Prison Fellowship International is an association of 88 national NGOs around the world. Those NGOs organize volunteers from the religious community to work with prisoners, their families, and with released prisoners. Because of the experience and perspectives they have gained from this work in prisons, many have also become involved with criminal justice reform efforts. We have seen many countries struggle with the kind of problems that Panama faces in its prisons. This morning I would like to offer some observations based on what we have seen happening around the world.

I will be talking about trends and developments in prisons around the world and in Latin America. The first trend, prison overcrowding, presents tremendous challenges. The other two developments are less pervasive at this time, but are certainly more hopeful. One is the growing international interest in restorative justice. The other has to do with new prisoner rehabilitation programs that have developed in Latin America.

**Prison Overcrowding**

The most obvious worldwide trend is the growing prison population. There are now over 8.5 million men, women and children in prison. Some are pre-trial detainees; others have been convicted and sentenced. Half of this number are in three countries: the US, Russian and China.¹

A way to measure how a country uses prison is to compare the percentage of its population that is in prison. The typical way this is done is to compare the number of people per 100,000 who are in prisons. If we use that method, the 8.5-million-prisoner figure converts to a prison population rate of 138 per 100,000 citizens of the world.²

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² According to estimates of the US Census Bureau, the world population is 6,150,805,396 ([http://www.census.gov/cgi-bin/ ipc/popclockw](http://www.census.gov/cgi-bin/ipc/popclockw)). That number divided by 100,000 is 61,508. Dividing 8.5 million prisoners by 61,508 yields a prison population rate of 138 per 100,000.
According to a report presented by the Latin American Institute for the Prevention of crime and Treatment of Offenders (ILANUD) two weeks ago at a UN workshop on prison populations, the prison population rate in Panama is 303 prisoners per 100,000.\(^3\) This means that Panama's prison population rate is more than twice the world average. That same paper reported that in the seven-year period between 1992 and 1999 the prison population here nearly doubled (a 92% increase).\(^4\) The predictable result is prison overcrowding, with an average of 124 Panamanian prisoners being held in prison space built to hold only 100 persons.\(^5\) This is a condition that internationally is considered "critical overcrowding."\(^6\)

Panama is not alone in facing an overcrowding problem. Twenty-five out of 26 countries in Latin America and the Caribbean have overcrowded prisons, and 20 face critical overcrowding levels of more than 120%.\(^7\) Further north, in the United States, there are 690 prisoners for every 100,000 people, more than double Panama's rate.\(^8\) The prison population in the US has doubled in the last decade, resulting in massive prison construction programs with billions of dollars spent to make more room in prisons.

Interestingly, prison population rates are not uniform between the regions of the world and even within regions. South African countries have five times the prison population rate of Central and West African countries. Caribbean countries have three times the rates of South American countries. Central Asian countries have six times the rate of South-Central Asian countries. And Central and Eastern European countries have three times the prison population rates of southern European countries.\(^9\)

This means that two countries that are side-by-side may have very different prison population rates. Panama's is the highest in Latin America.\(^10\) And that suggests that a country's use of prisons has to do with policy decisions it makes, and not with regional or sometimes sub-regional conditions.

Why have prison populations grown worldwide? There is a twofold answer: more people are being sent to prison, and prison sentences are getting longer. But those answers raise a follow-up question: why is that happening? Why are most nations sending more people to prison for longer times?

\(^4\) Ibid, page 7.
\(^5\) Ibid, page 8.
\(^6\) Ibid, page 9.
\(^7\) Ibid.
\(^8\) Walmsley, page 3.
\(^9\) Ibid.
\(^10\) Carranza, page 3.
Observers have suggested three explanations. The first is that when general populations rise, the prison population will rise along with it. This seems to be a logical explanation, but unfortunately it does not explain very much of the increase that countries have experienced. The ILANUD report found that only 14% of the growth in Panama’s prisons could be the result of a growing general population; fully 86% of the growth must have been due to something else.

