



Promoting  
penal reform  
worldwide



## Annual Report 2007



Reducing the unnecessary use of imprisonment

Implementing human rights standards

Responding to special needs

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## Penal Reform International

Penal Reform International (PRI) is a non-governmental organisation (NGO) established in 1989 and registered in The Netherlands. Its head office is located in London, UK. Individuals and NGOs are eligible to apply for membership.

In 2007, PRI's Board had 13 members from 13 different 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:

**Alison Hannah**

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

Website: [www.penalreform.org](http://www.penalreform.org)

## PRI Mandate

Penal Reform International (PRI) is an international non-governmental organisation promoting penal reform worldwide.

PRI has regional programmes in the Great Lakes, the Middle East and North Africa, Central and Eastern Europe, Central Asia, the South Caucasus and North America.

PRI seeks to achieve penal reform by promoting:

- the development and implementation of international human rights instruments in relation to law enforcement and prison conditions;
- the elimination of unfair and unethical discrimination in all penal measures;
- the abolition of the death penalty;
- the reduction of the use of imprisonment throughout the world;
- the use of constructive non-custodial sanctions which support the social reintegration of offenders whilst taking into account the interests of victims.

## PRI structure

PRI's head office is located in London, UK. At the beginning of 2007 PRI had eight regional offices in Kazakhstan, Russia, Georgia, Romania, Rwanda, Malawi, Jordan, and the US. During the course of the year, the Malawi office was closed and the Romanian office became an independent NGO.

PRI is a membership organisation.

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

### The General Meeting

The General Meeting is held at least once every five years, at which PRI members are invited to set the policy for the organisation and elect the board.

### 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 meets once a year.

### The Executive Board

The Board elects from its members an Executive Board which must consist of the Chairperson, the Secretary-General, the Treasurer and their deputies. The Executive Board meets quarterly.

The PRI board members at December 2007 were:

- Hans Henrik Brydenscholt, Denmark
- David Daubney, Canada (Vice-Chairperson)
- Olawale Fapohunda, Nigeria
- Paddington Garwe, Zimbabwe
- Maria Eugenia Hofer Denecken, Chile
- Juliet Lyon, UK (Secretary-General)
- 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)
- Anthony Tang, HKSAR, China

Honorary board members:

- Alvin Bronstein, US (Honorary President)
- Vivien Stern, UK (Honorary President)
- Hans Tulkens, Netherlands (Honorary President)

### Membership

PRI seeks to expand its support base for policy and advocacy work. Membership is open to individuals and organisations wishing to support PRI's mandate and activities. Members are invited to contribute ideas, support and promotion for PRI events and activities. There is currently no charge for becoming a member; however donations are gratefully accepted.

For further information on how to become a PRI member please visit our website [www.penalreform.org](http://www.penalreform.org)

## PRI Methods of work

PRI works with penal reform activists, non-governmental organisations (NGOs) and governments, as well as inter-governmental organisations such as the United Nations.

Working with civil society is central to PRI's programme activities and it actively supports the greater involvement of civil society in criminal justice reform.

PRI has Consultative Status with the United Nations (ECOSOC) and the Council of Europe, and Observer Status with the African Commission on Human and Peoples' Rights.

Although PRI works in partnership with governments, it only seeks and accepts funds from governments to undertake work in accordance with its agreed programme. As an independent NGO, PRI does not accept any funds from governments which threaten its autonomy or require it to depart from its mandate or programme of work.

PRI works to develop and promote culturally specific solutions to criminal justice and penal reform. Our key working methods are:

- providing support to NGOs and governments seeking to reform their penal systems;
- assisting penal reform activists and specialists in setting up organisations within their own countries;
- assessing prison conditions at the request of governments and NGOs recommending sustainable improvements and developing projects to bring those improvements about;
- developing alternatives to custody, and other penal reform projects that are culturally relevant;
- producing training resources and training criminal justice officials and NGO staff on international standards in human rights;
- organising national, regional and worldwide conferences, seminars and exchange visits, bringing together penal reform activists, specialists and government representatives;
- publishing newsletters that cover developments in penal reform, reporting on penal conditions worldwide;
- developing relationships with the United Nations and its agencies, the Council of Europe, the African Commission on Human and Peoples' Rights, the Organisation of American States, and other inter-governmental organisations.

# Chairperson's foreword

The environment for penal reform continues to be challenging and sometimes even hostile even as the need for it increases, as prison populations rise and low standards of dignity and decency continue in penal institutions all over the world. The persisting preoccupation with security and order (including locking up more people when they offend) in the belief that this reduces crime and makes society a better and safer place, has diverted decision makers from seeking alternatives to imprisonment to promoting prison as the best punishment. World wide the trend is to create more offences and to build more prisons to accommodate the increasing numbers incarcerated: despite the evidence that prisons damage people - those incarcerated and those who work in them.

PRI's efforts to meet this challenge have been commendable. Specific reform programmes continue to enhance the reservoir of good practices appreciated in many regions of the world.

The development and reinforcement of dedicated information and publicity resources enhanced PRI's ability to develop tools and instruments (Briefing Papers, Bulletins, Newsletters and other information material) to meet its new commitments for strategy development and international advocacy for reform. The prioritisation of specific themes within the criminal justice system (reflected in this Report) has helped develop links with other organisations working on these issues and brought together players with the same aims and ends as PRI, thereby strengthening the impact of the penal reform movement generally.

PRI faced some financial difficulties fostered by the diminishing interest in human rights, in turn the consequence of a fear-psychosis and increased emphasis on the need for security in society. Cut backs in staff and a further closure of some PRI offices was a consequence of these constraints. While this has increased the demands and challenges faced by the organisation it has neither diminished nor diluted the vitality of its workers in their struggle towards the goals and purposes for which PRI was set up.

The year saw the recruitment of a new Executive Director in June 2007. Within six months she was able to bring to bear her legal and management skills to produce plans and guidelines to take PRI towards the realisation of its (newer) goals in an environment not altogether conducive to change.

PRI's Board from different regions around the world continues to assist and support the staff to persuade decision-makers that exploring alternatives to custodial sentences rather than the knee-jerk response of building more prisons is the wiser long-term policy for a more humane and civilised justice reform.



