

CORRECTIONS PROGRAM 2000/2004

**International Centre for Criminal Law Reform
and Criminal Justice Policy**



***SEPTEMBER 2001
INTERIM PROGRESS REPORT***

**The International Centre for
Criminal Law Reform and Criminal Justice Policy
1822 East Mall
Vancouver, BC
V6T 1Z1**

e-mail: tkachuk@law.ubc.ca

TABLE OF CONTENTS

PURPOSE OF THE REPORT	Page 3
BACKGROUND OF THE PROGRAM	Page 3
2001-2002 PROGRAM OF WORK	Page 4
REPORT ON 2001-2002 ACTIVITIES	Page 5
Bi-lateral	Page 5
Research/Policy Development	Page 9
Other Collaborative Efforts	Page 11
Event Participation	Page 12
Public Consultation and Information	Page 13
Sentencing and Corrections Advisory Committee	Page 13
CONCLUSION	Page 14
Appendix I - World Prison Population: Facts, Trends and Solutions Rapporteur's Report	



International Centre for Criminal Law Reform and Criminal Justice Policy

Corrections Program 2000-2002 September 2001 Progress Report

PURPOSE OF THE REPORT

Since its inception, the International Centre¹ has been involved in a collaborative program of work with the Correctional Service of Canada (CSC) to promote correctional reform at the international level. In February 2000 and following up on earlier activities and commitments a renewed program of work was jointly developed by the CSC and the International Centre. In April 2001 a Contribution Agreement (2001/2004) was signed to continue the activities of this program.

This is an interim report, the purpose of which is to outline the progress and the results achieved on the activities which were agreed upon by the CSC and the Centre for the 2001/2002 fiscal year, as described in the renewed program of work. This report also seeks a further transfer of funds from the CSC, as provided for in the 2001/2004 Contribution Agreement, to support the Centre's continued work on the agreed upon program and the activities currently underway.

BACKGROUND OF THE PROGRAM

The worldwide need for action to bring about reform in the administration of justice, particularly in the field of sentencing and corrections, resulted in the development of a co-operative program of work between the CSC and the International Centre. This work builds on the two earlier international symposia on the Future of Corrections² and promotes, through technical assistance, the use of a strategic approach to the implementation, in the field of sentencing and corrections, of recognized human rights and other criminal justice standards and norms. The emphasis is on the provision of technical assistance to countries that request it.

The Centre's current activities and program of work reflect priorities that were identified through a series of national and international consultations. These consultations revealed not only the presence of a very real and urgent need for assistance in developing countries, particularly in Africa, Latin America and in parts of Asia, but also the near absence of a concerted effort on the part of developed

¹ International Centre for Criminal Law Reform and Criminal Justice Policy

² *First International Symposium on the Future of Corrections, Ottawa 1991* - Sponsored by the Correctional Service of Canada and the Society for the Reform of Criminal Law; *Second International Symposium on the Future of Corrections, Popowo, Poland 1993* - Sponsored by the Correctional Service of Canada, the Polish Ministry of Justice and the International Centre for Criminal Law Reform and Criminal Justice Policy.

countries to address this need. Priorities for technical assistance were shown to include staff development and training, management training, policy development, bail and/or pre-trial detention reform, conditions of youth in detention, community corrections and the promotion of public awareness and participation. The major issue to be addressed, however, is one, which transcends all components of the criminal justice system, is that of prison overcrowding. Although this particular problem is faced by many nations, no where is it more severe than in developing countries where the conditions are often such that the most basic human needs of prisoners cannot be met. In developing countries and often also in countries said to be "in transition", the challenges faced by correctional administrators are so monumental and complex that they cannot possibly be met without outside, sustained and strategically deployed technical and financial assistance.

