

Penal Reform International Annual Report 2012

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Penal Reform International's audited accounts and accompanying report for the year 2012 can be found on our website: www.penalreform.org

PRI would like to thank in particular the photographers who have given permission for their work to be included in this publication: Nathalie Mohadjer (p12), Thomas Martin (p13, p32) and Andrew Aitchison (p16, p20).

We would also like to thank the UN Office on Drugs and Crime (UNODC) for permission to use photography by Alimjan Jorobaev and Maxim Shubovich produced under the EU-UNODC project, Support to Prison Reform in the Kyrgyz Republic (2009-2013).

Message from the chair

Penal reform and the post-2015 development agenda



As the international community embarks on the negotiation of a new development agenda to follow the Millennium Development Goals (MDGs), the inter-linkages between civil, economic and social rights, between rights and development, are once again generating attention.

Sustained development needs to be based on the rule of law and on access to justice, so that all people, including the marginalised, can benefit from development.

The United Nations define the rule of law as a principle of governance in which all persons, institutions and entities, public and private, including the state itself, are accountable to laws that are equally enforced and independently adjudicated, and consistent with international human rights norms and standards. The rule of law requires, as well, measures to ensure adherence to the principles of equality before the law, accountability to the law, fairness in the application of the law, avoidance of arbitrariness and procedural and legal transparency.

Unfortunately, in many countries, criminal justice systems are unfair and discriminatory and cause, drive and deepen poverty, running counter to the objectives of the Millennium Development Goals.

Many of those who come into contact with the criminal justice system, both as victims and offenders, come from backgrounds of marginalisation and poverty. Moreover the social stigma of criminalisation creates a cycle of poverty that offenders and their families cannot easily break out of, effectively criminalising poverty, which is inherited by the next generation, the children of incarcerated parents.

Discrimination and marginalisation become entrenched in society, meaning that some of the most vulnerable people will never benefit from development initiatives at national or international level.

At the same time, the socio-economic impact of incarceration globally, pending trial or following conviction, is enormous, including at the level of state budgets, which would be much better invested in non-custodial alternative sanctions, and in poverty reduction in the interest of addressing the root causes of offending.

A criminal justice system consistent with the rule of law, that is fair and applied without discrimination is therefore one of the cross-cutting issues necessary for achieving development goals, and should be at the heart of the post-2015 development agenda.

Penal Reform International is committed to contributing to making it so.

David Daubney Chair



Penal Reform International (PRI) is an independent non-governmental organisation that develops and promotes fair, effective and proportionate responses to criminal justice problems worldwide.

We believe that in a criminal justice system that is fit for purpose: offenders are held to account, sentences are proportionate, and the primary purpose of prison is rehabilitation not retribution.

Over 10 million men, women and children are in prison around the world, a large proportion for minor, non-violent offences. Around 3.2 million people in detention are awaiting trial. We advocate for the rights of defendants to a fair trial without delay, and an end to the unnecessary use of imprisonment. We promote alternatives to prison which support the reintegration and rehabilitation of offenders and reduce the likelihood of reoffending.

We promote the rights of detainees to fair and humane treatment. We campaign for the prevention of torture and the abolition of the death penalty, and we work to ensure just and appropriate responses to children and women who come into contact with the law.

We work with inter-governmental organisations to bring about reforms that balance the rights of offenders and of victims, and we provide practical assistance to national policy-makers, criminal justice authorities and civil society to reform legislation, policy and practice.

We currently have programmes in the Middle East and North Africa, Central and Eastern Europe, Central Asia and the South Caucasus, and work with partners in East Africa and South Asia.

We have consultative status at the United Nations (ECOSOC), the Inter-Parliamentary Union, the African Commission on Human and Peoples' Rights, the African Committee on the Rights and Welfare of the Child and the Council of Europe.

Find out more about what we are doing at www.penalreform.org/priorities.

Our goals



A fair and efficient criminal justice system consistent with the rule of law, and ensuring access to justice.



A reduction in the use of imprisonment through greater use of non-custodial alternatives which support the social reintegration of offenders.



The abolition of the death penalty and the introduction of humane alternative sanctions.



Child-friendly justice which recognises the right of children to special protection and only ever uses detention as a last resort.



Proportionate and gender-sensitive responses to women offending, acknowledging the specific characteristics and needs of women in the criminal justice system.



Improvement of prison conditions and the prevention of torture and other cruel, inhuman or degrading treatment or punishment.

Our themes

Global advocacy

Justice for children

Solitary confinement

Life and long-term imprisonment

Pre-trial justice

Vulnerable groups

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Ending the use of the death penalty

Prison condition

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Women in the criminal justice system

Non-custodial alternatives to imprisonment



Why we engage in penal reform the way we do

Penal Reform International is a specialist organisation which addresses the rights of suspects, offenders and prisoners in the context of the broader criminal justice system.

At any one time, there are around ten million people in prison worldwide. The number of people behind bars, whether on remand or serving sentences, has increased in most countries over the last 20 years, placing an enormous financial burden on governments and at great cost to the social cohesion of societies.

An estimated 3.2 million people – 30 per cent of the global prison population – are behind bars awaiting trial, presumed innocent and often ultimately proven not guilty.

High rates of detention have contributed to widespread prison overcrowding, which not only exacerbates poor prison conditions and heightens the risk of torture and ill-treatment, but also impacts negatively on prospects for rehabilitation and reintegration.

It is for these reasons that PRI is committed to developing and promoting fair, effective and proportionate responses to criminal justice problems.

Fair trials are key to ensuring a fair criminal justice system, guaranteeing that people are not imprisoned unless proven guilty. Given the complexity of legal systems today, legal representation is the single most important precondition for ensuring the right to a fair trial, the rule of law and equality before the law. Without it, defendants are at risk of being convicted despite being innocent, of being sentenced to disproportionately long terms of imprisonment and of mitigating factors in their case not being adequately pleaded and considered.



However, as the majority of detainees come from poor and marginalised backgrounds, they are unable to afford a lawyer. PRI therefore advocates access to legal representation and adequate legal aid systems.

While detention may be necessary to provide accountability, to ensure the safety of society, and to protect the rights of victims, it should be the last resort, rather than the first and default response. The negative consequences of unnecessary imprisonment are manifold, for offenders, their families and for society as a whole.

Where suspects are held in pre-trial detention, imprisonment undermines the chance of a fair trial in a number of ways. It makes it more difficult to prepare an effective defence and increases the risk of a confession or statement being coerced by torture or ill-treatment.

Where imprisonment is imposed for minor and non-violent offences, it is more likely to risk triggering a cycle of criminality than to prevent reoffending. With family links and livelihood disrupted, if not lost, due to imprisonment, the chance of leading a law-abiding life following release diminishes rather than increases.

For children, imprisonment is a particularly damaging and counter-productive penal strategy. Placing children in detention can cause long-term psychological and physical harm, and the stigma of a criminal record affects their

long-term prospects. Removing children from their family and community, as well as from educational or vocational opportunities at the most formative period in their lives, has a lasting and damaging impact.

PRI therefore promotes a response to children who come into contact with the law that does not compound social and economic disadvantage and marginalisation, but reacts proportionately to the alleged offence, promotes diversion out of the criminal justice system and sustainable rehabilitation, and uses detention only as a last resort.

The negative impact of imprisonment is also disproportionately damaging to women, who are often in prison as a direct or indirect result of multiple layers of discrimination experienced at the hands of their husbands or partners, their family and the community.

As women have always been a minority of prisoners around the world, penal systems have invariably been designed for the majority male prison population. They fail to respond to the special characteristics and needs of women offenders, which include gender-sensitive alternatives to imprisonment, conditions in detention and rehabilitation programmes.

Non-custodial alternatives are less expensive, and are proven to prevent reoffending more effectively than imprisonment.



From access to legal representation, to the reduction of the unnecessary use of imprisonment, fair treatment of prisoners, adequate responses to children and women in conflict with the law, and the replacement of the death penalty with humane alternative sanctions, PRI adds value as an organisation addressing the human rights of suspects, defendants and prisoners in the context of the broader criminal justice system.

The overuse of imprisonment comes with high hidden costs. Children of parents in prison, for example, suffer hugely from a parent's imprisonment. The high rate of communicable diseases, such as HIV/AIDS, tuberculosis and hepatitis, in prisons unavoidably affects the wider community as prisoners are ultimately released. The strain of over-incarceration on state budgets is considerable, diverting precious resources from meaningful purposes.

Non-custodial alternatives are less expensive, and are proven to prevent reoffending more effectively than imprisonment. They can also benefit the victims of crime, through a restorative justice process or sometimes compensation. The savings made would be better invested in improving investigation procedures, in the appointment of more judges, and in better prison conditions.

Humane treatment of detainees is another key component of a fair and just criminal justice system. Confessions coerced abusively not only violate the prohibition on torture or ill-treatment and the presumption of innocence, but undermine the very purpose of criminal law in that they do not actually 'solve' a criminal case.

Inhumane conditions in detention, often amounting to torture or ill-treatment, also stand in the way of an effective and proportionate criminal justice system. In a system guided by the rule of law, sentences are handed down by courts following a fair procedure, untainted by inhumane treatment or abuse in prison. Ill-treatment at the hands of prison officials and harsh detention conditions are also inconsistent with the aim of rehabilitation. Victims of such treatment are likely to leave prison believing that injustice was done to them, and less likely to change and re-integrate successfully into society.

PRI's work on the rehabilitation of victims of torture is based on the principles of restoring and repairing the harm suffered by people who have become victims of torture in prison. That they recover their dignity, health and self-sufficiency as much as possible is not only in the interest of the victims, but their successful reintegration following release is also in the interest of the society as a whole.

