

# GLOBAL PRISON TRENDS 2023



## **Global Prison Trends 2023**

This document is co-published and produced with financial assistance from the Thailand Institute of Justice. It is the ninth edition of Penal Reform International's *Global Prison Trends* series.

Penal Reform International would like to thank the following for their contribution to the report: Chiara Sangiorgio (Amnesty International), Professor Dirk Van Zyl Smit and Zinat Jimada (University of Nottingham), Edith Riegler (Ludwig Boltzmann Institute of Fundamental and Human Rights), Filipa Alves da Costa (World Health Organization Regional Office for Europe), Jennifer Smith (The International Legal Foundation), Liz Ayre (Children of Prisoners Europe), Louise Edwards (African Policing Civilian Oversight Forum), Luciano Cadoni (Church World Service), Marie Brasholt (Dignity - Danish Institute Against Torture), Marie Nougier (International Drug Policy Consortium), Dr Mary Turner (University of Huddersfield), Nancy Loucks (Families Outside), colleagues at Correctional Service of Canada, and PRI's Board members Dr Catherine Appleton and David Fathi.

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Published in June 2023.

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Cover photo: Men line up for a meal in Najayo prison in San Cristobal, Dominican Republic.

Graphic design by Alex Valy.

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**Little progress has been made in moving away from using imprisonment as the ‘default’ response, or toward improved proportionality in sentencing.**

Women embroider cloths at Chiang Mai Women’s Correctional Institute, in Chiang Mai, Thailand.

# Introduction

This 2023 edition of *Global Prison Trends* by Penal Reform International (PRI) and the Thailand Institute of Justice (TIJ) is published at a time where a string of financial crises and ongoing impacts of the COVID-19 pandemic are greatly affecting vulnerable people around the world.

People in conflict with the law – and their families – are being hit by rising costs of living and austerity measures, as are prison systems. Our report assesses the impact of economic crisis on prisons and people detained or working in them, including in terms of food security. We also highlight the impacts of imprisonment on families who are often relied on to meet even the basic needs of their loved ones in prison.

Longstanding under-resourcing of prison administrations and inadequate support for families in need are compounding this situation. Adequate resourcing and capacity of prison systems are prerequisites to protecting the human rights and basic needs of every person affected by imprisonment.

The impact of prison overcrowding is central to our analysis in this year's edition of *Global Prison Trends*. From healthcare and nutrition to rehabilitation and countering violence and criminal subcultures in prison, all initiatives would be more viable and effective, and human rights of all better protected, with fewer people in prison. With 120 countries reporting prison populations exceeding capacity, urgent attention is needed to reduce the rising number of people in prison.

Two years after the adoption of the *Kyoto Declaration on Advancing Crime Prevention, Criminal Justice and the Rule of Law: Towards the Achievement of the 2030 Agenda for Sustainable Development*, as well as the United Nations System Common Position on Incarceration, little progress has been made in moving away from using imprisonment as the 'default' response or toward improved proportionality in sentencing. Rather, sentencing reforms have for the most part resulted in more and longer prison terms, as documented in our report.

Lack of transparency, limited publicly available data and the closing space for civil society in many parts of the world bring challenges to ensuring that prisons, and wider criminal justice systems, are rooted in evidence and human rights-based approaches. So, each year we continue to publish *Global Prison Trends* with the view to supporting policymakers, practitioners, advocates and civil society through up-to-date information and analysis on key trends and developments in prisons worldwide. We hope that this edition serves as a useful resource in promoting more effective and just policies and practices in criminal justice systems globally.

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# Key facts & figures

## Prison population

There are more people in prison than ever before



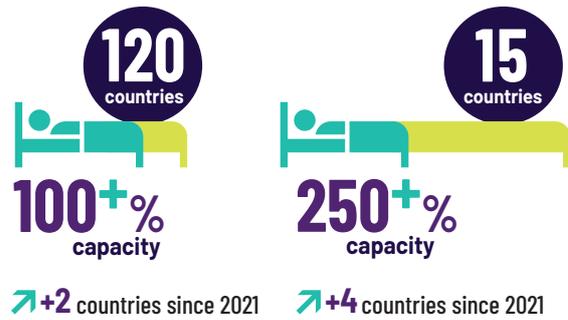
**261,200** CHILDREN were in criminal justice detention in 2020 (estimated)

**22.5+m** CHILDREN with at least one imprisoned parent (estimated)

**19,000** CHILDREN living in prison with their mother

## Overcrowding

Persisting, despite knowledge of harm



### KEY DRIVERS OF OVERCROWDING:

- 01** Few alternatives  
Investment needed to roll out, expand and successfully implement.
- 02** Increased sentences  
This includes life imprisonment and longer minimum terms.
- 03** Punitive drug policies  
An estimated 2.2m people are in prison for drug offences.
- 04** Discriminative laws  
Imprisonment often linked to socio-economic factors.



## Cost of living crisis

Acutely impacting people in prison and their families

- $\rightarrow$  Inadequate prison budgets are further stretched
- $\rightarrow$  Families struggle to support loved ones in prison



FOOD



TRANSPORT



ENERGY



MEDICINE



ESSENTIALS



PHONE CALLS

# Key facts & figures

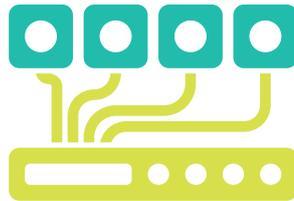
## Use of technologies in prisons

Continuing to gain pace across the globe



### VIRTUAL HEARINGS

Becoming a new norm in many countries after acceleration during the COVID-19 pandemic.  
 → Concern about the right to a fair trial and unequal outcomes.



### SECURITY & REHABILITATION

Digital solutions being developed by more prison services.  
 → including artificial intelligence and virtual reality  
 → sometimes replacing staff functions.

**BUT**

growing disparity in digital maturity of prisons globally

### KEY DRIVERS TO DIGITALLY MATURE PRISONS:

- 01 Solutions centred on need
- 02 Cross-organisation strategies and partnerships
- 03 Testing and evaluating outcomes.



## Legal aid

Huge gap in state-funded legal aid for people in prison in many parts of the world



- High needs but low access
- Concerns about quality
- Civil society often fills gap

## Deaths in prisons

High death rates but lack of transparency

Data often absent or highly unreliable

Available data usually aggregated

Only **11 of 25**

countries surveyed publish official information

→ Lack of data inhibits preventative targeted measures

## Healthcare

Prison healthcare systems are struggling



### INFECTIOUS DISEASES

Higher rates in prisons than in the community

e.g. HIV **x5 times**



### MENTAL HEALTH CRISIS

Worsening and exacerbated by a lack of mental healthcare staff in prisons



### OLDER PEOPLE IN PRISON

Numbers increasing, but lack of palliative and end-of-life care

## Prison subcultures

Violent and criminal subcultures are a key challenge in majority of systems

### LINKED TO:

- Violence
- Corruption
- Organised crime



### CONTRIBUTING FACTORS:

- Overcrowding
- Lack of access to basic necessities
- Inadequate staffing
- Absence of good governance

# Key messages

**01** **There are more than 11.5 million people in prison worldwide, mostly men**

Around 120 countries have recorded occupancy rates exceeding prison system capacity.

**02** **Around a third of the global prison population are presumed innocent but remain confined in pre-trial detention**

In over 50 countries there are more people detained pre-trial than those serving a prison sentence. Some efforts to tackle the use of pre-trial detention as a default measure have included time limits and removing mandatory pre-trial detention for specific offences.

**03** **There are more than 740,000 women and girls in prison globally, increasing in nearly all regions**

Women and girls are a minority of the global prison population at 7%, but their number has increased at a faster rate than men, up 60% since 2000 compared to 22% for men. Poverty is a root cause of women's imprisonment, and sharp increases in female prison populations in parts of Latin America and Asia are due to punitive drug policies which disproportionately impact women.

**04** **Almost 23 million children globally are affected by imprisonment, directly or parental**

An estimated 261,200 children were in criminal justice detention in 2020. In addition, there are estimated to be more than 22.5 million children globally with at least one imprisoned parent (over 1% of the world's child population) and a further 19,000 children living in prison with their mother.

**05** **The rise in living costs and austerity measures are being felt acutely by people in prison and their families**

Rising costs of food, transport and energy bills have further stretched inadequate prison budgets. Also, families' ability to support loved ones in prison is reduced, especially felt where the prison system does not provide adequate quantities of food or essentials like medicines, there are charges for phone calls, or high transport costs for visits.

**06** **The digital capacity of prisons across the globe continues to gain pace, albeit with growing disparity in digital maturity**

More prison services are developing digital solutions in the areas of security and rehabilitation, including artificial intelligence and virtual reality, sometimes replacing staff functions. Research has found that key drivers to digitally mature prisons include solutions centred on need, cross-organisation strategies and partnerships, and testing and evaluating outcomes.

**07** **Virtual hearings and video calls are expanding at speed in all regions**

Initially propelled by restrictions on movement during the COVID-19 pandemic, the use of virtual hearings has been retained as a new norm in many countries. This has sparked widespread concern about the right to a fair trial and unequal outcomes for vulnerable and marginalised groups.

**08** **There is a huge gap in providing state-funded legal aid for people in prison in many parts of the world**

Generally, people in prison cannot access legal aid for matters beyond their criminal case, despite the high needs. Civil society frequently fills the gap by providing legal aid services and innovative solutions in all parts of the world such as paralegal, university law clinic and jailhouse lawyer programmes.

- 09** **Benefits of non-custodial measures like probation are not matched by adequate resources to roll-out, expand and ensure successful implementation**
- Where non-custodial alternatives are available, they do not always lead to decreases in national prison populations, indicating net widening and implementation issues. More justice systems are looking to electronic monitoring systems, with challenges and varying impacts reported.
- 10** **Global abolition of the death penalty continues, with some outliers**
- 144 countries have either formally abolished the death penalty or do not practice it, but a small number of states executed at least 883 individuals in 2022, an increase of 53% from 2021. The number of executions for drug offences globally saw a 'sharp deterioration' with at least 285 drug-related executions recorded in 2022, a 118% increase from 2021.
- 11** **Many sentencing reforms have brought longer sentences, including life imprisonment**
- With some exceptions, sentencing reforms result in longer sentences, including life imprisonment and longer minimum terms. There are an estimated half a million people serving formal life sentences, with an unknown number in prison under *de facto* or virtual life sentences which, although not referred to as a life sentence, result in imprisonment until their death.
- 12** **More countries are turning their back on punitive drug policies which have led to an estimated 2.2 million people in prison for drug offences**
- 63 jurisdictions in 36 countries have implemented an alternative approach through some form of decriminalisation. In international fora, there are indications of moves to a more balanced human-rights based approach to drug policies being accepted by an increasing number of nations.
- 13** **Prison healthcare systems struggle with high rates of infectious diseases, mental health conditions, and more older people in their care**
- Data from 2022 show that people in prison are five times more likely to be living with HIV than in the community, but treatment is often lacking, and proven harm reduction measures remain piecemeal and inadequate. A worsening mental health crisis in prisons is exacerbated by a lack of mental healthcare staff in prisons, and specialised care for older or ill persons such as palliative and end of life care is rarely provided.
- 14** **Lack of transparency on prison deaths inhibits targeted measures to prevent loss of life**
- New research has found a lack of data collection and transparency on the causes and demographics of prison deaths, which contributes to poor responses to deaths in prisons globally. Less than half of 25 countries surveyed by PRI in 2022 publish official information on deaths in prison, with data in many countries totally absent or highly unreliable.
- 15** **Prisons remain hotbeds for violence including torture and ill-treatment, despite some efforts to prevent it**
- Reports show that torture and ill-treatment persist in many places with wholly inadequate responses to cases that come to light, and solitary confinement is excessively used, causing harm that can be irreparable. Positively, scrutiny of prisons is expanding with 77 countries having designated a National Preventive Mechanism as an external monitoring mechanism, under OPCAT.
- 16** **Violent and criminal subcultures in prisons constitute a key challenge to the majority of prison systems globally**
- Prison gangs retain control in prison facilities to varying degrees in a significant number of countries. Criminal subcultures in prisons are linked to violence, corruption and organised crime; factors contributing to their establishment and persistence include overcrowding, lack of access to basic necessities, inadequate staffing and absence of good governance.

## PART ONE

# Crime and the use of imprisonment

## Imprisonment and prison overcrowding

It is estimated there are more than 11.5 million people in prison worldwide on any given day, according to World Prison Brief's latest global data. The figure includes estimates for several countries where data is incomplete or not available. The United States of America (US) remains an outlier with the largest absolute number of people in prison (1.84 million)<sup>1</sup> and the highest prison population rate at 629 per 100,000 people. The US is followed by China (1.69 million, with unknown numbers in pre-trial and other forms of detention), Brazil (811,000), India (478,000) and Russia (471,000).<sup>2</sup>

There are approximately 120 countries with occupancy rates exceeding prison system capacity. Extremely high prison overcrowding rates are found in Africa, including in the Republic of Congo, which has over 1,300 people housed in two main prisons with overcrowding levels of over 600%.<sup>3</sup> In Haiti, occupancy levels of 401% are affecting some 11,500 people, with deplorable, sometimes fatal conditions which have been condemned by the United Nations (UN).<sup>4</sup> Uganda's prison system is dealing with an occupancy level of 374% with a prison population of 74,900 as of March 2023. Even where whole systems are not overcrowded (or are less overcrowded), individual

facilities may be, and this is often the case in pre-trial detention facilities. For instance, in March 2023, France reported an overall occupancy level of 119%, but six pre-trial detention centres reached a density of over 200%.<sup>5</sup>

The excessive use of pre-trial detention remains one of the biggest drivers of prison overcrowding. More than three million people – about a third of the global prison population – are held in pre-trial detention with many being detained for months or even years before trial. Rates of pre-trial detention are an indicator of the rule of law and equal access to justice for all under the 2030 Agenda for Sustainable Development; however, commitments to reduce pre-trial detention are not having any noticeable effect.