2001-2002 PROGRAM OF WORK

Initially the joint program of work carried out by the Centre has focussed broadly in the areas of sentencing and corrections. In 2001-2002, and following up on earlier results of the program, discussions by the Centre's Board of Director's and subsequently with CSC officials, the program now maintains a more specific focus in the area of corrections. The focus on this aspect of work is more evident in our technical assistance projects in Africa, Central and South America and China, and in this context, is more easily integrated with the work of the CSC. In addition to the specific projects and activities outlined in the 2000-2002 Work Plan, new activities continue to be developed based on a systematic identification of the needs, in consideration of the resources that can be mobilized to meet these needs and complimentary with the priorities of the program.

The Centre's work is also focussing on establishing closer communication, cooperation and coordination of technical assistance and other activities with the CSC, as well as with other governmental and non governmental criminal justice entities in Canada and abroad. These efforts include:

- expanding and increasing the number of links with international counterparts such as United Nations network of institutes, UN High Commission Human Rights (UNHCHR), the International Corrections and Prisons Association (ICPA), the International Society for the Reform of Criminal Law, the International Prosecutors Association and other international criminal justice entities;
- improved sharing of information on upcoming projects and activities;
- identification of opportunities for collaboration in resource mobilization, including the joint development of funding proposals to undertake specific technical assistance projects;
- identification of teams for specific project initiatives that would include both governmental (provincial and federal) and non-governmental organizations;

- collaboration on national and international outreach activities, where it might prove mutually beneficial (i.e., conference coordination); and
- sharing of research related information in the international context.

During the current reporting period, and as one will note while reviewing the following activity reports, significant achievements have been made in each of these areas.

REPORT ON 2001-2002 ACTIVITIES

Bi-lateral

China

A Memorandum of Understanding (MOU) between the China Prison Society and the International Centre provides the framework for the program of work between Canada and China in the area of corrections.

The formal MOU was signed on September 26, 2000 and outlines the basis for an ongoing program of work between China and the Centre in the area of corrections, to be carried out over a five year period. The MOU stipulates that the International Centre, in collaboration with the China Prison Society, will coordinate the activities outlined in this proposed agreement in close cooperation and with the involvement of the Correctional Service of Canada, the National Parole Board and the China Bureau of Prisons. It also states that in fulfilling the activities outlined in this agreement, the International Centre and the China Prison Society may enlist the support of other correctional entities including Chinese and Canadian provincial correctional jurisdictions and other organizations active in corrections and criminal justice.

Key activities within the Memorandum of Understanding include:

- i. Exchange of materials and information relating to key aspects of corrections, including research results.
- ii. Exchange visits involving practitioners and researchers from the various organizations involved.
- iii. The joint preparation of symposia and/or conferences of a bi-lateral, multi-lateral and international as well as the hosting of subject experts to present at other events which may be organized.
- iv. Accommodate opportunities for training in specific issues relating to corrections and/or the correctional officer training programs.

- v. Jointly conducting comparative research on Chinese and Canadian correctional systems and publishing research products.
- vi. Give consideration to the development of other mutually agreed activities beneficial to the improvement of correctional practice.

Throughout the past three years funding for activities between Canada and China in the area of corrections was largely provided by CIDA through the Phase II China *Criminal Law and Criminal Justice Cooperation Program*. Although all corrections activities funded through this program have now been concluded other related activities within the program remain ongoing through to the end of 2001. Once these have been completed a Phase III proposal will be completed and submitted to CIDA. Activities outlined in the MOU will support the development of the corrections component within this Phase III proposal.

Although the formal Phase II activities have been concluded a number of significant activities have either recently been completed or are planned:

Proposed Canadian Delegation Visit to China

As a bridging activity between the Phase II and proposed Phase III China *Criminal Law and Criminal Justice Cooperation Program* a high level Canadian delegation visit to China is proposed to take place in early November 2001. The delegation, which will be comprised of Senior officials of the CSC, NPB and Solicitor General of Canada Ministry, along with representatives of the International Centre, will be hosted in China by the China Prison Society.

Activities to be carried out during the proposed November visit will include participation in specially arranged seminars, focussing on parole and community corrections, site (prison) visits and an event aimed to launch the recently published China/Canada comparative corrections book (see below).