However, the ongoing practice of abusive treatment also calls for a preventive approach, both to restore the rule of law and society's confidence in it. PRI promotes the establishment of robust, independent public oversight or monitoring bodies. Such mechanisms are proven to be a valuable tool in effectively preventing torture and ill-treatment from (re-)occurring in places of detention, while at the same time demonstrating a commitment of state institutions to counter abusive practices and conditions.

Our vision is for fair and effective criminal justice systems where offenders are held to account, but where sentences are proportionate, and the primary purpose is rehabilitation not retribution.

A death sentence handed down by the state represents the foremost example of retribution and the ultimate cruel, inhuman and degrading punishment. PRI opposes the death penalty as an unacceptable denial of human dignity and integrity, which is neither proportionate nor aimed at rehabilitation.

The body of work PRI has established on the death penalty is aimed at its ultimate abolition, progressively restricting its use in law and in practice, ensuring that fair trial guarantees are observed, and that human rights standards and norms for prisoners on death row are respected. However, as a human rights organisation specialising in penal reform, alongside steps towards abolition, we also seek to replace capital punishment with humane alternative sanctions.

From access to legal representation, to the reduction of the unnecessary use of imprisonment, fair treatment of prisoners, adequate responses to children and women in conflict with the law, and the replacement of the death penalty with humane alternative sanctions, PRI adds value as an organisation addressing the human rights of suspects, defendants and prisoners in the context of the broader criminal justice system.

How we work

We work as a catalyst for change through a smart mix of advocacy and practical programmes for reform. We work nationally, regionally and internationally.

01

Our emphasis on the value of constructive discourse allows us to achieve change in politically sensitive environments. Our approach allows us to enter into dialogue with governments and authorities where organisations with a reporting, litigation or campaigning mandate cannot engage in the same way.

02

We pursue a comprehensive approach, taking into account the interrelations between the broader criminal justice system and human rights safeguards, at all stages of penal law.

03

We work in diverse regions and countries with different political and social realities, and develop and promote culturally specific solutions to criminal justice and penal reform for each.

04

Progress in our area of work can be slow and gradual. Our long-term approach means that when opportunities for reform arise we are in a good position to engage. 05

We work in partnership with local organisations both in joint advocacy and in delivering practical programmes, and we seek to increase their capacity to address penal reform in their work.

06

We give local organisations and campaigners a platform to raise human rights issues with authorities.

07

We do not work on individual cases, but highlight the needs of vulnerable groups by way of systemic reform and by countering discrimination in the criminal justice system. 08

We are committed to improving our monitoring and evaluation systems in order to review whether our programmes are on track, assess their relevance, and measure the impact of our work. We believe that evaluation should be a critical tool that enhances our programmes and ensures our decisions are evidenced based.

09

We seek and accept funds from governments only if they do not threaten our autonomy or require us to depart from our mandate or from our expert assessment of what is needed.

January

A new year, and 10 new resolutions for child-friendly justice

PRI's Nikhil Roy, Violence against Children conference, Bishkek, 2012.

Our first publication in 2012 – The 10-point plan for fair and effective criminal justice for children – was produced in partnership with the Interagency Panel on Juvenile Justice (IPJJ) and translated into French and Spanish by UNICEF. It emphasises crime prevention; detention as a last resort, including through diversion; separate justice systems for children; specialised rehabilitation and reintegration programmes for children; and the protection of children against violence in the criminal justice system.

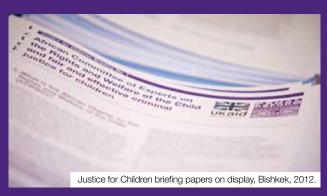
The 10-point plan was the first of a series of briefing papers on children in the criminal justice system produced in 2012. These included a briefing for the African Committee of Experts on the Rights and Welfare of the Child, one on independent monitoring mechanisms for places where children are detained, and another on the rights of children when their parent is in conflict with the law.

We produced another set of publications as part of our work on violence against children. This included a series of eight reports, setting out the current state of policy and legislation protecting children from violence in police and pre-trial detention in Bangladesh, Georgia, Jordan, Kazakhstan, Pakistan, Russia, Tanzania and Uganda.

These reports were shared at an international conference on violence against children in Bishkek, Kyrgyzstan in September held in collaboration with UNICEF, which enabled regional offices and partners involved in the campaign to discuss and reflect on the research findings and recommendations from the reports and to identify priorities for action at the national level.

January was the start of a productive publishing year for PRI with the launch of a 10-point plan for child-friendly justice widely disseminated this year and available in five languages – English, French, Spanish, Arabic and Russian.







Every time I worked with one of PRI's teams I saw that their fierce engagement helped to improve even in a small way the lives of those who have no voice: the many children living in difficult circumstances worldwide.

Renate Winter, Committee on the Rights of the Child

Also in 2012, we worked with UNICEF in Uzbekistan to produce a number of manuals on justice for children for civil court judges, criminal court judges and social workers, and ran a series of capacity building events to train trainers on justice for children. Again with UNICEF in Tanzania, we developed a series of standardised tools for monitoring conditions in places of detention where children are deprived of their liberty, which is being used by various bodies mandated to undertake inspections.

At the regional level, we were active at the African Committee of Experts on the Rights and Welfare of the Child (ACERWC), lobbying for the adoption of, and supporting the drafting of a General Comment on Article 30 of the African Charter on the Rights and Welfare of the Child (ACRWC) on the rights of children whose parents are in conflict with the law.

Putting the 10-point plan into action

In Armenia last year, we set up two pilot projects to improve rehabilitation services for young people.

Our South Caucasus office is currently working with two civil society organisations in Armenia on a project to modernise the juvenile justice system, funded by the European Union. The project has a number of different strands, one of which is the establishment of two pilot rehabilitation centres for children in conflict with the law in the cities of Yerevan and Abovyan.

Over the course of 2012, 101 children and young people attended the centres and received social and psycho-social support in the form of individual, family and group therapy and counselling.

Young people are referred to the centres through a number of different routes – by the police, the Commissions on Trusteeship and Guardianship (social workers), the Departments of Family, Women and Children's Issues and by schools. For each child, a personal individualised development plan is developed and a case manager coordinates their care. Some children who come to the centre are referred by their case managers on to other services, such as employment agencies or to vocational schools to take a variety of courses.

The programme also incorporates a restorative justice element, which involves a range of tailored activities for each child, and aims to help them to recognise the impact of their actions, make reparation and support their reintegration into society.

The project is also providing training for a wide range of professionals involved in child protection, including social workers and psychologists from the rehabilitation centres, police representatives, schools, and child rights protection units.



Penal Reform International's significant work to divert children from the criminal justice system and prevent deprivation of liberty, as well as to promote non-punitive approaches and the rehabilitation and protection of children who are in detention, has made them a leading advocate on criminal justice reform and a vital partner in my mandate.

Marta Santos Pais, Special Representative of the UN Secretary-General on Violence against Children



There is scope for reform in many areas of criminal justice in the Middle East and North Africa. Non-custodial responses to offending are rarely used; there are few aftercare programmes or reintegration plans; prisons are generally overcrowded and lack the basic facilities and services needed to meet the needs of vulnerable groups.

Our three-year project, which started at the end of 2011, builds on work carried out over the past six years, also supported by SIDA, which focused on improving juvenile justice systems in the region. The current project

expanded the scope of previous work, and focuses on criminal justice reform for vulnerable groups, such as women, including in particular pregnant women, women with children, domestic workers and sex workers, and children and young people, including children detained with their mothers. It operates in six countries – Algeria, Egypt, Jordan, Morocco, Tunisia and Yemen.

In February 2012, PRI's Middle East and North Africa office signed a Memorandum of Understanding with the Tunisian Ministry of Justice, one of several signed with government institutions and local NGOs this year to help deliver our project promoting the rights of vulnerable groups in the penal system in the MENA region, funded by the Swedish International Development Agency (SIDA).





Harsh conditions in prison have a greater impact on marginalised and vulnerable groups who, because of age, gender, ethnicity, state of health or legal status, usually face an increased risk to their safety, security, and well-being.

Over the course of the year, a number of activities aimed at improving the compliance of penitentiary systems with international standards took place in Algeria, Jordan, Tunisia, Yemen and Morocco. These included legal research and analysis of the legislative system in each country; capacity-building workshops on a human rights based approach to prison management for prison personnel; exchange visits and reviews of good regional practices; curriculum development for police academies; and developing services for vulnerable groups, such as an aftercare scheme for prisoners after release in Jordan, for example.

The project has a particular focus on diverting vulnerable groups out of the criminal justice system and promoting the use of non-custodial measures. Regional research on the legal status of alternatives and their use is in progress, and a series of workshops for journalists and judges took place to promote the use of alternative sentences.

Another project objective is to enhance the capacity of local NGOs and encourage their engagement on criminal justice reform in the project countries. This year, PRI signed Memoranda of Understanding with several local NGOs to act as local partners in delivering the project activities in each country, and to help establish a regional network of NGOs that work on criminal justice reform.

Morocco

In Morocco, the main focus of the project in 2012 was providing specialised training for prison personnel. A series of workshops on human rights based prison management was organised in partnership with the General **Commission for Prisons** and Reintegration. Additionally, we worked closely with King Mohammad VI Foundation for Prisoners' Reintegration to document and share their experience of prisoner aftercare in the region.

Algeria

Over 1,000 women annually are imprisoned in Algeria, either in women's prisons or in separate wings of men's prisons. This year, an agreement was signed with the Directorate for **Prison and Reintegration** to support the establishment of a mother-and-baby unit at the women's prison in Algiers which meets international standards on the provision of childcare. The unit is expected to open at the end of 2013.

