

International CURE

Newsletter *Spring 2010*

To Reduce Crime and Uplift World-Wide Justice

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CURE at the UN's 48th Commission for Social Development

We all can take satisfaction from CURE's work during the February 2010 meeting of the UN Commission for Social Development, which was attended by some forty delegates from countries around the world, and many Non Governmental Organizations (NGOs).

1. CURE submitted a written Intervention, which contained much of the material in our *CURE's 5-15* booklet (see it on the web at <http://www.internationalcure.org/>). This paper included 15 key recommendations for reform in justice and prison systems that are endorsed by CURE. Copies of that Intervention were given to all the country delegates at the Commission. About fifty printed copies of that booklet were also picked up by attendees during the Commission.

2. On Feb. 3, Sylvester Uhaa presented a power-point slide show, complete with his personal experiences in Africa, as a side-event to the Commission. Much of that slide-show material was drawn from our *CURE's 5-30* document (also on the web). This included many reported instances of justice and prison problems, particularly from the 14 African countries that were examined in the CURE PAJART process, and a larger set of 30 "ways forward" to remedy those problems.

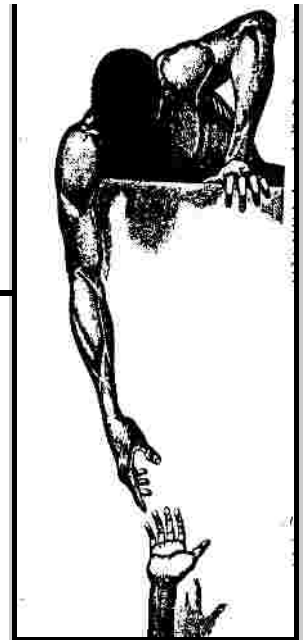
Guests at Sylvester's presentation included two members of the Swedish parliament, a member of the staff of the Holy See, a member of the editorial staff of the *America* magazine, a past chairperson of the NGO Committee for Social Development, an advocate for the mentally ill prisoners, several members of the Global Aging organization, and other notable guests. The presentation was well received and was followed by a lively discussion period.

DVD copies of Sylvester's presentation are available on request, which can be used in the DVD drive of your PC.

3. On Feb. 5, Cora (Betty) Cypser presented a verbal statement from CURE, to the assembled UN delegates (see other article on page 6). It was notable that the CURE verbal presentation was one of the very few followed by applause, which was vigorous.

Substance Abuse

Excerpts from "*Behind Bars II: Substance Abuse and America's Prison Population*" CASA; *The National Center on Addiction and Substance Abuse at Columbia University, February 2010*



"He Ain't Heavy"
by Gilbert Young

Only 11 percent of inmates with substance use disorders receive any type of treatment during incarceration; few of those receive evidence-based care. Without treatment, the odds are that substance-involved offenders will end up back in prison.

The tragedy is that we know how to stop spinning this costly and inhumane revolving door. It starts with acknowledging the fact that addiction is a disease for which evidence-based prevention and treatment programs exist and that these programs can be administered effectively through the criminal justice system.

If all inmates with substance use disorders who are not receiving treatment were provided evidence-based treatment and aftercare, we would break even on this investment in one year if just over 10 percent of those receiving such services remained substance and crime free and employed.

For each succeeding year that these inmates remained substance and crime free and employed, the nation would reap an economic benefit of \$90,953 per inmate in reduced crime, lower arrest, prosecution, incarceration and health care costs, and economic benefits from employment. That's a return on investment that would satisfy even the greediest Wall Street bankers.

What is required is for public officials to use the currency of common sense instead of squandering taxpayer dollars to build more and more prisons in order to incarcerate men and women whose core problem is alcohol and other drug abuse and addiction.

The Prison Reality

*Excerpts from "Corrections Update"
of the UN Dept. of Peacekeeping Operations (DPKO)*

The single largest concern for prisons in the early stages of a post-conflict mission is the lack of funding to address strengthening rule of law institutions and improving respect for human rights. Then, a lack of resources, including lack of food and water, leading to malnutrition and in some instances death, poses extreme difficulties in post-conflict prisons. Prisoners with transmittable diseases are often living in the same cells as other prisoners. Women prisoners are often held together with, or in close proximity to, male prisoners; children are found living with their mothers in prisons highly unsuitable for minors. Medical care, medical equipment and medicine are usually scarce, if available at all, and preventable and curable diseases may result in death.