Rani Dhavan Shankardass,  
Chairperson



# Overview

*'PRI has been a key partner for the Open Society Institute for more than a decade in promoting penal reform across Central and Eastern Europe, South-East Europe and the former Soviet Union. Its contribution to the reforms that have unfolded across the region has been significant. PRI regional offices in Moscow, Tbilisi and Almaty continue to advocate for further reforms where opportunities exist, while also ensuring that existing achievements are maintained despite varying degrees of political and public support for penal reforms. We look forward to seeing PRI take a leading role in defining the global penal reform agenda in the years to come.'*

Yervand Shirinyan  
Director of the Human Rights and  
Governance Grants Program of OSI

Throughout the world, criminal justice policy is dominated by security and terrorism issues; the global prison population continues to rise; and prison building programmes are more often announced than major investment in alternatives. Yet the evidence shows that diverting people from the criminal justice system, and alternatives to custodial sentences are often more effective in building secure and safe communities. This increasingly punitive approach to criminal justice and penal systems presents a challenge to PRI, as it seeks to promote more effective and humane ways of dealing with people in conflict with the law than simply locking them up. In 2007, PRI continued to explore ways to meet this challenge, and is pleased to have its efforts recognised and supported by the Open Society Institute, Swedish International Development Cooperation Agency, and the Sigrid Rausing Trust.

There were some important changes for PRI during the year. In January, the Romanian PRI office became an independent NGO; and at the end of 2007, the Central, East and Southern Africa office closed, although the paralegal work which has been such an important development in the region continues through an Independent Paralegal Advisory Service Institute. Another significant transition occurred in April when Paul English, PRI's Executive Director since 2002, left to take up a senior post elsewhere. Paul was replaced by Alison Hannah in June 2007.



Colombo prison, Sri-Lanka/PRI, 2003.

## Overview

Throughout the year the Board, Executive Board, Regional Directors and head office staff, debated how PRI should best consolidate and develop its work in a politically and financially unsympathetic environment, resulting in the adoption of a business plan and advocacy strategy for the period 2007–2010.

Penal reform programmes remain the heart of PRI's work. Programmes are carried out in close cooperation with local partners, other NGOs and state institutions. PRI's international expertise enables it to contribute to capacity building of civil society in the countries where it works. Programme activities cover three main themes:

- Reducing the unnecessary use of imprisonment
- Implementing human rights standards
- Responding to special needs

From its programmes, PRI aims to learn lessons, identify best practice and evaluate which programmes are models for good practice elsewhere. PRI also uses its experience to develop resource materials (books, briefing papers and website information) that can easily be used by governments, NGOs and others who wish to introduce reform in their own countries. The website is an invaluable tool with which to disseminate information widely and at no cost to the user.

In addition to its practical programmes, and the dissemination of information, PRI seeks to influence key decision-makers to adopt penal reform in line with human rights standards. Its targets are the international institutions, such as the United Nations Human Rights Council, UN Commission on Crime Prevention and Criminal Justice, and African Commission for Human and Peoples' Rights. PRI aims to persuade policy and law-makers, media and press, academic institutions and other key bodies, that penal reform is not only the right thing to do in principle. Investment in reform also brings social and economic benefits through commitment to the rule of law and respect for human life and dignity.

Looking ahead, PRI will continue to strengthen and develop its international advocacy activities. It will also be looking at ways to expand its information resources with a wider choice of publications and languages.



Alison Hannah, PRI's new Executive Director, worked as a legal aid lawyer in the UK for 15 years. She also has substantial experience of quality assurance and senior management of NGOs.

**Prison population rates per 100,000 of the national population vary widely worldwide. Examples include:**

United States of America	762
Russian Federation	613
South Africa	333
Iran	222
Brazil	220
United Kingdom: England and Wales	141
Denmark	66
Pakistan	55

Source: ICPS/2007

# Reducing the unnecessary use of imprisonment

*'Member States shall develop non-custodial measures within their legal systems to provide other options, thus reducing the use of imprisonment, and to rationalize criminal justice policies, taking into account the observance of human rights, the requirements of social justice and the rehabilitation needs of the offender'*

United Nations Standard Minimum Rules for Non-custodial Measures (The Tokyo Rules)

*'PAS has taken a leading role, in Africa and beyond, in demonstrating the value that paralegals can bring to criminal justice systems, even where there is no shortage of lawyers'*

PRI, Evaluation of Paralegal Advisory Scheme, Malawi, 2007

Excessive use of remand detention, harsher sentencing practices and the under-use of non-custodial sanctions continue to contribute to a dramatic rise in prison populations worldwide. Many people in prison simply do not need to be there. They are not a threat to society; have not committed serious or violent offences; and prison is not likely to act as a deterrent or assist their reintegration into the community. PRI believes that alternatives to custody should be encouraged as a more effective way to reduce crime and rehabilitate offenders.

PRI aims to:

- Identify ways of diverting people from the criminal justice system where other ways of dealing with them are likely to be more effective
- Reduce the rate of pre-trial detention, by promoting legal aid and paralegal services to people detained in custody, and efficient case management systems to prevent unnecessary trial delays
- Promote the use of alternatives to prison for less serious offences
- Implement reintegration and rehabilitation programmes to support prisoners before and after release.



Expert assessment visit, Kyrgyzstan/PRI, 2004.



# Reducing the unnecessary use of imprisonment

## Pre-trial detention

UN Standard Minimum Rules for Non-custodial Measures state that *'Pre-trial detention shall be used as a means of last resort in criminal proceedings, with due regard for the investigation of the alleged offence and for the protection of society and the victim'*<sup>1</sup>

There are several countries in which the majority of people in prison are awaiting trial or sentencing. A high rate of pre-trial detention is unacceptable for a number of reasons:

- The presumption of innocence is a central principle of the criminal justice system. Yet people who are innocent of any wrongdoing may be held in detention – sometimes for years – waiting for a chance to have their case heard. Prolonged detention militates against a fair trial, as witnesses may be lost, evidence goes stale and pressure builds up to plead guilty simply to end the wait and uncertainty
- A high rate of pre-trial detention can cause prison overcrowding and aggravate poor prison conditions
- Families suffer from the prolonged loss of someone who may be the main earner, or in the case of women, main carer, which can lead to the loss of jobs, property and sometimes the break up of the family itself.

