRI activities in the region

In the Middle East and North Africa region, PRI has been implementing a programme of juvenile justice reform in Egypt, Jordan, Morocco and Yemen since 2005. In September 2006, activities were extended to Algeria.

Promoting juvenile justice reform

In Jordan, PRI continued its support to governmental and non-governmental professionals working with children in conflict with the law. A key achievement in 2006 was the establishment of a national network of trainers on juvenile justice reform, comprising experts from the Ministry of Social Development, the Judicial Council, the Police (the Family Protection Administration) and two NGOs – MIZAN and the Family and Child Protection Association. The development of a training programme resulted in a total of 120 social workers, law enforcement officers, and judges receiving training on juvenile justice principles and restorative justice techniques during the year. A juvenile justice training manual was also produced to accompany the training. With support from PRI, the Family and Child Protection Association has been able to divert 242 juvenile cases from the formal justice system to alternative measures.

Programme activities in Jordan also supported the creation of two specialist police centres for juveniles. Police officers based at these centres now receive specialist training from UNICEF, ensuring that children in

conflict with the law who come to the centres are dealt with by professionally trained personnel.

During the year, the National Coordination Committee on Juvenile Justice, under the leadership of the Ministry of Social Development, began drafting reforms to the Jordanian juvenile justice system. PRI provided drafting expertise and a database of regional and international comparative studies and materials relating to juvenile justice reform. The advice and information provided by PRI ensured that the CRC and other relevant international standards, particularly those relating to alternatives to custody, were taken into account.

In Morocco, PRI sponsored a National Forum for the Protection of Juveniles in Conflict with the Law, which took place in January. The resulting plan of action included measures to establish a national steering committee to lead on the development of a national juvenile justice strategy.

A pilot project established in Yemen centred on training stakeholders on networking and coordination, as well as assisting relevant institutions working on the social reintegration of children in conflict with the law. In June, PRI's team of trainers from Jordan helped deliver training to the Yemeni National Network on Juvenile Justice. Members of the network comprise representatives of the Ministry of Social Development, the police, the

Judicial Council, the Islamic Higher Council, the Ministry of Justice, the Higher Council for Motherhood and Childhood (HCMC) and a number of NGOs. Following this training session, PRI was approached by the HCMC on behalf of the Government of Yemen to consider its involvement in a programme designed to provide care for delinquent minors after their release from rehabilitation institutions. A pool of civil society organisations and UN agencies has been invited to contribute to the planning of the project.

In September, PRI visited Algeria to meet relevant governmental institutions, civil society organisations working on juvenile issues and the General Directorate of Prisons and Rehabilitation Administration to explore possible fields of cooperation.

In Egypt, PRI delivered a training of trainers course on juvenile justice in partnership with the United Nations Office for Drugs and Crime, Egypt. Participants included judges and prosecutors, police officers, social workers and representatives of NGOs.

PRI's Arabic website *Nour Atfal* www.nour-atfal.org continues to provide an expert online resource to support juvenile justice reform in the region. PRI continued to update the site with reports, events, news and analysis relating to a wide range of juvenile justice issues.

PARTNERS

Amman Centre for Human Rights Studies (ACHRS), Jordan
Family Protection Association, Jordan
Ministry of Justice (Direction générale de l'Administration pénitentiaire et de la Réinsertion), Algeria
Ministry of Interior, Yemen
Ministry of Justice, Egypt
Ministry of Justice, Morocco
Ministry of Justice, Yemen
Ministry of Social Development, Jordan
Mizan Law Group for Human Rights, Jordan

National Centre for Human Rights (NCHR), Jordan
Save the Children/Sweden in Sana'a
The Higher Council of Motherhood and Childhood, Yemen
The Judiciary Council, Jordan
The Juvenile Justice Steering Committee, Morocco
The Public Security Directorate, Jordan
UNODC Regional Office, Egypt
UNODC/Jordan
UNICEF/Morocco
UNICEF/Yemen
UNICEF/Jordan

DONORS

Swedish International Development Agency (SIDA)
European Commission
British Embassy in Jordan

In June, the Commission on Safety and Abuse in America's Prisons released *Confronting Confinement*, a report on violence and abuse in US jails and prisons, the broad impact of those problems on public safety and public health, and how correctional facilities nationwide can become safer and more effective.¹ The report's recommendations included reducing overcrowding and promoting productivity and rehabilitation; making segregation a last resort; and creating an independent oversight in each state.