A second explanation that many have proposed is rising crime rates. It is true that crime rates are high. Crime victim surveys in 55 countries found that more than half of the world's urban residents had been crime victims at least in the past five years. These rates were highest in Latin America and Africa, where three out of four city dwellers had been victimized in the five-year period.

But on closer examination, it does not appear that rising crime can explain the growing prison population. First, in the countries with the most dramatic increases in number of prisoners the crime rate is not rising. In the United States, for example, crime rates fell during the early 1980s, rose again until 1993, and fell through the rest of the 1990s. Yet it is during the 1990s that the prison population has doubled. The experience of Western Europe, although less dramatic, has been similar. In Central and Eastern Europe, while crime rose in the early 1990s, it stabilized for the rest of the decade. Nevertheless, the prison populations of those countries have continued to rise.

The ILANUD report considered whether crime rates have contributed to the rising prison populations in Latin American countries. It noted that crime rates grew during the early years of the 1990s, but concluded that this increase could not explain the substantial rise in prison populations.

A third explanation, perhaps the most important one, is that governments are making policy decisions to send more people to prison who would not have gone before, and for longer periods of time. These policies are generally attributed to four factors. First is an increased public fear of crime. (Note the difference between increase fear and increased crime. Fear can rise even when crime itself does not.) A second factor is disillusionment with the criminal justice system. If people loose faith in the ability of the police and courts to protect them, they will support tougher sentencing laws. The third factor is the increased belief that prisoners cannot be rehabilitated. This belief is based on questionable science, but it lends itself to hopelessness and tougher sentences. The final factor is related: the growing strength of retributive philosophies of punishment.

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11 Ibid. page 12.
14 Walmsley, page 5.
15 Carranza, page 17.
16 Walmsley, page 4.
Each of these factors can be fueled by media treatment of crime. ILANUD suggested that a major reason for prison population growth in Latin America is the media attention given to sensational crimes, which creates political pressure to lengthen prison sentences. This undoubtedly does contribute, although we do not need to blame everything on the media. Politicians around the world have found that campaigning against crime is a good way to gain political power: who after all is in favor of crime? This lends itself to public distortion of the true picture concerning crime and to simplistic answers: lock up more people for longer periods of time. Such an approach is not effective, nor is it cost-effective, but it has sufficient political appeal to change the administration of justice.

Does it matter if prisons are crowded? It does, for four reasons. First, overcrowded prisons are hard to control. They are more likely to be violent, health and sanitation deteriorates, and it is much more difficult to carry out programs that will ease the prisoners' re-entry, such as education, work, recreation and family visitation.

Second, overcrowding matters because virtually all prisoners will be released one day. The conditions they experience in prison will contribute to their ability and inclination to make pro-social decisions when they are released. Recidivism rates -- repeat offender rates -- are high for prisoners anyway, and overcrowding increases the likelihood that they will go even higher.

Third, overcrowding matters because human rights provisions require that prisoners be spared cruel and degrading punishments. No country should tolerate the kinds of conditions that result from overcrowding, neglect and corruption. Andrew Coyle, of the International Centre for Prison Studies in London, stated recently: "Prison conditions and the treatment of prisoners in many countries in Central and Latin America have no place in any civilized society. Encouragingly, there are now indications from governments in a number of such countries of an acceptance that this situation cannot continue."

Fourth, overcrowding matters because prisons are expensive to build and expensive to run. No country can afford to build its way out of its overcrowding problem, even the richest of countries. It has been plausibly argued that in some parts of the United States it is possible to trace the rise in government spending on prisons with a drop in government spending on education. Any country adding to its prison populations will have to spend more money there, and more money to prisons means less money for other purposes.

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18 Ibid, page 9; Walmsley, page 6  
What are some ways to address prison crowding? There are three basic strategies. The first is to keep cases out of the criminals justice system that do not need to be there. In a moment I will discuss restorative justice as one way to do that.