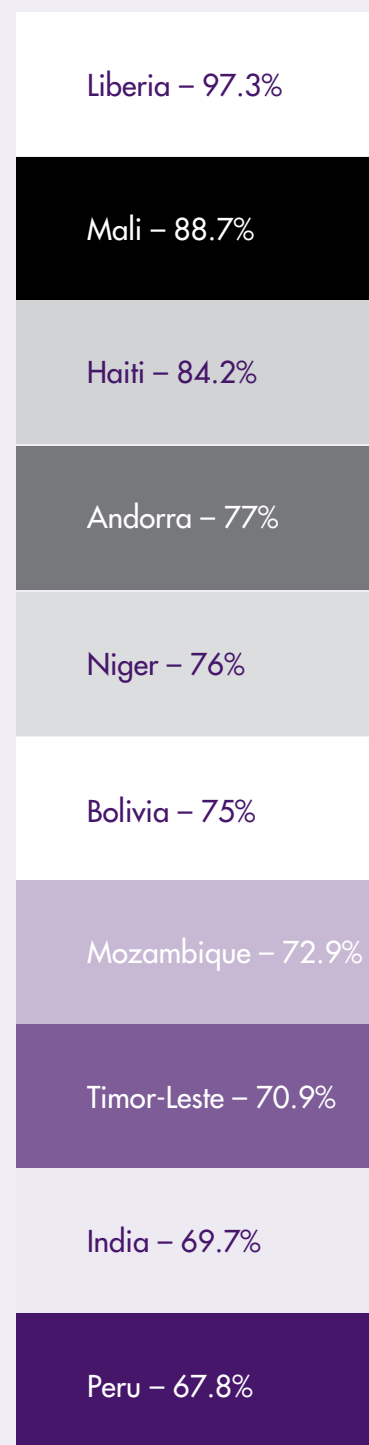
PRI continued to work in Africa on pre-trial and related issues throughout 2007. Although the PRI Central, East and Southern Africa office closed at the end of 2007, the work of the paralegal advisory service in **Malawi** continues and is now run by the independent Paralegal Advisory Service Institute (PASI). PASI was set up to ensure the long-term provision of aid after PRI's planned withdrawal from the project.

PASI provides a model for other countries, and for PRI the most recent implementation of paralegal services is a pilot project in **Rwanda**, with further services planned for **Burundi** in 2008. As part of the programme in Rwanda, PRI developed case recording software for use in prisons, courts and prosecutors' offices. It aims to ensure case records are properly kept, so each detainee's file contains all relevant information. The pilot project initially covers juveniles and women in prison and is to be extended in 2008.

To encourage the professionalisation of paralegal expertise, the PASI training course for paralegals is being accredited by the University of Kwa-Zulu Natal, so a recognised qualification can be awarded to those passing the training.

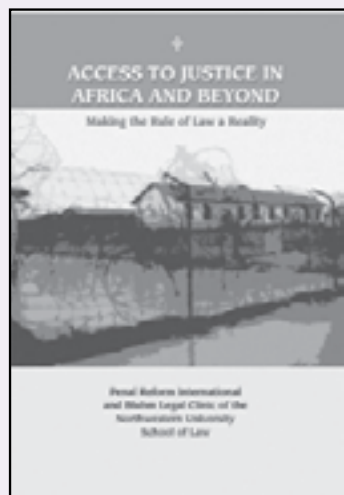
1 UN Standard Minimum Rules for Non-custodial Measures

## Pre-trial/remand prisoners as a % of total prison population



Source: ICPS, 2007

# Reducing the unnecessary use of imprisonment



*Access to Justice in Africa and Beyond*, PRI, 2007. Available in English and French.

PASI prepared and published a practical manual setting out in detail how to deliver the advice service through the use of role play and interactive teaching methods. *The PLC Manual* is available to download from the PRI website. This year also saw the publication of *Access to Justice in Africa and Beyond, Making the Rule of Law a Reality*, which explores practical ways of delivering legal aid in criminal matters to the poorest sectors of African and other developing societies.

PRI also continued to advocate for more countries to adopt and implement the Lilongwe Declaration on Accessing Legal Aid in the Criminal Justice System in Africa. The Declaration notes the absence of legal advice and assistance in police stations and prisons, and that many thousands of suspects and prisoners are detained for lengthy periods of time in overcrowded prisons. It stresses the need for legal aid provision



ACHPR session in Brazzaville, DRC/PRI, 2007.

# Reducing the unnecessary use of imprisonment

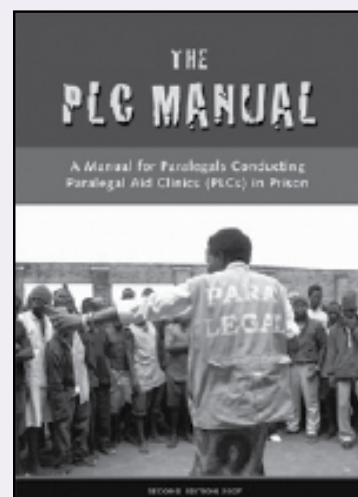
at all stages of the criminal justice system to make access to justice a reality. Legal aid can be delivered in many different ways, depending on national resources. Recognising the shortfall of qualified lawyers in many countries, the Declaration promotes greater reliance on paralegals and trainee legal assistants to complement the work of lawyers, and stresses the need for improved legal literacy so people understand their rights. The Declaration was recognised in resolutions adopted by the UN Commission on Crime Prevention and Criminal Justice in April and by the Economic and Social Council in July 2007. In November, PRI attended the 42nd session of the African Commission on Human and Peoples' Rights in Brazzaville, Democratic Republic of Congo (DRC), to report on these developments and urge African governments to implement the Lilongwe Declaration.

## Alternatives to imprisonment

In **Tajikistan**, PRI trained probation officers and ran a programme of joint seminars for prosecutors, judges and prison service managers to raise awareness of alternatives to imprisonment. PRI was also involved in supporting and drafting changes to legislation to extend and implement alternative sentences. In **Kyrgyzstan**, PRI facilitated significant legislative changes to extend alternatives to imprisonment and transfer penal inspections from the Ministry of the Interior to the Ministry of Justice. This new law resulted in a dramatic reduction of the prison population. PRI continued programmes in **Kazakhstan** and **Kyrgyzstan**, to strengthen the rule of law, increase respect for human rights, improve access to justice and contribute to a more transparent and accountable penal system. Activities focused on the transfer of powers of arrest from the prosecutor's office to the judiciary in both countries, a review of the criminal law and a liberalisation of sentencing policies.

In **Georgia**, PRI worked closely with the probation service to organise inter-agency discussion of a newly adopted Probation Code in every region of the country. It demonstrated that cooperation between all parts of the criminal justice system and broader society could lead to more effective use of alternative sanctions.

Additional work on alternatives to imprisonment took place during a community service project in **Niger**. PRI also organised a study trip to **Kenya** where the officials could observe what is widely regarded as a good regional model of community service.



