

EXECUTIVE SUMMARY

GLOBAL PRISON TRENDS 2021





People in a Mexican prison make face masks for use in the community.

This executive summary includes extracts from the full report published in English.

Global Prison Trends is Penal Reform International's annual flagship publication (since 2015), published in partnership with the Thailand Institute of Justice. The report provides insights and analysis on recent developments and challenges in criminal justice, prison policy and practice.

The 2021 edition includes analysis on:

Trends in prison policy and practice

Such as:

- Crime and imprisonment, overcrowding, drug policies and petty offences
- New offences and prison releases in response to COVID-19
- Pre-trial detention and the use of capital punishment and life imprisonment.

Prison populations, and issues for people belonging to specific groups in custodial settings

Such as:

- Women, children and older people
- LGBTQ+ people
- Foreign nationals, minorities and indigenous people.

Prison management issues and challenges

Such as:

- Responses to the COVID-19 pandemic in prisons, including health provision, restrictions on movement and the use of solitary confinement
- Security, violence and deaths in prison
- The situation for prison staff
- Challenges in data collection and transparency
- Rehabilitation of people in prison—including through sport
- The role and use of new technologies, including in the coronavirus pandemic response.

Special focus: Prisons in crises

Includes analysis on:

- Health crises
- Fragile and conflict-affected settings
- Natural hazards and extreme weather
- Involvement of prison populations in times of crisis

The full report can be downloaded at:
www.penalreform.org/global-prison-trends-2021

Full references for all figures in this publication can be found in the full report.

Introduction

Over a year on from the declaration of the COVID-19 pandemic, this seventh edition of *Global Prison Trends* is published jointly by Penal Reform International (PRI) and the Thailand Institute of Justice (TIJ). This report documents key trends over the past year, especially the impact of the pandemic on prison populations and staff, and how prisons worldwide have responded to these challenges.

The dangers posed by COVID-19 to people detained and staff working in cramped, overcrowded conditions in prison were acknowledged in the earliest stages of the pandemic. High-level United Nations (UN) and government figures made statements highlighting the risk to life and health in prisons and, as *Global Prison Trends 2021* describes, most countries implemented some form of emergency releases to reduce the prison population. As countries continue to navigate new waves of the pandemic, prisons remain hotbeds for virus transmission. Also, new offences for breaching COVID-19 regulations and the resumption of court processes have led to increases in prison numbers.

The challenges faced by prisons over the past year have been compounded by decades of inadequate funding and criminal justice reform. The pandemic has exposed the impact of overcrowding and under-resourcing of prisons in the gravest of terms – through the loss of life. We mourn every death in prison, both people detained and staff, and encourage all actors to learn

from the experience of the past year, as detailed in *Global Prison Trends 2021*, to ensure prison systems protect the human rights of those they hold.

Health crises and other emergencies are not unprecedented in prisons. This year's Special Focus examines prisons in crises, and how authorities respond to health crises, natural hazards and extreme weather, or in fragile and conflict-affected settings. We look at how prisons and the people within them are affected, as well as the involvement of prison populations in times of such crises and consider what measures authorities can put in place for better preparedness and response.

For human rights to be most effectively protected – especially in emergencies – we need fewer people in prison. Therefore, addressing prison overcrowding and promoting the use of alternatives to imprisonment are key priorities for both PRI and the TIJ. In this vein, 30 years after the adoption of the UN Standard Minimum Rules on Non-custodial Measures (the Tokyo Rules), and 10 years since the adoption of the UN Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules), we must all work to increase the use of alternatives to imprisonment. *Global Prison Trends 2021* documents some good progress towards implementation of these standards, as well as the new challenges faced by probation services during the pandemic.

In March of this year, the Kyoto Declaration was adopted at the 14th UN Congress on Crime Prevention and Criminal Justice in Japan by all UN member states, setting out the crime prevention and criminal justice agenda for the next five years. Building rehabilitative criminal justice systems remains a core issue for many governments and actors in this field as reflected in the Declaration – and this is much needed and an area in which civil society and institutions play a key role.

The global pandemic has been a solemn reminder there is much more work to be done to protect the most vulnerable people in our societies. With less than nine years remaining to achieve the Sustainable Development Agenda 2030, *Global Prison Trends 2021* addresses the specific challenges faced by women, children, older people, and other marginalised groups in the justice system. With limited or no disaggregated data publicly available in many prison systems, our combined research, operations and expertise allows us to continue to identify and highlight key trends affecting these populations to ensure 'No one will be left behind' as we build back better from this global crisis.

