

UN 8th survey (2001-02): PRISONS data (Questions 12-19) – validation

Introduction

1. Prisons data (information in response to Part IV of the UN 8th Survey) has been received from 55 prison systems in 53 member states, which is nearly 28% of the total UN membership of 191 states.

2. The geographic distribution of the 55 responses is:

AFRICA 3 (Egypt, Morocco, South Africa), AMERICAS 10 (Argentina, Canada, Chile, Ecuador, El Salvador, Mexico, Panama, Peru, USA, Venezuela), ASIA 10 (Japan, Jordan, Republic of Korea, Kuwait, Maldives, Myanmar, Nepal, Oman, Philippines, Saudi Arabia), ASIA/EUROPE 3 (Azerbaijan, Cyprus, Turkey), EUROPE 27 (Albania, Belarus, Belgium, Croatia, Czech Republic, Denmark, Finland, Germany, Hungary, Iceland, Italy, Latvia, Lithuania, Luxembourg, Malta, Moldova, Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Sweden, Switzerland, United Kingdom – England and Wales, United Kingdom – Northern Ireland, United Kingdom – Scotland), OCEANIA 2 (Australia, New Zealand).

Note: Included in addition to the copies of the 55 responses that I have received for study were blank forms from Tunisia and Vatican City, a response in respect of the 7th Survey from Algeria and information on court decisions from Bolivia. Thus, none of these gave information in response to Part IV of the 8th Survey.

3. As with the 6th and 7th Surveys, there was evidence of misunderstandings in relation to certain questions..

4. The following is a commentary on the 55 responses, including suggestions for referring back to the responding country for clarifications and for answers to questions that had been misunderstood, and where, consequently, the information received has to be rejected. I have also noted where information was not provided in response to certain questions. I have not suggested referring back in these cases; the response sometimes explains that the data concerned is not available, and on other occasions it is likely that the absence of answers in respect of e.g. probation or parole is simply due to the fact that these are not part of the criminal justice system in the countries concerned.

Africa

EGYPT . Data appeared generally reliable, but it should be noted that the total number convicted, as revealed in answers to Q16, is higher than the number shown as sentenced in the answer to Q15.3. No information given re Q17. corrected

MOROCCO Data provided seem reliable. No information given re Q18.

SOUTH AFRICA Data seem reliable, but note the difference in the dates selected for Q 15 and 16.

Americas

ARGENTINA Not all questions answered. Note that Q16 totals include unconvicted persons.

CANADA Data not complete (e.g. Q13, 14 and 17 and see footnotes to Q 15 and 16), but what is presented seems reliable.

CHILE In the response to Q12.2 the increase of 8,000 places available between 2001 and 2002 is surprising and should be referred back for checking before being accepted as correct. No information given re Q17.

ECUADOR Data provided seem reliable. No information given re Q17 and 19.

EL SALVADOR Answer to Q12.2 not deducible. Answers to Q16 1-3 correctly relate only to those who have been convicted but answers to Q16 4-5 relate to all persons incarcerated. It is not clear about the answers to Q 16 6-9 but these probably relate (correctly) to convicted prisoners only. Therefore refer back re answers to Q12 and 16.

MEXICO Data provided seem reliable. No information given re Q17.

PANAMA Data provided seem reliable.

PERU Data for Q12-15 appear reliable. Q16 totals include unconvicted prisoners, apparently because of a faulty translation of the Spanish questionnaire [sentenciadas y encarceladas]. So need to refer back for answers required.

U.S.A Data provided is frequently not for 2001 and 2002. Some figures are for 1990, 1995, 1997, 1999, and 2000. Only the answers to Q 15, 16 and 19 are thus comparable with the main body of 8th Survey data. The answers to Q 12 do not include the local jails, of which there were 3,365 in the year 2000, with 677,787 places.

VENEZUELA No information given for Q 13 or, in respect of juveniles, for Q 14 and 16. Juveniles in custody are under a different organisation (INAN). The data provided seems reliable.