In April, PRI co-sponsored a conference at the University of Texas at Austin on prison oversight. In addition to several heads of US State Departments of Corrections and representatives of various state oversight functions, a number of speakers from Europe, including Andrew Coyle and Baroness Vivien Stern, (International Centre for Prison Studies), Anne Owers (HM Inspector of Prisons for England and Wales) and Silvia Casale

*Confronting Confinement, the Commission on
Safety and Abuse in America's Prisons*

(President of the European Committee for the Prevention of Torture), talked about international models of oversight. This marked an important step along the path towards making inspections more acceptable in the US.

The Commission on Safety and Abuse in America's Prisons also made prison oversight the focus of its final hearing in Los Angeles in February. PRI Board Member Alvin Bronstein addressed the Commission as did Anne Owers and Silvia Casale. Following the publication of the report by the Commission on Safety and Abuse in America's Prisons, PRI is working with the staff of the Commission to develop a strategy to turn the recommendations of the Commission Report into policy and practice.

Promoting international human rights standards

PRI continued to work with other NGOs on developing responses to US reports to the UN Human Rights Committee and the UN Committee against Torture. Following consideration of the US reports in May and June respectively, the committees issued recommendations that addressed a number of the concerns already raised

by PRI including the sentencing of children to life in prison without the possibility of parole, conditions in 'supermaximum' prisons and the treatment of detained women, particularly the use of shackles on women in labour.²

PRI worked with the Association on the Prevention of Torture to educate NGOs and policy makers in the US about the *Optional Protocol of the Convention against Torture* (OPCAT) with the aim of the US becoming a party to OPCAT.

- 1 See www.prisoncommission.org/report.asp
- 2 Committee against Torture, Concluding Observations, UN Document CAT/C/USA/CO/2, 25 July 2006; Human Rights Committee, Concluding Observations, UN Document CCPR/C/USA/CO/3/Rev. 1, 18 December 2006.

PARTNERS

American Civil Liberties Union (ACLU)
American Friends Service Committee (AFSC)
American University Washington College
of Law
Center for Human Rights and Humanitarian
Law
Global Rights

International CURE
National Coalition for the Abolition of the
Death Penalty
Open Society Policy Center (OSPC)
The Sentencing Project
US Human Rights Network

DONORS

Open Society Institute US Justice Fund

A map of the North Atlantic region, showing the coastline of North America on the left and Europe on the right. A small rectangular box is drawn in the central North Atlantic, indicating the location of the study area.

In Belarus, the Department for Execution of Punishment published proposals on the humanisation of criminal legislation. A new sanction of limiting the freedom of offenders to their place of residence was introduced in September. According to the prison service, the prison population is thought to exceed prison capacity by between three and five per cent. Local NGOs, however, estimate this figure to be much higher at 15 per cent.

PRI's activities in Russia, Ukraine and Belarus are focused on protecting the rights of vulnerable people in prison, particularly women and juveniles, promoting public

As part of a project aimed at protecting the rights of babies and small children in prison, PRI has been supporting the development of relevant national policies within Russia and Ukraine. In January, PRI organised a study visit to the UK, inviting representatives from the Federal Service of Execution of Punishment, the Ministry of Health and Social Development, the State Duma and the Administration of the President of Russia. The group visited three prisons with mother and baby units and attended a number of meetings with staff from HM Prison Service responsible for policy in this area. In mid-2006, PRI produced recommendations for the Swiss Cooperation Office in Ukraine and the State Department of Execution of Punishment on the care of babies and children in prison with their mothers.

As part of a project aimed at increasing the role of public monitoring in places of detention, PRI organised 20 training seminars during the year for members of the public monitoring commissions in Ukraine. A further seminar was organised for NGOs and media organisations in Chernigov to raise awareness about prison conditions and the reintegration of released prisoners. Between 2005 and 2007 the project has resulted in the creation of 30 public monitoring commissions.

Continuing efforts to ensure prisoners are aware of their rights in prison and can access information relevant to their detention, PRI produced a series of leaflets on imprisonment and reintegration after release. These were distributed to prisoners directly and to educational establishments within the criminal executive systems in Russia, Ukraine and Belarus, as well as other civil institutes and colleges.