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Key facts & figures

The global prison population continues to rise



PEOPLE IN PRISON

↑ **8%**
SINCE 2010

THIS LEADS TO



WOMEN IN PRISON

740,000+

↑ **17%**
SINCE 2010

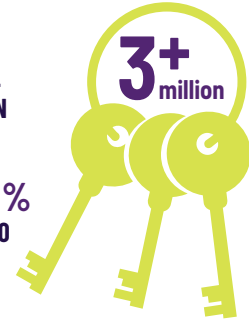


↑ 53% OCEANIA	↑ 24% AFRICA	↑ 17% SOUTH AMERICA
↑ 50% ASIA	↓ 29% EUROPE	↑ 8% NORTH AMERICA

PEOPLE IN
PRE-TRIAL
DETENTION

3+
million

↑ **30%**
SINCE 2000

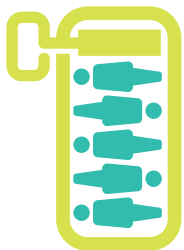


70% of prison populations are
AWAITING TRIAL, PRESUMED INNOCENT

in **14** countries

Chronic overcrowding

Prisons in many countries operate above their capacity



> **100%**
CAPACITY
in
118+
countries

> **250%**
CAPACITY
in
11
countries

Staff shortages

Staff to prisoner ratios vary widely across countries



THIS LEADS TO



Suffering in prisons during the pandemic

People in prison



3,931+
COVID-19 DEATHS
reported in

47+
countries



532,100+
COVID-19 CASES
reported in

122+
countries



IMPACT ON MENTAL HEALTH



PROTESTS & VIOLENCE

Prison staff



STAFF EXHAUSTION
COVID-19 CASES
reported in

48+
countries

Key facts & figures

COVID-19 impacted on the number of people in prison

REDUCTION



Factors that helped reduce prison population

EMERGENCY RELEASES



109+ countries adopted release mechanisms in 1st COVID-19 PEAK

BUT

<6%

global prison population released under these measures*

BUT

75%

of countries did not explicitly include women†

SUSPENSION OF COURT PROCEEDINGS



ALTERNATIVES TO IMPRISONMENT

were used more during the pandemic

INCREASE



Factors that led to an increase in prison population

MANY NEW OFFENCES for breaching COVID-19 related rules

Imprisonment or fines



CLEARING THE BACKLOG OF COURT CASES

when court proceedings resumed

High numbers admitted to prisons

* March - June 2020, Harm Reduction International; † March - July 2020, DLA Piper.

Prisons took measures in response to COVID-19

Medical isolation



MOST COMMON MEASURE for cases/symptoms

Used in **46+** prison systems globally

Conditions often akin to solitary confinement

Visitation bans



IMPACTING ACCESS TO:

Family contact
Food & medicines
Healthcare
Rehabilitation
Legal representation
Detention monitors

Vaccination plans



PRISONS PRIORITISED

in **13+** countries

PRISONS INCLUDED

in **11+** countries

Key messages

These key messages do not cover all of the trends identified in *Global Prison Trends 2021*, but they represent some of the most pertinent and pressing issues facing criminal justice systems that require urgent attention.

01

COVID-19 release schemes have done little to halt the rise in prison populations

There are 11 million people in prison globally – a rise of about 8 per cent over the last 10 years. Prisons are operating above capacity in 119 countries, and measures to reduce prison populations have been inadequate. At least 109 countries adopted measures to release people from prison in response to the pandemic, but many were abandoned or ineffective. Arrests for COVID-19-related offences and clearing court backlogs increased overcrowding in some places.

02

People continue to face increased risk of COVID-19 in prison

A reported 3,931 people in prison have died due to COVID-19 in 47 countries, and over 532,100 people in prison have tested positive in 122 countries, but the true numbers are much higher. People in prison are especially vulnerable due to cramped living conditions, lack of hygiene supplies and poorer health status.

03

The overuse of pre-trial detention continues despite the pandemic

Three million people are in pre-trial detention, a rise of 30 per cent since 2000. While some people on remand benefitted from release schemes, COVID-19-related arrests led to an increase in the use of pre-trial detention.