Over 50 countries detain more people pre-trial than post-conviction. For example, 82% of the prison population in Haiti are pre-trial.<sup>6</sup> In India and Nigeria around 70% of prison populations are pre-trial, totalling just under half a million people in India.<sup>7</sup> Furthermore, data show how higher numbers of women proportionally end up in pre-trial detention. For example, in Victoria, Australia, the percentage of women in pre-trial detention rose to 54% of the female prison population in 2021, compared to 22% in 2011.<sup>8</sup>

Extreme overcrowding levels in parts of Asia are largely due to punitive drug policies coupled with excessive use of pre-trial detention. In the Philippines, 126,590 people are in jails that hold mostly pre-trial detainees (as of April 2023) and 50,686 in the country's 8 prisons (as of February 2023), with congestion rates of 375% and 314%, respectively.<sup>9</sup> In Cambodia, a similar result has been seen, where the prison population has almost doubled since the start of its anti-drug campaign, rising from 21,900 at the end of 2016 to about 39,000 in March 2022. Overcrowding rates now sit at around 350%, with more than 54% of people held on drug-related charges and around a third of the prison population in pre-trial detention.<sup>10</sup>

Several efforts have been taken at regional and national levels to address the misuse of pre-trial detention as a default measure. In April 2023, the Inter American Court of Human Rights ruled on a case involving two men who had spent almost 20 years in prison without a sentence. The Court ordered Mexico to modify mandatory pretrial detention on the basis it violated human rights obligations.<sup>11</sup> In Europe, a new recommendation was adopted in December 2022 by the European Commission which reiterated that pre-trial detention should not be used as a preventive measure, but

as a measure of last resort. It called for introducing periodic reviews where its use needs to be justified, along with other minimum standards to protect the accused person's procedural rights.<sup>12</sup> In March 2021, the Constitutional Court in Hungary declared unconstitutional a law that allowed unlimited pre-trial detention pending a first-instance judgment for offences punishable by a life sentence. In December 2022, the Delhi High Court in India stated that, when speedy trials are not possible, detainees cannot be held in pre-trial custody for an indefinite period.<sup>13</sup>

Women and girls constitute only 6.9% of the global prison population, although their numbers in prison continue to increase at a faster rate than for men. While the male prison population increased by around 22% from 2000 to 2022, the number of women and girls in prisons has increased by nearly 60% in the same period, now totalling more than 740,000.<sup>14</sup> Sharp increases of female prison populations in the past two decades were recorded in El Salvador

(from 371 to 2,710), Guatemala (433 to 2,805), Brazil (10,112 to 42,694), Cambodia (288 to 2,571) and Indonesia (1,807 to 13,709). The main driver of these rises are drug policies which continue to disproportionately impact women (see [Drug policies](#)).

Research confirms that poverty is a root cause of women's imprisonment with many being convicted of minor, petty crimes driven by economic necessity. For example, in the US the Sentencing Project found that women in state prisons are more likely than men to be imprisoned for a drug or property offence.<sup>15</sup> It is also well-established that those who cannot afford a lawyer or bail are more likely to end up in pre-trial detention or be convicted. For example, in Mexico, a study with women held in a prison in Ecatepec found that around 10% were charged for minor offences, and their detention was not because they posed a risk to society, but because they were unable to cover fines, bail, or reparation costs.<sup>16</sup>

As assessed in *Global Prison Trends 2022*, there is further evidence that the widespread use of measures to reduce prison populations during the COVID-19 pandemic are being discontinued. For instance, in Thailand, several early release measures adopted in 2021 in response to the COVID-19 pandemic were discontinued in 2022.<sup>17</sup> General measures for early releases are still in place, but in 2022 the prison administration announced that stricter criteria would be applied for royal amnesties, such as having served one-third of the sentence or a minimum of eight years in prison, whichever is more favourable.<sup>18</sup> However, there are also examples of countries where emergency COVID-19 response measures will be adopted for longer term use. In Belgium, an early release measure brought in during the pandemic was extended in August 2022, permitting release of eligible people six months before the end of their sentence.<sup>19</sup>

## Alternatives to imprisonment

In many countries there are new and ongoing initiatives to extend the range and application of alternatives to imprisonment. These are not decreasing prison populations however, raising concerns of net-widening and pointing to the underutilisation of existing measures.<sup>20</sup> It is increasingly clear that global recognition that non-custodial alternatives are critical to addressing prison overcrowding rates and preventing harms of prison has not been matched by the necessary resources to ensure they can be successfully implemented.

Lack of data and research around the use and effectiveness of alternatives to imprisonment is also problematic. Recent research from Ireland found

that the paucity of data related to the number, type and uptake of community sanctions makes it difficult to identify gaps in service provision and make improvements accordingly.<sup>21</sup> Efforts are underway elsewhere to tackle the lack of research in this area. Authorities in Singapore announced in 2023 that a study will soon be launched to better understand the effectiveness of community sentences, including in relation to reoffending, which is known to have reduced significantly since the expansion of community sentencing.<sup>22</sup>

A study by the University of Coimbra Institute for Legal Research, published in the context of a project with PRI, has found that across

22 EU Member States alternatives to imprisonment have developed significantly in recent years and that most Member States provide a reasonable variety of alternatives to imprisonment. It noted that each jurisdiction faces barriers in implementing such measures, including lack of awareness of non-custodial sentencing measures among justice sector officials and long waiting lists to serve community sentences.<sup>23</sup> However, in the Council of Europe region, new findings published in 2022 show that the continued expansion of community sanctions and measures does not always result in a corresponding decrease in the numbers of people

**Increasing global recognition that non-custodial alternatives are critical to addressing prison overcrowding rates has not been matched by the necessary resources to ensure they can be successfully implemented.**



Community Payback workers in Brighton, UK.

in prison and that non-custodial measures are rarely used as an alternative to pre-trial detention.<sup>24</sup>

The use of electronic monitoring as a solution to reducing prison populations widened over the year and new technologies continue to be developed. In Thailand, the government has announced a programme to roll out electronic monitoring with four target groups. Malaysian authorities are also reported to be considering the use of electronic monitoring for low-risk pre-trial detainees,<sup>25</sup> and in Cape Verde there are plans to introduce electronic wristbands for those convicted of minor crimes.<sup>26</sup>

However, further evidence of challenges in the implementation of electronic monitoring continue to be documented. In England and Wales, authorities do not have sufficient data to understand the outcomes of such monitoring and still do not know what works for whom and whether its use effectively reduces reoffending.<sup>27</sup>

Problems have also been identified in relation to the fair and equitable use of fitted devices. In Latin America it has been noted that electronic monitoring can strain family relations, cause domestic unrest and can be particularly dangerous for women living at home with abusive partners. Such devices can also be particularly humiliating for women from indigenous communities in relation to traditional clothing.<sup>28</sup> Research in Belgium found that electronic monitoring is less likely to be imposed on Roma because judges assume that they will not

comply with the conditions.<sup>29</sup> This is because the conditions generally require the person serving a non-custodial sanction to stay at a fixed address for the period of the sentence. The costs associated with electronic monitoring in some countries also mean that they are not a realistic option for those with fewer resources.<sup>30</sup>

The 12th European Conference on Electronic Monitoring, held in 2022, considered the ethics of electronic monitoring in relation to different groups of users, noting that very little disaggregated data is available on the use of monitoring. Gaps included experiences and outcomes for people from different ethnicities and religions. Equipment was designed for men and does not take into consideration the different circumstances and needs of all wearers, including body dimensions, skin colour and the impact on certain medical conditions.<sup>31</sup>

In some countries there are moves towards the use of non-fitted devices which can be worn as a watch or installed via mobile phone, and which may address some of the concerns associated with fitted devices. This technology relies on biometrics – face or voice verification – to facilitate the tracking of the individual's location and is reported to be more cost effective than fitted devices and can be more easily applied to larger numbers of people.<sup>32</sup> Such devices may also prove useful in reducing the stigma of fitted devices.

As the female prison population globally continues to grow faster than men (see [Imprisonment and prison overcrowding](#)), the push to increase non-custodial measures and sanctions for women continues. New research confirms such sentences can be particularly effective in reducing reoffending among women,<sup>33</sup> provided that options in the community are tailored to their needs, including providing women-only, safe and supporting environments.<sup>34</sup> However, the lack of such safe spaces remains problematic. In California, US, many girls and young women have remained in prison because they did not have a safe place to go, despite being recommended for release on probation, although response efforts are being made to address this.<sup>35</sup>

In regions where there have been significant increases in female prison populations, including Latin America (see [Imprisonment and prison overcrowding](#)), legislators are slowly making progress to reverse the trend. In Colombia, a new law was signed in early 2023 that promotes alternatives to imprisonment for women with caregiving responsibilities who have been sentenced for up to eight years in prison to substitute prison terms for unpaid community service. This law can be applied retroactively and could lead to the release of around 5,000 women.<sup>36</sup> In Hawaii the focus on rehabilitation and development of community-based alternatives for girls and young women have resulted in there being no females between the ages of 15 and 24 left in the prison system.<sup>37</sup>

**Spotlight on:****Legal aid**

December 2022 marked 10 years since the adoption of the UN Principles and Guidelines on Access to Legal Aid in Criminal Justice Systems, which called on states to ensure that a comprehensive legal aid system is in place that is accessible, effective, sustainable and credible. This includes ensuring people in prison have access to legal aid for filing requests relating to their treatment and the conditions of their imprisonment, among other matters.

People in prison have diverse legal needs including civil and family law and regarding their treatment (prison law), such as disciplinary charges. However, state-funded legal aid for matters beyond someone's criminal case is generally not provided. Legislation in many jurisdictions limits legal aid solely to 'serious disciplinary charges' or matters relating to release conditions.<sup>38</sup> Issues such as transfers to higher levels of security, solitary confinement or segregation/ separation, sentence planning and calculation and appeals of decisions in these issues are common matters that have serious consequences in some cases but are typically not applicable for legal aid.

This point was made in a study in Canada in 2002 for the Department of Justice Canada which provides a rare insight into legal aid for people in prison. It concluded that the wide legal needs of people held in federal penitentiary facilities in the country were not being met, primarily due to limited financial and human resources for legal aid services, also noting that eligibility criteria are based on the kinds of legal matters faced by the general population.<sup>39</sup>

Even where legal aid systems exist and may provide legal aid services in prison, there is a lack of meaningful funding or prioritisation of the needs of people in prison. The Global Study on Legal Aid published in 2016 found that, although many countries recognise the right to legal aid for accused persons who cannot afford a lawyer, in practice, many poor and vulnerable accused persons are unable to exercise their right to effective legal representation.<sup>40</sup> There is also a high demand for legal aid in civil, family law and administrative cases that is not being met.

In 2022, the Council of Europe reported that across 49 jurisdictions while there was a 'steady but uneven increase' in spending on the judicial system between 2010 and 2020, on average only 9.5% was spent on legal aid (compared to 66% of budget being allocated to courts and 24.5% to prosecution authorities).<sup>41</sup> Outside of Europe, from information that is available publicly, it is clear that the provision of legal aid for people in prison is poor and that the limited financial resources available have been further stretched with strains from the COVID-19 pandemic and economic crises in many places.<sup>42</sup>

Where legal aid services are available, there is often serious concern about their quality.<sup>43</sup> The UN Global Study on the topic documented that people's lack of confidence in the quality of legal aid is one of the most significant challenges faced by poor and vulnerable groups who need it.

Where state legal aid systems are not reaching people in prison, civil society frequently fills the gap in legal aid services or supplements

the state-funded legal aid services. Across Africa and in other regions, NGOs are sometimes the sole provider of legal aid to people in prison. In the Central African Republic, legal aid is virtually non-existent except for provision by civil society who provide legal assistance to detainees, albeit limited in number. For instance, in 2022 and 2023 legal aid provided by PRI's partners will likely benefit less than 100 detainees in Bangui, falling short of meeting the great need in the capital let alone in other parts of the country. In Afghanistan, before the Taliban takeover in August 2021, the International Legal Foundation was the largest provider of criminal legal aid services, surpassing that provided by the government's legal aid system.

Patchy provision of legal aid in prison has led to the development of innovative solutions in all parts of the world. Paralegal schemes have become an increasingly common way of expanding legal aid services, for example in Malawi where the Paralegal Advisory Service was established in 2000 as an initiative of PRI. Aside from contributing significantly to the reduction of pre-trial detention rates, research on the costs and benefits of the scheme in Malawi, and a similar one in Uganda, shows that as little as around \$20 was spent to prevent the detention of one individual (equivalent to 2 weeks in prison) and that wider criminal justice reforms can be credited to the schemes.<sup>44</sup> However, despite the many benefits of paralegal programmes, many lawyers and bar associations around the world have been resistant to allowing paralegals to provide any legal services, limiting

access to legal aid for in prisons – and particularly in rural or low resourced areas.

University law clinics have also served as a means of providing legal aid in prisons. Recent success stories have been documented in India where law students have acted as facilitators between detainees, prisons and legal institutions. In 2021 in Nepal, with the help of law students from a number of universities, the Public Defender Society interviewed every child imprisoned to assess their diverse legal needs and conditions of detention.<sup>45</sup> In Canada, students of a prison law clinic have had a high success rate in cases heard in the Federal Court of Canada, seeing decisions by corrections authorities being quashed.<sup>46</sup> An award-winning programme in the Netherlands that has been running

since 2002 connects students with detainees once a week to provide information and advice on a range of topics from housing post-release to criminal case matters.<sup>47</sup>

There are also a growing number of ‘jailhouse lawyer’ programmes which involve training and empowering people in prison to be their own advocates, or advocates for their peers. In Pakistan, for example, a programme established in 2017 runs on a peer-training model and around 6,500 people in prison had been trained as paralegals in a four-year period.<sup>48</sup> In England, the charity St Giles Trust developed a peer advisor programme in which detainees work with law students to be trained on an area of legal knowledge most relevant and useful to the prison population so they can assist their peers.<sup>49</sup>

Some efforts have been made to tackle the problem of a general lack of specialised and targeted legal aid for specific populations detained such as women and children. For example, in Chile, an agreement between NGOs, the public defenders’ offices and the gendarmerie in charge of prisons is paving the way for legal assistance for people detained, particularly in civil and family matters, and around 40 women have received advice on issues regarding divorce, child support and child protection matters.<sup>50</sup> In Sierra Leone, the NGO AdvocAid has provided legal aid to more than 6,000 women and girls in conflict with the law over a 15-year period since its establishment in 2006.

## Death penalty

There have been mixed results in efforts toward global abolition of the death penalty, with new signatories to international law instruments showing progress. Globally, 144 countries have either abolished the death penalty or do not practice it.<sup>51</sup> The most recent countries to have abolished the death penalty include the Central African Republic, Equatorial Guinea, Kazakhstan, and Zambia. In Malaysia, the Parliament voted in early April to remove mandatory death sentences as well as ‘natural’ life sentences (life imprisonment without the possibility of parole). As of March 2023, for the first time, all 46 countries in the Council of Europe have banned the death penalty in all circumstances, following Azerbaijan’s signing of the relevant Protocol to the European Convention on Human Rights and Russia’s withdrawal from the intergovernmental body.<sup>52</sup>

In December 2022, the latest biennial UN resolution calling for a global moratorium on the use of the death penalty was supported by a record high number of 125 nations.

