

CURE 5/15
Fifteen
Key Recommendations
for
Social Development
and Social Integration
in
Justice and Prison Systems

Statement by: Citizens United for Rehabilitation of Errants (CURE), a non-governmental organization dedicated to the reduction of crime, and the recovery and restoration of persons who have committed crime.



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International CURE website

www.internationalcure.org

African country analysis:

www.internationalcure.org/pajart.htm

Slide show of African country analysis:

www.internationalcure.org/IC_MCA_pp.ppt

Western hemisphere country analysis:

http://www.internationalcure.org/pdfs/oas_justice.pdf

Africa's Recommendations for Penal Reform:

[http://www.reliefweb.int/rw/lib.nsf/db900sid/OCHA-7L9KJF/\\$file/pri_nov2008.pdf?openelement](http://www.reliefweb.int/rw/lib.nsf/db900sid/OCHA-7L9KJF/$file/pri_nov2008.pdf?openelement)

Copies of this booklet can be downloaded from:

www.internationalcure.org/Rec_Booklet.PDF

Published by Kim Pathways
Katonah, NY 10536

Introduction

World social-health & security can be significantly enhanced by the social development, and social re-integration of many of the millions of excluded, abandoned, and ostracized persons in places of detention around the world, providing rehabilitation and successful reentry rather than only breeding grounds for violence and disease.

To guide this, we present multi-country analyses of **5 key problem-areas**, (drawn from assessments of 14 African countries and 35 countries in the western hemisphere):

1. Judicial systems and legal aid.
2. Over-incarceration vs. Alternatives.
3. Abuse.
4. Health Care.
5. Rehabilitation & reentry programs.

and each problem-area in two parts:

- a reported example of typical problems in each of these 5 areas (examples drawn from assessments of 14 African countries), and

- *recommendations* for remedies in each problem-area (drawn partly from international conferences on justice and prisons in Africa). These recommendations are endorsed and supported by International CURE.

Area #1 .Judicial Systems & Legal Aid.

Social integration here means: recognition of the rights of every individual to fair justice; and inclusion of everyone in the equal provision of the mechanics of justice.

Typical Reported Example: “Defendants may spend years in detention waiting for trial. The judicial system is hampered by inefficiency, corruption, and lack of resources. Legal advice is rarely provided to the poor.”

Recommendations for Area #1:

Recommendation #1: Enforce a Speedy Trial Act with rules whereby failure to hold trial within a reasonable time (through no fault of the defendant) results in freedom for the defendant.

Recommendation #2: Provide additional legal and/or paralegal services by including a wide range of stakeholders, such as NGOs, community-based organizations, charitable organizations, professional bodies, and academic institutions.

Recommendation #3: Establish stronger laws, better law enforcement, and further education of society for the protection of women and children against violence, abuse, and trafficking.

Area #2. Excessive Imprisonment and Few Alternatives.

Social integration here means: using methods that restore harmony within the community, rather than only brutal punishment.

Typical Reported Example: “Many places of detention hold 2-5 times their design capacity, sometimes forcing occupants to sleep sitting up or turn over on the floor in unison.”

Recommendations for Area #2:

Recommendation #4: Employ restorative justice approaches that restore harmony within the community, as opposed to punishment by the formal justice system. Promote wider use of family group conferencing, victim / offender mediation and sentencing circles;

Recommendation #5: Whenever possible petty offences should be dealt with by mediation and should be resolved between the parties involved without recourse to the criminal justice system; and the principle of civil reparation or financial recompense should be applied, taking into account the financial capability of the offender or of his or her parents.

Recommendation #6: Provide pre-trial planning, by government or NGOs, including an identification of specific therapeutic, occupational, educational, and other programs needed for rehabilitation of each offender. These should guide alternative sentencing, and become a measure of the offender’s performance towards rehabilitation. Fulfillment of that plan should also serve as a guide for release or parole determination.

Area #3. Abuse of Incarcerated Persons.

Social integration here means: Protection of the most vulnerable from unnecessary, unbridled, malicious abuse.

Typical Reported Example: “Security forces and police beat and abused detainees and persons in detention to punish them, extract confessions, or extort payments with near-total impunity.”

Recommendations for Area #3:

Recommendation #7: Every penal institution should be supervised by an independent *Board of visitors* that is made up by members from the civil society, has no restrictions on access to any part of the prison facility - without prior warning, can speak freely with the persons in detention, and has access to the prison management.

Recommendation #8: Ratify the Optional Protocol to the UN Convention Against Torture (OPCAT). Under this protocol, allow the Subcommittee on Prevention of Torture to visit any place in the country where persons are or may be deprived of their liberty.

Area #4. Health Care for Incarcerated Persons.

Social Integration here means: limiting the spread of communicable diseases among the poorest and least resistant, due to over-incarceration, over-crowding, lack of sanitation, and medical neglect.

Typical Reported Example: “Poor sanitation, inadequate medical facilities, meager food supplies, and lack of potable water resulted in serious outbreaks of dysentery, cholera, and tuberculosis, which were exacerbated by overcrowding.”

Recommendations for Area #4:

Recommendation #9: The Ministry of Health should take over the responsibility of health in places of detention; and places of detention should be included in public health programmes.

Recommendation #10: Adequate finance should be made available; and budgeting for health care in places of detention should be a separate line item.

Recommendation #11: Priority must be given to communicable diseases, including HIV/AIDS, tuberculosis, hepatitis, and other local epidemics, as places of detention can be disease breeding grounds, with later community infections after release of persons incarcerated.

Area #5. Rehabilitation and Re-Entry Programs.

Social integration here means: recognizing that the majority of the many millions of excluded, abandoned, and ostracized persons in the world's places of detention are redeemable as productive citizens, if given a measure of social development.

Typical Reported Example: "There are inadequate curriculums, vocational training, and programs to develop a general knowledge for life."

Recommendations for Area #5:

Recommendation #12: Education should be aimed at the full development of the whole person, requiring access by persons in detention to formal and informal education, literacy programmes, basic education, vocational training, and social education.

Recommendation #13: Social education could include topics of alcohol and drug management, anger management, alternatives to violence, and sub-topics of non-violent communication, cooperation, civic responsibility, and conflict resolution.

Recommendation #14: Earlier release should be offered to most incarcerated persons, conditioned upon their successful completion of major rehabilitation programs.

Recommendation #15: Work release programs should enable incarcerated persons, who have completed major rehabilitation programs, to leave a correctional facility each day to work productively in the community.

Economic Development.

The occupants of places of detention are mostly from the lowest economic layers of society. A high percentage are those with the least education, and with the least job skills.

Failures to provide social development in lower economic layers are manifested in hopelessness and frustration, which stimulate disorder and crime. These can be heavy drags on the development of society as a whole, consume national resources and infest the larger society in turmoil.

Or, if we tackle the root causes, they can be opportunities for radical transformation. *Human capital formation* in lower economic layers, including social development of millions of persons in detention, can help to generate a *trickle-up* vitalization of society.

In summary

Social developments in improved legal access, wider use of restorative justice, protection against abuse, combating disease, and holistic education, within justice and prison systems, promote social inclusion and social integration.

Many societal costs, including police, judicial, jails, prisons, welfare, medical, and other costs of after-effects are reduced. This social development further results in better overall social health, including increased productivity, less crime, and more personal security for all.

Making Recommendations a Reality

1. Promote greater awareness of

- **the severity of problems,**
- **harmful societal effects, and**
- **opportunities for remedial action.**

2. Research and Share

- **experiences of good-practices**
- **data of proven effectiveness**

3. Support the integration of proven-effective practices into

- **local programs and**
- **national policies**