

# THE GLOBAL CAMPAIGN FOR PRETRIAL JUSTICE

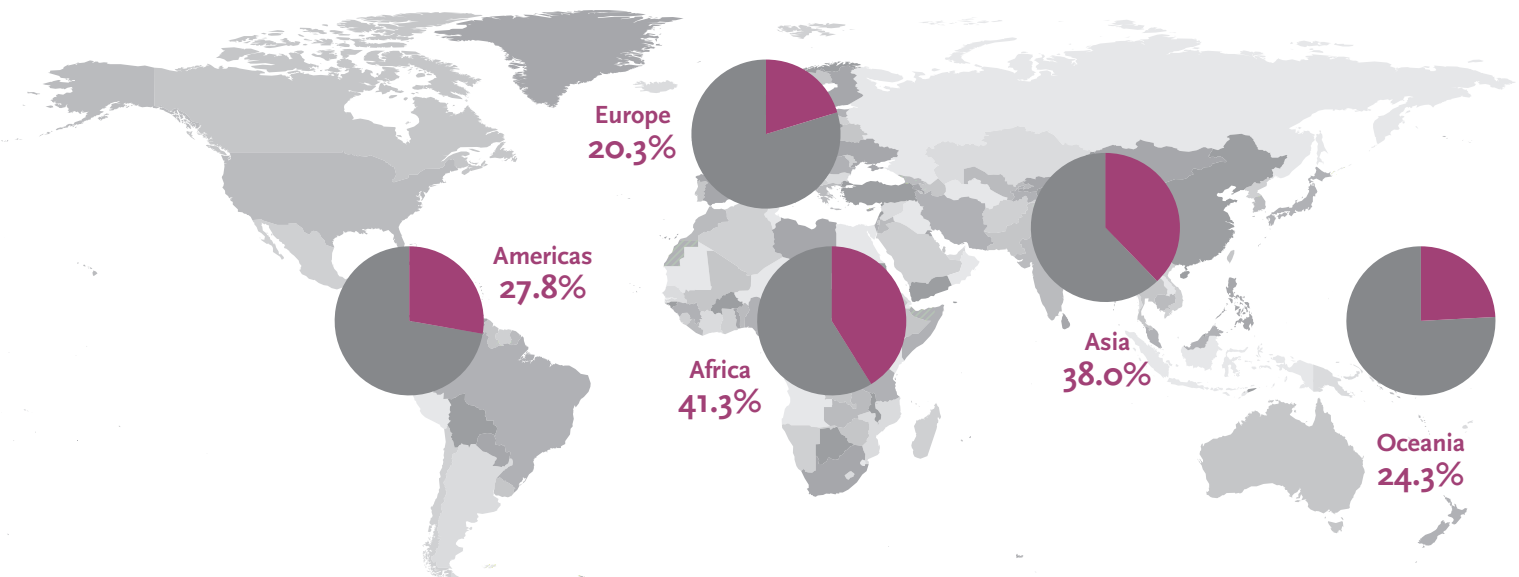
- ▶ Early Access to Legal Assistance
- ▶ Effective Alternatives to Pretrial Detention
- ▶ Accessible, Fair and Transparent Justice Systems

Every day, an estimated **3.2 million** people around the world are behind bars awaiting trial. Many will spend months or even years before appearing in court, often experiencing worse conditions than sentenced prisoners. They may face violence and abuse at the hands of the police, guards or fellow prisoners and risk disease and illness in often crowded and unsanitary cells. The repercussions also extend beyond the holding cells. Poor and marginalized families slip deeper into poverty when family members are detained for prolonged periods, often because they cannot afford to pay bribes and do not have the means to engage a lawyer.

## The Facts and Figures

- In the course of a single year, **over ten million** people will be held in pretrial detention.
- In some countries, **over 70%** of all prisoners are pretrial detainees. This includes Libya (95%), Bolivia (84%), the Democratic Republic of Congo (82%), Liberia (79%), Niger (76%), Congo Brazzaville (75%), Lebanon (73%), Nigeria (72%) and Pakistan and Paraguay (71%).
- **One out of every three** prisoners around the world is awaiting trial and has not been found guilty of a crime.
- Most developing countries have a **shortage of trained lawyers**, with just one lawyer for every 50,000 people in some places. In Sierra Leone, just seven lawyers work in the rural areas, where 80% of the population lives.
- The United States has one of the **highest rates of pretrial detention** ranking 4th in the world (152 per 100,000 of the population).
- The **average time** spent in pretrial detention in the European Union is estimated to be 167 days. In Nigeria, the average time is estimated to be 3.7 years.