Promoting alternatives to imprisonment

PRI completed its project on strengthening the implementation of alternatives to imprisonment in Russia in March. Results showed that project activities had a significant impact on increasing the use of non-custodial sanctions and strengthening Criminal-Executive inspections. Practical measures introduced after legislative amendments resulted in a reduction in the ratio of convicted prisoners to inspectors from 162 in 2005 to 88 in 2006. The use of alternative sanctions is now a priority.

Increasing civil society engagement in penal reform

In December, a new project was launched aimed at promoting a human rights culture within the penitentiary system in Belarus. Project activities will be centred on working with civil society actors to promote and protect human rights in places of detention. PRI will be conducting an analysis of existing criminal legislation in relation to international human rights standards. This will then inform the development of recommendations for reform. PRI will also be conducting human rights training, identifying best practice and supporting the implementation of international human rights standards.

PARTNERS

Academy of Management under President of Republic of Belarus
Agency of Social Information, Russia
Assistance Plus, Russia
Belarusian Central Prison Administration
Cabinet of Ministers, Ukraine
Centre for Legal and Judicial Reforms, Russia
Chernigov Women Human Rights Centre, Ukraine
Chernigov Law College, Ukraine
Committee for Civil Rights, Russia
Human Rights Center of Kazan City, Russia
Independent Council of Legal Experts, Russia
International Society for Human Rights, Ukraine
InterSocioAid, Belarus
Irkutsk Young People Foundation 'Juventa', Russia
Ministry of Interior of Belarus

Ministry of Justice of Ukraine
Moscow Centre for Prison Reform
Moscow Helsinki Group
No to Alcoholism and Drug Addiction Foundation, Russia
Office of the Ombudsman, Russia
Office of the Ombudsman, Ukraine
Public Committee on Protection of Human Rights, Krasnoyarsk, Russia
Public Foundation for Assistance to Penal Reform, Nizhnii Novgorod, Russia
Public Legal Assistance Centre Public Advocate, Ukraine
Right to Life, Nizhnii Novgorod, Russia
Road to Home, Zhigulevsk, Russia
Russian Academy of Law
Russian Federal Service of Execution of Punishments
Ryazan Academy of Law and Management, Russia

Scientific Research Institute of the System of Execution of Punishment, Russia
Social Partnership Foundation, Russia
Tomsk State University, Law Institute, Russia
Ukrainian Bureau for the Protection of Human Rights
Ukrainian State Department on Execution of Punishments
Vidrodzhenya Foundation, Ukraine
Vologda Institute of Law and Management, Russia

DONORS

Open Society Institute
The Ford Foundation
UK Foreign and Commonwealth Office
Global Opportunities Fund
Development Cooperation Ireland
European Commission

South Caucasus



Following the adoption in 2005 of a policy designed to break the traditional power and prestige of organised crime in and outside Georgia's prisons, reports have been received of ill-treatment in places of detention. In March 2006, a disturbance in the seriously overcrowded remand prison No. 5 in Tbilisi resulted in the death of seven, and injuries to about 30 prisoners. Some staff were also injured. Following the events, the Ombudsman and medical NGOs received reports that prisoners had not received timely treatment for their injuries. Prisoners who had subsequently been transferred to other prisons also reported being beaten and deprived of external contact. Although prisoners were swiftly charged with responsibility, an investigation into the possible misuse of force by officials did not open until seven months later. These events have dented the image of the Government, Ministry of Justice and the Penitentiary Department.

In June, the Georgian Government produced an action plan for criminal justice reform, which substantially increased investment in the correctional services. In a welcome move, it prioritised prison staff training and retention, and replacement of unserviceable prisons. However, less welcome was an inadequate investment in the Probation Service and, in PRI's opinion, misplaced and disproportionate investment in provision of additional prisoner places. At the same time, legislative measures were introduced that curtailed prisoners' rights, creating uncertainty that the reforms would facilitate implementation of a large number of outstanding recommendations by, among others, the Committee for the Prevention of Torture (CPT). A prison code working group, comprising representatives from relevant ministries and local NGOs including PRI, was not consulted about the legislation before it was passed. During the year, draft laws on Prison, Probation, Criminal Procedure and Legal Aid were also being prepared and, to varying degrees, subjected to consultation and public review.