However, a small number of states renewed executions, with at least 883 individuals executed in 2022, an increase of 53% from 2021, as documented by Amnesty International.<sup>53</sup> These figures do not include the thousands of executions that the organization believed were carried out in China. In the US, 18 people were executed in 2022 and 10 people were already executed in the first 4 months of 2023.<sup>54</sup> Amid a high number of failed or ‘botched’ executions, there was growing concern of the use of lethal injection as a method of execution. The Death Penalty Information Center reported that, in 2022, ‘Thirty-three of the 51 scheduled executions (65%) did

not go forward. Seven of the 20 executions that were attempted were visibly problematic – an astonishing 35% – as a result of executioner incompetence, failures to follow protocols, or defects in the protocols themselves.<sup>55</sup> In May 2022, Tennessee’s Governor imposed an official moratorium on executions, ordering an independent review of the state’s lethal injection protocol.<sup>56</sup> Reviews of lethal injection were also announced in Alabama in November 2022 following a spate of botched executions<sup>57</sup> and in Arizona in January 2023 after three botched executions in 2022.<sup>58</sup>

Eleven jurisdictions can or do impose the death penalty for consensual same-sex intimacy.<sup>59</sup> In March 2023, the Ugandan Parliament adopted a bill that proposes the death penalty for the offence of ‘aggravated homosexuality’, life imprisonment

EAST  
CONDEMNED

BLOCK  
ROW II

**The latest biennial UN resolution calling for a global moratorium on the use of the death penalty was supported by a record high number of 125 nations.**

A public information officer at the door of a block for people on death row in San Quentin State Prison, California, US.

for the 'offence of homosexuality', up to 14 years for 'attempted homosexuality', and up to 20 years in jail for 'promoting homosexuality'. In May 2023, Uganda's President Yoweri Museveni signed the bill into law, attracting criticism from human rights bodies.

In 2022, the number of executions for drug offences globally saw a 'sharp deterioration', as described by Harm Reduction International (see [Drug policies](#)).<sup>60</sup> After a two-year hiatus or reduction in executions for drug-related offences in several

countries, executions for such cases resumed at higher levels than before in Iran, Singapore and Saudi Arabia. In Iran, the recent increase in executions for drug-related offences has been described as 'alarming' by a UN Special Rapporteur after a reduction in drug-related executions between 2017 and 2020, followed by over 126 drug-related executions in 2021 and 80 recorded in the first half of 2022 alone.<sup>61</sup>

In Saudi Arabia, a new report published by Reprieve and the European Saudi Organisation for

Human Rights documented an 82% rise in executions from 2015 to 2022. Despite official statements that a moratorium had been imposed on executions for drug-related offences, without warning in November 2022, an announcement confirmed executions in such cases. In March 2022, the government carried out the 'largest mass execution in its history', executing 81 people in one day, including at least 41 individuals who had taken part in political protests in 2011 and 2012.<sup>62</sup>

## Life imprisonment

Data on the number of people serving a formal life sentence – estimated in 2014 to be around half a million (479,000)<sup>63</sup> – does not include people in prison under informal, *de facto* or virtual life sentences.

Reforms to sentencing frameworks tend to result in longer sentences, and this is leading to more life sentences, as well as longer minimum sentences. Most recently in Jamaica, for example, the Government announced plans to increase the mandatory minimum sentences for murder from 15 and 20 years, depending on the charges, to 40 and 50 years, respectively, with politicians citing high rates of murder across the country.<sup>64</sup> New legislation in England and Wales in 2022 has made it possible for judges to impose a life sentence without the possibility of release (a whole life order) for young adults aged 18–20 convicted of certain crimes, which was previously only possible for people aged 21 and over. This is a sentence that cannot be imposed across most European nations.<sup>65</sup> Research has also shown that in some countries, such as in Japan and Taiwan, efforts to abolish the death penalty have unintentionally resulted in support or calls for legally enforceable life sentences without the possibility of parole.<sup>66</sup>

Conversely, there were some moves in the past year to limit the use of life sentences, like in Malaysia where 'natural' life sentences will be abolished (see [Death Penalty](#)). In Canada, the Supreme Court set down limits on the ability to impose a *de facto* life without parole sentence, ruling that an extended minimum period of multiples of 25 years would be a 'cruel and unusual' punishment in violation of human rights law. Jurisprudence of the European Court of Human Rights was cited in the ruling in which the Court would not accept a sentencing regime that denies a reasonable prospect of release.<sup>67</sup> Also in India, where half of the country's prison population are serving life sentences, authorities in the state of Uttarakhand accepted a proposal from the prison department to release people serving a life sentence after 14 years on the grounds of good conduct in November 2022.<sup>68</sup> This was, however, followed by a new law in February 2023 that could see people caught cheating in examinations being handed down a life sentence.<sup>69</sup>

Further evidence has recently pointed to the harsher regimes imposed on people serving life sentences. In Bulgaria, a report made public on the findings of the 2021 visit of the UN Subcommittee on

Prevention of Torture described the regime for people sentenced to life imprisonment, including life without parole, as 'purely punitive living conditions.' It included protracted periods in isolation and partial to total exclusion from work and other rehabilitation programmes.<sup>70</sup> This is similar to other nations in Eastern Europe and Central Asia that routinely impose stringent conditions and poor regimes on individuals serving life sentences.<sup>71</sup>

In Moldova, 28 people serving life sentences went on hunger strike during November and December 2022 to protest aspects of their regime and the handling of their applications for release, after serving at least 30 years in prison. A report published on the situation for people serving life by the country's Ombudsperson (People's Advocate) recommended reviews of files to assess eligibility for commutation of sentences allowed in law, and informing individuals of this right, as well as improvement to conditions such as provision of food, access to rehabilitation programmes and allowing physical contact during visits.<sup>72</sup>

## Drug policies

Growing recognition over the past decade that punitive drug policies under the ‘war on drugs’ has failed to curb drug use has not resulted in fewer people in prison under such policies globally. An overwhelming majority of countries continue to criminalise the possession of drugs for personal use and, based on the 30 countries reviewed in the Global Drug Policy Index<sup>73</sup> launched in 2021, countries continue to impose pre-trial detention and lengthy prison sentences, including for low-level involvement in drug trade. This continues to be a key contributing factor to the rising global prison population, and prison overcrowding. An estimated 2.2 million people worldwide are in prison for drug offences, 22% (470,000 people) for drug possession for personal use<sup>74</sup> (see [Imprisonment and prison overcrowding](#)).

New data published in 2022 confirm the disproportionate impact of imposing pre-trial detention and prison sentences for low-level drug offences on women.<sup>75</sup> This is particularly seen in the Americas and Southeast Asia where there are high levels of overcrowding. For example, since 2000, there are more than nine times as many women in prison in Cambodia,<sup>76</sup> where 73% of all women in prison were detained for drug-related charges in 2020.<sup>77</sup> Since 2000, there are more than seven times as many women in prison in Indonesia and four times as many in Brazil.<sup>78</sup> In both countries, enforcement of drug policy was found to disproportionately impact women in the Global Drug Policy Index.<sup>79</sup> As noted by the organisations *Mujeres Libres* and *Dejusticia*, 39% of a total 6,503 women deprived of liberty in Colombia are related to trafficking, manufacturing, or carrying drugs, despite their low-level roles within criminal organisations.<sup>80</sup>

The use of the death penalty for drug offences persists in a minority of 35 countries. Not all carry out executions, but the 8 countries categorised by Harm Reduction International as ‘high application States’ (in which executions of people convicted of drug offences were carried out and at least 10 drug-related death sentences per year were imposed in the past five years) are all in Asia. In total, at least 285 drug-related executions were carried out in 2022, excluding figures from China, Vietnam, and North Korea, where state secrecy and censorship prevent confirmation of minimum figures; this represents a 118% increase from 2021, and an 850% increase from 2020<sup>81</sup> (see [Death penalty](#)).

Encouragingly, an increasing number of countries and jurisdictions favour an alternative approach to drug use by decriminalising certain offences. There has been some form of decriminalisation in 63 jurisdictions in 36 countries worldwide, with significant differences and levels of effectiveness.<sup>82</sup>

In 2022–23, states in Canada and Australia were the latest to decriminalise small amounts of a range of illicit drugs. In Australian Capital Territory, criminal charges for possession of a small quantity of the decriminalised drugs, including heroin, cocaine and speed, will be replaced with a civil fine, counselling, or a caution in a law that will come into effect later in 2023, with training for frontline workers including the police in the interim.<sup>83</sup> Similarly, the Canadian province of British Columbia was granted an exemption from the national drug law to replace criminal charges with advice about health and social supports, including treatment and recovery services if requested, for adults found in possession of a combined total of 2.5 grammes of the decriminalised

drugs.<sup>84</sup> In addition, Barbados and two US states (Maryland and Missouri) have decriminalised small amounts of cannabis,<sup>85</sup> while in South Africa, the Constitutional Court ruled that the criminalisation, prosecution, or obligation for minors to engage in a diversion programme in relation to cannabis use and possession was unconstitutional and should be responded to by social systems, rather than the criminal justice system.<sup>86</sup>

A significant development has been a law adopted in Thailand in June 2022 which made it legal to cultivate and possess marijuana – the first country to shift in an otherwise repressive region when it comes to drug control.<sup>87</sup> This followed reforms in 2021 to reduce penalties and promote a health-led approach to drug use. So far, these reforms have lacked a solid regulatory framework, which has led to some backlash. In February 2023, Thailand’s Minister of Public Health announced changes which would reduce the limit for possession of methamphetamine for personal use from 15 pills to one, with those found with more than one pill subject to harsh penalties including imprisonment.<sup>88</sup> If approved by cabinet, these changes could result in a significant increase in prison numbers in an already overcrowded prison system.<sup>89</sup>

In the US, where drug policy varies between states, small steps have been taken at the federal level. President Biden in October 2022 took executive action to pardon people convicted of simple marijuana possession under federal law and urged all governors to take similar action in their states where most convictions occur, stating no one should be in a local jail, state or federal prison solely due to the possession of marijuana.<sup>90</sup> In December, the US attorney general instructed prosecutors to file lesser

charges in non-violent, low-risk cases so that mandatory minimum sentences are avoided for cases involving crack cocaine to address sentencing disparities that create 'unwarranted racial disparities'.<sup>91</sup> Legal reform, which has stalled in Congress, is still needed for the change to become permanent.

At the multilateral international level, new analysis by the International Drug Policy Consortium has found that, in recent years, the historical isolation between the drug policy and human rights bodies within the UN system has eroded significantly, and with accelerating speed, with 2022 marking a turning point in consensus-based policymaking

on drug-related matters.<sup>92</sup> In December 2022, for the first time a resolution was adopted by member states of the UN that did not refer to a drug-free society, but rather included more balanced language on the need for alignment between drug control policies and human rights obligations.<sup>93</sup> This was followed by a resolution on drug policy at the Human Rights Council in April 2023, which contained the strongest human rights language ever adopted by consensus, in particular on harm reduction, racial discrimination and the rights of Indigenous Peoples.

PART TWO

# Prison populations

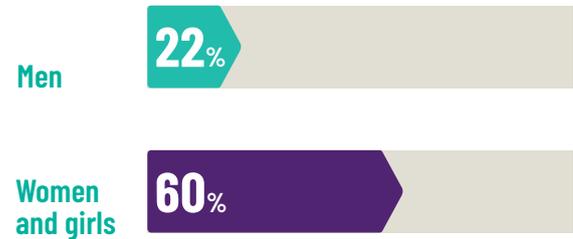
## Women and girls in prison

Women remain a minority in all prison systems but the number of women in prison globally is increasing much faster than men