Asia

- JAPAN Data provided seem reliable. No information given re Q17.
- JORDAN Data provided seem reliable. No information given re Q17 and only for adults re Q18 and 19. In respect of Q 14, 15 and 16 the answers re juvenile detention are shown separately from those for adult detention and must therefore be added together to get the correct overall totals.
- KOREA (Republic of) Data provided seem reliable. No information given re Q17.
- KUWAIT Data need to be referred back for clarification. It seems likely that the answer given for Q12.1 should be the answer to Q12.2 and that the answer given for Q12.2 should be the answer to Q13.2. The answers to Q14-15 may well be reliable. The answers to Q16 cannot be accepted: none seems likely to be correct with the possible exception of that to 16.1. The answers to Q17 and 19 may well be reliable. No information given re Q18.
- MALDIVE ISLANDS Answer to Q15 does not give total incarcerated (15.1) or number awaiting trial or adjudication (15.2). The number shown as sentenced (15.3) is very high and may be the number sentenced in the whole of the year rather than the number in custody on a selected day. The Q16 answers tally with those for Q15 and so may be subject to the same error. Q17 has been misunderstood and appears to show the number of prisoners serving sentences for each of the different types of offence listed. These data must therefore be rejected and it is necessary to refer back in order to get complete information intended in respect of Q15-17. No information given re Q18.
- MYANMAR It seems that the answer to Q15.1 excludes the persons awaiting trial or adjudication (15.2). This is because 15.3-15.6 add to the 15.1 total. So 15.1 has been misunderstood as requiring the number of persons on whom an incarceration decision has been taken post-trial or post-administrative procedure. The correct answer to Q15.1 is thus the sum of the answers to Q15.1 and 15.2, which is 36,614 in 2001 and 37,667 in 2002. The data for Q16 thus appear reliable, as may well be that for Q17.
- NEPAL Data are only given for 2002. The responses to Q12, 13 and 15 seem reliable. For Q14 only the total is given. It is clear that Q16.3 should read 2,617 and not 2,417. Q17 has been misunderstood and the data must be rejected. Reference back is necessary if the correct information is to be obtained.
- OMAN Data need to be referred back for clarification. Answer to Q12.1 cannot be right but may well be the answer to Q12.2. Answer to Q13.1 is right but

no information is given re 13.2. No information either re Q14. Answer to Q15 is doubtful because it implies a drop in the prison population between 2000 and 2001 of 45%. Much of the data for Q16 cannot be accepted: it is not consistent with that for Q15 and is not internally consistent. But answers to Q16.6-9 could well be reliable.

PHILIPPINES In the Philippines prisoners are held in institutions under the Bureau of Corrections (BC), in institutions under the Bureau of Jail Management and Penology (BJMP) and in provincial jails. The data given are in two parts - from the BC and from the BJMP. There is no information on those held in provincial jails. Thus the data from the BC and the BJMP need to be totalled but are still not the complete picture. BC gives no information for Q12.2. The rest appears reliable. The BJMP answers to Q12-14 seem reliable. Q15.1 is not answered but will be the sum of the answers to Q15.2 and 15.3. The answers to Q16 include awaiting trial and adjudicated prisoners as well as those who are convicted.

SAUDI ARABIA No answers are given re Q 13, 17 and 18 but the Arabic text presumably explains. The answers to Q12 are inconsistent with those given to the 7th Survey. The answers given to Q15 and 16 for 2001 are identical to those given for 2000 in the parallel questions in the 7th Survey. This could be correct if the 7th Survey figures were for 31.12.2000 and the 8th Survey figures are for 1.1.2001. The answers to Q16 are for the whole prison population and not just for convicted persons. It is necessary to refer back to obtain reliable information on the above points.

Asia/Europe

AZERBAIJAN Not all questions answered. Note that Q16 totals include unconvicted persons.

CYPRUS The figures in Q 14 do not add up; I assume that 14.1 should be 236. The figures in Q 15 and 16 cannot be accepted; they appear to relate to the total of prisoners dealt with during the year. For example, the correct figure for 15.1, in both 2001 and 2002, was about 350. It is necessary to refer back for the actual figures. No information given for Q18 and 19.

TURKEY The data given is for August 2003 and so does not strictly deal with the 8th Survey questions, which concern 2001 and 2002. Data for 2001 and 2002 for many of these questions are already publicly available in the Council of Europe Annual Penal Statistics. Concerning these data for August 2003, the answer to Q15.2 cannot be accepted. 4,321 is known from the Council of Europe Annual Penal Statistics data for 2003 to be the total number of remand prisoners who are convicted but not sentenced or are sentenced but have appealed against the verdict or are within the time limit for doing so. It is known that there were, in addition, 28,321 untried prisoners at the

same date. The answers to Q 12-14 and 16 seem to be reliable. Details are not available for Q17, there is no probation in Turkey (Q18) and parole information (Q19) is not available. Not also that the juvenile prisoners (under 18) in the answer to Q16.6-8 appear to be additional to the numbers given in the answers to Q15 and 16.1-2.