*The PLC Manual, PRI, 2007.  
Available in English.*

*'Traditional and community-based alternatives to formal criminal processes have the potential to resolve disputes without acrimony and to restore social cohesion within the community. These mechanisms also have the potential to reduce reliance upon the police to enforce the law, to reduce congestion in the courts, and to reduce the reliance upon incarceration as a means of resolving conflict based upon alleged criminal activity'*

Lilongwe Declaration on Accessing  
Legal Aid in the Criminal Justice  
System in Africa

# Implementing human rights standards

*'Treating all persons deprived of their liberty with humanity and with respect for their dignity is a fundamental and universally applicable rule'*

Human Right Committee,  
General comment 21

When someone is deprived of their liberty, international standards require the state to ensure their human rights are respected. In reality, however, this is frequently not the case. Prisoners may be subject to many abuses, ranging from poor and overcrowded living conditions and inadequate diet through to torture and enforced disappearance. Independent public oversight of places of detention provides a means to ensure international human rights standards in prisons are upheld, protecting prisoners and preventing abuse.

PRI's work on this theme includes:

- Promotion of independent oversight and monitoring of prisons, ensuring compliance with international standards
- Education and training for policy makers and prison managers to understand, adopt and implement such standards
- Programmes to promote the health and welfare of prisoners through reduction of overcrowding, better physical conditions, improved diet and adequate healthcare for people in detention.

The International Covenant on Civil and Political Rights requires that people deprived of their liberty *shall be treated with humanity and respect for the inherent dignity of the human person and the penitentiary system shall comprise treatment of prisoners, the essential aim of which shall be their reform and social rehabilitation.*<sup>2</sup> The UN Human Rights Committee has stated that *'This imposes on states a positive obligation towards persons who are particularly vulnerable because of their status as persons deprived of liberty, and complements for them the ban on torture or other cruel, inhuman or degrading treatment or punishment. Prisoners may not be subjected to any hardship or constraint other than that resulting from the deprivation of liberty ...'*<sup>3</sup>

## Monitoring places of detention

Monitoring places of detention is a major safeguard against torture and abuse in penitentiary institutions. With the help of PRI, a network of monitoring commissions has been set up in 14 regions of **Kazakhstan**. Although the monitoring boards do not have formal access to police cells, PRI was able to conduct a series of training sessions for police officers on human rights standards and torture prevention. PRI continued to press for access for the commissions to police cells and after careful negotiations with the Ministry of the interior, was granted permission to set up a pilot project to monitor police stations.

<sup>2</sup> Article 10

<sup>3</sup> Human Rights Committee General Comment 21 Humane treatment of persons deprived of their liberty, 1992



# Implementing human rights standards

In **Kazakhstan**, PRI held a number of events jointly with the Ministry of the Interior, including two international roundtables on anti-torture issues. In **Kyrgyzstan**, PRI initiated a process to develop recommendations to change current legislation and establish a legal framework for independent monitoring of places of detention. PRI continued to provide financial, technical and advocacy support to monitoring commissions in **Georgia** and received funding to develop public monitoring in prisons in the **Ukraine**.

In both **Kazakhstan** and **Kyrgyzstan**, PRI played an active role in promoting ratification of the Optional Protocol to the UN Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT) which sets up international and national preventive mechanisms. As a result of PRI and its partners' joint efforts the President of Kazakhstan signed OPCAT on 25 September 2007. In another positive move, Kazakhstan recognized the competence of the UN Committee against Torture to consider individual complaints of citizens.

PRI launched a 3-year EU funded project on implementation of OPCAT in **Georgia**, in partnership with the Association for the Prevention of Torture and Global Initiative for Psychiatry. In Georgia and Armenia the office advised on the establishment of National Preventive Mechanisms (NPM) and on practical aspects of independent monitoring of places of detention. With the Georgian Ombudsman's office it led a civil society group that drafted an NPM structure, legislation and statutes and presented this to ministries, parliament, the international community and civil society. PRI was invited to share its experience at international conferences in France, Switzerland, Turkey and the UK.

Working with local partners in **Armenia**, PRI organised training in police cell monitoring for civil society and staff of the Ombudsman's office; a roundtable with regional police chiefs; and discussions between the Armenian Ombudsman, prison and police monitoring boards and other civil society on how to ensure cooperation in the future design of the NPM. It supported development of a police monitoring website, production and launch on TV and in cinemas of a series of cartoons clips on the rights of citizens upon arrest.

In the **USA**, PRI gave evidence to the House of Representatives' Judiciary Committee on the need to ensure that the circumstances and specific details of any deaths in custody are reported to the US Attorney General. The Death in Custody Reporting Act, which lapsed in December 2006, is one of the few mechanisms by which the federal government maintains oversight of state and local prisons and jails.

*'Inspections which look closely into prison regimes or examine them officially to ensure that policies and practice are in conformity with laws and regulations are an important safeguard for prisoners and staff alike... Moreover, such inspections can have a preventive value. By the early detection of unacceptable conditions and practices, more serious situations can be avoided. Similarly, to give recognition to good policies and practice helps to reinforce them and ensure their permanence, thus facilitating achievement of penal and correctional objectives.'*

PRI, Making Standards Work, 2005

# Implementing human rights standards

*'People in prison are fathers and mothers, brothers and sisters, sons and daughters, grandfathers and grandmothers, husbands and wives, lovers, partners and friends. The fact that they are incarcerated for a period of time does not change this fact. Prisoners come from our communities and the vast majority return to our communities'*

Dublin Declaration on HIV/AIDS in Prisons in Europe and Central Asia



*Human rights training manual for prison officers in Sudan, PRI/PLACE, 2007. Available in Arabic.*

Improving prison management is a particular focus of PRI's work in the Commonwealth of Independent States. As well as the activities surrounding OPCAT in Central Asia and the South Caucasus, PRI hosted a series of seminars in Belarus to promote human rights in prisons and raise public awareness of these issues. The seminars focused on communication, conflict prevention and resolution. In **Russia**, PRI produced a series of seven information brochures to help prisoners understand their rights.

In **Moldova**, PRI revised and republished its handbook on conflict management in prisons which was distributed to all the country's prisons, as a training tool for prison staff.

In **Burundi**, PRI and its partner the Burundian Association for the Protection of Human Rights and the Rights of Prisoners (APRODH) trained 1,500 penitentiary police officers from 11 prisons on respect for detainees' rights.

With its partner in **Sudan**, PRI ran a 'training of trainers' course on human rights in prisons, for prison and NGO staff. A *Human Rights Training Manual* was published in Arabic to accompany the course. Key topics include international standards on good prison management, dealing with HIV/AIDS, mothers with children in prison and ways to prevent torture and ill-treatment in custody.

In **Georgia**, PRI established a working group to draft an alternative Prison Code. PRI briefed the Committee on the prevention of Torture (CPT) in advance of its visit in March, and with Human Rights Watch and Amnesty International later helped to publicise its key findings. As an observer member of the President's Inter-Agency Anti-Torture Council, PRI submitted comments on several versions of a draft National Anti-Torture Action Plan. It designed and implemented a small grants scheme for partnership between civil society and the prison and probation systems to highlight the need for rehabilitation activities to be included in state planning.