Failure of the reform action plan to address healthcare responsibilities in prison, including the proposed transfer to the Ministry of Health, exacerbated problems associated with prison overcrowding and poor conditions of detention in Georgia's prisons. Legislative changes introduced in the year resulted in prisoners appealing a conviction to be reclassified as 'tried' prisoners. Whilst

this move helped alleviate problems of overcrowding in pre-trial detention facilities, it did little to substantively address Georgia's high remand population. During 2006, the prison population rose steadily at 400 per month and an exceptionally hot summer saw a rise in prisoner deaths.

In October, the Georgian Parliament's legal committee proposed an amendment to the Criminal Code which would reduce the age of criminal responsibility from 14 to 12 years for 16 offences. This had not been previously included in either the criminal justice strategy or action plan. At the same time, Georgia finally took out of service underground cells in Tbilisi No.5 prison and removed heavy shutters from the windows of all its prisons. In December, the President signed a constitutional amendment bringing about the complete abolition of the death penalty in law.

In Armenia, the Ministry of Justice has continued efforts to reform the penal system in line with international standards, focusing primarily on improving the physical conditions of prisons and the provision of staff training. The creation of a national independent monitoring commission shows evidence of a commitment to transparency. However, responses to allegations of ill-treatment uncovered by the commission have so far been inadequate. Courts in Armenia began to issue community service sanctions at the end of 2006. Although these had been available in law since 2004, mechanisms for their implementation had been absent, and at the end of the year the Division for Probation and Alternative Sentences remained largely a 'work in progress'.

PRI activities in the region

PRI's work in the South Caucasus region is focused on Georgia and Armenia. In 2006, project activities were directed towards the prevention of torture and ill-treatment in places of detention, promoting prisoner rehabilitation and probation, and addressing the causes and effects of overcrowding. PRI has additionally been promoting greater transparency and accountability through the ratification and implementation of the *Optional Protocol to the UN Convention against Torture* (OPCAT).

Promoting ratification and implementation of OPCAT

In Armenia, PRI has been supporting the implementation of OPCAT, following its ratification in September 2006, in collaboration with local partners the Civil Society

Institute (CSI), the Association for the Prevention of Torture, the Open Society Armenia Foundation, the Organization for Security and Co-operation in Europe and local activists. Media briefing and pilot monitoring events targeted police, prisons, military detention cells, and psychiatric institutions as well as a range of government ministries and the Ombudsman's office. Having been involved in the work of the Armenian civil society prison monitoring board since its genesis, PRI encouraged the establishment of a police monitoring board, which obtained certification from the Ministry of Interior in March. PRI provided a training course for prison monitors and representatives of the Ombudsman's office, which was led by the Chief Executive of the UK Police Cell Monitoring Association. A round-table meeting hosted by PRI in November provided the opportunity for members of the monitoring commissions and police officials to discuss concerns about independence and develop recommendations for change.

In February, using materials prepared under its long-term UK FCO-supported OPCAT project, PRI provided monitoring training for three civil society prison monitoring commissions set up by the Georgian Ministry of Justice under the Law on Imprisonment. Throughout the year PRI furnished the commissions with financial and practical support. Such support was also provided to the Ministry of Justice's own Department for Monitoring and Reform.

In March, PRI hosted a round-table meeting to review Georgia's activities to support the implementation of OPCAT. It was attended by representatives from the Ministries of Interior, Justice, Education and Health, Parliament, the General Prosecutor's Office and the Ombudsman, as well as members of the prison monitoring commissions and local NGOs. Participants at the meeting urged the government to begin a wide consultation on the national monitoring mechanisms and on the selection of a candidate for the OPCAT international sub-committee (SPT). Disappointingly, as Georgia was the first post-Soviet state to ratify OPCAT, it failed to nominate a candidate to the SPT.

In April, PRI hosted a three-day visit to Georgia by CSI to exchange experience with Georgian officials and NGOs on preparation for the implementation of OPCAT, particularly in relation to the monitoring of psychiatric institutions. During the same month, PRI organised a press conference where prizes were distributed to Georgian press, radio and TV journalists as part of a strategy to increase transparency in places of detention.