Insufficient interest

The lack of human and material resources is often a direct result of the lack of interest, or ability, from host-country authorities (and not infrequently from the donor community) to invest in the strengthening of prisons when facing competing priorities in post-conflict countries. In many such prisons, there is no budget for food for the prisoners, who rely on relatives or non-governmental organizations to feed them. This lack of interest often leads to ineffective legal, budgetary and regulatory frameworks, including the absence of a supervisory department, ministerial or other governance structures. In most cases there are no internal or external oversight mechanisms.

Overcrowding

One of the major challenges within the field of corrections in post-conflict countries is that of severe overcrowding. In Burundi, for instance, more than 10,300 prisoners are held in prisons with a total capacity of 5000. In a Darfur prison, 140

prisoners sleep in a cell (10 x 5 meters) with one bathroom, built to house approximately 85 prisoners. Similar situations are seen in most post-conflict areas. The results are devastating and often result in mass escapes, riots, starvation and deaths. In many cases, overcrowding is due to the lack of due process in legal cases, which has caused prolonged pre-trial detentions. In one country where DPKO is working, a 16-year old male prisoner was recently reported to have been held for more than two years without having his case tried in court. Mass escapes have also occurred from prisons in Liberia, Cote d' Ivoire, Burundi, Chad and the Democratic Republic of Congo (DRC). In DRC, prisons rarely have a budget for prisoners; prison buildings are dilapidated and often unfit for use; personnel are insufficient and often unqualified which has resulted in escapes, mutinies, illness and death.

Inadequate staffing and training for national prison staff

Prison personnel in post-conflict countries are often militarized, with prison staff having been active participants in the conflict. In general, staffing of prison systems in post-conflict countries is not sufficient. Governments do not have the funding to pay salaries and equip prisons, resulting in high levels of corruption. Available staff often have little knowledge about prison security, human rights or prison management.

Dilapidated and war-torn prison infrastructures

Prisons in post-conflict settings often consist of dilapidated building structures enabling prisoners to escape easily. In some instances, prisoners are kept chained in shackles to prevent escapes, as seen in eastern Chad and in Darfur. The inadequacy of the infrastructure is a main source of prisoner discontent which leads to prison riots and other prison incidents.

Leadership Programs

by Rudy Cypser, co-editor

In its *CURE's 5-30* report, International CURE has endorsed 30 "Ways Forward," in justice and prison systems. These are listed below. What a tremendous change is possible if they were followed everywhere.

To some extent, they are being followed, in different degrees, in different places around the world. We all need to recognize those who work for such fulfillment, who sometimes have to push for "Leadership Programs" against great obstacles.

This Newsletter has already been used to highlight leading restorative programs that address some of these same 30 Ways Forward. These examples can provide leadership for others, and inspire emulation. Links to some of these "Leadership Programs," plus other leadership resources can be found under "Leadership Resources" in the navigation column at <http://www.internationalcure.org/pajart.htm>

In the coming months, we urge you to write up other notable instances of such "Leadership Programs" in your country, that relate to these 30 Ways Forward. We will publish the best ones so all can appreciate them and benefit from them. Send us program descriptions that instruct, and – if possible - identify a contact (and email address) for further information.

A Possible Platform

drawn from CURE's 5-30

I. Judicial Systems and Legal Aid

- Ø 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.
- Ø 2. Provide legal and/or paralegal services; Include a wide range of stakeholders, such as NGOs, community-based organizations, charitable organizations, professional bodies, and academic institutions.
- Ø 3. Pre-trial planning should include an identification of specific therapeutic, occupational, educational, and other programs needed for rehabilitation of each offender.
 - § These should guide alternative sentencing, and a measure of the offender's performance towards rehabilitation.
 - § Fulfillment of that plan should also serve as a guide for release or parole determination.

II. Overcrowded Imprisonment and Alternatives

- Ø 4. Employ restorative justice approaches to restore harmony within the community as opposed to punishment by the formal justice system.
 - § Employ wider use of family group conferencing, victim / offender mediation and sentencing circles.
 - Ø 5. Determine, for restorative justice:
 - § What harm has been done?
 - § What can be done to compensate the victim, to reduce the harm, and to hold offenders accountable?
 - § What are the root causes?
 - § What can be done to prevent a recurrence?
 - Ø 6. 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.
 - Ø 7. 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.
 - Ø 8. Use community service in conformity with national traditions of dealing with offenders and with healing the damage caused by crime within the community. It is a cost-effective measure to be preferred, whenever possible, to a sentence of imprisonment.
 - Ø 9. Encourage NGOs, CBOs and faith-based groups to train local leaders
 - § on the law and the constitution,
 - § on the rights of women & children,
 - § and in mediation and other alternative dispute resolution (ADR) procedures.
- ### III. Abuse of Incarcerated Persons
- Ø 10. Insure humane treatment in keeping with the dignity of every human person.
 - § Eliminate all forms of torture and cruel or inhumane treatment.
 - Ø 11. Eliminate the death penalty.