A second response to overcrowding is to legislate and implement alternatives to pre-trial custody and prison sentences so that prisons are reserved for violent crimes and crimes that cause serious social or personal harm. Curtailing the requirement of pre-trial detention for minor crimes is one way to accomplish this. Ecuador did this several years ago, and nearly 2,500 prisoners were freed. Another approach is to speed up court hearings for those who must be detained before trial. Offenders who are convicted can be sentenced to sanctions outside of prison.

The third strategy to solve prison crowding is to reduce the length of the sentences imposed on offenders who must be imprisoned, or to make it possible for those prisoners to win early release for good behavior.

Let me give an example of how this can be done. Several countries in Africa have established community service programs that give judges the right to sentence prison-bound offenders to perform work at state or charitable agencies instead of going to prison. This has had a demonstrated effect on reducing prison crowding.

The third strategy for dealing with overcrowding is to ensure that prisoners are held in conditions that respect their fundamental rights as laid out in international and domestic law. If the first two strategies do not remove enough people from prison, then it is necessary to build new prisons, to organize them efficiently, and to provide adequate staffing and service. Unfortunately, this is the approach that has been taking by my country, the US.

Restorative Justice

A second international development is the growing interest in a new approach to crime called restorative justice. Restorative justice looks at crime differently. It is not just breaking the law, but also causes harm to victims, communities and even offenders. In restorative justice the emphasis is on the relationship between the offender and his or her victims. That is different from the focus of typical criminal law in which the relationship is between the offender and the State, with the State taking the place of the victim.

Restorative justice begins by recognizing the injuries that crime causes to victims, and holds that one demand of justice is that those injuries be repaired. The best way to do this is to hold the offender accountable to make amends to the victim. Key ways in

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22 Walmsley, page 7.
23 Based on reports by Confraternidad Carcelaria del Ecuador, the Prison Fellowship International affiliate in Ecuador. The Board Chairperson is Dr. Jorge Crespo Toral, who may be reached at ccecuasa@uio.satnet.net.
which this can be done are through restitution (paying the victim) and community service (free work for an NGO, charity or governmental agency).

What is perhaps even more unique is the use of programs that bring victims and offenders together to talk with each other about what happened and what to do about it. The oldest of these programs is victim offender mediation, in with the victim and offender meet with the help of an impartial third party to discuss the wrong done, the harm that resulted and what to do about it. A variation on this, known as restorative conferencing, involves more people. The friends and supporters of the victim and the offender are invited to participate in the conversation as well. A third program, restorative circles, draws in even people from the community as a whole to participate in the discussions with the victim and offender.

There is an historical connection between these processes of conflict resolution and the traditions of some aboriginal peoples. Many of the innovations in restorative justice, such as conferencing and circles, are adapted versions of indigenous justice processes.

The first restorative justice programs began around 20 years ago in Canada and the United States Midwest. Since then they have expanded throughout North America, the UK and Europe, the Pacific region, and more recently in Africa and Latin America. There are nearly 1000 restorative programs in North America, and 500 in the UK and Europe. South Africa has incorporated restorative justice principles in its new juvenile justice legislation. For more than a decade New Zealand legislation has required officials to send every young person to a restorative justice conference rather than court in all but the most serious of crimes. A similar approach has been adopted recently by the United Kingdom. Several Latin American countries report that they are including restorative justice initiatives in their own legal, political and social contexts.

For example, in Colombia restorative justice reforms are designed to reduce the use of imprisonment and to help create a more peaceful society by using conflict resolution measures in less serious crimes. Victims and offenders are given the option of meeting directly with each other or indirectly through conciliators to resolve the matter between them. If they are able to do so, the criminal charges are dismissed.

Mexico has recently amended Article 20 of its constitution to include the rights of victims and the right to restorative justice.