In June, PRI established a civil society initiative group



©PRI, 2006

Kutaisi prison in Western Georgia, the first new prison to be built by the Ministry of Justice

in Georgia which began work with the Ombudsman's office to draft an OPCAT-compliant monitoring mechanism. Working with the Geneva based Association for the Prevention of Torture, PRI organised two public events during the year, which were aimed at stimulating the government to fulfil its obligations under the treaty and publicising other countries' experience of implementing OPCAT. Emerging models of civil society and Ombudsman institutions' involvement in implementation were reviewed.

At the beginning of the year, PRI embarked on a three-year project on torture rehabilitation in Georgia in partnership with the local NGO Empathy, the Georgian Medical Association, and an NGO working with refugees and internally displaced people from Abkhazia and Chechnya. This work is being funded by the European Initiative for Democracy and Human Rights (EIDHR). PRI's activities concentrated on lobbying for the implementation of the *Istanbul Torture Protocol* and OPCAT, as well as the implementation of recommendations from the European Committee for the Prevention of Torture (CPT) and the Committee against Torture (CAT). PRI produced analysis of current legislation in relation to international standards and recommendations, participated in the organisation of round-table meetings and conferences, and provided capacity-building to the local partner. PRI submitted a report to CAT, which reviewed the Georgian state report this year, and publicised the committee's concluding observations.

Improving conditions of detention

With funding from the Norwegian Mission of Rule of Law Advisors to Georgia (NORLAG), PRI administered a small

grants programme for NGOs to promote constructive activities among Georgia's prisoners and those on probation. The project design was a direct response to the low prioritisation of rehabilitation in Georgia's policy and planning for criminal justice. Ten grants were awarded early in the year by a selection board comprising PRI, NORLAG and the Deputy Minister of Justice. One recipient delivers pre-release advice and training to a small group of male prisoners in Prison Rustavi No.1, and seeks to assist prison 'social workers' to deliver the programme themselves.

In the absence of government-funded programmes to help those addicted to drugs and who come before the courts, PRI supported the local NGO, Peoni, in providing the opportunity for a small number of early released women and other probationers to continue or start a 12-step treatment for addiction at a drop-in centre run

by the Georgian Patriarchate. Other small grants provided probationers and prisoners with healthcare and healthy lifestyle advice, tailored vocational training and guidance, computer and web design training, Georgian language courses for minorities, and access to radio, phone and legislation. PRI provided draft Service Level Agreements to be negotiated between officials and NGO service providers, to build capacity for such partnerships in the future.

Towards the end of the year, with funding from the UK Embassy in Georgia, PRI began to meet relevant ministries as well as the courts and prosecutor's office to discuss growing prisoner numbers, and collect statistical and other data, in an attempt to find an objective explanation for the alarming and steady rise in the people receiving custodial measures and sentences, and to establish a basis for dialogue on possibilities for reduction at various stages.

PARTNERS

Anti Violence Network of Georgia
Article 42 of the Constitution
Association for the Prevention of Torture
(APT), Geneva
Atinati Association
Centre for First Psychological Aid
Centre for the Protection of Constitutional
Rights
Civil Society Institute, Armenia
Democracy Institute
Empathy
Former Political Prisoners for Human Rights

Georgian Committee Against Torture
Georgian Centre for Rehabilitation of Torture
Georgian Patriarchate
Georgian Young Lawyers Association
Global Initiative for Psychiatry
Human Rights Education Centre
Mothers and Children's Defence League
Prison Monitoring Commissions of Batumi,
Zugdidi and Kutaisi
Tanadgoma – Informational and Medical
Psychological Centre
Women's Club Peoni

DONORS

UK FCO and UK Embassies to Georgia and Armenia
Norwegian Mission of Rule of Law Advisers to Georgia
FIDHR

West Africa

The Economic Commission for Africa Governance Report 2005 records that generally, although popular support remains high for the principles of democracy across West Africa, a gradual but steady decline in demand for democracy is also noticeable.

At the political level, significant progress has been made on human rights issues. In countries like Senegal, the principle of rule of law is generally respected along with a fair level of commitment to the respect for human rights, even though in other countries the commitment of government agencies to implementing and respecting rule of law could be questioned. In many instances there is, however, a very low level of transparency with regard to the violation of human rights that take place in prison.

Civil society organisations' independence from the state is critical to their ability to operate autonomously. Although across the region civil society groups do retain their independence, they are at best neglected, and at worst banished or harassed. Civil society is not encouraged to grow and groups often experience difficulty whenever there is disagreement with the state over government policy. With regard to the judiciary, the court system is slow and expensive and access to it is often determined by the social status of the person involved.