## Number of pretrial detainees as a proportion of the total prison population, by region, 2010



Source: World Prison Brief, International Centre for Prison Studies.

## Why Focus on Pretrial Justice?

Decisions taken at the point of arrest, and within the subsequent days and hours of detention, influence everything that happens to a suspect on the road to trial and judgment. Effective administration of pretrial justice can therefore have an enormous impact on the effectiveness of an entire justice system. But governments and donors rarely make pretrial detention a priority, despite the potential benefits – and the human and economic costs when the system does not work.

The Global Campaign for Pretrial Justice was launched in 2009 by the Open Society Justice Initiative and other justice organisations around the globe to focus attention on this area. We seek to document what happens when pretrial justice systems fail, and to develop and share cost-effective ways to get them working.

## Developments To Date

There have been some significant developments over the past two years in the field of pretrial justice: growing recognition of the scale and consequences of the problem; improved legal frameworks that reflect some of the current innovations; and an expansion of pilot programs. Particularly on the legislative side there have been some important advances, including the adoption of:

- The first national **law on legal aid** in Sierra Leone that expressly recognizes the role of paralegals and the benefit of government /civil society partnerships.
- A **European Union Directive** that requires member states to provide arrestees with a 'letter of rights' that forms part of a series of directives aimed at improving the rights of suspects.
- A set of **United Nations Principles and Guidelines on Access to Legal Aid in Criminal Justice Systems**. The guidelines are ground-breaking as they are the first international instrument to focus on legal aid and provide practical guidance from the moment of arrest through all subsequent stages of the criminal justice system.

Pilot interventions have yielded promising results. In Malawi and Sierra Leone – among the poorest countries in the world – paralegal-based interventions have demonstrated how pretrial detainees can be released expeditiously in places with few lawyers. An independent evaluation in Sierra Leone found a 20% decrease in the share of detainees held in pretrial detention following intervention by paralegals at police stations. In Mexico, following a successful pretrial services program in the State of Morelos that focused on juveniles the state government has decided to expand the program to the adult system, and the government of Peru is also exploring adoption of the program.

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For publications and audio-visuals see: [pretrialjustice.org](http://pretrialjustice.org)

## The Consequences of Pretrial Detention



Exposure to **institutional violence**, torture, and gang violence. Both homicide and suicide rates are significantly higher among pretrial detainees compared to sentenced prisoners.



The spread of **infectious diseases** due to overcrowded and unsanitary conditions. When detainees are released, they may carry these diseases back to their home communities.



**Social stigmatization**, including estrangement from family and community and difficulty finding and retaining employment. Children of imprisoned parents also suffer long-term consequences and are themselves more likely to commit a criminal offence later in life.



**Socioeconomic deprivation** as families lose an income, are forced to sell goods or land to pay bribes or engage a lawyer and to travel backwards and forwards, often across long distances visiting a family member in detention.

**Pre-trial detention must...be seen as a measure of an exceptional nature. It should be applied only when all other options are judged to be insufficient.**

Thomas Hammarberg, Commissioner for Human Rights, Council of Europe, 2011

## Regional Focus

The Campaign has evolved towards strong regional components, reflecting differing reform movements and opportunities for exchange and collaboration.

- In **Africa** CSPRI (Civil Society Prison Reform Initiative) at the University of the Western Cape is hosting 'Pretrial Justice in Africa,' [www.ppja.org](http://www.ppja.org), a resource site aimed at collating laws and policies and providing a forum for exchange. APCOF (Africa Policing Civilian Oversight Forum) is leading a regional initiative around a future set of guidelines on policing and pretrial detention and a number of countries are involved in simultaneous research projects looking at the socioeconomic implications of pretrial detention.
- In **Europe** organisations provide frequent inputs on the legislation going through the European Union aimed at improving the rights of suspects and the Legal Aid Reformers Network, [www.legalaidreform.org](http://www.legalaidreform.org), provides a resource site for practitioners.
- In **Latin America** organizations are working as part of a regional network and focus on a number of priority areas: reform/counter-reform movements, the link between the independence of the judiciary and the excessive use of pretrial detention, improvement of legal assistance for poor and marginalized groups and the development of pretrial services.