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JAIL MAIL: IMPRISONMENT IN THE COMMONWEALTH COUNTRIES

“The [Commonwealth] association provides channels for member countries and their peoples to interact, cooperate and work together to eliminate wars, fight diseases, poverty and hunger, wipe out ignorance and illiteracy, promote democracy, protect the environment and inculcate respect for human rights, human dignity and human values.”

- Malam Adamu Adamu, Minister of Education, Nigeria

Dear friends,

Warm wishes for the New Year from CHRI! We hope this is a good, healthy, peaceful and professionally enriching year for you, your families and colleagues.

Transparency is the first step towards accountability and disclosure of information is an important part of its attainment. Across the world, the amount of data in the public domain has increased manifold. We have seen an increase in public engagement and calls for administrative accountability by citizens, where such information is related to government functioning and is proactively disclosed.

In 2019, CHRI hopes to continue its work to enhance transparency and accountability. We begin the year by sharing with you an interactive map of data on imprisonment in Commonwealth countries. The data has been sourced from the World Prison Brief (hosted by the Institute of Criminal Policy Research), and provides basic data on imprisonment levels in the Commonwealth Countries: the total number of prisons, prison populations, occupancy rates, percentages of pre-trial detainees and women prisoners. You can access this map [here](#).

Almost 15% of the world's prison population is in Commonwealth (CW) countries. A significant proportion of these 1.4 million prisoners await trial, and the average period of detention increases each day. In 25 of the 53 CW countries, pre-trial detention rates are above 30%. For instance, in Bangladesh, 77.7% of prisoners are pre-trial detainees -- followed closely by Pakistan, Nigeria and India at 69.1%, 67.5% and 67.2% respectively (see figures [here](#)).

These are people who have been incarcerated without being proven guilty. Not only does this practice undermine the rule of law and impact fair trial rights, but the overuse of imprisonment facilities also leads to degrading conditions of detention, and there is an enormous expense of public money. In almost all CW countries, pre-trial detention has irreparable consequences on the rights of its victims.

A reduction in the numbers of pre-trial detention requires a concerted effort by governments and civil society organisations; this may include, for instance, inculcating checks and safeguards at every step of the trial process.

Unfortunately, under-developed countries (a majority of Commonwealth member states fall in this category) continue to struggle to overcome these frailties in isolation. If countries with a common legal heritage began sharing good practices in dealing with high rates of pre-trial detention with each other, they could find ways of raising global awareness of the problem. In addition, they could find solutions which work across jurisdictions.

In view of this, in April 2018, CHRI had organised a panel discussion on “**Reducing the use of pre-trial detention in the Commonwealth**” in London, where experts on prison reforms and pre-trial detention came together to share experiences, challenges and best practices. The event was organised in collaboration with Fair Trials, the Institute for Criminal Policy Research, Open Society Justice Initiative, Penal Reform International and the United Nations Office on Drugs and Crime. The overarching aim of the discussion was to foster collaboration between civil society and other groups working in the field to bolster the efficacy of their efforts (read the report [here](#)).

The UN General Assembly had in 2015 adopted the [2030 Agenda for Sustainable Development](#) (SDGs) which seeks to, among other things, reduce the proportion of prisoners in pretrial detention. This is a significant global political recognition of the importance of pretrial detention in the development context. However, the SDG-related pre-trial detention indicator is limited in its ability to provide an objective sense of improvement in national pre-trial detention practices in the context of development and the rule of law. This requires further deliberation and advocacy by experts on pre-trial justice and development, to ponder over an improved or augmented pre-trial detention indicator.

To further this discussion, in April 2018, CHRI had organised a round-table conference on “**Pre-trial detention and 2030 Sustainable Development Agenda**” in London, with the goal of discussing the role of civil society groups in Commonwealth countries in addressing these challenges. The round table saw participation from the Open Society Justice Initiative, Sri Lanka Human Rights Commission, Jamaicans for Justice, African Policing Civilian Oversight Forum, Justice Focus, University of West of England, Fair Trials, the Institute for Criminal Policy Research, Penal Reform International, the United Nations Office on Drugs and Crime, and the World Prison Brief.

The consultation sought to improve dissemination of information on work done by participants. The talks concluded with the groups resolving to work together, systematically and collectively, to develop country-specific fact-sheets on pretrial detention; to share and devise means to collect data; to devise better indicators for data evaluation; and to form a broad coalition of like-minded civil society groups that also continue to work independently (read report [here](#)).

What you can do

1. Access the interactive map to learn more about the imprisonment levels in Commonwealth countries
2. Share the reports and interactive map widely with individuals or organisations who can benefit from it
3. Collaborate with us to prepare country-wise fact-sheets for Commonwealth countries on pre-trial detention and SDG indicators
4. Share good practices used in your country to reduce pre-trial detention with us, or relevant government/civil society reports on pre-trial detention and SDGs.

You can write to us at chriprisonsprog@gmail.com with comments and suggestions.

Best Regards,
Madhurima Dhanuka
Coordinator, Prison Reforms
Programme Commonwealth Human
Rights Initiative
3rd floor, 55A, Siddhartha Chambers I, Kalu Sarai, New Delhi-
110016 Tel: +91-11-4318 0200, 9331127001, 9748927001

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About Jail Mail

Jail Mail is a regular series of Prison Reform Updates from CHRI for readers interested in the rights of prisoners and the reform of prisons as a matter of public concern. The engagement of civil society in the management and monitoring of prisons and the rights of prisoners is vital to the transparency of this traditionally closed institution and to ensure the practical realisation of the rights of those behind bars. *Jail Mail* invites discussion between civil society members and those entrusted to oversee and manage prisons.

Evidence-based research and watch reports of CHRI's Prison Reforms Programme, interviews with critical stakeholders, topical issues and developments concerning the liberty of prisoners, and health of prisons in India and around the world will form the sources of *Jail Mail*. Its periodicity will depend on the urgency of issues and the interest they generate.

About CHRI and the Prison Reforms Programme

The Commonwealth Human Rights Initiative (CHRI) is an independent, non-governmental, non-profit organisation headquartered in New Delhi, with offices in London, United Kingdom and Accra, Ghana. CHRI works for the practical realisation of human rights across Commonwealth countries. It has specialised in the areas of Access to Justice (Police and Prison Reforms) and Access to Information for over two decades. It has special consultative status with the UN Economic and Social Council and is recognised for its expertise by governments, oversight bodies and civil society. It is registered as a society in India.

The Prison Reforms Programme of CHRI is more than 15 years old. The programme focuses on improving prison monitoring through the strengthening of undertrial review mechanisms and prison visiting system nationally, and ensuring early safeguards against unnecessary pre-trial detentions, specifically in Rajasthan and West Bengal. The programme also advocates for timely repatriation of foreign national prisoners and immediate release of asylum seekers. Evidence-based research, advocacy, capacity-building of actors of the criminal justice system including prison officials, welfare and probation officers, criminal defense lawyers, magistrates, legal aid functionaries and civil society actors are the regular activities of the programme.

Our mailing address is:
Commonwealth Human Rights Initiative
Prison Reforms Programme
55A, Third Floor, Siddharth Chambers-1
Kalu Sarai, New Delhi 110016, India
Tel: +91 11 43180200, Fax: +91 11 43180217
chriprisonsprog@gmail.com
www.humanrightsinitiative.org