## Health in prisons

International standards require that *'everyone has the right to the highest attainable standard of physical and mental health'*.<sup>4</sup> However, prisons are often under-resourced, poorly equipped with basic or inadequate facilities, overcrowded and with insanitary, unhygienic and unhealthy conditions. These factors directly impact on prisoners' health – and on that of the prison staff also. Water-borne diseases, TB, HIV/AIDs and hepatitis spread

<sup>4</sup> Article 12, International Covenant on Economic, Social and Cultural Rights

# Implementing human rights standards

in overcrowded and unhealthy conditions. Imprisonment has a damaging effect on mental as well as physical health, exacerbated by inhumane conditions and treatment.

In **Georgia**, PRI co-organised a public discussion of legislative and organisational recommendations regarding prisoners' access to appropriate healthcare, and training for lawyers and physicians on the Istanbul Protocol which provides guidance on investigation and documentation of torture and ill-treatment. The office hosted a roundtable on the causes of and solutions to prison overcrowding. PRI supplied regular statistics to the national and international community on overcrowding whilst advocating the use of alternatives and the re-allocation of resources from prison building to mechanisms for rehabilitation and safe early release.

With the Ministry of Justice medical expert, PRI in **Georgia** organised training for independent monitoring commissions working in the Republican Hospital and TB colony. It supported two local NGOs in conducting health information and hepatitis screening activities in prisons. It organised roundtables and conferences to discuss the monitoring of psychiatric institutions, in the light of OPCAT, and independent monitoring of other places of confinement.

In **Romania**, PRI worked with partners to develop and promote care standards for mentally ill prisoners, with training courses and education materials provided for over 700 prison staff. A brochure and CD were produced for distribution to prison staff and NGO representatives.

Much of PRI's work on health in prisons is focused on the provision and promotion of information about the issues, and advocacy to promote better healthcare. A briefing paper, *Health in Prisons: Realising the Right to Health*, was published in English, French and Russian.

PRI's integrated model for human rights and health promotion was the focus for discussion at the second International Prisoner Health conference in Varna, Bulgaria, in September. PRI also took part in a panel presentation on TB prevention and treatment in prisons at the Open Society Institute (OSI) Ministerial Forum in Germany in October.

In **Kazakhstan**, advocacy work focused on legislative amendments, introducing punishments for self-harm and mandatory HIV testing for prisoners – amendments that led to general unrest in prisons throughout the country. Together with partner organisations, PRI opposed the amendments, issued press releases, held a press conference and referred their concerns to the General Prosecutor, Ombudsman and other institutions.



*Penal Reform Briefing No. 2. Health in prisons: realising the right to health, PRI, 2007. Available in English and French.*

# Responding to special needs



*'Prison is disproportionately harsher for women because prisons and the practices within them have for the most part been designed for men'*

Baroness Corston, 2007

Women's prison in Mordovia, Russian Federation/PRI, 2004.



All prisoners and persons deprived of their liberty are at risk of physical and psychological damage as a result of their incarceration. However, for some people, incarceration has a particularly damaging impact. Prisons are often inadequately equipped to meet the needs of those who face increased risks to their safety, security or well-being because of their age, gender, ethnicity, health, legal, religious or political status, for example. The sentence imposed may also make incarceration particularly problematic for some people, for example those on death row or facing life imprisonment without the possibility of release. Such prisoners have special needs that many prison services fail to meet – and sometimes even fail to recognise.

The Office of the UN High Commissioner of Human Rights defines the problem in the following way: *'The concept of equality means much more than treating all persons in the same way. Equal treatment of persons in unequal situations will operate to perpetuate rather than eradicate injustice'*.<sup>5</sup> International standards specify that prisoners in such situations should be considered particularly at risk and entitled to additional support and protection. PRI continues to work with states and prison authorities to ensure that this additional risk of harm is minimised.

## Women in prison

In **Sudan**, PRI and its partner People's Legal Aid Centre (PLACE) delivered training on the special needs of women, children and older people in detention.

In **Russia**, PRI's programme of reintegration of young women aged 14 to 21 continued. In **Belarus**, a regional conference was held on the impact of the criminal justice and penal systems on women, resulting in the Gomel Declaration on the Execution of Punishments for Women, which combines policy issues and practical suggestions arising from the conference. The Declaration was distributed to official bodies in Russia, Ukraine and Belarus.

In the **USA**, PRI attended the 51st session of the Commission on the Status of Women, and together with the John Jay College of Criminal Justice in New York, co-hosted a discussion on women and girls in prison. A seminar on the plight of girls in juvenile prisons and immigration detention was organised jointly with Amnesty International and the American Civil Liberties Union.

<sup>5</sup> OHCHR Fact Sheet No 22, Discrimination against Women, the Convention and the Committee

# Responding to special needs

*'Deprivation of liberty, including arrest, detention and imprisonment, should be used only as a measure of last resort and for the shortest appropriate period of time, so that the child's right to development is fully respected and ensured'*

Committee on the Rights of the Child,  
General comment 10

## Juvenile justice

The majority of children who come into conflict with the law are from deprived and marginalised communities. They are often at risk of violence and abuse and depriving them of their liberty can cause long-term psychological and physical damage, particularly in overcrowded and poor prison conditions.

The Convention on the Rights of the Child requires that *the best interests of the child shall be a primary consideration*, and that *deprivation of liberty of a child should be a measure of last resort, and should take place for the shortest time possible*.<sup>6</sup>

The main priority for PRI in the **Middle East and North Africa (MENA)** region is reform of the juvenile justice system. PRI continues to implement a three-year programme funded by the Swedish International Development Cooperation Agency (SIDA) In February a regional roundtable meeting was held in Amman, Jordan, to assess and evaluate the state of juvenile justice in six Arab countries (**Morocco, Algeria, Egypt, Palestine, Yemen and Jordan**). The resulting Amman Declaration on Juvenile Justice reaffirmed basic principles of good practice, with recommendations for further improvement.

In **Yemen**, in order to assist the Ministry of Social Affairs and Labour in the social reintegration of juveniles in conflict with the law, PRI undertook



Juvenile Justice Conference, Jordan/PRI, 2007.

6 Article 37

## Responding to special needs

a survey of the human resources necessary for a 'Childwatch' and reintegration scheme of juveniles into the community, to prevent them falling back into delinquency. The result of the survey was published in a book, distributed to all stakeholders. The survey led to the training of 76 community members on the international standards and procedures applicable for the protection of children in conflict with the law.