Europe

- ALBANIA The data provided is for Ministry of Justice penal institutions only. Other prisoners are held in Ministry of Public Order detention facilities in police stations; these include sentenced prisoners. At the beginning of December 2001 there were 1,722 prisoners in Ministry of Justice institutions and a further 1,331 (including 322 sentenced prisoners) in Ministry of Public Order detention facilities. So the data are incomplete. The data provided for Q 15 and 16 are not internally consistent. For example, the numbers shown as awaiting trial (15.2) are not included in the totals at 15.1, which should be the overall total of persons incarcerated. Again, the total sentenced at the selected date in 2002(15.3) is the same as the number of males shown as convicted (16.2) but, as 16.1 shows, there were also 37 females convicted. Likewise, the total of 37 convicted females, as shown at 16.1, does not tally, as it should do, with the sum of female adults at 16.4(shown as 30) and female juveniles at 16.7(shown as 0). Thus the figures in Q 15 and 16 cannot be accepted as reliable and it is necessary to refer back to obtain amended figures.
- BELARUS As noted in the comments box for Q12, the answers to Q12 omit the figures for the seven pre-trial institutions. These have a capacity of at least 7,000 and perhaps as much as 9,400. Refer back for the correct details about these. All other data appear reliable.
- BELGIUM Data appear reliable.
- CROATIA Data appear reliable. No information given for Q17.2 to 17.18.
- CZECH REPUBLIC Data appear reliable. No information given for Q17.
- DENMARK Data appear reliable. No information given for Q17.
- FINLAND Data appear reliable.
- GERMANY Data appear reliable but incomplete concerning Q14 and 19 and no information available for Q17 and 18.
- HUNGARY Data appear reliable except for Q 16 where answers include those awaiting trial or adjudication.

ICELAND Data appear reliable, but incomplete in respect of Q 17.

ITALY Data appear reliable. No information given for Q17 and 19.

LATVIA Information at 12.1 and 13.1 must be rejected, since it is the number of prisoners. The answer to 12.1 for both years should be 14 and the answer to 13.1 for both years should be one. All other data appear reliable.

LITHUANIA Data appear reliable.

LUXEMBOURG Data appear reliable. No information given for Q17.

MALTA Data appear reliable. No information given for Q17 and 18. Re Q19 there is no parole in Malta.

MOLDOVA Data appear reliable. No information given for Q17 and 18.

NETHERLANDS The Q16 data must be rejected and it is necessary to refer back for the correct figures; apparently the categories have been misunderstood and the data are internally inconsistent. Other data appear reliable. No information given for Q17.

POLAND Data appear reliable. No information given for Q17-19. Note also that the answers to Q13 are part of and not additional to the number of prisons and beds shown in the answer to Q12.

PORTUGAL Data appear reliable. No information given for Q17-19.

ROMANIA Note that the official capacity in 2001-2 (based as it was on 6m³ per prisoner) was about 10,000 lower than the number of beds available, as shown in the answer to Q12.2. The answer to Q13.2 should almost certainly be 1,699 and not 699. Q17 has been misunderstood and the data must be rejected. It shows the number of prisoners serving sentences for each of the different types of offence listed. No information given for Q18.

SLOVAKIA Re Q17 the information is not available in the form requested. Information on Q18 is not available.

SLOVENIA Data appear reliable. No information given for Q17. Note re Q12 and 13 that there are 7 penal institutions in Slovenia, with one of the six prisons including space for juveniles sentenced to imprisonment and the seventh institution being a 'correctional home' for juveniles.

SWEDEN Data appear reliable, but note that answer given against Q13.1 relates not to Q13.1 but to Q13.2. The answers written against 13.1 and 13.2 show the

number of places in the two types of custodial institution for juveniles. No further information (i.e. in the answers to Q 14-16) is given for one of the types of juvenile custody, namely that known as 'closed juvenile care'.

SWITZERLAND All data given appear reliable. No information given for Q17-19.

UK - ENGLAND and WALES Data appear reliable.

UK – NORTHERN IRELAND Information for Q 12, 13 and 14 is incomplete. Data in Q 16 are for all prisoners and not just the convicted. No information is given for Q18 and 19.

UK – SCOTLAND Data in Q 16 are for all prisoners and not just the convicted. Information for Q18 and 19 is not available.

Oceania

AUSTRALIA Not all questions answered but data given appear to be reliable.

NEW ZEALAND Data appear reliable but no information on Q16.3-16.9, 17, 18.2-3 and 19.2-3.

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