Egypt

In 2012, political events slowed the project's progress in Egypt. However, discussions are underway with local NGOs on how to take the project forward.

Tunisia

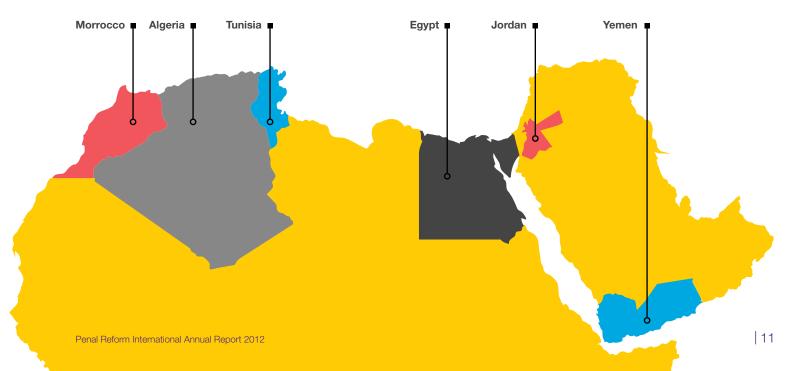
Since 2011, PRI has been able to work closely with the Tunisian Ministry of Justice. Amongst other activities this year, we have provided expertise in the drafting of a new penal reform strategy.

Jordan

The rate of recidivism in Jordan is 57 per cent, and former prisoners have little support after their release from prison to support their reintegration back into society. In partnership with government agencies and local NGOs, we are working to establish an aftercare scheme for prisoners on release. The scheme will be run by a network of local NGOs and with the support of the Ministry of Social Development.

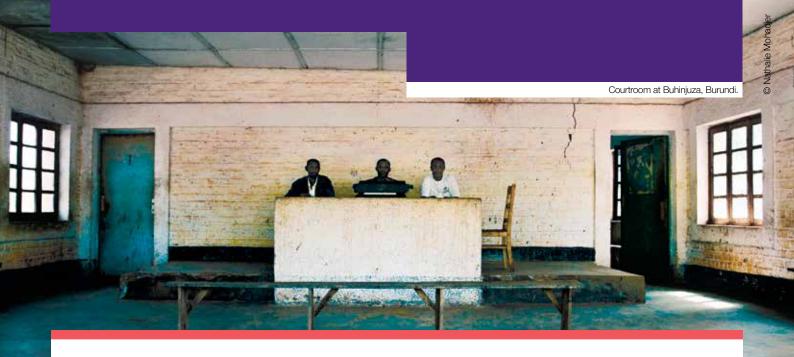
Yemen

In Yemen, the prison system has a severe shortage of resources, conditions are poor, and prison personnel have little awareness of, or training in, prison management. We are working jointly with the Yemeni Correction and Rehabilitation Department to establish a specialist training centre for prison staff. The centre will, for example, offer training on prison management techniques, the needs of vulnerable groups and the provision of healthcare.



March

Back to work in Africa



In 2012, we ran a series of workshops for magistrates in Kenya, Tanzania and Uganda, aimed at identifying reasons for the decline in use of non-custodial alternatives in the region and re-sensitising magistrates to their advantages.

Ten years ago, PRI worked with partners in East Africa in several East African countries to help develop and support community service orders (CSOs) as an alternative to imprisonment.

Community service is a more effective and humane way of dealing with minor offenders, offering benefits both for the individual and for society. It enables people to keep their jobs and to continue to live with their families while they undertake unpaid work that benefits the community. Re-offending rates are significantly lower for offenders

doing community service than for those serving prison sentences, and unlike a spell in prison, there is no risk of further criminalising the defendant or exposing them to the mental and physical health risks that often result from the overcrowded and insanitary conditions in many prisons.

In the early 1990s, there was a dramatic growth in the number of community service orders by magistrates in Kenya – just 3,000 in 1990 which rose swiftly to 55,000 in 1997. However, in the last two years in particular, the number of orders has fallen as spectacularly as they had risen, dropping from 42,000 in 2010 to only 13,000 in 2011.

Well known for its innovative work in East and Central Africa in the 1990s and 2000s, PRI returned to Africa this year thanks to its grant from the UK Government. PRI's year in East Africa began with workshops on alternatives to imprisonment for magistrates in March.





Over the course of 2012, 320 members of the judiciary attended workshops – 160 in Kenya, 90 in Tanzania, and 70 in Uganda. Feedback from participants was positive, with respondents surveyed after 3-6 months indicating that many had changed their practice after the training.

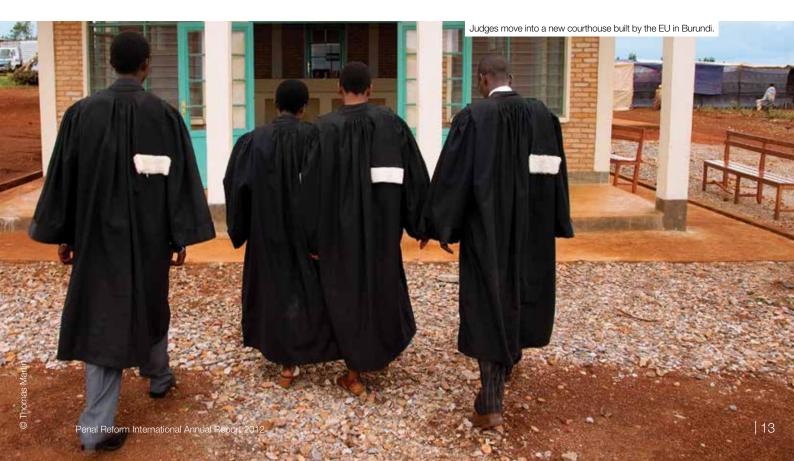
As well as running workshops, we also published research into the current use of non-custodial alternatives in East Africa (Alternatives to imprisonment in East Africa: trends and challenges, see page 32) and a resource pack of information and material about how community service has developed as an alternative to imprisonment in Kenya, Uganda and Tanzania (Making Community Service Work, see page 32).

We worked closely with prison, probation and police officials and the judiciary. In partnership with the Department of Probation and Aftercare Service in Kenya and with the Department of Community Service in Uganda, we helped share good practice within the region and amongst probation departments.

We worked with local civil society partners to promote juvenile justice reform, publishing research into violence against children in police and pre-trial detention in Tanzania and Uganda.

I now ask for a CSO report in every single case that comes before me if it is a first-time offender and if the offence is suitable for a CSO or probation. I was not doing that before. I have also widened the scope of cases I refer for CSOs. Before that I only used to refer the very petty cases only. This has greatly increased the number of referrals.

Participant, magistrates' training, Kenya, 2012



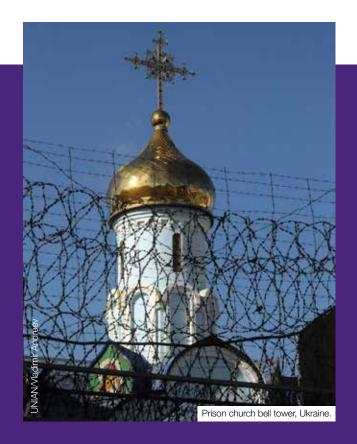


While Ukraine's criminal justice system has undergone some positive reform since Ukraine achieved independence from the former Soviet Union in 1991, it continues to face a number of problems, including violence in places of detention, poor living conditions and treatment of detainees, as well as a lack of public oversight of detention facilities. The rate of imprisonment in Ukraine is high, the 25th highest in the world, with 336 people in prison per 100,000 inhabitants. Around 23 per cent of the 153,000 people in prison are behind bars awaiting trial, reflecting excessive use of prison on remand, and the low use of non-custodial alternatives.

Funded by the Swiss Agency for Development and Cooperation, our project – 'Support for the penitentiary system in Ukraine' – which ran from 2009 to 2012 was ambitious in scope aiming to reform the penitentiary system of Ukraine in a number of specific aspects. In particular, the project focused on reform of pre-trial detention; increasing the capacity and professionalism of prison service staff and their awareness of human rights; improving prison conditions, in particular for women, children, young people and prisoners serving life and long-term sentences; and increasing public trust and confidence in the criminal justice system.

We worked with a number of Ukrainian civil society organisations and strong relationships were formed with parliamentary committees, government agencies and the judiciary.

In April, PRI celebrated the end of a successful three-year project promoting reform of the criminal justice and penitentiary system in Ukraine.





The Council of Europe is already building on the results of the project Support for Penitentiary Reform in Ukraine, related to preventing and combating ill-treatment of detainees.

Bozhena Malanchuk, Joint Project European Union – Council of Europe, Reinforcing the Fight against III-treatment and Impunity

Achievements

More training

- → Over 2,000 people took part in training over the course of the project, including 94 public prosecutors, 70 journalists, 205 police investigators, 241 judges, 663 prison service staff and 836 imprisoned women and girls.
- → A Centre of Competence based in the Bila Tzerkva Professional Training School for Prison Personnel (BZTS) was developed to provide a comprehensive programme of research, development and training for staff.
- → 3,000 copies of a manual on pre-trial detention were distributed to participants at project seminars, courts, the National School of Judges, the Prosecutor General's Office, and the Ministry of Internal Affairs. An electronic version of the manual has now been incorporated into an online professional competence course for investigative bodies.
- → Prison staff received training on human rights standards, gender equality, health and prison management, and working with life and long-term prisoners. All materials produced as part of the training are now included on the State Penitentiary Service's official list of training materials.

Better court practice

Seminars for judges, prosecutors and investigators on issues concerning pre-trial detention, which introduced new ideas around arrest, diversion and alternatives to detention, helped to decrease the percentage of arrests and detentions pending trial, with pre-trial detention falling by over eight per cent from 16,340 in 2010 to 14,888 in 2011.