Joint Authoring of a Comparative Corrections Book

The China/Canada comparative corrections book has now been completed and published in Chinese. The Canadian input into this document was provided by a team of individuals representing the CSC, NPB, BC (Provincial) Corrections Branch and the International Centre. Input on behalf of the NGO's in Canada was coordinated by Mr. John Braithwaite. The Chinese input in to the document was coordinated by the China Prison Society.

Chinese Visiting Scholar

In August 2001, Dr. Wang Ping of the Centre for Criminal Law and Justice of the China University of Political Science and Law concluded a ten month scholar exchange program with the International Centre. During his stay in Canada Dr. Wang conducted research of the Canadian and Chinese justice systems with a particular focus on corrections and restorative justice. To facilitate his research arrangements were made for Dr. Wang to participate in criminology classes offered at Simon Fraser University. Courses in which he fully participated included:

- Criminal Law
- Introduction to Corrections
- Restorative Justice
- Correctional Practice

Project for the Ratification and Implementation of Human Rights Covenants in China

As part of the CIDA funded program to assist China in preparation for ratification and implementation of two UN Human Rights Covenants³, the Centre has been working with the Centre for Criminal Law and Justice in Beijing to produce a compendium of relevant UN Human Rights and Criminal Justice Instruments as well as Chinese and Canadian Human Rights Instruments. The select documents which comprise this training compendium, which is tailored to the training of Chinese officials, include instruments relevant to corrections such as the Standard Minimum Rules for the Treatment of Offenders and the Tokyo Standards for Non Custodial Measures. Prominent Canadian instruments in the compendium include the Canadian Charter of Rights and Freedoms and the BC Human Rights Act.

Africa

Much of the work in Africa has thus far been technical assistance activities focussed in Uganda. Over the course of the next three years the experience in Uganda will be a model for the development of projects and proposals in other African countries.

³ International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights

Uganda

Chain Linked Pilot Project

As a follow-up to the seminar entitled “*Alternatives to Incarceration: Their Applicability and Practice in Uganda*”⁴, a pilot program entitled the “Chain Linked” was developed to demonstrate the benefit of a greater integration and co-ordination of roles, functions and activities of the various components of Uganda’s criminal justice system. Funding for this project is provided by a number of donor agencies including CIDA.

This project remains ongoing under the direction of the coordinator for the Netherlands Support to Public Prosecutions Project based in Kampala and as necessary, in consultation with other stakeholders including the International Centre. During a March 2001 meeting of the steering committee for this project, in which the International Centre participated, significant results were reported.

A significant achievement of the project to date, which is directly attributable to the discussion at these committee levels, is a breakdown of the barriers between the various criminal justice agencies both at the national level (Kampala) as well as the local (Masaka) level. In addition to the improved coordination and communication amongst criminal justice agencies one of the most significant achievements of the project has been the development of a "joint simplified procedure" (prosecution discontinued pending arrest), resulting in clearing up over 6000 “deadwood” cases clogging up the administrative system of the judiciary in the Masaka district. A technical sub committee has also identified a number of policy issues requiring review, most notable of which is the need to look at law reform on the issue of "defilement". Defilement is an outdated law in Uganda which prohibits sex with a female under the age of 18, including among consenting partners of equal age such as two seventeen year olds. In Uganda last year this particular offence comprised 42% of all criminal charges. More startling is the fact that defilement offence is a capital offence carrying a maximum penalty of death.

In light of the above achievements there was the view amongst several of the Steering Committee members that the project is mature enough to transfer to other jurisdictions in Uganda.

Uganda Prison Service Needs Assessment

⁴ *Alternatives to Incarceration: Their Applicability and Practice in Uganda* – Final Report of the National Seminar Kampala Uganda February 2-4, 1998

In March 2001, and at the request of the Commissioner of the Uganda Prison Service, Brian Tkachuk of the International Centre and Glen Westbury of the CSC (Bowden Institution) traveled to Uganda in order to undertake a Needs Assessment of the Uganda Prison Service. The purpose of the assessment is to call attention to areas of need and identify possible solutions that can be undertaken at the local level, both with and without the support of the donor community, to address them. A draft assessment report has been prepared in preparation for discussions and further consultation with Ugandan Prison Officials to take place during the CESCO Conference (see below).