- Ø 12. Employ 3 fundamental safeguards:
 - § the right to have the fact of detention *notified to a third party* of the defendant's choice,
 - § the right of access to a *lawyer*, and
 - § the right to request a *medical examination* by a doctor.

- Ø 13. 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.

- Ø 14. Under the Optional Protocol to the UN Convention Against Torture (UNCAT), the Subcommittee on Prevention, would be empowered to visit any place in the country where persons are or may be deprived of their liberty.

- Ø 15. Properly recruited and trained prison staff is the cornerstone of a humane prison system, including education on human rights matters. During training, considerable emphasis should be placed on developing *interpersonal communication skills*, based on respect for human dignity.

- Ø 16. Correctional Officers should also be trained to support the rehabilitation of incarcerated persons through instruction in, and practice of:

- § Problem solving techniques,
- § Mediation, and
- § Non violent communication.

IV. Health Care for Incarcerated Persons

- Ø 17. The Ministry of Health should take over the responsibility of health in prison; and prisons should be included in public health programmes.
- Ø 18. Adequate finance should be made available; and budgeting for prison health care should be a separate line item.
- Ø 19. Prisons should be open to independent inspectors who should report to a high authority.
- Ø 20. Access to prisons by the public should be facilitated to enhance transparency. Open door visits could be organised on a regular basis to sensitize and educate the community about prison.

- Ø 21. Priority must be given to communicable diseases, including HIV/AIDS, tuberculosis, hepatitis,, and local epidemics, as prisons can be breeding grounds with later community infections.

- Ø 22. Alcohol and drug addictions, and mental illness require increased medical and psychological attention.

V. Rehabilitation and Re-Entry Programs

- Ø 23. Make available to all detainees, whether sentenced or in remand, education programmes that would cover at least the curriculum of compulsory education at the primary and, if possible, at the secondary level also.

- Ø 24. Together with the institutions of detention, arrange comprehensive education programmes aimed at the development of the full potential of each detainee. These should aim also to minimize the negative impact of incarceration, improve prospects of reintegration, rehabilitation, self-esteem and morale.

- Ø 25. Education programmes should be integrated with the public system so as to allow for continuation of education upon release.

- Ø 26. Education should be aimed at the full development of the whole person requiring prisoner access to formal and informal education, literacy programmes, basic education, vocational training, creative, religious and cultural activities, physical education and sport, social education, higher education and library facilities.

- Ø 27. Social education should 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.

- Ø 28. Earlier release should be offered to most incarcerated persons, conditioned upon their successful completion of major rehabilitation programs.

- Ø 29. Work release should enable incarcerated persons, who have completed major rehabilitation programs, to leave a correctional facility each day to work productively in the community.

- Ø 30. Incarcerated individuals should retain the voting rights held by all other citizens within their country.

Prisons as part of the Community

Excerpts from a report by Justice Action

http://www.justiceaction.org.au/index.php?option=com_content&task=view&id=251&Itemid=88

Family separation and break-up

The impact of a prison sentence is not only felt by the offender but also by family and the greater community. Families face the full brunt of the economic costs as well as personal costs of a prison sentence. The strain of the separation and loss of a reliable income can often lead to a family break up. If offenders are to achieve a relatively stable lifestyle post-release, continued contact with family and friends is needed.

Separation of children from their mothers

The separation from families can often prove too strenuous leading to family break ups or disruption for the children. If this does occur the children might be relocated or enter the care of the state. Research shows that children are the unintended victims of a prison sentence, with many children of prisoners less likely to complete secondary school and more likely to become homeless or unemployed and more likely to come into contact with the juvenile justice or criminal justice systems. The likelihood of the children of an imprisoned parent ending up in prison increases by 6 times; they are also six times as likely to have mental health problems.

Message from Cote d'Ivoire

Some Solutions to Crucial Problems

*Brou Venance; Exec. Director of Cote d'Ivoire
Cure*

I) Over Crowding

It is urgent to build some fresh houses of arrest and of correction in order to abandon those that are already in existence. It is because the country is passing through difficult situations due to the war.

We can abandon the current prisons by augmenting the judiciary procedures in order to liberate a maximum number of detainees. Among the needed procedures are:

1. - Short liberty (furloughs)
- 2.- Conditional liberty (parole)
3. A judiciary system with the payment of bonds
4. Allowing all the accused to be assisted by lawyers. The indigent accused must be assisted by the lawyers in order to avoid unjust processes.