### PEOPLE IN PRISON WORLDWIDE

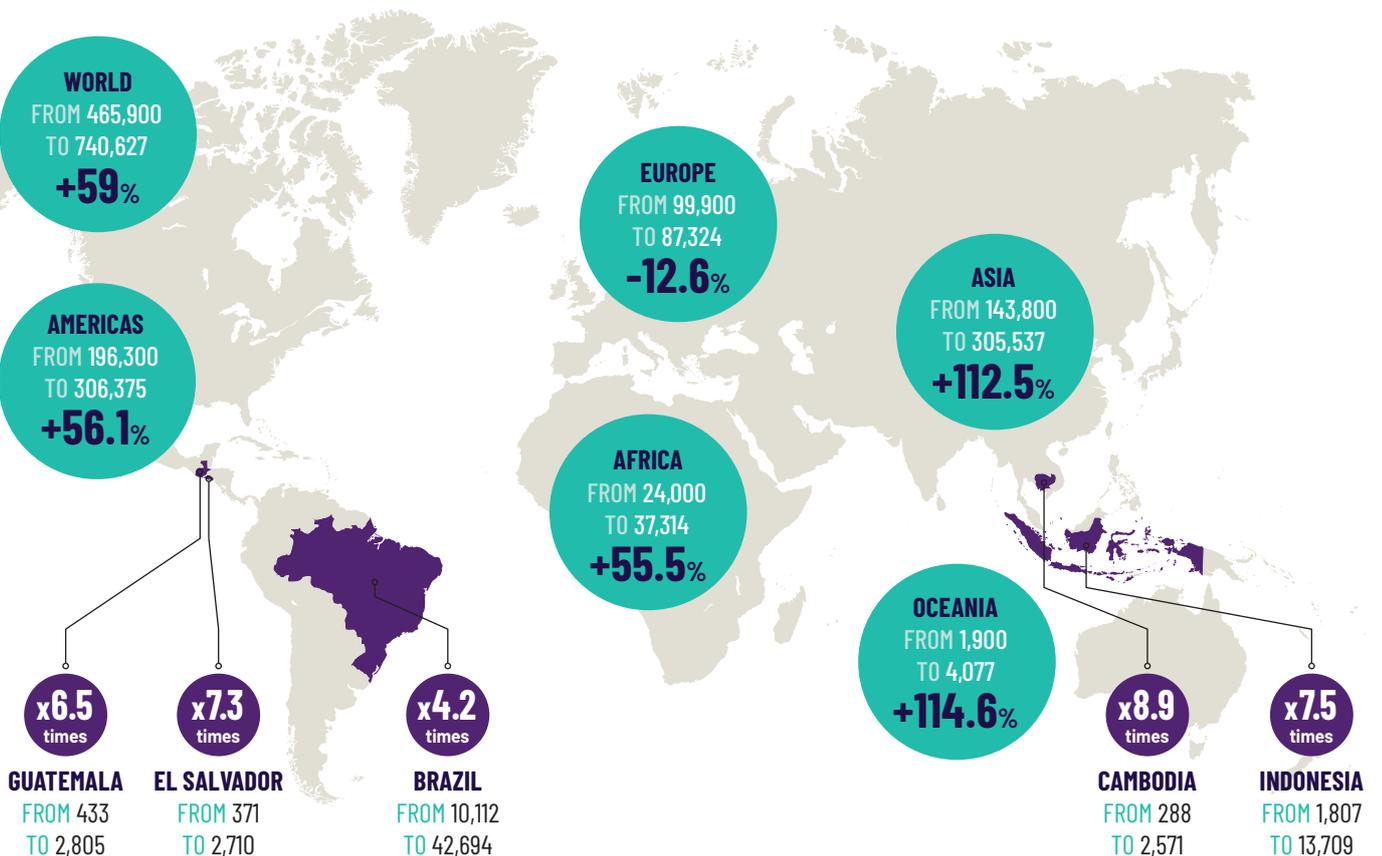


### INCREASE IN PRISON POPULATION FROM 2000 TO 2022



### WOMEN IN PRISON: CHANGES IN NUMBERS PER REGION + SHARPEST INCREASES PER COUNTRY

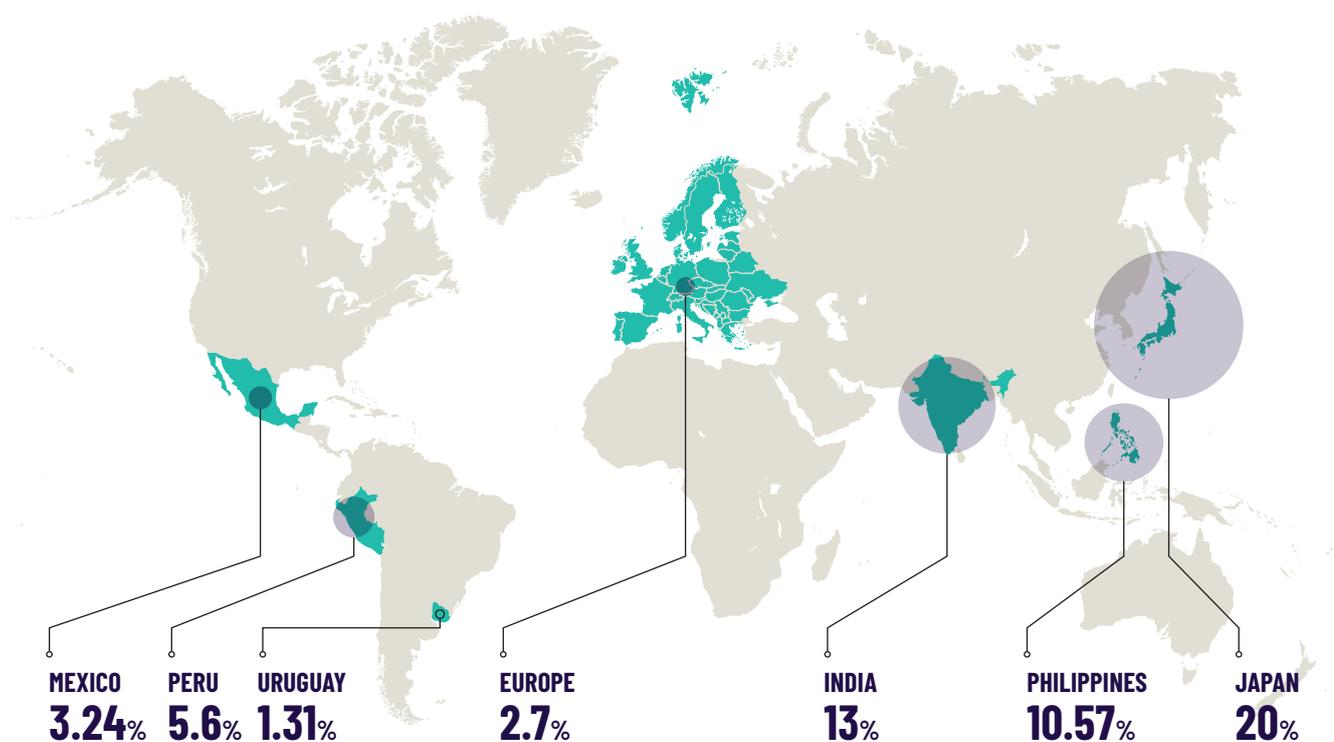
FROM 2000 TO 2020



## Older persons

Known rates of older persons in prison vary from 0.5% in Montenegro, to as high as 20% in Japan. What is considered "older" in detention ranges from 50 to 70 years old, due to recognition of accelerated aging in prison.

### RATIO OF OLDER PERSONS IN PRISON, COMPARED TO OVERALL PRISON POPULATION



## Children in prison

An estimated 261,200 children were detained due to criminal offences in 2020.

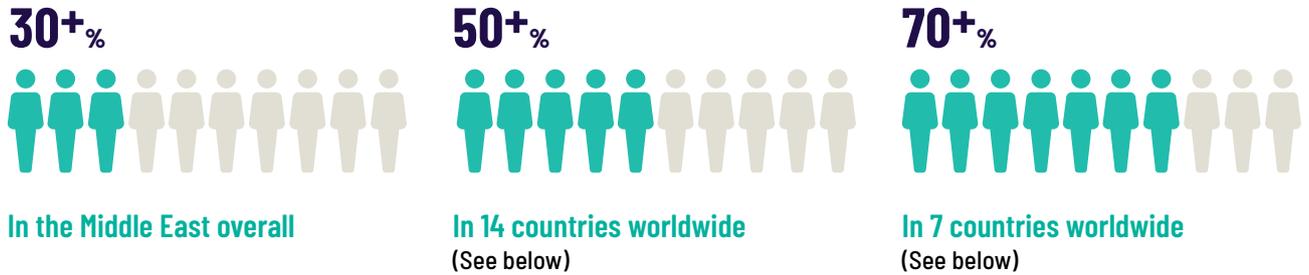
### NUMBER AND RATE OF CHILDREN IN CRIMINAL JUSTICE DETENTION

Region	Rate per 100,00 general population	Number of children
North America	137	32,200
Latin America and the Caribbean	77	50,300
Eastern and Southern Africa	45	48,600
Western Europe	41	10,000
Eastern Europe and Central Asia	40	8,100
East Asia and the Pacific	37	40,700
Middle East and North Africa	28	18,000
South Asia	12	44,900
West and Central Africa	8	8,100
<b>World</b>	<b>29</b>	<b>261,200</b>

## Foreign nationals

There are nearly half a million foreign nationals in prisons worldwide: 5% of the global prison population.

### RATIO OF FOREIGN NATIONALS COMPARED TO OVERALL PRISON POPULATION



Country	%
Monaco	92.3
United Arab Emirates	87.8
Liechtenstein	83.3
Luxembourg	73.7
Qatar	73.3
Macau (China)	72.1
Switzerland	70.1
Gambia	66.7
French Guiana (France)	63.0
American Samoa (USA)	62.2
Greece	59.9
Andorra	57.4
Austria	51.4
USA	52.0
Aruba (Netherlands)	50.0
Saudi Arabia	49.0
Italy	32.8
Malaysia	27.8
Russia	4.3
Global average	5.0

## LGBTQ+

Data and information on the number of LGBTQ+ people in prison remains scarce globally.

USA prisons & jails	USA prisons	UK prisons*	India penitentiary	Colombia prisons
<b>90,000</b>	<b>6,000</b>	<b>230</b>	<b>91</b>	<b>1,707</b>
People self-identify as lesbian, gay, or bisexual	People self-identify as transgender (no jail information)	People self-identify as transgender (*England & Wales)	Transgender persons reported in official statistics	Persons from the LGBTQ+ community ( <b>0.9%</b> )

## Race and ethnicity

Disaggregated data on imprisonment rates and treatment while in prison of Indigenous peoples and members of national, ethnic, religious or linguistic minorities remains incomplete or unavailable in most countries.

Where data is available, it shows these groups are often over-represented in prisons and experience stricter security measures and ill-treatment.

### AUSTRALIA

#### Aboriginal people



Increase in prison population numbers by ethnicity since 2004



### BRAZIL

#### Black people



Increase in the representation of black people in prison since 2011



### CANADA

#### Indigenous peoples



### BULGARIA

#### Roma people



### LIKELIHOOD OF INCARCERATION

In all countries where data is available, racial and ethnic minorities are more likely to be incarcerated

#### Aboriginal & Torres Strait Islander children



#### Black men



#### Latino men



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#### Race and ethnicity

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## PART THREE

# Health in prison

## Health in prison

The complex health needs of people in prison globally generally remain unmet, particularly in overcrowded prison systems with low levels of funding.

Environmental factors that negatively impact health in prisons include poor ventilation, lack of personal space, water, sanitation, hygiene, and nutrition. Recent reports have documented how people are held in cells without lights, ventilation or fans in conditions of tropical heat in the Maldives, with some only allowed out of cells once a month for about an hour;<sup>94</sup> inadequate water supply, sanitation and hygiene in some prisons in El Salvador;<sup>95</sup> and widespread presence of bed bugs in mattresses in Bulgaria.<sup>96</sup> In Thailand, unannounced inspections found unhygienic practices in prison kitchens, including the use of expired ingredients, and drinking water contaminated with bacteria in two prisons.<sup>97</sup>

Access to adequate healthcare remains among the biggest challenges for people in prison worldwide. For example, in Peru, the highest percentage of the 1,142 cases processed in 2021 by the Ombudsman's Office, responsible for monitoring prison settings, involved violations of the right to health.<sup>98</sup> Also in Türkiye, according to the Human Rights Association (İnsan Hakları Derneği), obstacles to the right to health are at the forefront of the rights violations experienced by people in prison, with increasingly

severe isolation conditions causing damage to both their physical and mental health.<sup>99</sup>

People in prison face multiple barriers accessing health services, including long wait times to be seen by a medical professional. Even in high-income countries there are reports of lengthy waiting times such as in Australia where, in one prison, detainees claim it is not unusual to wait up to eight weeks to see a doctor and that many people experience unnecessary delays in accessing their prescribed medications.<sup>100</sup>

Inadequate healthcare staffing is another common challenge shared by most prison systems, albeit with significant variation across countries and regions. In the most extreme situations, some prisons lack any medical personnel, as is the case in at least two prisons in the Central African Republic.<sup>101</sup> Most prisons in Uganda do not have doctors or nurses, but clinicians, and the first point of contact for someone that is unwell is a fellow detainee known as a ward doctor. In Iran, prison regulations only require one general practitioner to be on site 24 hours a day for facilities holding over 3,000 people.<sup>102</sup> In May 2023, the Committee against Torture asked Kazakhstan to recruit more medical personnel in prisons, including psychiatrists and for those in need of specialised treatment, such as HIV patients and people with disabilities.<sup>103</sup> Elsewhere, however, the World Health Organization (WHO) has reported that in 2020, across

36 European countries surveyed, there were 36.4 healthcare staff per 1,000 people in prison. While there were more nurses and physicians compared to the community, there were far fewer dentists, with only 1.4 per 1,000 compared to 6.2 in the general population.<sup>104</sup>

According to the latest UNAIDS figures from 2022, people in prison are five times more likely to be living with HIV than adults in the general population; in recent years, on average, more than 3% of the global prison population is living with HIV.<sup>105</sup> The highest regional average of HIV prevalence in prisons is 12% in Eastern and Southern Africa, with rates as high as 21% in Zambia and 35% in Zimbabwe in 2022.<sup>106</sup> Yet, treatment coverage continues to be poor. Among the 41 countries that reported on antiretroviral therapy (ART) coverage in prisons in recent years, 7 countries reported less than 35% coverage; only 14 reported more than 95%.<sup>107</sup> Among 36 European countries surveyed by WHO, post-exposure prophylaxis (PEP) against HIV was available in all prisons in 75% of countries in 2020, but less than 60% had pre-exposure prophylaxis (PrEP) in all prisons.<sup>108</sup>

A lack of political will remains the biggest underlying barrier to provision of preventive health services and treatment in prisons of communicable diseases like HIV/AIDS and tuberculosis (TB).<sup>109</sup> Other challenges discussed at the first world conference on prison health in 2022 included lack of screening on admission to prison and failure



**The complex health needs of people in prison globally generally remain unmet, particularly in overcrowded prison systems with low levels of funding.**

Detainee Receiving treatment at the Lingen prison hospital, Germany.

to identify active cases, poor adherence to treatment, inadequate staffing, training and motivation, poor supervision of medical staff in prisons, and challenges related to continuity of care.<sup>110</sup>

There have been some positive moves to prevent and treat infectious diseases recently. In England, where the prevalence of hepatitis C in prisons is about 6%, compared to 0.7% in the community,<sup>111</sup> a health service, private sector and charity partnership is running large-scale hepatitis C screening programmes in prisons.<sup>112</sup> Also in Georgia, a free hepatitis C treatment that was extended to the penitentiary system from 2011–2014 led to a 98.7% cure rate between 2014 and 2021, including for people in pre-trial detention. Success of the initiative has been found to highlight the importance of partnerships, political commitment, government investment and community network empowerment.<sup>113</sup>

Access to harm reduction measures in prisons globally remains piecemeal and inadequate. Even in countries where some measures are available, they often do not extend to all prisons. The number of countries providing at least some services has been increasing, albeit very slowly. Between 2017 and 2022, 52 countries reported providing condoms and lubricants, 27 provided opioid agonist therapy (OAT) and 7 had needle and syringe programmes in prisons. UNAIDS have reported that many of these services rely heavily

on donor funding and support, are unevenly distributed across prisons, and poorly linked to national HIV or public health programmes.<sup>114</sup> In 2020 across 36 countries in Europe, the most common measure provided was condoms, which were only available in all prisons in less than half of countries in the region; only 3 countries (8.3%) offered needles and syringes free of charge in all prisons.<sup>115</sup>

Security considerations continue to be frequently cited as the reason for not implementing harm reduction measures in prisons with claims, for example, that syringes may be used as weapons. However, positive health outcomes are continuously proven with research suggesting no evidence of misuse. In Moldova, where a prison needle exchange programme has been in place for over 20 years, the prevalence of hepatitis B and C in prisons has reduced between 2012 and 2021 from 13.1% to 1.6% and from 8.6% to 3.6%, respectively, and no aggression with needles has been recorded.<sup>116</sup>

A study by *The Economist* that modelled the costs of reducing imprisonment while scaling up harm reduction assessed the impact on financials and HIV transmission in Belarus, Kazakhstan, Kyrgyzstan and Russia. It found that by shifting resources and investing the money saved from decriminalising drug use and possession for personal use (estimated €11.1bn in Russia over 20 years) to scaling up ART and OAT,

the current HIV epidemics among people who inject drugs in the four study countries could be effectively controlled for no added cost.<sup>117</sup>

There is increasing awareness of the benefits of transferring responsibility for prison health to the health ministry and clearly dividing roles between the ministry in charge of prisons and the health ministry, as recommended by WHO.<sup>118</sup> While Kuwait placed prison health under the Ministry of Health since the creation of prison services in 1954, Norway was reportedly the first country to separate prison health from its justice ministry in the 1960s, and other countries including England and Wales, Finland and Portugal have since followed suit. Most recently, from January 2023, the healthcare of all people in detention in Kazakhstan falls entirely under the responsibility of the Ministry of Health, following the transfer of medical services in pre-trial detention centres in July 2022.<sup>119</sup> WHO has found that, despite the same accreditation procedures for health services and ethical and professional standards for health staff in prisons in most countries in Europe, in at least 8 countries, clinical decisions can be overruled or ignored by non-healthcare prison staff, but this was less likely to occur among countries where the Ministry of Health was involved.<sup>120</sup>

## Mental health

People in prison disproportionately experience poor mental health and mental health disorders compared to the general population, often linked to societal factors, poor screening and treatment in prison, and the negative effects of imprisonment on mental health and well-being. To date, information on mental health in prisons is generally only available in high-income countries with scarce data on prevalence, experience and treatment in most countries across Africa, Asia, and Latin America.