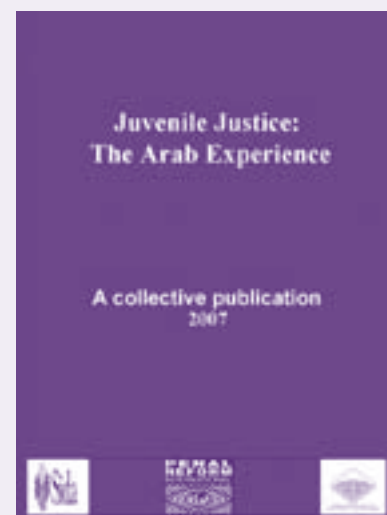
In **Algeria**, 30 participants from Ministries and NGOs working for the protection of children attended a workshop, agreeing a plan of action and establishing a national commission for the protection of children, to be administered by the Juveniles Department of the Ministry of Justice. These developments were widely seen as an important breakthrough, being the first time the Algerian authorities agreed to work in close co-operation with an international NGO in such an area.

In **Georgia**, PRI provided legal expertise, and lobbied with local and international NGOs, against a presidential initiative to lower the age of criminal responsibility from 14 to 12, achieving a reduction in the scope of the law but unfortunately not its withdrawal. The office contributed to preparation of alternative reports to the Committee on the Rights of the Child. It worked with the Children's Legal Centre (Essex University, UK) to prepare a report for UNICEF and the government to promote diversion projects for juveniles in conflict with the law. PRI subsequently submitted a project proposal to UNICEF covering two probation regions identified by the government. A local NGO, Democracy Institute was assisted in developing its work on juvenile justice in the autonomous Ajara Region.

With the financial contribution from the British Embassy in **Jordan**, the PRI/UNICEF *Juvenile Justice Training Manual* was translated into Arabic and adapted to the regional needs. In order to identify and encourage inter-Arab good practice in juvenile justice, PRI produced a book entitled *Juvenile Justice: Arab Experience*. Both publications have been distributed free of charge all over the Arab World and posted on [www.nour-atfal.org](http://www.nour-atfal.org).

In **Russia**, PRI's advocacy work on juvenile justice included a conference with local partner Assistance Plus and the prison administration, to discuss how the community and local organisations can help prepare young offenders in Tomsk for release.

PRI continued to provide education and information about the significance of the UN Convention on the Rights of the Child for improving the treatment of children in conflict with the law. A briefing was organized for Congress staff in collaboration with other human rights organizations, to consider how the Convention can best be used to support and promote juvenile justice reform.



*Juvenile Justice: The Arab experience*, PRI/SIDA/ACHRS, 2007. Available in Arabic.

# Transitional justice

*'Transitional justice refers to a field of activity and inquiry focused on how societies address legacies of past human rights abuses, mass atrocity, or other forms of severe social trauma, including genocide or civil war, in order to build a more democratic, just, or peaceful future'*

The Encyclopedia of Genocide and Crimes Against Humanity, 2004

With funding from the Belgian and the Swiss governments, and the agreement from the national authorities, PRI continued to monitor the gacaca process in **Rwanda** throughout 2007. PRI had been the first international NGO monitoring the gacaca courts (since August 2001) and is currently one of the few international NGOs continuously to have access to the community courts and the people involved in the gacaca trials. As an integral part of the monitoring process, PRI collects testimonies and statements from gacaca judges, witnesses, victims and those accused of perpetrating crimes during the genocide of 1994. Teams of researchers regularly attend the trials and speak to all involved in a qualitative research approach.

PRI is required to write regular thematic reports on the different aspects or processes involved in the gacaca hearings. These reports are an opportunity for PRI to analyse the social impact of the trials, to raise any concerns and make recommendations for the improved functioning of the gacaca process. The reports are given to the National Service of Gacaca Jurisdictions for comment before being published.



Community Service, Rwanda/Wilfrid Estève/PRI, 2005.



# Transitional justice

In 2007, PRI published two such reports. The first was *The Gacaca Research Report No 9: Community Service* on the topic of community service. Community service is a new type of sentence, not previously used in Rwanda. Gacaca courts can allow perpetrators of genocide who voluntarily confessed to their actions to replace up to half of their prison sentence with community service. By enabling those convicted of crimes to work for and in close proximity to the victims of the genocide, it is hoped that community service will encourage reconciliation and peaceful cohabitation. The practical skills gained whilst undertaking community service should also enable prisoners to find work and re-integrate into society at the end of their sentences.

Community service should not be seen as an easy sentence nor should it be a prolonged or damaging punishment. This report looks at the hopes and the fears of the prisoners and members of the community taking part in this process and contains recommendations as to the length, location and other practical measures necessary to ensure community service is of real benefit to all those involved.

The second report published in 2007 was *The Gacaca Research Report No 10: Judgements on Property Offence Cases*. Judgements in these cases are particularly complex due to the varying levels of responsibility of those involved in the crimes and length of time since the events occurred. The issues surrounding reparations, compensation and debt repayments are also hugely controversial given the extreme economic hardship faced by a large part of the population.

The report highlights many different aspects of this complex issue and tries to focus the debate within the context of national reconciliation. Financial compensation and repayments should be another step on the way to social cohesion, not a cause of increased tension.

Research also began on report No 11 on testimonies and proof.

PRI will continue to monitor the gacaca trials until the end of the process in 2008 and will continue beyond then to monitor community service and its impact on reconciliation and social cohesion.

All reports are available to download from the PRI website.

*'When gacaca courts are fair, they deliver justice for the genocide. But when they fail to follow their own rules and standards of fair trial, they lose legitimacy and weaken efforts to establish a rule of law in Rwanda'*

Alison Des Forges, HRW, 2007

# The death penalty and unacceptable forms of life imprisonment

*'We're supposedly doing them a favor by not executing them but in fact by keeping them in the SIZO\*, we're killing them slowly'*

Head of the Prison Service,  
Kyrgyzstan, ICG, 2006  
\*(pre-trial detention units)

It is PRI's belief that the debate around abolition of the death penalty should include discussion of alternative sanctions. The uncritical acceptance of life imprisonment as an alternative raises serious concerns about the conditions of confinement and the implications of a sentence that does not allow for rehabilitation and reform.

International human rights law limits but does not expressly prohibit the death penalty. It does require that all prisoners are treated with humanity and that the essential aim of imprisonment shall be reform and rehabilitation.<sup>7</sup>

In February, PRI started a multi-regional project on the death penalty and life imprisonment funded by the European Commission.