PRI activities in the region

PRI's activities in West Africa, funded by the French Ministry of Foreign Affairs, continue to focus on the provision of training on issues of prison management and human rights awareness, and the promotion of alternatives to imprisonment. PRI also works to reduce pre-trial detention through the promotion of legal aid initiatives and improvement of prison conditions.

Improving prison management

PRI has developed competency-based training programmes in the region to address key areas of prison management and contribute to the development of a national training capacity. The training programmes have been designed to ensure the integration of human rights issues into general prison management practices, development management and administrative capacity of senior staff and facilitate the implementation of best practice.

During the course of the year, training programmes were implemented in Mali, Niger and Senegal. In Mali, PRI worked alongside the National Centre for Legal Training to host a series of workshops in Bamako in September to equip prison directors, inspectors and trainers with training evaluation techniques. The workshops included a review of best training practices and the production of evaluation questionnaires. In Niger, training sessions were held for prison staff in the regions of Zinder, Diffa, Maradi and Tahoua, addressing a wide range of themes including prison rules, conflict



©PRI, 2006

Training session for prison directors, inspectors and trainers in Bamako, Mali

prevention and mediation, and hygiene, as well as human rights and penal law. In Senegal, PRI worked with local trainers to develop training modules on a number of prison management issues, including financial management, registry techniques, crowd control, social work in prison, human rights, hygiene, penal law and procedures, deontology, criminology and information technology (IT).

To address the needs of vulnerable groups in prison, PRI worked with the prison authorities and local partners to evaluate the training needs of prison staff in Niger with respect to health care provision. Out of 37 detention centres in Niger, only seven have a nurse attending both prison staff and detainees. PRI is now working with Niger's security forces, who are responsible for prison administration, to develop training for nurses.

Promoting alternatives to imprisonment

PRI's approach to promoting alternatives to imprisonment has centred on supporting legislative reforms in the region to introduce a wider range of alternative sanctions to imprisonment, notably community service. PRI has achieved this through the provision of training and awareness-raising activities.

Following the provision of technical support in the drafting of new community service legislation in Mali, which was adopted by the National Assembly in 2005, PRI has developed proposals for the Ministry of Justice on the provision of awareness-raising events in the country.

Following the adoption of community service legislation for juveniles in Niger, PRI has held training sessions for juvenile justice professionals, social workers, NGO representatives and members of the National Committee on Community Service to equip them with the skills to explain and promote community service and how it works within the penal system. Participants have now developed communication tools to promote and explain

community service to the general population following its full implementation.

Reducing pre-trial detention

As enshrined in the *Kampala Declaration on Prison Conditions in Africa*, PRI's aim is to reduce the prison population through a reduction in the remand population. Activities are directed towards accelerating the judicial process through promoting best practice and providing legal assistance to detainees. In March, PRI organised the first national seminar on legal aid in Niger, which brought together representatives from the prison administration, magistrates, lawyers and members of civil society, as well as representatives from the legal aid programme in Benin. The seminar focused on reinforcing legal aid through the provision of judicial assistance, legal assistance and information services, and mediation. A plan of action was adopted, which included commitments to establish an independent legal aid office, diversify the forms of legal aid and create a legal aid fund.

Improving prison conditions

PRI has worked to improve conditions of detention in West Africa by setting up income-generating activities and skills training workshops in prisons in collaboration with local NGOs. With support from the Comité Catholique Contre la Faim et pour le Développement, PRI assisted with the establishment of soap-making workshops for detainees in Benin. In Cotonou prison, 125 detainees received training in soap-making techniques and were provided with training materials, ingredients and equipment. In Ouidah prison, 55 detainees received training. In Senegal, PRI worked with partners to construct a chicken farm in Sebikotane prison. Two training sessions were delivered to both detainees and prison staff in June aimed at providing them with the knowledge and skills to maintain the farm and care for the chickens.