Where information is available, it confirms the high rates of poor mental health in prisons and challenges accessing treatment and support. In the US, 43% of people in state prisons report one or more diagnosed mental health condition, but only 26% have received any professional support for their mental health since entering prison.<sup>121</sup> In Europe, WHO has found mental health disorders affect 32.8% of the prison population, making mental health the most prevalent health concern reported in prisons in 2020.<sup>122</sup> Among the 36 countries surveyed by WHO, 26 provide access in all prisons to mental health counsellors, including peer support and external providers for both mental health disorders and other well-being needs.<sup>123</sup> Another regional survey by the Council of Europe and CEP found the prevalence of mental health disorders in prisons ranged hugely, from 0-80%. While about 90% of countries surveyed have a national level mental health policy for prisons, only 74% (31 countries) provide mental health awareness training for prison staff.<sup>124</sup>

New research continues to show the specific mental health needs of women in prison. In England, analysis of hospital data revealed more than 20% of admissions to hospital by older women in prison had a diagnosis of depression recorded, compared to less than 8% of their male counterparts.<sup>125</sup>

In Catalonia, Spain, 51% of women in prison in 2020 suffered from anxiety, compared to 37% of men in prison and 16.5% of the total general population. Women also showed far greater prevalence of personality disorder and depression than men in prison, although men had a higher rate of schizophrenia.<sup>126</sup> Research by the Scottish Government also identified higher prevalence of mental health conditions and self-harm among women relative to men in prison, except for alcohol use disorder and depression.<sup>127</sup>

The impact of the COVID-19 pandemic and associated measures in prisons continues to be revealed, with new research exposing the worsening mental health crisis in prisons. A study in England and Wales, where 85% of those surveyed were confined to cells for 23 hours a day during lockdown, found more than 1 in 3 people in prison showed symptoms of 'severe anxiety disorder' indicating high levels of post-traumatic stress, and two-thirds said that access to mental health support had worsened rather than improved during the lockdown.<sup>128</sup> In March 2023, the prisons inspector reported that despite the lifting of pandemic restrictions, on weekends when staffing is lowest, 60% of men and 66% of women still spend less than two hours a day unlocked from their cells (compared to 42% and 36%, respectively, on weekdays).<sup>129</sup>

Inadequate mental health staffing in prisons continues to be a common barrier to meeting the complex needs of prison populations. In New Zealand, as of January 2023, 21 out of 76 psychology and medium intensity rehabilitation programmes in prisons have been delayed or stopped due to staff shortages.<sup>130</sup> While WHO found similar numbers of psychiatrists in prisons in Europe as in the community (1.3 and 1.4 per 1,000 respectively), it highlighted the need for a higher ratio of psychiatrists

to people in prison, given the greater mental health needs of that population.<sup>131</sup>

The lack of mental healthcare staff in prisons is far greater in countries with lower resources. In many places, gaps are filled by community health services that visit the prison at regular intervals like in Burundi where a local neuropsychiatric centre sends a specialist team twice a month to provide mental healthcare to Mpimba Prison. However, some of the challenges identified with this model include limited time for consultations, lack of training for prison healthcare staff in follow-up mechanisms and a lack of psychological screening on admission to prison.<sup>132</sup>

The lack of specialised staff and available treatment for people in prison with mental health conditions often leads to ill-treatment. National Preventive Mechanisms (NPMs) have recently reported on prison staff resorting to isolating people experiencing mental health crises until they can receive care or for long periods of time. In Italy it was found that despite previous recommendations from the monitoring body, one prison was still using seclusion rooms in 2021 for people with evident mental health conditions, sometimes in indecent conditions.<sup>133</sup> In the US, an investigation in the state of Pennsylvania revealed nearly 1 in 3 'use of force' incidents analysed in county jails involved a person who was having a mental health crisis or who had a known mental illness. In many cases, prison staff had used weapons like stun guns and pepper spray, even though the person's severe psychiatric conditions meant they may have been unable to follow orders or even understand what was going on.<sup>134</sup>

## Palliative and end-of-life care

The numbers of older people in prison and people approaching the end of life and deaths from so-called natural causes are on the rise in some parts of the world<sup>135</sup> (see [Deaths in prison](#)). This means that prisons are increasingly faced with the challenges associated with older persons, including needs for palliative and end-of-life care.

It is not known how many countries have developed palliative care programmes or specialist facilities such as hospices in prisons in the past decade, as only a handful of studies have been undertaken on the topic – all in high-income countries such as the UK, Switzerland, France, and the US.<sup>136</sup> One such initiative by the European Association for Palliative Care was a mapping of palliative care provision in prisons in eight European countries and Australia in 2021.<sup>137</sup> It found that, despite increasing numbers of older people in prison, relatively few prisons provide inpatient facilities, requiring transfers to another prison or a hospital in the community. Of the nine countries, only England has any prisons that provide dedicated palliative care services in some selected prisons.

Similarly, specialised end of life care is not common, although some recent initiatives point to a trend at least in high-income countries to develop such services. In several French prisons 'life support workers' assist detained persons that are old, frail, or approaching the end of their life with daily tasks and needs. In Scotland, the charity Macmillan Cancer Support has developed a guide and other resources for people in prison at the end of life, and funds a national programme to support the implementation of 28 standards for palliative and end-of-life care

in prisons, developed with prison healthcare and security staff.<sup>138</sup> In an ongoing prison hospice project in the US, Humane, partnered with the California Department of Corrections and Rehabilitation to train people in prison to provide emotional support and practical care for their aging and dying peers, who upon graduation will be known as palliative care workers/volunteers. After piloting in the only prison hospice in California, there are plans to expand to at least two other prisons in the state by the end of 2023.<sup>139</sup>

Mechanisms for early release from prison on compassionate grounds exist in some countries, but the number of people released for end-of-life care in practice is low. Common barriers to using such mechanisms include restrictive eligibility criteria based on age or 'closeness to death'; the exclusion of certain offences or sentences being served;<sup>140</sup> complex and lengthy application processes that may not be completed before the person dies;<sup>141</sup> and bureaucratic procedures that involve many different authorities or require coordination and agreement between clinicians and security staff in the prison on the person's health status, security risk and access to suitable care in the community. In some cases, due to the length of their sentences and/or the nature of the crime for which they were sentenced, some people may not have family connections and support available in the community and may, in fact, have more friends and support in the prison.<sup>142</sup>

Challenges can be seen in Mexico, for example, where a presidential decree aimed at releasing older and terminally ill people, among others, has been criticised for failing to provide the necessary budget,

personnel or guidance for the designated committee to identify and process eligible cases, which are also limited to the federal system.<sup>143</sup> In the US, provisions implemented four years ago to help release people from federal prisons who are terminally ill or aging have had little effect: 80% of compassionate release requests filed between October 2019 and September 2022 were rejected, largely because political processes delayed the provision of guidance to judges for over three years.<sup>144</sup>

Suspended sentences are another option, used in places like Czechia and France,<sup>145</sup> to allow people to leave prison near the end of life but, in contrast to full release, this can require the person to return to prison to serve the remainder of their sentence if they recover from their illness.

Some prison systems with chronic overcrowding use measures like amnesties or executive clemency (exceptionally or regularly) to grant early release as a means of easing congestion in prisons with priority often, although not always, given to those with terminal or life-threatening illnesses or a serious disability. In Thailand, for example, where pardons are viewed as a regular part of the criminal justice process, one of eight initiatives undertaken in 2021 targeted people with serious illness or disability or those aged 70 years or older, resulting in the release of 84 people. Similar initiatives have also been seen recently in the Philippines.<sup>146</sup>

**Prisons are increasingly faced with the challenges associated with older persons, including needs for palliative and end-of-life care.**



The Chronic Care Unit of Dixon Correctional Center, the state's only prison hospice programme. Illinois, US.

## PART FOUR

# Prison management

## Governance of prison administration

There are many different models of prison governance globally, including fully centralised systems and decentralised governance in jurisdictions which have both federal and state/provincial prison structures, as well as systems which have part of their management such as healthcare or education under a different agency or integrated with other ministries. A recent bill in Colombia, for example, proposes to integrate the work of the national prison system with the Ministry of Education and Labour for implementation of rehabilitation programmes.<sup>147</sup> There are also systems where individual prison governors have more control over key aspects of prison management and service delivery, including local budgets and contracts, staff recruitment and local partnerships.

Governance structures and leadership often relate to the size and geography of the country, as well as political and governmental systems. Political changes in a country can contribute to frequent changes to the governance and funding of prisons with both positive and negative impacts. In Kyrgyzstan, the probation service, previously under the control of the State Penitentiary Service, was transferred to the Ministry of Justice in 2019 and has received significant financial and logistical support from international organisations subsequently.<sup>148</sup> On the other hand, in Afghanistan, the prison system now operating under the Taliban regime is no

longer benefitting from the financial and technical support previously provided by international donors.

Historically, in countries undergoing wider governance reform, the justice sector, including court systems, have been slower than other institutions at improving systems of good governance. In terms of prison systems, their inherent closed nature, is one reason for this. Other reasons include corruption, lack of independence among the judiciary, as seen for example in Moldova where necessary reforms to the justice sector are long coming.<sup>149</sup> In other countries there has been a link between delays in justice sector reform and the lack of reliable criminal justice data, a key requirement of good governance.<sup>150</sup>

In 2022, PRI issued a framework on putting good governance into action in prisons, making it clear that participation by both male and female detainees is a key cornerstone. It has been noted that participation of people in prison and building local partnerships can play a key role in reducing reoffending.<sup>151</sup> PRI also noted that prison administrations can and should be measured against the same good governance standards as other public sector agencies, including the principles of transparency and accountability. Some systems are increasing their focus like in New York State in the US where in 2021 the Department of Corrections and Community Supervision reviewed

all policies, procedures and practice in response to a broader government transparency initiative, with a pledge for greater transparency and accountability within the prison system.<sup>152</sup>

Also in Argentina an action plan for 2019 to 2022 committed to further strengthening public oversight of the prison system by establishing a 'National Penitentiary Diagnosis', an annual study designed in collaboration with civil society organisations and academics to evaluate the prison system's capacity and conditions from a human rights perspective, incorporating qualitative criteria and experiences from people in prison.<sup>153</sup> Argentina had previously created a public database of audit recommendations and compliance information from the Federal Prison Service.<sup>154</sup> In India, where the administration and management of prisons is devolved to State Governments, reforms continue to be overseen and guided by the Ministry of Home Affairs<sup>155</sup> but have been criticised for their slow pace.<sup>156</sup> Where States are found to not be following central policies and guidelines, the Ministry can intervene with further advisories and instructions. For example, in January 2023, the Ministry issued a circular to all States and Union Territories around issues such as non-compliance with the Model Prison Manual and the need for improved staff recruitment.<sup>157</sup>

Initiatives to decentralise control of prisons continue in some countries, especially where pilot projects have identified the positive potential of devolving more powers to prison directors. In Nigeria, discussions around broader prison reform continue to include proposals to decentralise management of the correctional services.<sup>158</sup> A 2020 evaluation of a trial project in England and Wales to allow greater autonomy for prison directors to devolve power to staff in six prisons found a range of barriers

in successfully implementing reform at local level, but efforts to deliver personalised, local services embedded within their communities were seen as positive.<sup>159</sup>

Where private companies are contracted to run specific prison facilities, questions continue to be raised about the governance of such prisons. In the US, a recent report outlined a pattern of failed oversight and compliance within Florida's private prison system.<sup>160</sup> At federal level, the US President's

executive order aiming to reduce the use of private prisons led to the announcement in December 2022 that the Bureau of Prisons had ended all contracts with privately managed prisons.<sup>161</sup> Elsewhere, in Australia (where an estimated 20% of the prison population are in privately run facilities) concerns have been raised that a lack of transparency make it impossible to test the claim that privatisation is more effective, and concerns continue to be raised that private prisons are operating to lower standards.<sup>162</sup>

## Prison staff

Staff shortages and high staff turnover continued to cause major disruption and poorer conditions in many prison systems. They inevitably lead to problems for both staff and people detained. In New Zealand, for example, it was reported in 2023 that only one prison in the country was fully staffed, with nearly 500 vacant positions across the prison service, and more than 350 employees unable to work due to sickness, injury, leave or other reason.<sup>163</sup> The staffing crisis has led to people in prison being confined to their cells for 23 hours a day, long delays in parole hearings, lack of rehabilitation opportunities and reduced family visiting hours. In Slovenia, 456 escorts to court were cancelled during 2022 due to a lack of staff with in-person hearings being replaced by video link.<sup>164</sup> In Australia, a mental health hospital for people in prison had to close for several months because there were not enough staff, with people in prison in need of specialised care being transferred to regular prison cells as a result.<sup>165</sup>

Responses to staff shortages often looked to short term solutions instead of tackling the underlying causes of poor staff recruitment and retention. In some cases, armed forces are called on to fill the gap of staff, as seen in at least two States in the US and in Belgium in recent years.<sup>166</sup> Technology is also being

turned to where workforce shortages are persistent. A trial in the US state of Nevada tested parts of a 'corrections command and control platform' utilising technology to replace staff, including live video streams, drones, thermal cameras, geospatial mapping and location tracking devices to provide staff with a real time view of what is happening in the facility. The Department of Corrections in Montana, where there have been 900 staff vacancies, are looking to adopting a similar model. Organisations representing the interests of staff have pointed out that while technology serves as an important tool, it should not be used as a replacement for a robust workforce.<sup>167</sup>

Poor terms and conditions for prison staff continue to lead to staff protests and industrial action. In the Central African Republic, prison officers were on strike for more than two weeks in 2022 in protest of poor working conditions, exacerbated by prison overcrowding, and to demand back pay.<sup>168</sup> Prison staff in Côte d'Ivoire also took industrial action in 2022 because of working conditions.<sup>169</sup> In Australia, staff at a youth detention centre have demanded better health and safety protections.<sup>170</sup> In Zaballa prison in the Basque autonomous region within Spain, staff also went out on strike during 2022 following

allegations of unequal labour conditions after the recent transfer of prison administration from the national to the Basque government, denouncing precarious staff terms and conditions.<sup>171</sup> In Ukraine, prison staff are reported to have 'rioted' over corruption within the prison management.<sup>172</sup>

There is increasing recognition that while pay increases and improved employment terms and conditions are important factors in the successful recruitment and retention of good prison staff, these measures must be matched with a culture change within prison systems. This includes accountability at the senior leadership level,<sup>173</sup> a much broader review of prison service delivery and an overall reduction in the use of imprisonment, including a decrease in the use of pre-trial detention. One example of a more holistic approach is seen in Kenya. At the end of 2022, the President of Kenya established a national taskforce on the improvement of terms and conditions and other reforms for police and prison officers in response to ongoing challenges which impact the ability of both services to deliver their mandate effectively.<sup>174</sup> This will include looking at legal, policy, administrative, institutional and operational reforms as well as a review of staff terms and conditions of service and a review of matters

related to the welfare of staff. The taskforce has been travelling around the country to collect input from staff members as well as the public on prison service delivery.<sup>175</sup>

Prison authorities are also looking at different ways to attract interest in staff recruitment. In Belgium,

authorities are addressing the workforce shortage by recruiting at music festivals<sup>176</sup> and there have been recruitment drives through television adverts in several countries in recent years. Schemes to fast-track applicants have been introduced in some places, for example in England

and Wales where people leaving the armed forces can be fast tracked and retrained as prison officers, and in Texas, new career centre is to be opened where applicants can be screened immediately to speed up the hiring process.