PRI's **MENA** office coordinated a team of researchers to review death penalty legislation in Algeria, Jordan, Lebanon, Morocco, Palestine, Tunisia and Yemen in the light of international human rights standards and Islamic law. The outcome of the research was published as *Studies on the Death Penalty and the Right to Life in the Arab World*. In July, PRI in cooperation with the Amman Centre for Human Rights Studies organised a regional conference held in Jordan to challenge the death penalty in the region. It has supported the creation of national coalitions in Egypt, Jordan and Yemen, complementing the existing coalitions in Morocco, Palestine and Tunisia.



World Coalition Against the Death Penalty Campaign Poster/WCADP, 2007.

PRI's **Central Asia** office ran public information campaigns on the reasons for abolishing the death penalty and promoted understanding of the principles of prison management for lifers. It provided a forum for interested state agencies and civil society groups from Central Asian countries to discuss policies and issues on alternatives to the death penalty and produced a short film *Awaiting Death*.

PRI's office covering the **Russian Federation** and **Belarus** carried out an opinion poll in Russia through the Levada Centre. This found that 65 percent of those

<sup>7</sup> Articles 10(1) and 10(3) of the International Covenant on Civil and Political Rights.

## The death penalty and unacceptable forms of life imprisonment

surveyed supported the use of the death penalty, generally as a means of ensuring national and personal security. However, the majority of the young and educated residents actively support the abolition of the death penalty and generally believe that tougher sentencing does not necessarily have an impact on crime rates. In Russia and Belarus, PRI built working relationships with the media, academics and civil society through seminars and roundtables and distributed an information pack on the death penalty and unacceptable forms of life imprisonment.

PRI's **South Caucasus** office researched statistics on lifers and death row inmates. It developed working relationships with partner organisations in Armenia and Azerbaijan and in Georgia lobbied opinion makers on a draft prison code which would have been of mixed value to lifers.

PRI is also an active member of the Steering Committee of the World Coalition against the Death Penalty. It attended the Third World Congress against the Death Penalty in Paris in February where it launched its briefing on *Alternatives to the death penalty: the problems with life imprisonment*. In September PRI attended the OSCE Human Dimension Implementation Meeting in Warsaw to encourage support for the then draft resolution at the UN General Assembly calling for a global moratorium on executions. The resolution was adopted on 18 December with the support of 104 states.<sup>8</sup>



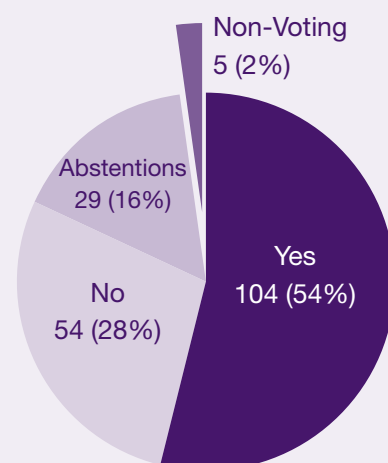
UN General Assembly adopts landmark resolution calling for death penalty moratorium/UN Photo, 2007.

8 Resolution 62/149 Moratorium on the use of the death penalty

*'The General Assembly has taken a truly landmark step. Over 100 States, from all parts of the world, have joined together to call for an end to the death penalty. Never before has there been such wide agreement that the time has come to put an end to this practice, which is an unworthy punishment in the twenty-first century'*

Louise Arbour, UN High Commissioner for Human Rights, 2007

### UNGA Resolution on moratorium on the use of the death penalty vote



Source: UN, 2007

# PRI partners and donors in 2007

## Partners

### CENTRAL ASIA

AIDS Foundation East-West (AFEW), Kazakhstan  
Association for prevention of Torture, Geneva  
Constitutional Council, Kazakhstan  
Council of Justice under the President, Tajikistan  
Embassy of the Royal Netherlands in Kazakhstan  
Embassy of the United Kingdom in Kazakhstan  
European Commission, Kazakhstan  
European Commission, Kyrgyz Republic  
Freedom House, Kazakhstan  
General Prosecutor's Office, Kyrgyz Republic  
General Prosecutor's Office, Kazakhstan  
General Prosecutor's Office, Tajikistan  
Ministry of Interior, Kazakhstan  
Ministry of Justice, Kyrgyz Republic  
Ministry of Justice, Tajikistan  
Ministry of Justice, Kazakhstan  
National Human Rights Commission under the President, Kazakhstan  
OSCE Centre in Almaty  
OSCE Centre in Bishkek  
OSCE Centre in Dushanbe  
Office for Democratic Institutions and Human Rights, Warsaw  
OSI Legal Initiative, Kazakhstan  
OSI Legal Initiative, Kyrgyz Republic  
Parliament, Kazakhstan  
Parliament, Kyrgyz Republic  
Parliament, Tajikistan  
Presidential administration, Kazakhstan  
Presidential administration, Kyrgyz Republic  
Royal Netherlands Tuberculosis Association (KNCV)  
Supreme Court, Kazakhstan  
Supreme Court, Tajikistan  
Supreme Court, Kyrgyz Republic  
Soros-Kyrgyzstan Foundation  
Swiss Cooperation Office, Tajikistan  
Training Centre for Judges under the Council of Justice, Tajikistan  
UNDP, Kazakhstan  
UNAIDS, Kazakhstan  
UNAIDS, Kyrgyz Republic

### CENTRAL, EAST AND SOUTHERN AFRICA

Bluhm Legal Clinic, Northwestern University Chicago, USA  
Catholic Commission for Justice and Peace (CCJP), Malawi  
Centre for Legal Assistance (CELA), Malawi  
Centre for Human Rights Education, Advice and Assistance (CHREAA), Malawi  
Creative Eyes, Tanzania  
Danish Institute for Human Rights  
Dispute Resolution Centre (DRC), Kenya  
Envirocare, Tanzania  
Foundation for Human Rights Initiative (FHRI), Uganda  
National Community Service Orders Committee, Kenya  
Legal Aid Project, Law Society, Uganda  
Legal Resources Foundation (LRF), Kenya  
Madaripur Legal Aid Association (MLAA), Bangladesh  
Malawi Centre for Advice, Research, and Education on Rights (Malawi CARER)  
Ministry of Justice and Constitutional Affairs, Malawi  
Ministry of Home Affairs and Internal Security, Malawi  
Nanzikambe, Malawi  
National Office for Legal Aid (NOLA), Tanzania  
Open Society Justice Initiative  
Paralegal Advisory Service Institute (PASI), Malawi  
Peoples' Legal Aid Centre (PLACE) - Sudan  
Prisons Service, Malawi  
Prisons Service, Sudan  
University of KwaZulu Natal (UKZN), South Africa  
Youth Watch Society, Malawi