Improved legislation

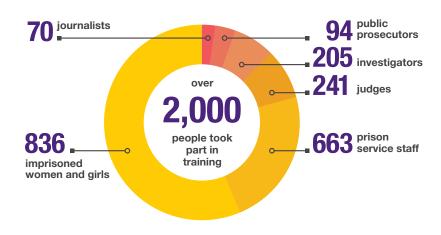
Thirty-five different proposals and recommendations for reform were developed as part of the project – and 80 per cent of these were accepted. For example:

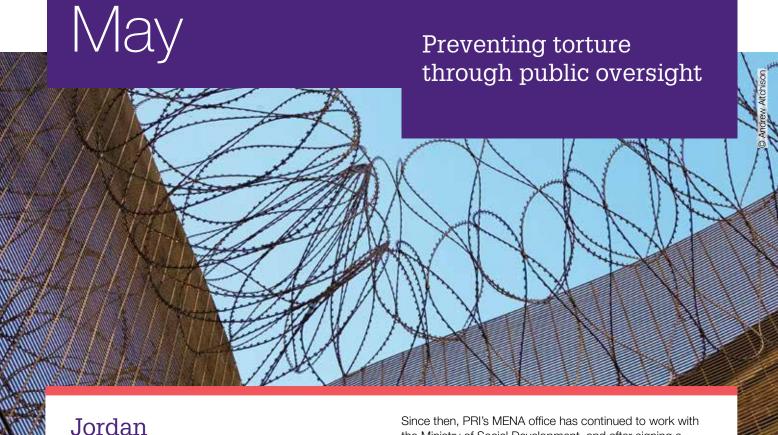
- → Ukraine's revised Code of Criminal Procedure was adopted by parliament in April 2012 and came into force in November. This project organised many discussions of the Code amongst researchers, judges and prosecutors which contributed to the draft bill. The revised Code contains a number of significant reforms, particularly to the use of pre-trial detention, steering courts towards non-custodial alternatives.
- → A number of legislative amendments were made which affect prisoners serving life sentences. For example, the number of short term family visits permitted was increased; limitations on the number of phone calls were lifted; the possibility of transfer to a lower security prison was introduced; and women sentenced to life imprisonment were reclassified from maximum to medium security status.

Support for vulnerable prisoners

- → Training programmes for prison staff focused on the protection of vulnerable prisoners, including a course on suicide prevention.
- → A pilot mother and baby unit was established at Chernihiv Women's Correctional Colony in September 2010, the first such unit in Ukraine. At the end of 2012, a new regulation was adopted which provides a legal basis for the establishment of similar units in other women's prisons.
- → Training programmes on working in the prison system were introduced for student social workers studying at Kiev's National Taras Shevchenko University, and student volunteers from the university's psychology department now provide free support to women and children in detention centres.







Our Middle East and North Africa (MENA) office took part in a special taskforce convened by the King of Jordan to investigate alleged abuse of children in care centres in Jordan. This became the first step towards establishing a national independent monitoring body with oversight of care facilities in Jordan, including

centres for juveniles.

In May 2012, BBC Arabic aired a documentary revealing that children with disabilities in private special education centres were being subjected to systematic violence. The programme was widely reported in the news inside and outside Jordan and following a royal decree by King Abdullah of Jordan, a committee was established to look into the allegations. PRI's Middle East and North Africa team took part in the inspection committee helping to develop recommendations for reform. The committee visited a range of institutions, including six detention centres for juveniles in contact with the law.

Since then, PRI's MENA office has continued to work with the Ministry of Social Development, and after signing a Memorandum of Understanding with the Ministry, led the launch of a new national independent team for monitoring care centres in March 2013. This team of multi-disciplinary independent experts have been guaranteed unrestricted access to all care facilities across Jordan, including care homes for the elderly, centres for people with disabilities, women and girls in need of protection and children in detention. PRI is also working on establishing a similar body in Yemen, which would have a wider mandate that includes oversight of prisons.



In all the regions we work in, we have a strong focus on improving safeguards against torture and other cruel, inhuman or degrading treatment or punishment in places of detention, and on promoting the establishment and effectiveness of detention monitoring bodies. May 2012 saw two significant developments in this field – in Jordan and in Kazakhstan.



The OPCAT is all about building constructive partnerships focused on preventing torture and ill-treatment. The SPT could not want for a more constructive relationship than that which it enjoys with PRI, which has been a longstanding source of encouragement, support and insightful advice – a true 'critical friend'.

Malcolm Evans OBE, Chair of the UN Subcommittee on Prevention of Torture (SPT)

Kazakhstan

Also in May, our Central Asia office published a manual to support the work of Kazakhstan's 13 regional Public Monitoring Commissions.

The manual provides guidance for new members of Public Monitoring Commissions and a range of practical tools for use in monitoring visits. Nearly 200 copies of the manual were distributed to Commission members in each region.

For many years in succession, the UN Special Rapporteur on Torture has concluded from his visits to Kazakhstan that the use of torture and ill-treatment in places of detention is common and has recorded credible allegations of violence against prisoners.

Improving public oversight of prisons and preventing torture and ill-treatment is a particular focus in all our projects in the region, and 2012 was no exception.

Over the course of the year, our Central Asia office provided expert support to the government and parliament on drafting a law establishing a National Preventive Mechanism for Kazakhstan (NPM).

PRI was heavily involved in the parliamentary Working Group examining the draft law, and also facilitated the involvement of other civil society groups, including representatives from the Public Monitoring Commissions.

As a result of intensive work within the Working Group, a number of significant changes were made to the draft law. Importantly, funding for the NPM will be included in the state budget; regulations on Public Monitoring Commissions were kept in the Criminal Executive Code strengthening their status; independent experts will be included in the NPM;

and the mandate of NPM work was widened, with the list of facilities to be visited now non-exhaustive. It is expected that the new law will come into force in July 2013. The budget for the NPM's work in 2013 has already been approved.

As well as publishing the manual, we supported the work of the PMCs in a number of other ways this year. In July 2012, we facilitated a discussion, with the financial support of the European Union, the British Embassy in Kazakhstan and Open Society Institute (OSI), on establishing a Coordinating Council for the PMCs. The Council is now registered with the Ministry of Justice.

We also supported the work of UN bodies in the Central Asia region, providing the UN Subcommittee on Prevention of Torture (SPT), for example, which monitors compliance with OPCAT (the Optional Protocol on the Convention against Torture), with information on the draft law on the NPM. We also organised meetings between the SPT and the Presidential Administration in November, which proved influential in supporting changes to the draft law, and strengthened our links with UN bodies in the region.



Meeting of Public Monitoring Commission Coordinating Council, 2012.

More on monitoring in June and September.

June



PRI hosts torture prevention conference in Tbilisi

June's cross-regional conference in Georgia brought together government officials, representatives of national human rights institutions, National Preventive Mechanisms, and civil society representatives from Ukraine, Belarus, Russia, Armenia, Azerbaijan, Georgia, Kazakhstan, Kyrgyzstan and Tajikistan. The gathering provided opportunities for knowledge transfer across countries and regions and promoted good practice in the set-up and functioning of preventive monitoring bodies.

International expertise was provided by representatives of the Committee for the Prevention of Torture, the Council of Europe Committee for Prevention of Torture, the OSCE and the International Rehabilitation Council for Torture Victims (IRCT).

The conference was held as part of our three-year Torture Prevention project in nine former Soviet Union countries which focuses on the establishment of effective monitoring bodies as a tool to prevent abuse, on the criminalisation of torture in the penal code, and on the rehabilitation of torture victims.

A busy month for our

Again, this conference was a mid-point in a busy year of national, regional and international advocacy on torture prevention and PRI's expertise was widely sought. We engaged with the UN Subcommittee on Prevention of Torture, and participated at the OSCE Human Dimension Implementation Meeting (HDIM) in Warsaw in September, delivering an intervention on civil society monitoring of closed institutions. In November, we were invited to contribute to the formulation of the future strategy and priorities of the OSCE Office for Democratic Institutions and Human Rights at a workshop for field officers in the OSCE region.



In June, there was an interesting confluence of issues for our two multi-regional projects. Our contribution at a high-level meeting at Harvard concentrated on how and when the death penalty may amount to torture, or other cruel, inhuman or degrading punishment prohibited under international law. Elsewhere in June, we were busy organising a cross-regional conference on torture prevention in Tbilisi, Georgia.

Regional highlights for torture prevention

- In Kyrgyzstan, intensive advocacy by PRI contributed to the adoption of a law introducing a National Preventive Mechanism in Kyrgyzstan in July 2012.
- In Tajikistan, a definition of torture was included in the criminal code. Local experts and partner organisations consider this change as positive and are monitoring its implementation.
- In Georgia, the government is considering re-establishing civil society monitoring boards, and its commitment to the rehabilitation of victims of torture is now reflected in the new Anti-Torture Action Plan (2011-2013), which includes an annual reporting obligation.

Both our multi-regional projects are funded by the European Union under the European Instrument for Democracy and Human Rights (EIDHR) and by the UK Government.

PRI participates in an expert meeting at Harvard Law School

In late June, PRI was asked to participate in an expert consultation meeting at Harvard Law School convened by the UN Special Rapporteur on Torture and the UN Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions, to inform the Special Rapporteurs' forthcoming reports to the UN General Assembly. Lawyers, academics, NGOs, and UN representatives attending the meeting, which focused on the death penalty as a form of torture, or cruel, inhuman or degrading punishment.

Discussions also covered the so-called 'death row phenomenon' – the term used to describe the severe emotional distress prisoners on death row experience during the lengthy wait for their own execution, commonly in conditions much worse than the rest of the prison population, including in solitary confinement.

