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

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’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 Brydensholt, 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-Leliouche, 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
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. Worldwide 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.
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.

‘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 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.
Reducing the unnecessary use of imprisonment

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.

‘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


‘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

‘Reductions of imprisonment’

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PRI, Evaluation of Paralegal Advisory Scheme, Malawi, 2007

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’.

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.

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

- Liberia – 97.3%
- Mali – 88.7%
- Haiti – 84.2%
- Andorra – 77%
- Niger – 76%
- Bolivia – 75%
- Mozambique – 72.9%
- Timor-Leste – 70.9%
- India – 69.7%
- Peru – 67.8%

Source: ICPS, 2007

1 UN Standard Minimum Rules for Non-custodial Measures
Reducing the unnecessary use of imprisonment

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...
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.


‘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

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:

- Promoting 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. 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 …’

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.

2 Article 10
3 Human Rights Committee General Comment 21 Humane treatment of persons deprived of their liberty, 1992
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.

Implementing human rights standards

‘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
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 (APRODHO) 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’. 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

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4 Article 12, International Covenant on Economic, Social and Cultural Rights
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.
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

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’.\(^5\) 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.

\(^5\) OHCHR Fact Sheet No 22, Discrimination against Women, the Convention and the Committee
**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.\(^6\)

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

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6 Article 37
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 cooperation 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.

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.
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.
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

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.
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.7

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.

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

7 Articles 10(1) and 10(3) of the International Covenant on Civil and Political Rights.
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.8

‘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

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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
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, Kazakhstan
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 (KNV)
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
Ministry of Justice and Constitutional Affairs, Malawi
Ministry of Justice and Constitutional Affairs, Malawi
Ministry of Social Development, Jordan
Mizan Law Group for Human Rights, Jordan
National Centre for Human Rights (NCHR), Jordan
UNDP, Kenya
UNDP, Tanzania
UNICEF, Kenya
UNICEF, Tanzania
UNICEF, 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 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 et 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 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
**PRI partners and donors in 2007**

### 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
- 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

### Donors
- 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 Cooperation Suisse
- Direction Générale de la Cooperation 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 FCDO 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 (€)

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<thead>
<tr>
<th>Year</th>
<th>Direct Expenditure</th>
<th>Administrative Expenditure</th>
<th>Total</th>
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<td>2006</td>
<td>3,232,435</td>
<td>628,839</td>
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### Income by Donor (€)

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<th>Amount</th>
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<td>Swedish International Development Cooperation Agency</td>
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<td>Open Society Institute</td>
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<td>United Nations Office on Drugs and Crime</td>
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<td>Ford Foundation</td>
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<td>Swiss Foundation (VEBO)</td>
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<td>Allan and Nesta Ferguson Charitable Trust</td>
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<td>Other income</td>
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<td>Comité Catholique contre la Faim et pour le Développement, France</td>
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<td><strong>Total</strong></td>
<td><strong>4,016,779</strong></td>
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</table>
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