

**IACHR Regional Conference
on Best Practices of Prison Management
in the Caribbean**

**The situation of persons deprived of their liberty in Jamaica
A response to a report published by
The Independent Jamaican Council for Human Rights
and The Death Penalty Project**

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I would like to begin by thanking the Inter-American Commission on Human Rights for inviting me to this conference. The work which the Commission undertakes throughout the Americas is very important on a wide variety of fronts, including that of prison reform. The trenchant reports published by the Commissions' Rapportuer on the Rights of Persons Deprived of Liberty, Sr Rodrigo Gil Escobar follow the tradition established by his predecessor Sr Florentin Melendez, whom I first met many years ago in his home country of San Salvador.

I would also like to extend my thanks to the Independent Jamaican Council for Human Rights and The Death Penalty Project for inviting me to the launch yesterday evening of their important report on the situation of persons deprived of their liberty in Jamaica.

It is always a pleasure to come to the Caribbean region and particularly to Jamaica. I remember my first visit here over 20 years ago when I had the pleasure to visit such beautiful areas as the Blue Mountains and also the Black River. On that visit I also went to a number of prisons, including those covered in this report. The situation in those prisons all those years ago was truly terrible. One of the great sadnesses of reading this report is that it would appear that little has changed in the last two decades. I will return to these matters in a moment.

I would like to begin by saying a few words about imprisonment in general terms. Around the world today there are over ten million men, women and children in prison, which is a massive increase over the last two decades. At the same time, we have been able to observe many changes, some of them for the better. Twenty years ago the countries of the former Soviet Union were emerging from the terrible legacy of the gulag system of prison camps and colonies which stretched from Kaliningrad on the Baltic Sea to Magadan on the Pacific Ocean. We have also seen changes in the prisons in southern Africa. In this context one remembers the comment of Nelson Mandela, the most famous prisoner of his generation, that one should judge a country not by how it treats its highest citizens, but by how it treats its

lowest ones. From that region also, I will never forget the words of Minister of the Interior of Uganda, speaking at the first Pan African conference on prison reform in 1995. He said, "One day in the distant future, people will probably look back on what happens (in prisons) in most countries today and will wonder how we could do that to our fellow human beings in the name of justice."

There have also been remarkable changes in some prisons in countries in this region. For example, two months ago I was in The Dominican Republic, where I witnessed the transformation which is taking place there in the New Model prisons which are replacing the degrading and inhuman prisons which existed previously in that country.

Sr Escobar Gil has already described many of the problems which are common to prisons in so many countries. The fact that the prison system is often the poor relation in the criminal justice system and that prisons are the last great secret places in our societies, with their walls and fences built not only to keep prisoner inside but also to keep civil society outside. Prisons which are places of overcrowding, ill-health and violence. Prison systems which lack the most basic resources and whose staff are poorly trained, badly paid and who have little respect in their communities. Reference has already been made at this conference to the need for high rates of imprisonment as a response to rising crime rates. There is little if any evidence to make this link and the answer to a rising rate of crime is not to increase the rate of imprisonment. In all societies those who commit serious crimes are invariably sent to prison. Excessive rates of imprisonment are usually an indication of how a society treats those who are at its margins.

Let me now return to the situation in Jamaica. I will not talk about this latest report on prisons and the terrible conditions which it records. These have been explored and commented on fully by others. Instead, let me comment briefly on a few matters which suggest that change may be possible.

The first thing is that over the last 20 or so years the rate of imprisonment in Jamaica has remained remarkably stable. It has not increased in the way that it has done in the United Kingdom or in some other countries in the Caribbean region. It is in fact the third lowest rate in the region. This indicates that the problem of prison conditions is not an acute one caused by external factors. Rather, it is a chronic one which suggests that it is open to internal remedy.

Another factor is the relatively low proportion of pre-trial prisoners. At 15 per cent it is the lowest in the region. In many countries prison overcrowding is caused by delays elsewhere in the criminal justice process, often on the part of the prosecutor or the courts. That does not appear to be the case in Jamaica, which again indicates that the problem of prison conditions should be resolved by initiatives internal to the prison system and its parent government department. At the same time, there should be concern about the relatively high proportion of minors who are held within the prison system, over nine per cent of the total.

Attention is now turning to the need to have a properly trained cadre of professional prison staff. The need for this has been recognised for many years and one can only hope that the present ambition will become a reality. There is no doubt that the key to a modern prison service is having a staff who are professionally trained, paid at an appropriate level and who have the respect of their fellow citizens.

The problem of poor prison conditions can only be resolved if there is political and public will to do so. That desire for reform will not come about by accident. It needs to be nurtured and encouraged. There needs to be transparency in respect of prisons and what happens within them in the name of the public. There needs to be public debate. This is something which senior prison officials might wish to explore with their ministers.

Part of this transparency can come about by independent scrutiny of prisons. There is now a mechanism for achieving this at an international level through the Optional Protocol to the Convention against Torture, usually known by its acronym OPCAT. Member states of the United Nations which ratify OPCAT agree to allow the UN Subcommittee for the Prevention of Torture entry to all its places of detention and also to set up what are known as National Preventive Mechanisms, that is independent groups of citizens who can visit prisons and other places of detention. To dates 71 countries have signed the Optional Protocol and 61 of these have ratified it. Many of these are in the Americas but as yet none of the Caribbean countries have done so. It would be marvellous if Jamaica could lead the way on this.

Improvements can also be fostered by greater involvement with regional bodies, such as the Inter-American Commission on Human Rights, bodies who are there to support and encourage and not solely to find fault. In this respect, I would strongly recommend that the Principles and Best Practices on the Protection of Persons Deprived of Liberty in the Americas, which was approved by the IACHR in 2008, should be circulated widely within the Department of Corrections.

There are several examples within this region of countries which have successfully begun the process of reforming their prison systems. There is no reason why Jamaica should not join this number. The Commissioner has made clear that this is what he wants. I hope that everyone here will help him to succeed.

Thank you.