04

The pandemic has exacerbated failures in prison healthcare

Many prison systems have failed to implement critical COVID-19 preventive measures. Low levels of medical staff and resources for healthcare have been further stretched, which, coupled with restrictive regimes, has affected healthcare provision in prisons – both for COVID-19 and other health conditions.

05

The prevention of COVID-19 outbreaks in many prisons came at a cost to human rights

Many rights have been violated under severe restrictions. Regimes of solitary confinement, or at least measures where people were isolated, quarantined or confined in groups, have been in place for months. Levels of violence and unrest have risen, and people have been cut off from the outside world, including access to essential supplies.

06

COVID-19 measures in prisons have had a devastating effect on mental health

The pre-pandemic mental health crisis in many prisons globally has reached grave new levels due to COVID-19 restrictions, and the suspension or downgrading of mental healthcare provisions. Data shows that self-harm and suicide rates have risen among some prison populations.

07

People in prison have widely protested against shortcomings in COVID-19 responses

Reports of protests and violent incidents in prisons are linked to the handling of COVID-19, including restrictive measures imposed, fear of infection and the lack of action and provisions. Excessive use of force by authorities in responding to such protests has led to death and injury of people detained.

08

New offences under COVID-19 regulations have affected the most marginalised

Criminalisation of non-compliance with COVID-19 regulations has effectively criminalised poverty and affected the most marginalised. Enforcement of restrictions has been racially biased and discriminatory. In some countries, such offences attracted pre-trial detention or prison sentences.

- 09** **There are major issues in data collection and transparency in prisons**
- Long-standing shortcomings in data collection and transparency in prisons have been highlighted during the pandemic. Rates of COVID-19 among staff and people detained remain unknown in many countries, as do the implementation and the impact of release mechanisms.
- 10** **More women are in prison than ever before**
- New analysis shows that 740,000 women are in prison globally, an increase of over 100,000 in a decade. Women have suffered increased hardship in prison during the pandemic. COVID-19 response strategies have left women behind, including in release schemes.
- 11** **Children were left behind in COVID-19 responses**
- At least 410,000 children are in prison every year. Despite the risks and impacts of COVID-19 restrictions on children, including solitary confinement, children were not explicitly included in many release schemes; where they were, data is scarce as to whether they benefitted.
- 12** **Prison staff have suffered during the pandemic**
- Prison staff have endured changes in their workloads and conditions, even living or being locked down on site for weeks or months. They have faced an increased risk of contracting the virus, accounting for up to 88 per cent of COVID-19 cases in some prison systems. Staff shortages and low prisoner-to-staff ratios have worsened during the pandemic.
- 13** **There has been an increase in alternatives to imprisonment, but with some challenges**
- There was an expansion and growth of alternatives to imprisonment in response to COVID-19, although the impact varied significantly. The implementation of non-custodial sentences has faced practical issues due to government restrictions and overburdened probation agencies.
- 14** **New technologies have offered a lifeline to many people detained, but not to all**
- Communication technologies have been installed or expanded to facilitate contact with families and provision of telemedicine, rehabilitation and other vital services in many places. However, the digital divide has meant people in prisons without online access have been left behind.
- 15** **Racism in criminal justice systems has been put in the spotlight**
- The Black Lives Matter movement led to some immediate action to address systemic racism, although the attention of protests and policymakers largely focused on police and law enforcement reform rather than sentencing or prisons. Ethnic minorities continue to be over-represented in many prison populations.
- 16** **Life imprisonment sentences are on the rise, causing human rights violations**
- Almost half a million people are serving a formal life imprisonment sentence, and an unknown number are under informal life sentences. A rise in life sentences is replacing death sentences, as punitive approaches to crime persist.
- 17** **Punitive prohibition-based drug policies are driving up prison populations**
- An estimated 2.5 million people in prison are convicted of drug-related offences, 22 per cent of them for drug possession for personal use. There have been some moves towards decriminalisation of certain drug-related offences.
- 18** **Universal abolition of the death penalty remains on track, with some setbacks**
- The movement towards the universal abolition of the death penalty continues to grow, and 2020 saw a record low number of executions worldwide. However, at least 483 people were executed in 18 countries.

Global Prison Trends 2021: Executive Summary

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References

For all references, please refer to the full edition of *Global Prison Trends 2021* at: www.penalreform.org/global-prison-trends-2021.

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