### Spotlight on:

## Impact of economic crisis on prisons

In September 2022 the World Bank warned of a possible global recession and a string of financial crises that would do 'lasting harm' in emerging market and developing economies.<sup>177</sup> It is estimated that recent austerity measures brought in by the majority of the world's governments will negatively affect 6.7 billion people in 2023 (or 75% of humanity), and especially harm women.<sup>178</sup> According to the Global Report on Food Crisis 2022 Mid-year Update, up to 205 million people are expected to face acute food insecurity and to be in need of urgent assistance in 45 countries.<sup>179</sup> The people detained and working in prison systems which are typically underfunded are among those greatly negatively impacted by the economic downturn and such measures.

Like in the community, rising costs in prisons impact a range of essential commodities and services from food and energy to transport and staffing. The Scottish Prison Service, for example, has reported that its gas and electricity bills have increased by 47% and the cost of providing food to people in prison has risen by 17% (and may increase by up to 30%) due to inflation, with no increase in government spending on the prison system.<sup>180</sup> In the US,

detainees are paid an average of USD \$0.13 –0.52 per hour, with wages having remained stagnant for years, and in some cases decades, despite ongoing inflation and recent sharp rises in prices from economic uncertainty.<sup>181</sup> This means that many detainees do not have access to prison commissaries to purchase a broader range of foods than that available in the cafeteria, especially in times of soaring inflation.<sup>182</sup>

Particularly in low-income countries, people in prison often rely on family members to bring food, medicine, and other essentials. Because prison populations overwhelmingly come from poorer communities, rising costs of living mean their ability to support relatives in prison is reduced as family budgets are stretched further. In Lebanon, for example, detainees have been significantly affected by the country's food security crisis, with prison authorities reducing the quality and quantity of food. This is exacerbated by the fact that families can also no longer afford provisions from the small shop near the prison where inflation has made prices unaffordable for many. This has led to warnings of severe health consequences if the food shortages continue.<sup>183</sup>

Reduced budgets can also limit access to health services in prison. Austerity measures and staff shortages in English prisons frequently result in the postponement or cancellation of healthcare appointments outside prisons, according to a recent study.<sup>184</sup> In addition, the study found that death and disability rates among people in prison have increased due to insufficient access to healthcare services, such as surgeries and cancer treatment.<sup>185</sup>

In the face of economic crises affecting prisons worldwide, self-sufficient prisons have been looked to as a means for people in prison to do more productive, meaningful work while gaining formal job qualifications. For example, a multi-agency initiative called 'Green Prisons' has been launched in South Sudan where prison farms will be established to address the challenges of food security in prison settings.<sup>186</sup> South Africa's Department of Correctional Services has increased prison self-sufficiency through agricultural productivity, vegetable and fruit production, milk production, chicken-broilers, chicken-layers, red meat and white meat abattoirs, and piggeries in prison farms.<sup>187</sup>

**The people detained and working in prison systems which are typically underfunded are among those greatly negatively impacted by the economic downturn.**

Men work in the vegetable garden at Atteridgeville Correctional Centre, Johannesburg, South Africa.

## Security and violence

High levels of violence in prisons continue to be reported across the globe, with levels of prison overcrowding, staff shortages, and poor detention conditions contributing to and exacerbating the problem.

International commitments to stamp out torture and ill-treatment has not led to investigations or prosecutions, according to a 2023 report by the UN Special Rapporteur on Torture. It found that laws allowing the use of corporal punishment and indefinite solitary confinement, as well as inadequate complaint mechanisms in prisons are obstacles to effective torture investigations. An OHCHR report also noted that prison officials were sometimes exempt from being prosecuted for torture crimes, as in the case of Ghana.<sup>188</sup>

Violence among people in prison is common, and in extreme cases have resulted in relatively frequent fatal clashes between rival gangs as seen in Latin American prisons (see [Deaths in prison](#)). In Mexico, it has also been revealed that over the last decade at least 500 riots have been registered each year in state and federal prisons.<sup>189</sup> In efforts to gain greater control over violent prisons, the opening or allocation of high-security facilities have been announced in several countries. As part of a crackdown on gang activity in El Salvador, 2,000 gang members were transferred to a newly built mega prison, also known as the Terrorist Confinement Centre, expected to house up to 40,000 detainees. In Ecuador, in response to recurring violence in prisons, various measures taken by the government included relocating around 2,400 people (triggering an uprising with shooting sprees and bombs at gas stations and police stations) as well as announcing a plan to double the numbers of prison staff.<sup>190</sup>

There is increasing evidence that sexual violence in male prisons remains an under-reported phenomenon. One study has found that legal barriers deter male victims in Malawi's prisons from filing claims of same-sex rape, as claims may infer that sodomy has occurred which often results in additional charges.<sup>191</sup> Stigma towards male victims has been seen in England and Wales, where some prison officers in a small sample study showed false ideas and bias towards male rape.<sup>192</sup>

Strategies and measures to prevent and address gender-based violence have been patchy. In the US, for example, a 2022 government report found that in at least two-thirds of federal prisons (19 out of 29 facilities) women had been sexually abused by prison employees over the past decade, thus acknowledging systemic failures to detect, prevent and investigate repeated sexual abuse.<sup>193</sup>

The allocation of and violence against transgender people in prison have had increased attention in several countries over recent years. A recent civil society report shed light on systematic sexual violence against detainees, including transgender people, constituting torture in Egyptian prisons by prison staff and national security personnel.<sup>194</sup> Elsewhere, in Scotland, a highly politicised U-turn was made on allocation of transgender people according to their gender identity, in response to a case where a transgender woman convicted of sexual offences was initially sent to a female prison, sparking public outcry. The crisis led to high press interest and government commitment to review the treatment of trans people in prison and introduce measures to prevent transgender people with a history of violence against women being placed in women's prisons. In February 2023, England and Wales also set new

rules barring transgender women with male genitalia or convicted of sexual or violent offences from women's prisons.

Solitary confinement is still widely used as a punitive and coercive measure, despite the UN Nelson Mandela Rules' limits on its use and duration. Persons facing the death penalty are commonly held in solitary confinement for prolonged periods, like in Pakistan, on the grounds of security.<sup>195</sup> In France, similar reasons are provided for holding persons involved in terrorism or organised crime for years.<sup>196</sup> Even though Bulgarian prison authorities limit solitary confinement to a maximum of 14 days, its repeated use after short breaks from five to 24 hours amounts to near consecutive periods of solitary confinement that exceeded 14 days.<sup>197</sup>

Recently, Amnesty International criticised Iceland for 'vastly overusing' solitary confinement in pre-trial detention, and also for children and people with mental illnesses. It found that in 2021, 61% of remand detainees were held in solitary confinement for longer than 15 days. Conditions that constitute solitary confinement brought in during the COVID-19 pandemic are reportedly still in place in England and Wales as of early 2023. The Chief Inspector of Prisons stated in a March 2023 report on 'Weekends in prison' that around 60% of people in prison have less than two hours out of cell each day on weekends, which is worse than before the pandemic. Also, in New Zealand severe staff shortages have led to the confinement of people to their cells for 23 hours a day still in the early months of 2023, according to the country's Human Rights Commission.<sup>198</sup>

**Spotlight on:**

## Prison subcultures

Criminal subcultures affect most prison systems globally and their prevalence has been increasing in recent decades, particularly gangs. They constitute one of the biggest challenges to prison administrations, especially where they self-govern or share governance with authorities. They are formed as informal hierarchies under which rules and a code of conduct are created among groups of people in prison.

Although academic research on prison subcultures has mostly been limited to the US, recently there has been increasing attention globally due to highly publicised unrest and fatal gang violence in prisons (see [Security and violence](#)). New research published in 2022 explores the Numbers gangs that operate in South African prisons renowned for using their own language in prison called 'Sabela' and tattoos as a tool for identification, gang affiliation and level of authority. The research has offered an account of the detailed and elaborate hierarchical command structures within each of the three Numbers gangs as well as the 'highly ritualised codes of conduct' and induction rituals which are 'driven using violence'.<sup>199</sup>

Studies available suggest a range of reasons as to the establishment and longevity of subcultures in prisons. These include absence of good governance, sharp increases in prison numbers, and overcrowding with limited oversight by prison staff. Additionally, shared social, religious and political values may also explain the consolidation and monopoly of prison gangs, as recent research showed in Kyrgyzstan, Brazil and Northern Ireland.<sup>200</sup> Lack of access to basic

necessities and safety, as well as tolerance by prison staff who actively use criminal subcultures to maintain order, have also been identified as drivers.<sup>201</sup>

Prison gangs are the most widespread form of prison subculture, operating much like gangs on the outside. They often form along racial or ethnic lines and are usually organised around the protection of their members. There are currently more than 75 white supremacist prison gangs in at least 38 states in the US, according to research from 2022.<sup>202</sup> In Chile, the Gendarmerie (prison service) reported 754 prison gangs in early 2022, of which one in five members are foreign nationals, mostly Colombians often detained for drug-related offences.<sup>203</sup> Elsewhere, in Singapore, the Omega gang is made up exclusively of Malay-Muslim detainees.

Wherever prison gangs gain firm control over the prison system, as seen in several countries across Latin America and Asia, authorities often secure perimeters only. For example, in Venezuela, civil society published findings in 2022 that eight of the country's prisons were entirely controlled by 'pranes' (prison bosses), while criminal gangs had at least partial control of a further 15 facilities, meaning only 8 were entirely under government control.<sup>204</sup> This situation is amid a background of high corruption levels, weak security systems, poor infrastructure, overcrowding, insufficient and undertrained prison staff, according to Human Rights Watch.<sup>205</sup> In the Philippines' biggest prison detaining some 30,000 people, staff rely on gangs

for their leadership structures, and even become affiliated to the latter.<sup>206</sup>

Where gangs or subcultures are dominant, violence rates in prisons are high. Authorities at Ksani Prison 15, in Georgia, frequently delegate tasks to leaders to maintain order and security among other detainees, resulting in different forms of violence among people in prison and often leading to further acts of violence and punitive measures.<sup>207</sup> Gang leaders in some Brazilian prisons dictate everything in the detainee's day-to-day life, from sleeping arrangements to orchestrating riots.<sup>208</sup>

As is the case outside prison walls, prison gangs engage in a series of illegal activities such as the smuggling of contraband or extortion. In Colombia, currently the gangs who use extortion are predominantly operating from prisons.<sup>209</sup> In June 2022, a gang of foreign national in prison in Chile sent videos to family members of other detainees being violently tortured, demanding up to €56 a day in exchange for their security.<sup>210</sup>

In Georgia, because cash is not permitted in prisons, detainees who are at the highest levels of hierarchies have used commodities like cigarettes or online gambling platforms to collect 'fees' from other detainees (and their families). The 'fees' paid make up the so-called 'Obshyak' (common fund), which is used to control others under the informal rules set down and to pay for goods and services not available to others.

Prison gangs generally adopt self-policing strategies to maintain order and to develop and preserve protective social arrangements.

Methods to consolidate power include violence and the threat of violence, but also 'softer' means such as promoting a sense of belonging and solidarity among the community in prison. For example, the Primeiro Comando da Capital (PCC) gang in São Paulo, Brazil, was able to gain its power by 'suppressing divisions and producing

a cohesive and unifying identity' among detainees by forcing other rival groups into submission.<sup>211</sup> A study conducted in Moldova found that strong leadership enforcing informal rules contributed to a heightened perception of insecurity, resulting in threats and bullying.<sup>212</sup>

Positively, in some Peruvian prisons, detainees organise themselves in brigades – one brigade per block, which is usually self-governed by an informal hierarchy – wearing different shirt colours depending on the services they provide (first aid, signalling emergency exits and evacuation routes, etc.).

## Deaths in prison

In 2019, the UN reported that mortality rates are up to 50% higher for people in prison than for people in the wider community.<sup>213</sup> With the exception of high-profile deaths or large incidents, deaths in prisons globally remain under-reported and under-investigated.