### GREAT LAKES

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 et Burundi  
Commissariat general de la police pénitentiaire, Burundi  
Commission Nationale des Droits de la Personne (CNDP), Rwanda

Danish Institute for Human Rights, Rwanda  
Dignité en detention  
Direction Générale des Affaires Pénitentiaires, Burundi  
Human Rights Watch, Rwanda et Burundi  
IBUKA (Collectif des associations de rescapés du genocide), 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 services, Rwanda  
RCN Justice et Démocratie  
Service National des Juridictions Gacaca, Rwanda  
Secrétariat National au Travail d'Intérêt Général, Rwanda

### MIDDLE EAST AND NORTH AFRICA

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

### **RUSSIA, UKRAINE, BELARUS**

Academy of Management under President, Belarus  
Assistance Plus, Russia  
Central Prison Administration, Belarus  
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  
Federal Service of Execution of Punishments, Russia  
Independent Council of Legal Experts, Russia  
International Society for Human Rights, Ukraine  
Ministry of Interior, Belarus  
Ministry of Justice, Ukraine  
Moscow Centre for Prison Reform  
Moscow Helsinki Group  
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  
Scientific Research Institute of the System of Execution of Punishment, Russia  
Social Partnership Foundation, Russia  
State Department on Execution of Punishments, Ukraine  
Tomsk State University, Law Institute, Russia  
Ukrainian Bureau for the Protection of Human Rights  
Vidrodzhenya Foundation, Ukraine  
Vologda Institute of Law and Management, Russia

### **SOUTH CAUCASUS**

Anti Violence Network, Georgia  
Article 42 of the Constitution, Georgia  
Association for the Prevention of Torture (APT), Geneva  
Atinati Association, Georgia  
Centre for First Psychological Aid, Georgia  
Centre for the Protection of Constitutional Rights, Georgia  
Civil Society Institute, Armenia  
Democracy Institute, Georgia  
Empathy, Georgia  
Former Political Prisoners for Human Rights, Georgia  
Committee Against Torture, Georgia  
Centre for Rehabilitation of Torture, Georgia  
Georgian Patriarchate  
Young Lawyers Association, Georgia  
Global Initiative for Psychiatry, Tbilisi  
Regional Support Center  
Human Rights Education Centre, Georgia  
Mothers and Children's Defence League, Georgia  
Public Defender Office, Georgia  
Prison Monitoring Commissions of Batumi, Zugdidi and Kutaisi, Georgia  
Tanadgoma – Informational and Medical Psychological Centre, Georgia  
Women's Club Peoni, Georgia  
Civil Society Institute, Armenia  
Human Rights Defender Office, Armenia  
Helsinki Committee, Armenia  
Police and Prison Monitoring Groups, Armenia

### **USA**

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  
Open Society Policy Center (OSPC)  
The Sentencing Project  
US Human Rights Network

Allan and Nesta Ferguson Charitable Trust  
Catholic Organisation for Relief and Development, the Netherlands  
Comité Catholique contre la Faim et pour le Développement, France  
Department for International Development, UK  
Direction du Développement et de la Coopération Suisse  
Direction Générale de la Coopération et du Développement du Royaume de Belgique  
EIDHR  
EU TACIS  
European Commission  
European Union  
Food and Agriculture Organisation of the United Nations  
Foreign and Commonwealth Office, UK  
Interchurch Organisation for Development Cooperation, the Netherlands  
Irish Aid  
Ministère des Affaires Etrangères, France  
Ministry of Foreign Affairs, the Netherlands  
Ministry of Public Finance, Romania  
Norwegian Mission of Rule of Law Advisers to Georgia  
Open Society Institute  
Open Society Institute US Justice Fund  
RCT/Empathy  
Swedish International Development Agency  
Ford Foundation  
Office of the High Commissioner for Human Rights in Bishkek  
Sigrid Rausing Trust  
Swiss Foundation (VEBO)  
UK Embassy, Jordan  
UK FCO and UK Embassies in Georgia and Armenia  
United Nations Children's Fund  
United Nations Development Programme  
United Nations Office on Drugs and Crime

# Finance

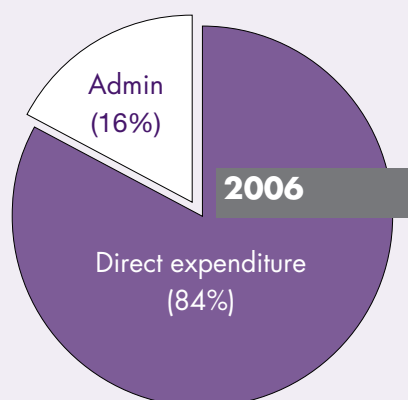
## Expenditure (€)

### 2006

Direct expenditure 3,232,435

Administrative expenditure 628,839

**Total 3,861,274**

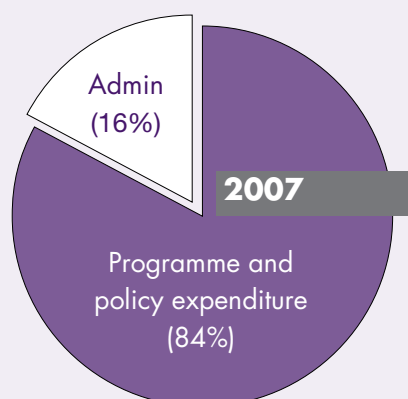


### 2007

Programme and policy expenditure 3,444,241

Administrative expenditure 633,283

**Total 4,077,524**



## Income by Donor

(€)

Swedish International Development Cooperation Agency	464,856
Open Society Institute	474,909
Direction Générale de la Coopération et du Développement du Royaume de Belgique	457,459
European Union	503,164
Foreign and Commonwealth Office, UK	365,571
Ministry of Foreign Affairs, the Netherlands	438,938
Department for International Development, UK	350,772
Ministère des Affaires Etrangères, France	267,752
Sigrid Rausing Trust	70,476
Direction du Développement et de la Coopération Suisse	151,616
United Nations Development Fund	192,801
United Nations Children's Fund	63,865
Norwegian Mission of Rule of Law Advisors to Georgia	28,695
Catholic Organisation for Relief and Development, The Netherlands	54,722
RCT/Empathy	5,324
Food and Agriculture Organisation of the United Nations	5,228
United Nations Office on Drugs and Crime	9,576
Interchurch Organisation for Development Cooperation, the Netherlands	28,798
Ford Foundation	27,733
Ministry of Public Finance, Romania	34,995
Swiss Foundation (VEBO)	2,743
Allan and Nesta Ferguson Charitable Trust	5,742
Other income	10,004
Comité Catholique contre la Faim et pour le Développement, France	1,040
<b>€ 4,016,779</b>	



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