The meeting was one highlight in a busy year in which we advocated intensively with other groups around the world, including the World Coalition Against the Death Penalty, on a wide range of issues. These included a reduction in the number of offences which carry the death penalty, an end to the execution of children, and the ultimate abolition of the death penalty in law and in practice.

We also raised concerns about legal aid in death penalty cases and children of prisoners on death row at the UN Human Rights Council in September and gave a presentation on the death row phenomenon at the United Nations in New York in October.

#HumanRightsWatch and #PenalReformInternational host excellent event at UNGA on #deathpenalty and #human rights.

Tweeted by the UK Foreign & Commonwealth Office, 24 October 2012

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PRI approaches the death penalty with an additional emphasis on the need to focus on challenges of alternative sanctions ... Its approach, expertise and reputation facilitates the opportunity for a fuller engagement with national authorities.

Independent evaluation of PRI's EU-funded project on the death penalty, 2010-2012



The Rules were adopted by the UN General Assembly in December 2010. Last year, we focused on international advocacy, building an international network to help promote the Rules, and on developing tools and resources to support their implementation.

In July, we published a consultative draft of the Bangkok Rules Guidance Document, which explains the rationale of the Rules and how to put them in practice. An Index of Implementation, designed to help monitor progress, has also been drafted and tested in a pilot in Kazakhstan.

We also teamed up with Human Rights Education Associates (HREA), an organisation specialising in human rights education, to develop a self-paced online course combining explanation and application of the Rules with interactive assessments and real life case studies.

All three resources will be launched in Autumn 2013, and will be useful for policy-makers, prison services and other professionals working with women offenders.

in criminal justice systems to the UN Working Group on Discrimination against Women. We highlighted this issue at the Assembly of the Inter-Parliamentary Union; hosted a roundtable for medical experts to discuss the implementation of the healthcare related provisions of the Bangkok Rules; and raised the relevant provisions on children of incarcerated parents with the African Committee of Experts on the Rights and Welfare of the Child.

We also contributed to a chapter on gender and penal reform in a Training Toolkit published by DCAF (the Geneva Centre for the Democratic Control of Armed Forces) and the OSCE's Office for Democratic Institutions and Human Rights, and provided training for civil society in former Soviet Union countries to help them incorporate the Rules into their work.



In July, we released draft comprehensive guidance on the UN Bangkok Rules for feedback. This guidance will help policy-makers and prison managers put these new international standards into practice. Also this year, far from the United Nations in the city of Tomsk, Siberia, our Moscow office has been supporting vocational training for girls at one of the city's penal colonies.

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The Guidance Document and Index of Implementation PRI is developing on the UN Bangkok Rules will constitute an important contribution to putting the rules into practice and UNODC is looking forward to using them as a comprehensive source of reference.

UNODC Justice Section



Bangkok Rule 37 comes to life in Siberia

'Juvenile female prisoners shall have equal access to education and vocational training that are available to juvenile male prisoners.' (Bangkok Rule 37).

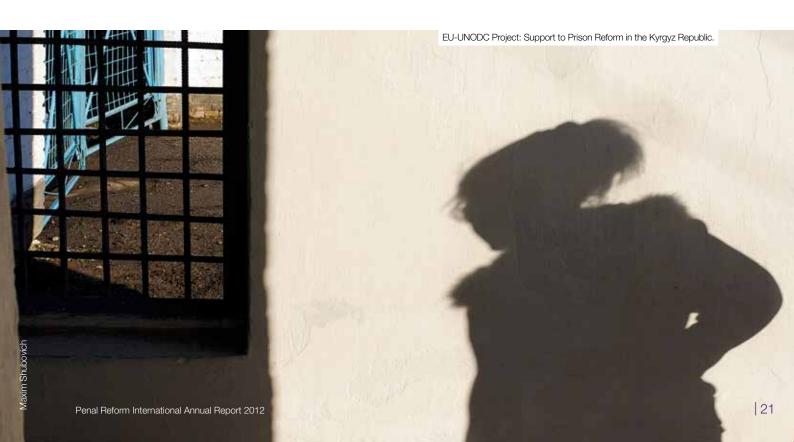
As in many other aspects of their treatment, women and girls are often at a disadvantage when accessing work experience and vocational opportunities in prison.

Programmes are usually designed for men, and the relatively small number of women prisoners often means they are poorly served in terms of resources.

The Tomsk Correctional Colony for girls houses about 60 girls up to the age of 19 sent there from all over Siberia.

Before the project, the only options open to them were to train as seamstresses or in other manual trades. The small one-year project, funded by the Norwegian Women's Training Trust and run by PRI's Moscow office, offered a group of girls from the colony a one-year training course in IT, photography and advertising in order to give them a wider range of skills to succeed in the labour market following their release.

The project was supported by the administration of the colony and by the regional authority, and run in partnership with a local college. Students from the local college continue to volunteer with the project, providing valuable social contact for the girls, many of whom are imprisoned hundreds of miles from home. The project will continue to be funded by the regional government.



August



One hundred and seventeen participants and three international experts attended the conference in Astana to discuss the prevention of drug use and HIV transmission in prisons.

The conference was part of a two-year project funded by the European Union to tackle the spread of tuberculosis (TB) and HIV/AIDS in the country's women's prisons.

Like most countries, the rate of HIV infection in prisons in Kazakhstan is much higher than in the population outside the prison walls. TB spreads easily in the cramped living conditions common to many prisons. In Kazakhstan, infection rates are 10-15 times higher than in the wider community.

While women are a minority in Kazakhstan's prisons, the numbers have risen rapidly over the last 15 years and women now make up 17-18 per cent of the prison population - almost twice the global average.

The problem of HIV/AIDS and TB transmission is particularly acute in women's prisons. The combination of gender inequality, stigma and discrimination increases women's vulnerability to contracting HIV. This is often exacerbated by the high percentage of women prisoners who had no access to medical care prior to admission, who have been commercial sex workers, and who are drug dependent. In Ust-Kamaenogorsk in Eastern Kazakhstan, for example, 40 per cent of women prisoners have been detained for drug-related offences and 60 per cent have been diagnosed with a drug dependency. Nearly 15 per cent of female prisoners in Kazakhstan are living with HIV/AIDS or TB.

Normally a rather quiet month, last August PRI's office in Kazakhstan was busy organising a conference on HIV prevention in partnership with Harm Reduction International. the Prison Service and the Ministry of Health.







The project helped me to understand how to work with women prisoners more effectively and how to explain prevention. I am very proud that as a result of the project in 2012 we had no cases of HIV transmission in our prison.

Larisa Protasova, nurse, Karaganda women's prison



The aim of this project was to improve the prevention of HIV/AIDS and TB through increased detection, treatment and care of prisoners living with HIV/AIDS or TB. It also developed the professional skills of public authorities working in healthcare in the prisons in the two regions of Eastern Kazakhstan and Karaganda province in central Kazakhstan.

Achievements

HIV transmission rates in the pilot prisons have fallen

→ In Karaganda women's prison, there were no new cases of HIV infection detected in 2012. Screening carried out a year previously elsewhere in the region found 75 cases, suggesting that transmission rates had been high.

Women in the pilot prisons are more aware of how to protect themselves against HIV/AIDS and TB

→ The number of women taking anti-retroviral drugs in Karaganda women's prison rose to 22 in 2012, compared to only five in 2011 and two in 2010.

women prisoners took part in awareness training

300 - 10

prison staff took part in training

volunteers were trained in each prison colony to provide ongoing advice

→ Women took part in tests to assess their knowledge before and after taking part in training in the patients' schools and scored higher after training. Feedback from prison nurses indicates that women asked more knowledgeable questions about how they could protect themselves following the training sessions.

Kazakhstan's government is showing commitment to tackling the spread of HIV and TB in prisons.

- → The Ministry of Health, which will take over responsibility for prison health from the Ministry of the Interior by 2015, has agreed to work with NGOs to fight the spread of TB among prisoners and former prisoners.
- → The government's National Plan for the Penal System 2012-2015 includes concrete actions for preventing HIV/AIDS and TB. These include, for example: providing anti-retroviral therapy to prisoners; ensuring that prisoners with multi-drug resistant TB have access to second-line drugs; and providing advanced training and improving pay and conditions for medical staff in prisons.
- → A recommendation developed as part of the project for the probation service to cooperate with medical services was included in the recent Law on Probation.
- → The project included training staff of the new probation service, who will have responsibility for ensuring that prisoners living with HIV/AIDS or TB are able to continue treatment after their release. The probation service was established in April 2012 with the support of PRI.
- → Following a study visit to Moldova by the Ministry of Health's Republican AIDS Centre, facilitated by PRI, two government-run pilot projects on harm reduction will be set up in Karaganda to tackle the issue of drug use and prevention.

September

...heralded extraordinary upheaval and prison reform in Georgia



The video footage showing torture of prisoners, aired just a fortnight before parliamentary elections in October, prompted widespread public protest and a series of major changes in government over the following months.

For many years, PRI has advocated for improved public oversight of Georgia's prisons, and has also been at the forefront of advocacy to reinstate a public monitoring mechanism. The designation of a National Preventive Mechanism (NPM) in 2009 had resulted in the dissolution of existing prison monitoring commissions, which had included members of human rights NGOs. The reduced monitoring capacity contributed to the deterioration of the treatment of prisoners.

Following a letter by PRI and other NGOs to the Georgian President expressing their concern over the widespread abuse of prisoners and urging support for the re-establishment of civil society monitoring, in September the acting Minister of Corrections re-approved monitoring of prisons by civil society. Unlimited access to places of detention was then granted until the end of the year to 50 representatives of NGOs and journalists, including three staff members of PRI's South Caucasus team.

