

# “Justice should not end at the prison gate”

**Andrew Coyle, Director of the International Centre for Prison Studies, King's College London, puts prison reform in an international context.**

Over the last ten or twelve years there has been an increasing understanding in many countries of the importance of having penal justice systems which are decent, humane and, as their name implies, just. This recognition has come about for a number of reasons. The traditional one is the argument that those who are in prison deserve to be treated in this manner. In the United Kingdom this principle was best expressed in the Woolf Report (1991). The Report refers to evidence which it received from a prisoner pointing out that prisoners who were treated like animals were likely to act like animals and Woolf himself commented that justice should not end at the prison gate.

In a number of recently democratic countries there is an increasing recognition that issues of good governance are crucial to a healthy civil society. One useful measure of a just society is the extent to which justice is accessible to all citizens and not merely to those who form part of the establishment. These countries are taking to heart the Woolf dictum about justice not ending at the prison gates. In these former totalitarian countries, a number of politicians and other senior leaders have themselves been prisoners and they recognise that society is strengthened if its prisons are run properly. This is happening in several regions of the world: in parts of Latin America, Africa and South Asia, but nowhere more so than in many countries of what was formerly the Soviet Union. In a number of the Baltic countries, in the Caucasus, in Central Asia and in the Russian Federation there is a real mood for penal reform. The Russian Deputy Minister of Justice with

responsibility for prisons, Yuri I. Kalinin (who attended what was then the ISTD annual conference in Royal Holloway in 1993), said in a public speech on 26 April 2001 that the conditions in some prisons were “equal to torture” (RFE/RL Newline 2001). Even allowing for the dramatic differences in conditions, one cannot conceive of a prisons minister in Western Europe making such a statement about his or her prison system.

## International involvement

Fortunately a number of inter-governmental organisations have registered this willingness to change and have been instrumental in encouraging governments to move down this path. The Office of the UN High Commissioner for Human Rights has been very active with practical projects in this field and has published a manual on human rights and prisons, which was drafted on its behalf by the International Centre for Prison Studies (ICPS) at King's College London. The Organisation for Security and Co-operation in Europe has moved into this area of work for the first time. In a European context, the most active agency has been the Council of Europe, through its various departments. Its Directorate for Legal Affairs has now established bilateral working parties with many of the governments in its new member states to bring about reform in their prison systems and the efforts of the Parliamentary Assembly and the Directorate of Human Rights have resulted in a *de facto* cessation of the death penalty in all countries of the Council of Europe, stretching from Lisbon to Vladivostok.

The government of the United Kingdom has also been active in supporting efforts at prison reform and related issues in other countries. Since 1997 the Foreign Office has combined its work on the abolition of the death penalty and the elimination of torture with many practical projects for prison reform in several regions of the world. The Department for International Development (DFID), which focuses much of its work on efforts to reduce world poverty, recognises that one way of achieving this from within countries is to help them to have sound systems of governance in which justice plays an important part. It has recently published a document on this subject. This reform is more about changing attitudes and increasing professional standards than it is about providing financial resources.



Prison in Santiago, Chile

Andrew Coyle photo



Prisoners exercising, Cambodia

One good example of this is the DFID funded project, managed by ICPS, which is creating partnerships between prisons in England, Wales and Northern Ireland and the five main remand prisons in Moscow, which hold an average of 3000 prisoners each. The core of this project is professional exchanges between prison staff at all levels. These are based on action plans which are being built on a series of seminars on the application of international human rights standards in the management of prisons. It is interesting to note that the participants from the United Kingdom have made it clear that they are learning as much from this way of working as are the Russians.

### A tool for reform

It is important for countries of the developed world to understand that penal reform is not merely a matter of passing on what we regard as our wisdom to the developing world. The modern prison was created in the Western world and we carry a lot of organisational and intellectual baggage which prevents us from taking a radical approach to the management of people who are in prison. Strange as it may seem to some people, we can learn a great deal from what happens in non-Western countries. It is important to approach the matter of prison reform from an objective standpoint.

Fortunately, there is a way of doing this. There is a wealth of international human rights instruments which refer to how prisons should be run, how prisoners should be treated and how staff should behave. These include conventions, which are legally binding documents, as well as principles and standards which provide a comprehensive set of

reference points. The vast majority of countries have signed the most relevant of these instruments and in its international work ICPS has found them to be a useful objective starting point for real prison reform. The Foreign Office has recently provided funding for the Centre to publish a *Handbook on Prison Management* which will be based on these instruments and which we hope will provide national governments, inter-governmental organisations and non-governmental organisations with an objective tool to achieve meaningful prison reform.

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