Namibia/CECSA

On September 4, 2001 and coincidental with the 5th Conference of Eastern, Southern and Central Africa Correctional Administrators (CECSA), Tecknikon SA and the International Centre have collaborated to organize a one day technical assistance seminar entitled "Current Correctional Issues and Practical Solutions". Supporters of this event, in addition to both Tecknikon SA and the Centre, include the CSC and the National Institute of Justice (Washington). The seminar will feature sessions and workshop presentations on Technology and Information Systems in Corrections, Prison Policy Development, Correctional Officer Training, Community Corrections and Juvenile Justice.

Central/Latin America

The third international training course for justice and prison for Latin America was held in San José, Costa Rica on July 17-27, 2001. This year's course focussed on the reintegration of offenders and is one of many efforts being undertaken by ILANUD⁵ to address the escalating problem of prison overcrowding and the resulting conditions, in the region. The course was co-organized by ILANUD and the UNAFEI⁶ and funded by the Japanese International Cooperation Agency (JICA). Participants included senior correctional and justice officials from the countries of Argentina, Columbia, Cuba, Costa Rica, Dominican Republic, El Salvador, Honduras, Nicaragua and Peru, Experts were in attendance from Argentina, Austria, Canada, Japan, and the United Kingdom.

Brian Tkachuk, Director Corrections Program, participated in this event on behalf of the International Centre and delivered two presentations focussing on parole and community corrections in Canada and offender risk assessment.

In addition to our ongoing contribution to various events in Central America as noted above, the Centre continues to work with ILANUD and will jointly develop a proposal to CIDA for a three year correctional reform project in Central America. In support of this

⁵ Latin American Institute for the Prevention of Crime and the Treatment of Offenders

⁶ United Nations Asia and Far East Institute for the Prevention of Crime and the Treatment of Offender

proposal the Centre has previously facilitated the translation (from Spanish to English) of the recent Latin American Corrections Study entitled "Prison Overcrowding in Latin America and the Caribbean: Possible Responses". A preliminary concept paper for this proposal has been prepared and submitted to ILANUD for their review and input.

RESEARCH/POLICY DEVELOPMENT

International Prison Policy Development Instrument

Development of the International Prison Policy Development Instrument has been completed. This involved the development of a compendium of all of the UN Standards, General Assembly Resolutions, and operational directives from a variety of jurisdictions (federal and provincial) in Canada, as they relate to all the operational areas within prisons. The Instrument which is available both as a manual and on CD will be introduced to Correctional Administrators in Africa during the Workshop held in conjunction with the September 2001 CESCA Conference. The instrument will also be introduced to other correctional jurisdictions worldwide as the opportunities present themselves. The SOROS Foundation will be approached to fund the translation and distribution of the instrument, particularly into Russian (Eastern Europe) and Spanish (Latin America).

International Criminal Court

With the implementation of the International Criminal Court (ICC) the potential impact on correctional jurisdiction worldwide is virtually unknown. To this end the International Centre has embarked in a process of research and analysis to assess the potential impact of the ICC on Correctional Jurisdictions with a particular view to its potential implications for the CSC . A strategic position paper will be prepared and submitted to the CSC on this matter in November 2001.

Needs Assessment Instrument

The needs assessment instrument, developed by the Centre to assist developing countries identify the priorities for technical assistance in the area of corrections, was used to support the needs assessment conducted for the Uganda Prison Service. A copy of the instrument was also earlier provided to HEUNI⁷ in support of their work in Eastern Europe.

Draft Policy Framework for Canada's Technical Assistance Initiatives in the Area of Sentencing and Corrections.