New research by PRI and the *prisonDEATH* initiative published in 2022 found that the leading causes of death in prisons vary significantly between countries and regions, as do the methods of classifying causes of deaths. So-called 'natural causes', cited as a leading cause of prison deaths in many higher-income countries including Australia, Canada, Italy, and South Africa, continue to be used in some cases as a catch-all term conflating different causes of death between old age, illness, and cardiovascular diseases. On the other hand, many countries in Latin America and South Asia cite 'illness' and 'old age' as the main causes of death, such as Argentina, Chile, Ecuador, India, and Pakistan.<sup>214</sup> In 2020, among 33 European countries that reported to WHO, the most common cause of death in prisons was suicide, followed by COVID-19 and drug overdose.<sup>215</sup>

Violence among people in prison remains a common cause of death in prisons globally, often due to the presence or activities of gangs or criminal subcultures in prisons,

chronic levels of overcrowding, and self-governance structures. While fatalities from prison unrest are quite rare in Europe, some Latin American countries report comparatively high proportions of deaths in prison due to violence, particularly related to gangs and organised crime groups (see [Prison subcultures](#) and [Security and violence](#)). In Ecuador alone, in the 18 months to October 2022, more than 400 people died in prison violence which the government attributes to clashes between gangs.<sup>216</sup> An attack by a cartel on a prison in Mexico in January 2023 left 19 people dead: 10 prison staff, seven detained persons and two attackers.<sup>217</sup>

People in prison have also died as a result of violence or ill-treatment by prison authorities. A report by Amnesty International in 2022 details consistent denial or delay of transfers to hospital for life-saving treatment by Iranian prison authorities. Among 96 recorded deaths in custody since January 2010, only 26 (29%) were transferred to hospital, with some families of the deceased told by hospital staff that their loved ones could have been saved if brought to hospital earlier.<sup>218</sup> In Scotland, the Prison Service is being investigated by police for corporate responsibility, including corporate homicide, following the death of a man in 2015, four days after he was violently restrained

by up to 17 prison officers. While a decision on charges is pending, this is the first time that proceedings have been initiated against a public or government body in the UK for corporate homicide.<sup>219</sup>

A lack of data collection and transparency continues to be a key problem which, among other issues, contributes to a poor understanding and response to deaths in prisons globally. For instance, only 11 out of 25 countries surveyed by PRI in 2022 publish official information relating to deaths. In a positive move, the Australian Government in 2021 hastened its reporting on deaths in custody; adding to its annual report, it now provides a quarterly dashboard<sup>220</sup> on deaths in prison and police custody.

Data on deaths in prison can be totally absent or highly unreliable and often this is due to lack of transparency or poor or complex data management systems which lead to inaccuracies and undercounting. This frequently happens where different authorities are responsible for different facilities or regions and may not collect the same information or be effectively centralised. For example, an academic review of deaths in custody between 2009–2018 in one Brazilian state found that the actual number of deaths was 2.2 times higher than officially reported for the

period.<sup>221</sup> Another academic review in India found that, despite a legal requirement to report every custodial death to the National Human Rights Commission, in 2015 'only 31 out of 97 custodial deaths were reported, and only 26 of them were submitted for autopsy'.<sup>222</sup>

Where information is available on the ethnicity of people who die in prison, the causes and circumstances of death reveal trends of systemic discrimination and racial disparities across many parts of the prison system, from access to healthcare to experiences of violence. For

example, in Canada's federal prisons, 83% of suicides in 2020–21 were Indigenous people, who make up 32% of the prison population.<sup>223</sup> Disparities and systemic failures in cases of minorities' dying in custody were also reported elsewhere, including in England and Wales.<sup>224</sup>

### Spotlight on:

## Impact of imprisonment on families

Tens of millions of people are affected by a family member's imprisonment and in many cases, family play a central role in providing practical and financial support. In contexts of economic crisis and rising costs of living, people in prison in many countries are more reliant on this support than ever before (see [Impact of economic crisis on prisons](#)), and this has been putting increasing pressure on families.

Associated costs with visiting someone in prison remain unaffordable for large segments of people affected. It is common for civil society or international organisations to be the only means to meet the price of transport and accommodation. PRI has recently facilitated visits for women in prison in Uganda, in some cases organising and paying for transport for relatives living as far as 900 kilometres away to their family members in prison who they had not seen for over five years. The costs involved for such visits can be between USD \$30–70 which is unaffordable for family members.

Aside from the economic hardship, visiting relatives can also lead to experiences of violence. In Latin America, for example, female relatives have reported

gender-based violence in searches and other measures that they are subjected to by prison staff when visiting male family members in prison.<sup>225</sup> In Estonia, the NPM has repeatedly condemned that children in Tallinn Prison are forced to undergo a strip search when visiting their parents in prison.<sup>226</sup>

Families also face multiple costs in maintaining contact with loved ones in prison through paying to receive phone calls or loading money on phone accounts. Communication services in prisons tend to be monopolised by a few companies that charge unaffordable rates. In Spain, a newspaper revealed in early 2022 that if the maximum number and duration of phone calls is used by a detained person (15 8-minute calls), it would equate to around €150 per month (at a rate that has been reduced in 2020 because of the pandemic).<sup>227</sup> Elsewhere, fixed prices have been set like in Puerto Rico (at \$2.50 plus tax per call).<sup>228</sup>

In France, the International Observatory of Prisons reports that 22% of the prison population are in 'prison poverty', with access to less than €50 a month, yet it can cost between €70–110 per month

for a 20-minute daily call to a cell phone, or up to €25 for a 20-minute call abroad.<sup>229</sup>

In the US, the prison phone industry has been at the centre of scandal for years. Campaigners for reform have centred around exposing the dominance of a few companies in the USD \$1.4 billion industry, which has led to more regulation.<sup>230</sup> US President Biden signed legislation in January 2023 that requires regulation on the price of in-state prison phone calls (an expansion on regulations requiring caps on interstate calls), as well as capping the price of video calls. Recent figures show that in one state, Colorado, nearly USD \$9 million annually is spent by families to speak to loved ones in prison. Only two states in the country currently provide free phone calls for people in prison.

While there are many family support networks and groups set up by people affected by relatives' imprisonment, typically these remain disconnected from prison systems. In Singapore, however, a new initiative in Changi prison is introducing an assessment of family support needs. It follows a trial that found the first and last six months of a family member's imprisonment are periods of

**An ever-growing body of evidence points to the significant impacts of parental imprisonment on childhood development, emotional and social well-being, and mental and physical health outcomes.**



**A detainee plays with his child during a visiting day to Folsom State Prison, California, US.**

critical need, as well as the fact that family can be a 'strong source of support' to detainees.<sup>231</sup>

Women disproportionately bear the burden of having a relative in prison, with debt and economic hardship being common. A survey among 188 female relatives of detainees across seven Latin American countries as well as in Spain showed that a third of female partners, mothers or sisters were required to start working, and another third needed to work more hours or take on new jobs during that period. Nearly 90% surveyed reported not making ends meet or having any state aid, and a significant number supported their family member in prison through bringing essential items. The wider impacts of having a family member in prison were also evidenced with female relatives reporting they abandoned studies and no longer participated in social activities.<sup>232</sup>

A new report from Scotland revealed that an average of £300 per month is spent on supporting a relative in prison during remand, which constitutes around half the average monthly income. During the prison sentence, support typically costs £180 per month (a third of the disposable monthly family income), and a day and a half per week of their time supporting their relative. The findings showed that the burden tends to particularly impact mothers and children.<sup>233</sup>

There are estimated to be more than 22.5 million children globally with at least one imprisoned parent (over 21 million with a father in prison, and 1.4 million with an imprisoned mother), according to the International Coalition for Children with Incarcerated Parents. This constitutes over 1% of the world's child population, with the highest rate in North America (4.8%) and lowest in Asia (0.6%) despite Asia having the highest absolute number of

children affected by parental imprisonment, at 7.6 million children.<sup>234</sup> An additional estimated 19,000 children live in prison with their mother.<sup>235</sup>

An ever-growing body of evidence points to the significant impacts of parental imprisonment on childhood development, emotional and social well-being, and mental and physical health outcomes due to trauma, lack of appropriate healthcare, or both. A report produced in Argentina in 2021 showed that, when compared to other children that live in similar situations but do not have a relative in prison, these children are poorer, are more likely to fall behind in school and of carrying out intense economic or domestic activities among other things.<sup>236</sup> An inquiry on the topic from Australia recently also confirmed earlier statistics that parental imprisonment may increase a child's risk of going to prison, although it pointed out that the risks of poorer outcomes are not inevitable; rather, 'with good support at the right time the potential impacts of parental incarceration can be reduced or avoided'.<sup>237</sup>

The UN Bangkok Rules stress that the best interest of the child should be considered when determining the length and location of a parent's prison sentence but globally there is little progress on this.<sup>238</sup> Some good practice on children's rights to express their views to decision-makers on sentencing of a parent have been identified in Norway and Sweden but, regionally, Children of Prisoners Europe (COPE) has stressed that there are no basic common EU standards to systematically take into account the best interests of the child in pre-trial detention procedures.<sup>239</sup> A recent positive development is the Recommendation of the European Commission in December 2022 encouraging Member States to allocate detainees in facilities

as close as possible to their homes and to facilitate family visits under child-friendly conditions.<sup>240</sup>

In March 2023, the European Court of Human Rights ruled that Lithuania had violated the right to private and family life by restricting visits to a man held in pre-trial detention. Due to the restriction, the man was granted just one visit in nine months from his ten-year-old daughter and wife. In the judgment, the Court noted the relevant research on the importance for children of maintaining a bond with their imprisoned parents and that any decisions on visiting restrictions must take into the account the need to protect the family life, notably children.<sup>241</sup>

Emerging data point to an increasing number of families having relatives serving prison sentences at the same time, including inter-generationally. Yet, the extent of this phenomenon and the impacts of it remain under-explored.<sup>242</sup> In the US, for example, approximately half of black American women have at least one family member in prison.<sup>243</sup> When it comes to visits, in most cases, prison systems do not have measures in place to allow visits, calls or even sending letters between family members in different prisons.<sup>244</sup> A ruling of the Constitutional Court in Colombia on the issue led to protocols for regulating visits between family members in different prisons.<sup>245</sup> In 2022, after a visit was denied between a same-sex couple housed in different prisons, the Court ruled that prison authorities should allow conjugal visits for detained same-sex partners.<sup>246</sup>

## Rehabilitation and reintegration

In all regions, prison reform initiatives now typically have rehabilitation and reintegration as their stated aim. Prison rehabilitation remains an area where there continues to be a significant amount of innovation based on holistic, individual approaches, and local relevance in response to global concerns. In Ghana, the prison service agriculture programme focuses on providing agriculture skills while also aiming to enhance food security in the country.<sup>247</sup> In Mauritius, prisons are reported to be fully self-sufficient in food production. The prison service has recently opened a new training farm utilising hydroponics and agroponics with the aim to facilitate women's rehabilitation, while other projects focus on water harvesting and compost production. Vertical farming is also being trialed in prisons in the UK and the US.<sup>248</sup>

As rural prisons are often excluded or cannot provide adequate rehabilitation programmes due to a scarcity of resources, there are some new initiatives to fill this gap. For instance, in Cambodia, a new project aims to develop prison libraries into multi-learning centres, including for prisons in more rural and remote locations.<sup>249</sup> In Morocco, a multi-disciplinary medical caravan has been introduced for a local prison as part of an initiative that recognises that strengthening healthcare services is the basis of rehabilitation.<sup>250</sup>

There is an increase in focusing rehabilitation programmes on specific groups of people in prison, including those convicted of violent extremism, gang members and those associated with organised crime. To date, however, further research is required to understand the extent of their effectiveness. In this vein, the EU is prioritising the

development of a methodology with common standards and indicators to assess the effectiveness of reintegration programmes within a new programme on 'Prisons, Radicalisation, Rehabilitation, and Reintegration'. A study recently published notes positive themes, including effective programmes in Sri Lanka and promising aspects of initiatives in Saudi Arabia and Pakistan, but also points to the weak evidence base for prison-based interventions targeting violent extremists.<sup>251</sup> The effectiveness of programmes designed to support the management of violent extremist offenders and prevent radicalisation in Kazakhstan, Tunisia and Uganda was the topic of a recent report, which found that improved systems and skills in prison administrations to individually assess risks and needs did contribute to improved social reintegration prospects.<sup>252</sup>

Inadequate resourcing and coordination of justice actors continue to inhibit rehabilitation aims being achieved sustainably, particularly in low-income settings. In times of austerity, budget cuts can see rehabilitation programmes being the first to be reduced or cut, frequently leading to an overreliance on civil society or other groups supporting people in prison (see [Impact of economic crisis on prisons](#)). In Scotland concerns were raised towards the end of 2022 that rising energy bills and the cost of living have led to a major financial deficit and would affect the time people in prison spend outside their cells as well as their access to rehabilitation services.<sup>253</sup>

Efforts to restore rehabilitation programmes in the aftermath of the COVID-19 pandemic have been mixed, with some prison systems struggling to bring services back to the level they were operating at

pre-pandemic. In the Philippines, some prisons have not yet restored the opportunity for children to visit their parents in prison, while in Belgium, access by external support groups to prisons post-pandemic was still limited by mid-2022 and the restrictions which remained in place continued to hamper rehabilitation efforts.<sup>254</sup> Where programmes have been restored, the impact of disrupted services and lack of continuity continue to be reported across various contexts.

The availability and quality of prison rehabilitation programmes can vary greatly within countries, and in some jurisdictions the concept of rehabilitation is limited and may involve little more than work programmes for people in prison. These may have little value for long-term rehabilitation and are, in some instances, found to be abusive. In the US, according to a report by American Civil Liberties Union and the University of Chicago Law School's Human Rights Clinic, 'despite the potential for prison labor to facilitate rehabilitation, the existing system very often offers nothing beyond coercion and exploitation.'<sup>255</sup> The report evidences that the work done by people in the country's prison produce more than USD \$2 billion a year in goods and commodities and over \$9 billion a year in services for the maintenance of the prisons. The desire to ensure a more rehabilitative approach to prison work is evident in Japan where revisions to the Penal Code include this objective and require work to be imposed based on individual circumstances.<sup>256</sup>

**In some jurisdictions the concept of rehabilitation is limited and may involve little more than work programmes for people in prison.**



Completing a bee-keeping course in Lingen Prison. Lingen, Germany.

## Independent monitoring and inspection

Systems of scrutiny for prisons and other places of detention are expanding, with the number and models of internal and external inspection and monitoring bodies increasing. The international system of National Preventive Mechanisms under the Optional Protocol to the Convention against Torture (OPCAT), marked 20 years of existence in 2023. As of early 2023, 77 countries had established or designated an existing body as a National Preventive Mechanism under OPCAT. The most recent countries to sign up to the system were Cote d'Ivoire and Latvia.