Worldwide interest in restorative justice has developed to the point that the UN has recently circulated a draft declaration of basic principles on the use of restorative justice. These principles would offer guidance to countries wanting to use restorative justice: how to take advantage of its flexibility without violating the fundamental rights of the victims and offenders involved. Over 35 countries have submitted comments describing their experiences with restorative justice. Among them were Argentina, Costa Rica, Colombia and Chile, each of which expressed interest in the development of guidelines on the use of restorative justice. Because of the interest expressed, the UN will be
convening an expert meeting in October to review the comments and to propose further action by the UN.

Restorative justice has typically been linked to programs outside of prison. But there has been increasing interest in the UK, Belgium, North America and other places in whether prisons might be made more restorative. These involve four major efforts. First, create awareness in prisoners of the impact of crime on victims and to give opportunities for contact with victims. Sometimes that includes direct mediation with the prisoners’ victim. Second, to focus some of the prisoners’ activities in prisons so they spend part of their time working to benefit others. Third, incorporating restorative features into grievance procedures and disciplinary procedures in the prison. Finally, building relationships with the community that emphasize the need for prisoners to be reconciled with the wider society and received back into it.

APAC

This leads me to the third development, one growing out of Latin America. This is a unique prison regime that has become known by the acronym of the organization that developed it, APAC (Association for the Protection and Assistance to the Condemned). This methodology began over 25 years ago in Sao Paolo state in Brazil. APAC has joined with Prison Fellowship as the Brazilian affiliate.25

The APAC methodology is to create a community in the prison that builds responsibility and an ethic of care in the prisoners. There are several key principles: first, prisoners learn care and responsibility by watching the volunteers who run the prison. These prisons have few if any paid staff -- they are run by volunteers and trusted prisoners. The idea is that prisoners will believe that someone who is paid comes to work for the pay; someone who is not paid must be coming to the prison out of love. Second, attention is given to all aspects of the prisoners' lives, including their spiritual needs. We are complete people, with physical, mental, social, emotional, vocational, aesthetic and spiritual dimensions. APAC does not limit itself to one or more of those; it focuses on the whole person. Third, prisoners are given increased responsibility for the operation of the prison as they respond to the trust that is extended to them. The man who opens the door to the prison is a prisoner. So are the men who leave the prison to purchase supplies. Over time, as they demonstrate increased personal responsibility, they are given more responsibilities within the prison.

25 For more information on the APAC methodology, see Mario Ottoboni, Kill the Criminal, Save the Person: The APAC Methodology (Washington, DC: Prison Fellowship International, 2000) and the article at http://www.pfi.org/World_Report/MayJun00WR.pdf.
It is no wonder, then, that when they are released they stay out of trouble. Dr. Byron Johnson, a researcher at the University of Pennsylvania, found that three years after release from the original APAC prison, only 16% of the prisoners had been rearrested, with even fewer convicted or re-incarcerated. This was far below the estimated 50-70% recidivism rates for most prisoners reported to Dr. Johnson by Brazilian officials, and was less than half the recidivism rate for another model prison (36%).

Because of its unusual approach and its apparent effectiveness, a number of other countries have studied it and begun to adopt it. Prison Fellowship affiliates in Ecuador, Peru and the USA are running APAC-Based prisons. The first program in the US was started in the State of Texas where it gained the attention and support of then-Governor George W. Bush, who has made it a key example of the faith-based initiatives that are a hallmark of his administration so far. Governments in Argentina, Norway, the UK and New Zealand are considering proposals from Prison Fellowship affiliates to start such programs.

Conclusion

In closing, I would like to congratulate the organizers of this conference, as well as you who have chosen to participate, for focusing attention on the urgent need for reform in your prison system. Such reform will not be completed quickly. It will take time, creativity, perseverance, money and dedicated people. It will require public support and continued efforts to educate the community and involve the media.

But it is important work, urgent work. On behalf of Prison Fellowship Panama and Prison Fellowship International, I assure you that we are ready to help in any way we can.

Thank you.