PARTNERS

Association des Femmes Juristes du Bénin,
Benin
Association des Volontaires du Progrès
(AFVP)
Association Nationale de Défense des Droits
de l'Homme, Niger
CARITAS – Oigber
Centre Africa Oboto, Benin
Centre de Formation Judiciaire, Senegal
CIBITI Air Libre, Senegal
Direction de l'Administration Pénitentiaire,
Benin
Direction de l'Administration Pénitentiaire et
de la Réinsertion Sociale du Burkina Faso

Direction de l'Administration Pénitentiaire et
de l'Education Surveillée du Mali
Direction de l'Administration Penitentiaire et
des Graces, Niger
Fraternité des Prisons, Benin
Institut National de Formation Judiciaire,
Benin
Institut National de Formation Judiciaire,
Mali
Programme d'Assistance Judiciaire aux
Détenus (PAJUDE), Benin
Ministère de la Justice, Burkina Faso
Ministère de la Justice, Garde des Sceaux,
Mali
Ministère de la Justice, Senegal

Ministère de la Justice, Garde des Sceaux,
Niger
Ministère de la Justice, Législation et Droits
de l'Homme, Bénin
Prisonniers Sans Frontières
UNICEF

DONORS

Comité Catholique contre la Faim et pour le
Développement (CCFD)
French Ministry of Foreign Affairs

PRI Structure ● ● ● ● ● ● ● ● ● ●

Penal Reform International (PRI) is registered in the Netherlands as an association with non-profit-making status (registration number 400025979).

Its head office is in London, UK, and it has eight regional offices in Kazakhstan, Russia, Georgia, Romania, Rwanda, Malawi, Jordan, and the US.

The key policy and governance bodies of PRI are the General Meeting, the Board and the Executive Board.

The General Meeting

The General Meeting sets the policy for the organisation and will convene every year unless otherwise agreed by a previous general meeting.

The Board

The Board comprises at least nine representatives elected from and by the members of the General Meeting. The composition of the Board aims to reflect the different regions of the world. The Board meet once a year.

The Executive Board

The Board elects from its members an Executive Board which must consist of the Chair, the Secretary-General, the Treasurer and their deputies. The Executive Board may also comprise regional secretaries and other executive functions as appropriate. The Executive Board meets four times a year.

The PRI board members at December 2006 were:

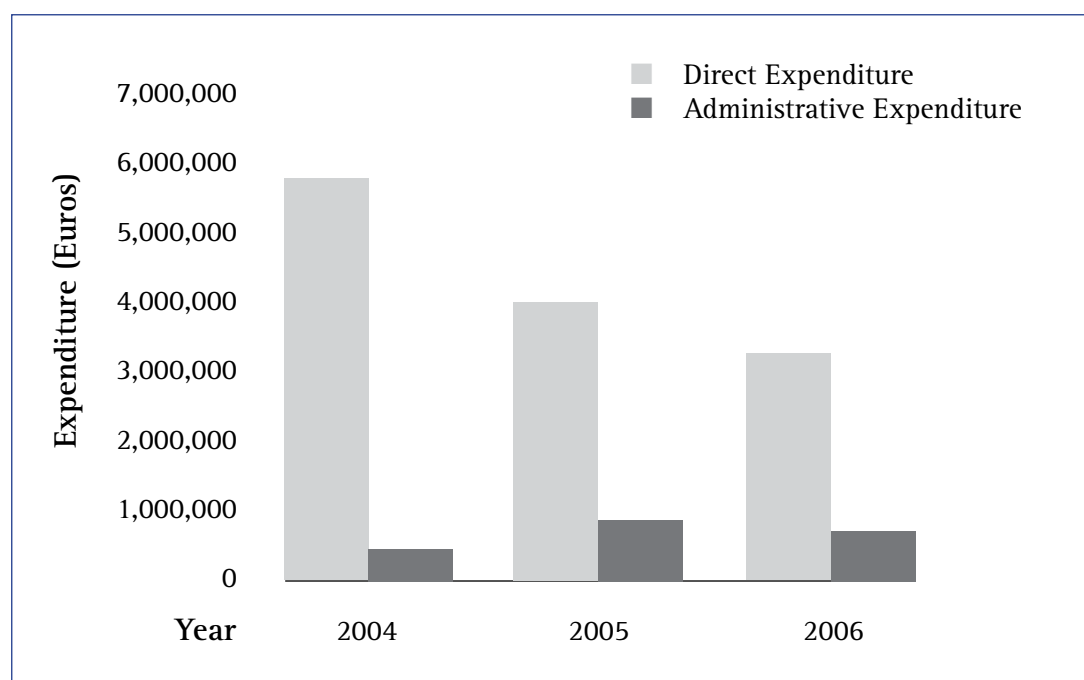
- Alvin Bronstein, US (Honorary President)
- Hans Henrik Brydensholt, Denmark
- David Daubney, Canada (Vice-Chairperson)
- Olawale Fapohunda, Nigeria
- Paddington Garwe, Zimbabwe
- Maria Eugenia Hofer Denecken, Chile
- Juliet Lyon, UK
- Amin Mekki Medani, Sudan
- Angela Melo, Mozambique
- Simone Othmani-Lellouche, France
- Bruno Schoen, Germany (Treasurer)
- Livingstone Sewanyana, Uganda (Deputy Secretary-General)
- Rani Shankardass, India (Chairperson)
- Vivien Stern, UK (Honorary President)
- Antony Tang, HKSAR, China
- Hans Tulkens, Netherlands (Honorary President)