International standards have long recognised the key role of external monitoring and inspections in improving prison conditions and preventing ill-treatment. There is, however, 'surprisingly' little empirical assessment of the activities, impact and value of prison inspection and monitoring in practice, according to a 2021 study on prison inspection and monitoring.<sup>257</sup> There are, nevertheless, country-specific examples documented that monitoring and inspections have borne fruit, particularly in countries with greater levels of good governance.<sup>258</sup> For example, prison inspectors in Canada and New Zealand have triggered new strategies and approaches to meet the needs of Indigenous women.<sup>259</sup>

Another area that remains under researched is the perspectives and viewpoints of both people in prison and authorities on the role of monitoring and inspection. Research from Scotland and Norway on the perspectives of people in prison and prison staff on the effectiveness of the Council of Europe's torture prevention monitoring body found that its effectiveness should not be evaluated solely on the implementation of recommendations but should include how people in

prison see its work, its power to persuade and that the very existence of the body was valued by those detained in facilities it monitored.<sup>260</sup> Another recent study that looked at the perspectives of prison managers in Ireland of inspections showed that they were not seen as a tool for improving human rights in prisons. Rather in many cases, participants likened inspections to audits and described them as a technical process of evaluation against standards.<sup>261</sup>

Several developments point to a reluctance of some governments and authorities to have places of detention monitored and put under scrutiny. In early 2023, the UN Subcommittee for the Prevention of Torture (SPT) decided to terminate their visit to Australia, representing only the second time in their 17-year history to make such a move. It followed the suspension of a visit in 2022 on the grounds that two of the country's states would not provide assurances of access to all places of deprivation of liberty. A lack of cooperation by the Nicaraguan government with both UN anti-torture committees led to unprecedented publication of a previous confidential report on the SPT's 2014 mission to the country.<sup>262</sup>

An indicator of the de-prioritisation in external monitoring is the decreasing amount of investment. In general, a lack of budgetary support to monitoring bodies has become a common trend, particularly where such bodies are in their infancy. For instance, in South Africa, the NPM reported in its 2020–21 annual report that the Human Rights Commission, which has acted as the coordinating body of the NPM since 2019, received an increasing allocation of budget for three years ending March 2022; however, the funds were insufficient for coordination, let alone supporting monitoring visits. In Peru, the

2022 institutional budget of the Ombudsman's Office was reduced, affecting the NPM's ability to carry out their mandate. There have also been additional unforeseen costs incurred by NPMs to monitor during the pandemic.<sup>263</sup>

In Brazil, the Supreme Court took action in March 2023 to protect the existence and independence of the country's NPM. It ruled unanimously that a Presidential Decree to defund the body in 2019 was unconstitutional, referencing the fact that the establishment and conditions to ensure its functionality were obligations Brazil committed to under international law. The decision was lauded by the UN and civil society.<sup>264</sup>

A similar position was taken by the Constitutional Court in South Africa in December 2020, which ordered legal changes and action to protect the statutory oversight and accountability organ of prisons from political interference and influence.<sup>265</sup> While amendments to the relevant laws are expected to be adopted, the underlying issues have not been resolved.<sup>266</sup>

## Natural hazards and extreme weather

The frequency and intensity of natural hazards and extreme temperatures from climate change are continuing to impact prison systems and the people in them. Yet, the attention to prisons and the wider criminal justice system in hazard risk management, disaster mitigation plans, or recovery after natural hazards or extreme weather incidents remains low in most countries and equally among international actors.

The earthquake that struck Türkiye and Syria in February 2023 has impacted 17,600 detainees held in prisons across 6 provinces in the earthquake zone in Türkiye alone, according to the Civil Society in the Penal System Association (CISST).<sup>267</sup> Authorities transferred and evacuated people, sometimes as far as 800km away, although some organisations called for people to be released.<sup>268</sup> At least three prisons were shut down due to not being earthquake resistant. It was reported that people transferred were not always permitted to take their personal belongings or be visited by families.<sup>269</sup> The prison administration announced that there were no deaths in prisons as a result of the earthquake but did confirm that 3 of 12 people in prison were injured by security forces after unrest and escapes in protest at not being able

to contact families. In Syria, there is less information available on the impact of the earthquake in prisons except for a report that at least 20 people escaped from a military police prison that holds mainly men suspected of being ISIS fighters.<sup>270</sup>

In some places, disaster risk reduction (DRR) is in place for prisons, typically in countries or jurisdictions that experience high frequency of natural hazards or have been supported by international actors to support DRR. Evacuation plans in the US are common, for example in Florida, where authorities reported that 2,500 people were evacuated from at least 25 facilities in September 2022 before a hurricane hit.<sup>271</sup> In the Philippines, mapping of hazards for the 475 jails nationwide has been carried out, with the support of the ICRC. It was found that around a quarter of the 130,000 detainees held pre-trial detention in the country's jails are in areas at high risk of floods, drought, typhoons, landslides, heatwaves, earthquakes and volcanoes.<sup>272</sup>

The impact of extreme temperatures on people in prison, however, has not had adequate responses, and more countries are being affected as global temperatures rise. Research and advocacy continue in the US where heat waves have been fatal in some prisons. Academics

in 2022 reported that between 2001 and 2019, 271 people died in Texas prisons due to extreme heat exposure, notably finding that these all occurred in prisons without air conditioning, whereas not a single heat-related death occurred in climate-controlled prisons.<sup>273</sup> In heatwaves in England in 2022, there were reports of inadequate supplies of drinking water and people being held in cells at least 22 hours a day due to staffing shortages, and in some cases being required to wear standard uniforms of trousers and long-sleeve shirts.<sup>274</sup> In Spain, the Assembly of Families of Prisoners of the Association for Human Rights of Andalusia (Apdha) submitted a complaint to penitentiary authorities, requesting measures to combat the excessive heat inside prisons during heat waves, with temperatures exceeding 40 degrees Celsius in some areas, making it 'impossible to fall asleep, perform activities or stay in the courtyard'.<sup>275</sup> In France, the International Observatory of Prisons has highlighted that infrastructure is not fit to cope with extreme temperatures, lacking thermal insulation and ventilation systems, with some prisons having windows that only open a small amount, making the heat unbearable.<sup>276</sup>

**Prison systems in fragile and conflict-affected situations typically face high levels of overcrowding, poor detention conditions and widespread torture or ill-treatment.**



A prison official walks near a gate destroyed with explosives by several gunmen during a prison break attack at the medium-security prison in Kuje, Nigeria.

## Prisons in fragile and conflict-affected situations

The World Bank's 2023 list of fragile and conflict-affected situations (FCS) released annually lists 17 countries as conflict-affected, and 20 as those that are affected by high levels of institutional and social fragility.<sup>277</sup> In such situations, people detained, whether under criminal justice systems or for conflict-related reasons (the latter falling outside of the scope of this report), face widespread ill-treatment and life-threatening conditions. There are approximately 602,705 people held in pre-trial detention awaiting trial or serving a sentence in the 37 countries classified as FCS by the World Bank. Of those countries, 14 have prison occupancy levels of at least 150%.

Prisons can be targets for external attacks and prison escapes, for instance it was reported that a rebel group operating in Ethiopia broke into a prison in Bule Hora, Southern Oromia, and freed 380 individuals in January 2023.<sup>278</sup> In July 2022, an armed group attacked the Kuje medium security prison in Abuja, the Nigerian capital. In total, 879 people escaped during the attack, including 68 Boko Haram members, and while half of those were found, this attack was only one of many.<sup>279</sup> Between 2020 and 2022, more than 5,000 people escaped from Nigerian prisons under similar incidents.<sup>280</sup> In Syria, an ISIL attack on a prison in January 2022 resulted in a 10-day battle that drew in US and UK forces and, according to the UN, led to 500 fatalities and displacement of at least 45,000 residents. The fate of the detained, including 700 boys held among a population of around 3,000, including foreign nationals, remains unknown as officials only disclosed the death toll among the Syrian Democratic Forces (SDF), suspected members of the Islamic State and civilians.<sup>281</sup> In April 2023, amidst

the conflict that erupted in Sudan, people were released from the Kober prison in Khartoum after a wave of protests led by detainees due to the lack of gas and water shortages this was followed by an attack by the Rapid Support Forces on Al-Huda prison to release members of their group.<sup>282</sup>

In the war in Ukraine, Russia has used prison facilities as military bases to store ammunition and to accommodate soldiers at night. It is also reported that rocket launchers and missile systems have been set up adjacent to prisons in the occupied regions. There have been widespread reports of people detained being forced to accept Russian citizenship or work forcibly for the Russian army.<sup>283</sup> After widespread reporting that prisons in Russia were used as recruitment grounds by the Wagner Group, a private military and security contractor, under a scheme in which people were detained an amnesty if they signed up to go to Ukraine, the head of the Wagner Group announced in February 2023 that they had halted the programme. Allegations have surfaced suggesting that those recruited were regularly threatened and ill-treated and that several recruits been executed or seriously injured for attempting to escape.<sup>284</sup>

Prison systems in fragile and conflict-affected situations typically face high levels of overcrowding, poor detention conditions and widespread torture or ill-treatment. In Haiti's prisons, with overcrowding levels at 401%, the Ombudsperson among others reported on torture, sexual violence and inhumane treatment. A study published in December 2022 found that men in the country's prisons are consuming fewer than 500 calories a day and there have been reports that scores of people in prison have died of malnutrition.<sup>285</sup>

In Venezuela, the Social Humanitarian Observatory reported that malnutrition and TB are the leading causes of death in the country's prisons, where nearly 60% of the prison population show symptoms of severe malnutrition, suffer from deprivation of drinking water, and lack medical services.<sup>286</sup>

In fragile and conflict-affected situations, prison reform efforts are often focused on transition of prison administration from military or police to civilian administration. Transitions are typically lengthy, and, in many cases, reform efforts and international donor interest and financing have not borne fruit. In Niger, for example, the transition to civilian administration has been referenced in the national legal framework since 1991,<sup>287</sup> and this agenda has recently resurfaced with the arrival of a Minister of Justice who has spent time in prison and was a civil society actor. Until the prison administration corps is fully trained and deployed, however, the Niger National Guard, a non-specialised corps with little human rights training, remains in charge of prison administration and surveillance.

Plans to transition prison administrations from military to civilian leadership have also been made in Honduras. In August 2022, the president ordered police to take over from the military, which had been in charge of prisons since 2019, as part of the transition.

## PART FIVE

# Role and use of technologies

The use of technologies and the digital capacity of prisons across the globe continues to gain pace. An increasing number of prison services are developing digital rehabilitative programmes and digital solutions in the area of security, often supported by regional and national policy and legislation.

This expansion has been evidenced in a recent global review of 22 prison systems on 'digital maturity', which concluded that developments are complex and influenced by the level of readiness to provide digital services for people in prison. The study explained that key drivers to digitally mature prisons include active efforts to design solutions that are centred on the needs of people in prisons, including staff, as well as cross-organisation strategies and partnerships, including with the commercial sector. Testing and evaluating outcomes of using technology were also indicators of prisons being 'digitally mature'.<sup>288</sup>

There is emerging evidence of the importance of users' perceptions and attitudes to technology in prisons. In Finland, for example, research identified that lack of trust is a barrier to use, but the age of a user of technology is not.<sup>289</sup> In the US it was found that positive attitudes of staff towards technology facilitated the uptake of technology by the people they supervise.<sup>290</sup>

Examples of harms of digital technology used in places of detention continue to be reported. For example, the Center for Prisoners Rights, a Japanese NGO, reported in 2022 that people on death row are sometimes held in solitary confinement monitored 24 hours

a day by CCTV with no measures in place to ensure privacy for using the toilet or changing clothes.<sup>291</sup>

Recognition of such harms corresponding to the expansion in the use of digital technology by criminal justice sectors (and all sectors of life) has seen increasing attention and the development of regulations at regional and international levels to provide guidance and limitations. For example, the Council of Europe is developing recommendations on the use of Artificial Intelligence in prisons, and the UN is launching an exploration of digital rehabilitation for prisons. The EU is making efforts to regulate AI through the Artificial Intelligence Act (AIA). This has seen calls from civil society for explicit prohibitions of predictive and profiling AI systems in law enforcement and criminal justice.<sup>292</sup>

Particularly in the global south, the use of virtual hearings as well as video calls with family is expanding at a significant pace, somewhat propelled by the restrictions during the COVID-19 pandemic. For example, in India sixteen prisons have replaced face to face court appearances with virtual hearings.<sup>293</sup> In Lebanon, UNODC supported the installation of 17 remote e-hearing systems, including 14 in selected courts, detention facilities and prisons.<sup>294</sup> The increase in virtual hearings since 2020 in all regions has sparked widespread concern about the right to a fair trial. Research in Brazil has shown that virtual custody hearings are more likely to impact black and female detainees, since 'physically seeing and hearing the arrested person brings justice operators closer to the reality of people in

custody', and furthermore virtual hearings make it more difficult for judges to identify signs of torture.<sup>295</sup>

The benefits of immersive technologies such as Virtual Reality (VR) has recently been evidenced in European prisons.<sup>296</sup> For people who have committed violent crimes such as Intimate Partner Violence, a study proved that it improved their thinking skills, ability to empathise, practice positive social skills and increase their motivation to engage in rehabilitation. VR has also been incorporated into a suite of tools to support radicalisation risk assessments in seven European countries, and in Spain a pilot project in Lledoners Penitentiary Center has been set up to use VR in rehabilitation for a range of criminal behaviours.<sup>297</sup> In Finland, as part of their Smart Prisons project, VR is being used by psychologists in rehabilitative individual work with the people in their care. The VR experience includes a virtual forest to boost well-being and relaxation, with reportedly positive results for people who use drugs.

Technologies to maintain security of prisons are also continually being developed. Prisons in Ecuador have introduced security systems which include Artificial Intelligence and facial recognition, in response to increased and fatal violence (see [Security and violence](#)).<sup>298</sup> Similarly, in Panama's La Joya prison, less invasive monitoring has been introduced such as mobile phone blockers, body scanning equipment and use of biometrics.<sup>299</sup> There is also research pointing to the use of technologies in efforts to detect drugs, especially psychoactive substances like cannabinoids and other NPS, which remain difficult to detect.<sup>300</sup>

**The use of technologies and the digital capacity of prisons across the globe continues to gain pace.**



Officers of the Israel Prison Service at an international defense and homeland security exhibition. Tel Aviv, Israel

# Endnotes

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### **About Penal Reform International**

Penal Reform International (PRI) is a non-governmental organisation working globally to promote criminal justice systems that uphold human rights for all and do no harm. We work to make criminal justice systems non-discriminatory and protect the rights of disadvantaged people. We run practical human rights programmes and support reforms that make criminal justice fair and effective.

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Thailand Institute of Justice (TIJ) is a public organization established by the Government of Thailand in 2011 and officially recognized by the United Nations Office on Drugs and Crime (UNODC) as the latest member of the 'United Nations Crime Prevention and Criminal Justice Programme Network Institutes' (PNIs) in 2016. One of the primary objectives of the TIJ is to promote and support the implementation of the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (or 'the Bangkok Rules'). In addition, the TIJ strives to serve as a bridge that transports global ideas to local practices with an emphasis on fundamental issues including interconnections between the rule of law and sustainable development, human rights, peace and security.

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