The problem of over population in the prisons in Ivory Coast is very important because it negatively affects the health of prisoners by magnifying the effects of bad nutrition and the contaminations due to poor sanitation.

II Nutritious Food

The current food consumption of detainees is equivalent to only one feeding per day.

There is a need for a Designated Committee composed of detainees and social assistants, to address this problem area, and to find donors for additional feeding.

Concerning control of the additional feeding, the food would be kept in the prison's kitchen magazine, and would be monitored by the above mentioned Committee. We have to know that at all times the said Committee would be supervised by a representative of the principal donors.

III) Health

It is urgent to create here another Designated Committee, composed of: detainees, a doctor, a nurse, and a prisoners' guard, to plan and rebuild the health facilities.

1. Equip the prison hospital with needed supplies
2. Equip the pharmacy with medicines
3. Equip the department of injured patients of the hospital with equipment, supplies and medicines

This Committee must also be supervised by some representatives of donors.

In view of the prevalence of HIV/AIDS, we need to prevent its spread by the persons who are affected by this disease (Dabou and Abidjan Prisons).

CURE's Verbal Statement to the February 2010 UN Commission for Social Development

Good governance in any State rests on the quality of its justice systems. Prime ingredients of quality justice systems include:

1. Recognition of the rights of every individual to fair justice; and inclusion of everyone in the equal and prompt provision of the mechanics of justice.
2. Using alternatives to prison that restore harmony within the community, rather than only brutal punishment.
3. Protection of the incarcerated from torture and unnecessary, unbridled, malicious abuse.
4. Limiting the spread of communicable diseases due to over-incarceration, over-crowding, lack of sanitation, and medical neglect.
5. Recognizing that the majority of the many millions of persons in the world's places of detention are redeemable as productive citizens, if given a measure of social development. Major steps are to make standards for health and education services in places of detention approach relevant standards in the public sector.

CURE advocates for reviews and upgrades of these five factors in all justice and prison systems.

In general, failures to provide social development in lower economic layers may result 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.

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.

Many societal costs, including police, judicial, jails, prisons, welfare, medical, and other after-effects can thus be reduced. This results in increased productivity, less crime, and more security for all.

THE AFFECTS OF INCARCERATION

In a chapter of *The Trauma of Psychological Torture* edited by Almerindo Ojeda in 2008, author Terry A. Kupers, M.D., M.S.P makes several pertinent points about the affects of incarceration. The chapter, "Prison and the Decimation of Pro-social Life Skills," should be read by all persons calling

for lengthy prison terms and/or increased use of isolation. The following are several quotes from that chapter.

"In the big picture, destroying a prisoner's ability to cope in the free world is the worst thing prison does, and in the process, there are all the elements of torture EVEN if there are no hoods, water-boarding or electric cords. Crowding, a lack of rehabilitation opportunities, excessive reliance on isolation as punishment, the restriction of visits and contacts with the outside world, the pervasiveness of sexual abuse, disrespect at every turn, the failure of pre-release planning - all these things add up to throwing the prisoner who completes a term out into the world broken, with no skills, and a very high risk of recidivism."

"A wrong turn was taken in American penology in the late 1980s, a tragic misstep that has yet to be corrected and is causing irreparable harm. There was accelerating overcrowding while rehabilitation programs were being defunded, downsized or closed. Prison educational programs were dismantled. Politicians would not even mention prison rehabilitation for fear of losing elections."

"The prison visitation issue warrants a prominent place in the public debate about crime and punishment. There is a contradiction between the good we know quality visitation does and the inexplicable campaign in some departments of correction to obstruct visiting."

"Prisonization [institutionalization] is a phenomenon that affects all prisoners to a certain extent, but the most damaging aspects of prisonization are exacerbated by crowding, harsh conditions, a lack of meaningful activity, long stints in isolation, and too few visits from loved ones."

"I hear from prisoners that the way to survive a prison term and then return to the community and be a success is to 'keep your head out of the prison,' in other words maintain one's identity as a citizen in the free world, a loved member of a family, a son or daughter, a father or mother."

"I ask prisoners who seem very successful at keeping their heads out of the prison how they accomplish that amazing feat. They tell me they read newspapers and current books so they can stay up with what is going on in the world, they maintain contact through letters and visiting with as many loved ones and friends as they can, and they work incessantly on maintaining meaningful contact with their children - that way there is less risk they will be isolated and lonely when they are released, and their family remains functional. And they take part in every program they are eligible for - anger management, training in a trade, classes, even music lessons. They want to increase their skills so they can succeed at "going straight" after they are released."