©PRI, 2006

Mediation in Bangladesh

Project & Administrative Expenditure	2004	2005	2006
Direct Expenditure	5,735,302	3,959,435	3,232,690
Administrative Expenditure	517,196	826,054	617,584
Total	6,252,498	4,785,489	3,850,273



Income by Donor	(€)
Belgian Ministry of Foreign Affairs	587,522
Foreign and Commonwealth Office, UK	513,426
Department for International Development, UK	508,685
Open Society Institute	484,006
Netherlands Ministry of Foreign Affairs	461,300
Swedish International Development Agency	378,801
Ministère des Affaires Etrangères, France	235,295
European Union	192,177
Development Cooperation Ireland	150,972
Catholic Organisation for Relief and Development, The Netherlands	143,818
UNICEF	70,667
Interchurch Organisation for Development and Cooperation, The Netherlands	59,032
NORLAG	49,412
Ford Foundation	48,402
Swiss Development Corporation	44,045
Comité Catholique contre la Faim et pour le Développement, France	37,857
United Nations Development Fund	37,361
Tide Foundation	33,976
UNODC	26,948
Food and Agriculture Organisation of the United Nations	12,753
RCT/Empathy	7,022
Romanian Ministry of Finance	4,795
Harold Simmons Foundation	4,207
Butler Family Trust	4,131
VEBO	3,540
Other income	479

PRI contact details

PRI head office

Unit 450, The Bon Marche Centre
241-251 Ferndale Road
London SW9 8BJ
United Kingdom
Phone: +44 20 7924 9575
Fax: +44 20 7924 9697
Email: info@penalreform.org

REGIONAL OFFICES

Russian Federation

Uglovi Pereulok Dom 2, PO Box 62
Moscow 125047
Russian Federation
Phone: +7 495 250 6464
Fax: +7 495 250 6464
Email: primosc@orc.ru

Romania

Bd Unirii
No 70, Bl J4, sc 1
Ap 22, Sect 3
Romania
Phone: +40 21 326 5349
Fax: +40 21 326 5348
Email: pribucharest@penalreform.org

Rwanda

Parcel No 1253
Kimihurua
Kigali Ville
PO Box 370, Kigali
Rwanda
Phone: +250 518 664
Fax: +250 518 641
Email: prirwanda@penalreform.org

Malawi

ADL House
3rd floor, City Centre
PO Box 30311
Lilongwe 3
Malawi
Phone: +265 1 770 141
Fax: +265 1 770 141
Email: prililongwe@penalreform.org

Kazakhstan

Office 40, 153 Abai Avenue
Almaty, 050009
Republic of Kazakhstan
Phone: +7 727 250 6475
Fax: +7 727 250 6476
Email: prialmaty@penalreform.org

Georgia

16 Kikodze Street
Tbilisi 0105
Georgia
Phone: +995 3220 5775
Fax: +995 3298 3560
Email: pritbilisi@penalreform.org

Jordan

Abdoun Post Office,
PO Box 852 122
11185
Amman
Jordan
Phone: +962 6582 6078
Fax: +962 6582 6078
Email: priamman@penalreform.org

USA

1025 Vermont Avenue N.W., 3rd
Floor
Washington DC
United States of America
Phone: +1 202 580 6940
Fax: +1 202 580 6938
Email: priwashington@penalreform.org

www.penalreform.org





© Jérôme Conqny, 2002

Juvenile colony in Kazakhstan

PENAL REFORM INTERNATIONAL

Annual Report 2006