In September, mass protests erupted in Georgia following the broadcast of video footage showing abuse and torture of prisoners in Gldani prison in Tbilisi. Having worked in Georgia since 1999, PRI was well placed to support the reform that followed.







The phenomenon of ill-treatment in prisons should not be viewed in isolation from the penitentiary system and criminal justice policy in general. I would like to reiterate the importance of adopting a more humane and human rights oriented criminal justice policy and reducing resort to detention on remand and imprisonment.

Nils Muižnieks, Council of Europe Commissioner for Human Rights, in a letter to Prime Minister Ivanishvili of Georgia



In scheduled parliamentary elections in October, the ruling party lost power, widely attributed to the torture scandal, and a new coalition government was formed. The change of government ushered in both personnel changes in all ministries and a political will to reform the penal system and to focus attention on the issue of public oversight and the prevention of torture and ill-treatment in places of detention.

From mid-September onwards, PRI had been working with others NGOs to develop a coordinated approach among civil society organisations to reforming public oversight of places of detention, and was requested by the new government to advise on a draft statute and a code of conduct for monitors.

PRI presented the draft statute, which includes participation by civil society, to the Ministry of Corrections and Legal Assistance, in early November. Continuing to press for civil society participation will be a focus for PRI in 2013.

Other developments followed the change in government, including a large-scale amnesty from Georgia's overcrowded prisons and the introduction of parole in December.

It was also an opportunity for PRI to successfully advocate on some of its long-standing concerns.

- → For example, a new type of non-custodial sanction

 'restriction of liberty' was introduced, and a
 half-way house in a suburb of Tbilisi established for its
 implementation under the National Probation Agency.
 The facility is aimed at former long-term prisoners who will
 serve the final portion of their prison sentence here, with
 access to educational courses, paid work opportunities
 and rehabilitation programmes to support and facilitate their
 re-integration into society. PRI was part of a working group
 which contributed to the development of the concept, and
 provided advice on the legislative framework and expertise
 on rehabilitation.
- → Over the course of the year, PRI had coordinated efforts by a working group of human rights NGOs to identify gaps in legislation and practice with regard to early release of gravely and terminally ill prisoners. In November, the recommendations produced by the working group were submitted to the relevant authorities, and in December, the new government introduced a compassionate release programme.

While developments in Georgia moved at a fast pace, PRI kept up its activities elsewhere in the region, for example providing training on effective monitoring methodology for National Preventive Mechanisms and civil society monitoring boards in Armenia and Azerbaijan.

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While the amnesty has relieved the entrenched problem of overcrowding in Georgian prisons, further reform is required to provide for a sustainable solution, which does not erode public confidence in the criminal justice system.

Tsira Chanturia, PRI Regional Director in the South Caucasus

October

Working in partnership from Essex to Peshawar



The UN Standard Minimum Rules for the Treatment of Prisoners, adopted in 1957, remain the key standard for the treatment of prisoners globally. However, unsurprisingly after 55 years, in various aspects they no longer reflect modern standards in correctional science and human rights law.

Since the UN General Assembly passed a resolution in 2010 to establish an open-ended intergovernmental expert group (IEGM) to make recommendations on how the Standard Minimum Rules should be updated, we have been a key actor in the Review, advocating for 'targeted revision' to bring the Rules into the 21st century, whilst making economical use of the resources of the international community.

In October, PRI and Essex University teamed up to convene a meeting of some 30 experts, aimed at making a concrete proposal for a possible revised text of the Rules in the key areas identified by states for consideration at the IEGM in Buenos Aires in December. The outcome document was submitted to the UN in five UN languages, and widely perceived as a valuable and constructive contribution to the process.

Throughout the year, we were at the forefront of a group of NGOs supporting the Review – including the American Civil Liberties Union, Amnesty International, the Center for Legal and Social Studies (CELS, Argentina), Conectas Direitos Humanos (Brazil), the Corporación Humanas (Chile), the Friends World Committee for Consultation (the Quakers) and the Brazil branch of the International Commission of Catholic Prison Pastoral Care (ICCPPC). The international expertise and regional diversity of this group, with local presence in strategically important UN member states, has allowed us to engage intensively with state representatives, and contributed to increasing and cross-regional support for targeted revision of the Rules.

In April, we supported CELS to participate at the UN Crime Commission, where cornerstones of the process of Review were decided, and we also contributed to a side event at the beginning of the Commission's session, which created a forum for discussion amongst member states. In November, we initiated a briefing in Geneva, hosted by the Permanent Representation of Argentina, to inform Geneva-based missions and UN staff of the state of play, so that any revision of the SMR would be consistent with the human rights framework of the Human Rights Council and the work of the OHCHR. Around 70 participants, representing some 50 member states, attended.

Partnerships are key to how we work. In October, PRI and Essex University hosted a group of international experts to contribute to the Review of the Standard Minimum Rules for the Treatment of Prisoners – the global benchmark for prison conditions since the 1950s. On the other side of the world, we held a workshop for probation officers with our partner, the Dost Welfare Foundation, in Pakistan.

We want to see the following aspects of the Standard Minimum Rules updated in line with current human rights standards:



access to legal representation.



update of healthcare provisions.



investigation of all deaths in custody, and of signs and allegations of torture.



protection and meeting the special needs of vulnerable groups deprived of their liberty.



compliance of disciplinary procedures with human rights standards.

 \rightarrow

effective complaint mechanisms and independent inspection.

Building partnerships in Pakistan and across South Asia

2012 was dedicated to developing our partnerships with local civil society organisations in South Asia, and identifying the areas where we can support and add value to our partners' work to promote penal reform.

Despite significant overcrowding in Pakistan's prisons, estimated to be operating at around 177 per cent of their official capacity, and widely accepted evidence that alternatives to imprisonment are more effective at reducing re-offending, alternatives such as probation and parole are still rarely applied.

Our partner, the Dost Welfare Foundation (DOST), is an NGO based in Peshawar working with a number of vulnerable, stigmatised groups, including in prisons. It is one of the few NGOs currently able to work in Pakistan's frontier provinces, home to some of the most isolated and marginalised offenders.

As well as conducting two capacity-building workshops for probation officers last year – one in October in Peshawar and one in December in Lahore, we also supported DOST to research and analyse the current probation and parole system in Pakistan.

In Bangladesh, we are working with local NGO, BLAST. Research was undertaken into the current state of policy and legislation protecting children from violence in police and pre-trial detention in Bangladesh – part of our ongoing programme of work on violence against children. We also started to support civil society in Bangladesh to promote the UN Bangkok Rules on the Treatment of Women Prisoners and Non-Custodial Sanctions for Women Offenders.





Probation workshops with the Dost Foundation, Lahore and Peshawar, 2012

As a founding member of PRI, I am proud of the leading role PRI is playing in the landmark review of the UN Standard Minimum Rules for the Treatment of Prisoners and particularly pleased by the effective collaboration with the University of Essex Human Rights Centre.

Sir Nigel Rodley, Chair of the Essex Human Rights Centre

Towards a national system of rehabilitation and reintegration for former prisoners in Kazakhstan

Rehabilitation centre for former prisoners, Pavlodar, Kazakhstan.



Kazakhstan has had considerable success in reducing its prison population over the last few years. Whilst good news, this has led to increased pressure on the limited services supporting former prisoners. In 2010, 18,898 prisoners were released from Kazakh institutions and 15,185 in 2011. Four out of ten newly released prisoners have no home to go to, seven out of ten are unemployed, six out of ten are drug dependant and one in five have a disability or need medical care.

In 2011, responsibility for support services for former prisoners were decentralised from the Prison Service to the 'akimats' or local authorities, many of which were ill-informed about their new role. Often rehabilitation services were and continue to be provided by small NGOs with limited capacity to cope with increasing demand.

Our project in Central Asia aims to work with government – both national and local – through a combination of advocacy, training and expert support, to create a government-led programme of rehabilitation and reintegration for prisoners following their release.

In November, PRI brought government officials, local authorities and third sector organisations together with international experts to develop a national plan to improve reintegration services for former prisoners in Kazakhstan.





Our achievements

Greater official commitment to investing in the reintegration of prisoners

- → PRI's Central Asia team have worked closely particularly with the Prime Minister's office, providing expert support and helping to bring greater attention among state officials to the need for improved reintegration of former prisoners.
- → Reintegration has been recognised in the 2012-2015 National Strategy for Prison System Reform. In November, the Prime Minister's office directed all local authorities to report on their progress towards developing reintegration programmes for prisoners.
- → We also worked closely with parliamentarians from across the country. Inspired by the project, the Senate the Kazakhstani parliament's upper house organised a conference on crime prevention and rehabilitation, and PRI partnered with the parliament's lower house (Mazhilis) to organise a national conference on reintegration which was attended by 100 participants, including mayors and deputy mayors from all regions.

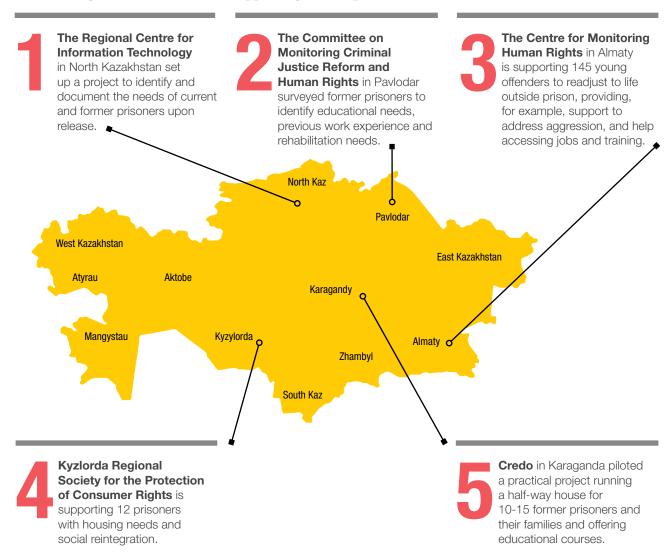
Rehabilitation centre saved from closure

→ When a rehabilitation centre in Shymkent was facing closure, PRI's Central Asia office took part in the negotiations with the city authorities to save it. Following this intervention, the centre is continuing to operate and the local authority is committed to supporting the service.