The Centre continues with its plan to develop, based on consultations it conducted in the past two years, a draft policy framework document to encourage a broad

⁷ European Institute for Crime Prevention and Control Affiliated with the United Nations

discussion, among all concerned individuals and agencies, of the many issues involved in this complex area of activities. The object of the paper will be, in part, to relate current technical assistance initiatives in this area to Canada's broader foreign and international development policies. The paper will also attempt to draw together some of the lessons learned so far by various Canadian individuals and agencies already involved in international co-operation efforts in this field.

OTHER COLLABORATIVE EFFORTS

Restorative Justice/CCJA

In March 1997 the Achieving Satisfying Justice Symposium, jointly organized by the CCJA and the International Centre, was held in Vancouver BC. The first event of this kind served as the catalyst for many of the domestic Restorative Justice initiatives which are underway in Canada today. These two organizations have once again agreed to collaborate, along with the Simon Fraser University Centre for Restorative Justice in the organization of a similar follow-up event. The proposed event (five years after the first) would serve to review the initiatives, achievements and commitment to the principles of Restorative Justice within Canada.

Following up on a preliminary meeting with key stakeholders in Ottawa on November 2, 2000, a proposal has been completed and sent to Respective Minister's (Justice/Solicitor General) seeking their support. Although departmental support to hold the event has been received, it is now proposed that the event be held in October 2002 to avoid conflict with a Restorative Justice related conference being held in Winnipeg later this year (November 2001).

On other Restorative Justice matters the Centre also continues to receive requests for information and invitations to participate in local and international events on restorative justice. The Centre has responded to these, within its existing resources, and has developed a standard information package to respond to some of the requests.

UN Restorative Justice Resolution and Experts Meeting

At the Ninth Session of the UN Commission for Crime Prevention and Criminal Justice which followed the Tenth UN Congress on the Prevention of Crime and the Treatment of Offenders (Vienna April 2000), a resolution was put forward by Canada which called for the "elaboration of a set of principles or similar instrument for the use of restorative justice practices in criminal matters". The Resolution, approved by Member States, further called for an experts meeting, with equitable representation by all regions of the world, to be held to elaborate this instrument. Canada at the time expressed its willingness to sponsor and hold this event on behalf of Member States. In accordance

with UN protocol the Resolution was submitted to and subsequently adopted by the Economic and Social Advisory Council for the UN (ECOSOC).

In fulfillment of its offer to the UN Commission and Member States Canada, under the direction of the Department of Justice and the Ministry of the Solicitor General, is in the process of organizing the meeting of Restorative Justice Experts as called for in the Resolution. This event is currently scheduled to take place in Ottawa in October 2001. The International Centre has provided assistance to the organizers of this by way of liaising with colleagues from around the world to identify suitable and qualified experts from the various regions, particularly from Asia and Africa, to participate in this event.

UN Commission Roundtable and Technical Assistance Workshop on Corrections

On the occasion of the Tenth Session of the UN Commission for Crime Prevention and Criminal Justice (Vienna May 8-17, 2001) the UN Programme Network of Institute's collaborated in the organization of a round table technical workshop entitled the "World Prison Population: Facts, Trends and Solutions". This event was significant in that it was the first such event organized and held in conjunction with the formal session of the Commission. It is even more significant in that it was held at a time when issues related to prisons are being largely ignored by the Commission as it directs its focus to matters relating to Corruption and Transnational Organized Crime.

The full Rapporteur's report for this workshop is attached (Appendix I).

International Relations Committee of the American Correctional Association/Infectious Diseases in Prisons, Current Practices Compendium

The International Centre is a member of the International Relations Committee of the American Correctional Association (ACA) which was established to provide the exchange of information and expertise between the Association and practitioners in other countries.

Supporting its participation in this Committee the International Centre has successfully secured funds from the Open Society Institute (SOROS Foundation) based in New York to undertake, on behalf of the ACA, the development of an "infectious diseases in prisons current practices compendium". Funds have also been secured to translate the completed compendium into Russian, Spanish French and Chinese.