A small grants programme is supporting local organisations providing services

→ Five small grants were awarded to local NGOs from different regions to support their rehabilitation work. Organisations were deliberately chosen to cover work on different aspects of rehabilitation and reintegration.

Five small grants - five ideas for supporting former prisoners



December

Principles worth having



Looking back

PRI was present at the official genesis of the new guidelines eight years previously – at a conference in 2004 in Lilongwe, Malawi, at the end of which delegates adopted the 'Lilongwe Declaration on Accessing Legal Aid in the Criminal Justice System in Africa'.

The 2004 conference had been organised by the Malawian Paralegal Advisory Service Institute (PASI), as part of a joint project with PRI and other organisations to train paralegals and reduce what were then cripplingly high rates of pre-trial detention in the country.

In 2006, the Lilongwe Declaration was endorsed by the African Commission on Human and Peoples' Rights (ACHPR). The UN's Economic and Social Council (ECOSOC) then recognised the Lilongwe Declaration and asked the UN Office on Drugs and Crime (UNDOC) to develop a global set of guiding principles. PRI contributed advice and expertise throughout the drafting process.

2012 ended on a high note with the news that on 20 December the UN General Assembly adopted the UN Principles and Guidelines on legal aid in criminal cases, which are designed to ensure that access to legal information, advice and assistance is available to everyone.







Recognizing that legal aid is an essential element of a fair, humane and efficient criminal justice system that is based on the rule of law and that it is a foundation for the enjoyment of other rights, including the right to a fair trial, as a precondition to exercising such rights and an important safeguard that ensures fundamental fairness and public trust in the criminal justice process...

UN General Assembly Resolution, 28 March 2013, with which the UN Principles and Guidelines were adopted

Looking forward

The Principles are groundbreaking. Until their adoption, guidance on the provision of legal aid was scarce, even though it is a vital component of ensuring the right to a fair trial and equality before the law.

While legal representation is the single most important precondition for suspects and defendants to be able to exercise their rights, and to challenge the lawfulness of detention, the majority of detainees, including remand prisoners, come from poor and marginalised backgrounds and cannot afford a lawyer. In a number of countries, there are very few lawyers trained in criminal defence work, particularly in rural areas.

The Principles confirm that states should ensure access to effective legal aid in their national legal systems at all stages of the criminal justice process to those who cannot afford

legal representation. They clarify that legal aid is a duty and responsibility of the state, that sufficient resources should be allocated for it, and that legal aid providers must have unhindered access to their clients. They also acknowledge that there are different models of providing legal aid such as public defenders, private lawyers, pro bono schemes, bar associations and paralegals, universities and NGOs, ruling out the justification that legal aid cannot be provided due to lack of resources.

We are now focused on promoting the Principles, and contributing to the work of the UN Office on Drugs and Crime and the Open Society Justice Initiative on a handbook on early access to legal aid in criminal investigation and proceedings. This tool will be published in mid-2013 and will help to clarify what is needed for states to provide an effective system of legal aid in the initial stages of arrest and police detention.



The International Legal Foundation had the opportunity to work with PRI on the drafting of the UN Principles and Guidelines. PRI was instrumental in drafting this groundbreaking document and their sustained advocacy, starting with their work on the Lilongwe Declaration in Africa, helped ensure its adoption by the UN General Assembly.

Jennifer Smith, International Legal Foundation



PRI resources – highlights from 2012

→ Making Law and Policy That Work

PRI's flagship publication Making Law and Policy that Work was published in Spanish at the Universidad Mayor in Chile this year.

Also available in English and French, it is aimed at specialists and non-specialists faced with the responsibility of creating a policy and legislative framework for criminal justice and penal systems. It provides guidance and practical suggestions for reform in line with the international human rights framework which can be applied in different contexts and countries.

→ What can parliamentarians do to work on penal reform?

Short guide for parliamentarians around the world on actions they can take to further fair and efficient criminal justice and penal reform. Available in English, Russian and Spanish.

Alternatives to imprisonment

→ Alternatives to imprisonment in East Africa: trends and challenges

Research and recommendations on the use of alternatives to imprisonment in East Africa.

→ Making Community Service Work: a resource pack from East Africa

Provides information on the challenges of implementing community service in East Africa and practical materials that have been used in its development and can be used in other regions of Africa and further afield.

Torture prevention

→ Holistic rehabilitation for survivors of torture

A training manual for running a five-day training programme on the holistic rehabilitation of torture victims. Available in English and Russian.

→ Mechanisms for the prevention of torture in nine CIS states: synthesis report

This research report assesses the legislative framework, conditions of detention and the development

of detention monitoring in Armenia, Azerbaijan, Belarus, Georgia, Kazakhstan, Kyrgyzstan, Russia, Tajikistan and Ukraine. Available in English and Russian.

Holistic Rehabilitation for Survivors of Torture

Pre-trial justice

→ Pre-trial detention and its alternatives in Armenia

Analysis of the overuse of pre-trial detention in Armenia and recommendations for reform.

→ Paralegals in Rwanda – a case study

PRI's experience of running a pilot paralegal programme in Rwanda, 2009-2010.

The death penalty and alternative sanctions

The abolition of the death penalty and its alternative sanctions in:

→ Central Asia: Kazakhstan, Kyrgyzstan and Tajikistan (English and Russian)

→ East Africa: Kenya and Uganda

→ South Caucasus:
Armenia, Azerbaijan
and Georgia
(English, Georgian and Russian)

→ Eastern Europe: Belarus, Russia and Ukraine (English and Russian)

→ Middle East and North Africa (Arabic and English)

Five research reports on the application of the death penalty and alternative sanctions in five regions.

Up-to-date information about laws and practices relating to the application of the death penalty, analysis of alternative sanctions imposed, and detailed and practical recommendations tailored to each country to bring it in line with international human rights standards and norms.

→ Life after death: what replaces the death penalty?

A short briefing paper setting out human rights concerns surrounding the increasing use of life imprisonment, in particular life imprisonment without any possibility of parole, following abolition of the death penalty. Available in English, French and Russian.

Women in the criminal justice system and the Bangkok Rules

→ Discrimination against women in the criminal justice system

A short briefing for the Inter-Parliamentary Union Assembly, October 2012. Available in English, French, Spanish and Arabic.



Justice for Children

→ A 10-point plan for fair and effective justice for children

Ten ways in which law and policy makers and criminal justice practitioners can respond effectively and positively to children in contact and in conflict with the law. Available in English, French, Russian, Spanish and Arabic.



→ Justice for Children briefing papers

Three short briefing papers on the following issues:

- Briefing 1: African Committee of Experts on the Rights and Welfare of the Child
- Briefing 2: Independent Monitoring Mechanisms for Children in Detention
- Briefing 3: Children with Parents in Conflict with the Law

→ Combined training manual and toolkit for monitoring juvenile detention facilities

Guidance for monitors of places of detention where children are deprived of their liberty.

→ Reviews of law and policy to prevent and remedy violence against children in police and pre-trial detention in eight countries

Desk reviews on the state of legislation and policy in Bangladesh, Georgia, Jordan, Kazakhstan, Pakistan, Russia, Tanzania and Uganda to protect children from violence. Available in multiple languages.

Global advocacy

→ Outcomes from an independent experts' meeting on the review of the UN Standard Minimum Rules for the Treatment of Prisoners

The 'Essex Paper', October 2012. Available in English, French, Spanish, Arabic and Russian. See also page 26 of this report.

→ Joint NGO Briefing: the process of Review of the UN Standard Minimum Rules for the Treatment of Prisoners

First published 2012, revised March 2013.



Coming soon in 2013...

→ Briefing on UN Principles and Guidelines on Access to Legal Aid in Criminal Justice Systems

Summarises the content of the Principles and Guidelines, and what actions are required by whom.

Bangkok Rules Toolbox for Implementation

→ Guidance document

A guide to each Rule, suggested measures for implementation at policy and practical level, with examples of good practice to inspire new thinking.

→ Index of Implementation

A comprehensive checklist for the Rules, structured for different actors in implementation. Can be used for assessing implementation and for identifying areas where further policies and strategies for implementation need to be developed.

Both the Guidance and Index were produced in draft for consultation in July 2012 and will be jointly published with the Thailand Institute of Justice in Autumn 2013. Available in English, Russian and Arabic.

→ Online course

A self-paced online course combining analysis of the Rules, interactive assessments and application of the Rules to real life situations, with a certificate issued at completion. Available from Autumn 2013 in English, Russian and Arabic.

Torture prevention

→ Detention monitoring assessment tool

A practical tool designed to support members of monitoring bodies to conduct effective monitoring visits to places of detention. (Autumn 2013)

→ Women in detention: a guide to gender-sensitive monitoring

A guide designed to help bodies monitoring places of detention incorporate a gender perspective into their work. Available from March 2013 in English and Russian. Arabic and Spanish versions will also follow.

→ Institutional culture in detention: a framework for preventive monitoring

A paper designed to assist monitoring bodies in identifying systemic risk factors to be considered in efforts to prevent torture and ill-treatment in places of detention. Available from April 2013 in English and Russian.

Justice for Children

→ Justice for Children briefing 4: The minimum age of criminal responsibility

What international standards say about the minimum age of criminal responsibility, how minimum age is applied in practice, and what states can do to meet international standards.