A final draft of the Compendium has now been completed and final consultations with the ACA Health Service Committee are in process. Translation and publication of the compendium will be completed by November 2001.

British Columbia Correctional Association (BCCJA)

The Director of the Sentencing and Corrections Program continues to actively participate as a member and Vice President of the Board of Directors of the BCCJA. Preliminary discussions have taken place on collaboration with the BCCJA, CCJA and the Centre to organize the restorative justice "Satisfying Justice Symposium" as outlined earlier in this report.

EVENT PARTICIPATION

The active participation at various national and international events and associations is critical to the development and solidification of various partnerships essential to the success of the Centre's sentencing and corrections program. Outside of those which may have been noted in conjunction with a particular activity the Centre has participated in a number of other events. These included Tenth UN Commission Meeting (Vienna May 2001), American Correctional Association Conference (Nashville, January 2001), American Correctional Association Conference (Philadelphia, August 2001)

PUBLIC CONSULTATION AND INFORMATION

An important, ongoing aspect of the Sentencing and Corrections Program is the provision of information, education, and advisory services to a number of different audiences. These include the general public, non-governmental organizations, government officials, criminal justice and law reform experts and professionals, experts from other areas of social and international development, students and other interested individuals. Responses range from responding to simple requests for a copy of a particular UN declaration or standard, to preparing complex briefs, participating in formal hearings or informal discussion groups, or time consuming efforts to publish articles or proceedings of a consultation meeting.

SENTENCING AND CORRECTIONS ADVISORY COMMITTEE

The Sentencing and Corrections Advisory Committee continues to play a valuable role in providing support and direction to the corrections program and the work of the Centre as a whole. The following individuals, representative of both government and non-government organizations, comprise this committee:

Professor Neil Boyd - School of Criminology - Simon Fraser University

Mr. John Braithwaite, Consultant and former Deputy Commissioner of the CSC

Mr. John Conroy, Barrister - Conroy, Hammond and Company, Barristers and Solicitors

Mr. Don Demers, Assistant Deputy Minister - Province of British Columbia Ministry of the Attorney General, Corrections Branch

Judge William Diebolt - British Columbia Provincial Court

Professor Michael Jackson, - Faculty of Law - University of British Columbia
Ms. Allison MacPhail, Assistant Deputy Minister Community Justice
Ministry of the Attorney General for British Columbia
Mr. Fraser Simmons, Director - National Parole Board - Pacific Region
Ms. Shereen Miller, Director General Intergovernmental Affairs – CSC
Ms. Frances Gordon, Executive Director ICCLR&CJP
Mr. Yvon Dandurand, Professor – University College of the Fraser Valley

Drawing upon their particular skills and expertise Committee Members are consulted on an individual basis as opposed to regularly scheduled meetings.

CONCLUSION

As has been the case during previous reporting phases, the vast majority of projects and activities remain ongoing. Significant achievements have been realized since we embarked on this important program of work to promote sentencing and correctional reform around the world. Good governance and Human Rights in the context of corrections reform remains the basis of our program. The promotion of human rights, democracy, peace and security occupies a central place in Canada's foreign policy objectives. The efforts of the CSC and the Centre, separately and jointly, continue to contribute to the realization of some of Canada's important foreign policy and international development objectives in this regard. These efforts and achievements have not gone unnoticed. Increasingly Canadians and Canadian agencies such as CIDA are becoming aware of the important role that criminal justice reform activities, including correctional reform, play in the overall democratization and stabilization of developing countries. Although resources will forever remain a factor in determining the projects undertaken, the increasing willingness of agencies such as CIDA to fund some of the activities is reassuring. This willingness to do so, however, would not have been realized without the generous support of the Centre by the CSC and for this we remain most grateful. As has been stated in the past the unique relationship that has been established between the CSC and the Centre allows us to assemble effective working teams without which we would not have such an impact on our technical assistance efforts and projects in developing countries. We hope that we can build upon these successes to foster new collaborative partnerships in the future.