→ Justice for Children briefing 5: Complaint mechanisms

How to develop effective complaint mechanisms for children deprived of their liberty – a briefing for policy-makers and criminal justice professionals. Available in English, Arabic and Russian from July 2013.

→ Protecting children's rights in criminal justice systems: a training manual and reference point for professionals and policymakers

Comprehensive guidance and training tools for those working with children in the criminal justice system. Modules include child protection, crime prevention, law enforcement, trial procedures, sentencing and rehabilitation. Available from September 2013 in English, Arabic and Russian.

PRI produces a wide range of publications and resources on criminal justice and penal reform, including short briefing papers on key topics, training resources and research papers and in several languages. For a full list of our resources, please visit **www.penalreform.org**

Our donors

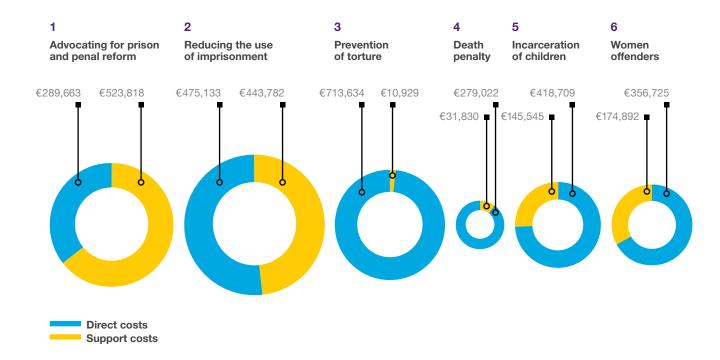
PRI would like to thank the following donor organisations and institutions for their support.

| | Totals | |
|---|-----------|--|
| | € | |
| Department for International Development, UK | 1,328,715 | |
| European Union | 851,129 | |
| Open Society Foundations (OSF) | 723,416 | |
| Swedish International Development Cooperation Agency (SIDA) | 340,518 | |
| Swiss Development Corporation | 265,720 | |
| UNICEF | 147,608 | |
| Norwegian Ministry of Foreign Affairs | 93,120 | |
| Dutch Ministry of Foreign Affairs | 78,429 | |
| British Embassy, Astana, Kazakhstan | 49,236 | |
| Foreign and Commonwealth Office, UK | 44,034 | |
| Netherlands Embassy in Astana (Kazakhstan) | 37,721 | |
| Norwegian Women's Training | 24,890 | |
| British Embassy, Bishkek, Kyrgyzstan | 23,772 | |
| Commonwealth Secretariat | 13,647 | |
| L'Association Libanaise pour L'éducation et la Formation | 9,509 | |
| Volnoe Delo Foundation | 6,420 | |
| The Harm Reduction International Association, Kazakhstan | 4,054 | |
| Norwegian Helsinki Committee | 2,991 | |
| Centre for Victims of Torture | 2,330 | |
| UNDP | 546 | |
| Hungarian Helsinki Committee | 70 | |
| Total | 4,047,875 | |

Financial summary

2012 expenditure by activity

| | | Direct costs | Support costs | Totals € |
|---|---|-----------------|---------------|-------------|
| 1 | Advocating for prison and penal reform | 289,663 | 523,818 | 813,481 |
| 2 | Reducing the use of imprisonment | 475,133 | 443,782 | 918,915 |
| 3 | Prevention of torture, cruel, inhumane or degrading treatment | 713,634 | 10,929 | 724,563 |
| 4 | Abolition of the death penalty | 279,022 | 31,830 | 318,852 |
| 5 | Incarceration of children as the last resort | 418,709 | 145,454 | 564,163 |
| 6 | A proportionate and sensitive response to women offending | 356,725 | 174,892 | 531,617 |
| | | 2,532,886 | 1,330,705 | 3,863,591 |



Message from the Executive Director

Summing up and moving forward



While we hope this report will give a good insight into our priorities, principles and ways of working, it can only skim the surface of a year crowded with activities and achievements. Thanks in particular to our core donors (the UK Department for International Development and the Open Society Foundations) we have been able to strengthen and build PRI in new ways as well as continue to push forward in our regional, multi-regional and international activities.

In addition to our key issues of promoting a fair and proportionate criminal justice and penal system, we also used some of our core funding to improve our information and communication resources. As an international organisation, our website is a vital resource for disseminating information about good practice and new developments in the criminal justice and penal systems. Over the year we carried out a comprehensive review of our information and publication resources, leading to plans for improving our website design, making our website easier to navigate and updating its content. In 2013 these efforts will bear fruit with the launch of our new website. We see this as a good opportunity to link in with other organisations working in similar fields and to develop an evidence base that supports everyone working to promote human rights in criminal justice and penal reform.

Following an evaluation of the DFID Partnership Programme Arrangement, where PRI is one of a number of development NGOs receiving funding, we started a review of our systems and methodologies. The aim is to improve our efficiency and effectiveness, in particular through better systems of monitoring and evaluation, in order to improve our planning processes and demonstrate to donors that we produce good results and provide value for money. This process will be taken further in 2013 with the appointment of an evaluation and organisational learning adviser.

Looking ahead to 2013, strategic plans and activities are lined up to continue our work on the themes set out in this report. $\[$

Following on from our work in 2012 on child-friendly justice, we have identified national targets in 15 countries. The focus will be on working to reduce violence against children and promote diversion schemes that protect public safety while enabling children to become law abiding and remain with their families. Our regional offices and local partners are leading this work as the targets are specific to each country's needs. The research and publications produced in 2012 are the foundation on which this work is based. Children's rights deserve special protection in the criminal justice system and our continuing aim is to ensure that these rights become a reality in the countries where we work.

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Women offenders' needs are now recognised in the Bangkok Rules, which PRI promoted and advocated on intensively internationally, regionally and nationally throughout the year. Our toolbox on the Rules, comprising a Guidance Document and an Index of Implementation, was widely distributed for consultation in 2012 and will be finalised in 2013. We are currently preparing an online training course, which will be piloted in 2013 and rolled out to prison staff and others working with women offenders. We will assess its impact to see if it could be a model format for future training as a great deal of international interest has already been expressed in the course. To have taken an issue through each stage of development is an important process and achievement for PRI. We contributed to drafting of the Rules, lobbied for their adoption, are promoting the Rules, producing guidance for implementation, assessing compliance in a number of countries and providing training on implementation. We also plan to carry out research on women and girl offenders and prisoners to establish a solid base of evidence that will support advocacy and will help identify priorities for implementation of the Bangkok Rules in the respective countries and regions.

2012 also saw the landmark adoption of the UN Principles and Guidelines on legal aid in criminal justice systems, and in 2013 we will be looking for opportunities to promote implementation of these Principles, including contributing to the development by the UNODC of a handbook on early access to legal aid in criminal cases and continuing support for the Open Society Justice Initiative's campaign for pre-trial justice.

We will continue to build support for a targeted review of the Standard Minimum Rules for the Treatment of Prisoners, which is intrinsically linked to successfully addressing many of the concerns PRI has come across in its work on conditions in prisons.

While the current multi-regional programme to prevent torture and ill-treatment through ratification of OPCAT and establishing effective national preventive mechanisms for monitoring prisons and places of detention will end in autumn 2013, we will continue advocacy for independent public oversight of places of detention to prevent abuse and to address systemic deficiencies, and seek funding for practical programmes on a country by country basis.

Advocacy towards abolition of the death penalty continues to show progress. In 2012 PRI commissioned research on Sharia law and the death penalty, an issue relevant in many countries and where there is currently little unbiased information.



Many discussions are now taking place all over the world as to what should come after the Millennium Development Goals, and there is an increasing recognition that poor and marginalised people are doubly discriminated by an unjust justice system.

In 2012 we were able, mainly due to our DFID funding, to establish – and re-establish – partnerships with NGOs and criminal justice stakeholders in East Africa and South Asia. These enabled us to deliver planned milestones on alternatives to detention, child-friendly justice systems and supporting the needs of women and girl offenders and prisoners. Our plans in 2013 build on these entry points with activities and events to share information and good practice on probation and community service, promoting diversion schemes for children and continuing the promotion of the Bangkok Rules, in particular relating to non-custodial alternatives to imprisonment. We hope there will be additional opportunities to develop new strategic partnerships in these two regions.

Looking ahead even further, we have commissioned a study of current trends in penal and criminal justice policy to describe some of the key global developments in the use and practice of imprisonment and to identify some of the pressing challenges facing states that wish to organise their penitentiary system in accordance with international norms and standards. The study will inform our policy development, programming and a strategic review that will take place over the period 2013-2014, looking ahead to the time when our current plan (2010-2015) comes to an end.

This review will take place at a time when states are planning the next global development goals – referred to in the Chair's introduction to this report. Many discussions are now taking place all over the world as to what should come after the Millennium Development Goals, and there is an increasing recognition that poor and marginalised people are doubly discriminated against by an unjust justice system. Not only do they suffer exclusion and poverty but without access to a fair justice system, their ability to pursue or defend their rights is undermined. We see this as a key debate for the future and will seek to promote the rights of people in contact or conflict with the law in the interests of good governance, the rule of law and access to justice.

Alison Hannah Executive Director

Three ways to keep in touch with PRI

- Browse our latest news, blogs and resources on our new website: **www.penalreform.org**
- We produce a number of e-newsletters. You can sign up for our monthly PRI news round-up at www.penalreform.org. If you'd like to receive our specialist bulletins on torture prevention, please sign up at http://tortureprevention.penalreform.org, or for our quarterly update on our work on the UN Bangkok Rules, email: publications@penalreform.org.
- And we're now on Twitter too.
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