

GLOBAL INCARCERATION AND PRISON TRENDS

by Roy Walmsley*

Abstract

The present article provides an overview of the extent and ongoing trends in respect of global imprisonment and suggests that there is an urgent need to tackle a crisis that, while aimed at punishing individuals, may also prevent them from returning as effective and functioning members of society.

INTRODUCTION

The latest figures available indicate that more than 8.75 million people are being held in penal institutions around the world, either as pre-trial detainees (remand prisoners) or having been convicted and sentenced.** Since, according to the United Nations Population Fund report *The State of World Population, 2002*, there were about 6.2 billion people in the world in 2002, this means that the world prison population rate is approximately 140 per 100,000 citizens. To put it another way, about 1 out of every 700 persons in the world is being held in a penal institution. The countries with the highest prison populations are shown in table 1.

Figures in table 1, however, may be more a reflection of the size of the national population of each of the countries than of their practice in terms of incarceration. It is the prison population rate (per 100,000 of the national population) that must be used for a comparison of the numbers of people that countries are holding in their penal institutions. This is illustrated in figure I below, which shows the 24 countries and territories with the highest prison population rates in the world.

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**World Prison Population List. The List was first published in 1999 by the Research, Development and Statistics Directorate of the Home Office of the United Kingdom of Great Britain and Northern Ireland as *Research Findings No. 88* by Roy Walmsley. The fourth edition was published in 2003 [1]. The World Prison Brief, a comprehensive database of information on the prison systems of the world developed out of the List and is available on the Internet (www.prisonstudies.org). It is produced at the International Centre for Prison Studies, King's College, University of London. Important sources for these products include the United Nations surveys on crime trends and operations of criminal justice systems.

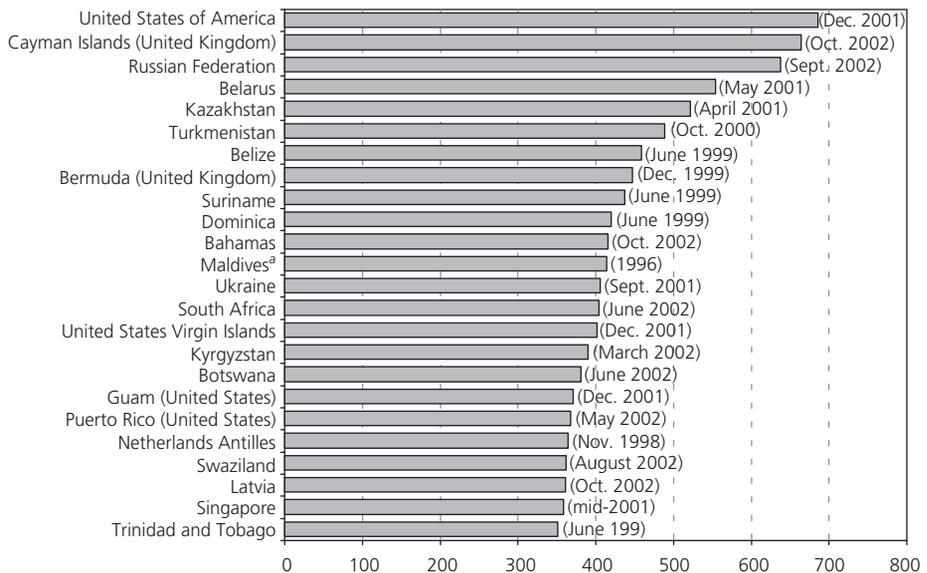
Table 1. Countries with the largest number of people held in penal institutions

<i>Country</i>	<i>Prison population</i>	<i>Date</i>
United States of America	1 962 220	31 December 2001
China	1 428 126 ^a	mid-2001
Russian Federation	919 330	1 September 2002
India	281 380	1999
Brazil	233 859	December 2001
Thailand	217 697	mid-2001
Ukraine	198 885	1 September 2001
South Africa	176 893	14 June 2002
Islamic Republic of Iran	163 526	April 2002
Mexico	154 765	30 June 2000

^aSentenced prisoners only.

Figure 1. Countries and territories with the highest prison population rates

Prisoners (per 100,000 inhabitants)



^aSentenced prisoners only.

The United States of America has the highest prison population rate in the world: 686 per 100,000 of the national population at the end of 2001, almost five times the overall world rate. Second on the world list is the Cayman Islands, with a rate of 664 per 100,000 in October 2002. The Cayman Islands is a small Caribbean territory whose prison population is substantially inflated by the presence of drug smugglers who are nationals of other countries. After the United States and the Cayman Islands come the Russian Federation, Belarus, Kazakhstan and Turkmenistan (all former republics of the Union of Soviet Socialist Republics) and then Belize, Bermuda, Suriname and Dominica (all bordering on or islands of the Caribbean); these 10 countries and territories all have rates exceeding 400 per 100,000.

It is important to note that the countries and territories with the highest rates as illustrated in figure I do not necessarily have the most punitive criminal justice systems. They may simply have more serious crime to contend with or they may be more effective in solving and bringing to justice those who have committed a serious crime on their territory.

The countries and territories listed in figure I all have rates exceeding 350 per 100,000 inhabitants but it needs to be emphasized that this level of incarceration is much greater than is to be found in most parts of the world, since more than three fifths of countries (62.5 per cent) have rates below 150 per 100,000. Some of the lowest rates are to be found in smaller countries, although India, Indonesia and Nigeria are notable exceptions to this, and four countries in Western and Central Africa also have very low rates, despite national populations of over 8 million. One or two very small countries have artificially low rates, since they have only one, relatively insecure, prison institution and consequently have an arrangement with a neighbouring country, or in the case of a dependent territory with the administering Power, to hold prisoners who need more secure conditions or a more developed prison regime.

The countries and territories with the lowest prison population rates are shown in table 2 below.

Another important aspect of the situation relating to the world prison population is the fact that prison population rates vary considerably between different regions of the world and between different subregions of the same region. For example, in Africa the median rate for Southern African countries is more than seven times that for Central and West Africa. In the Americas, the median rate for the Caribbean countries is almost three times the rate for South American countries. In Asia, the median rate for the

Table 2. Countries and territories with the lowest prison population rates

<i>Prisoners per Country or area</i>	<i>100,000 inhabitants</i>	<i>Date</i>
Faroe Islands (Denmark)	21	2000
Burkina Faso	24	September 2002
Nepal	25	1999
Vanuatu	25	mid-1999
Yugoslavia: Kosovo (Serbia and Montenegro)	27	May 2001
India	28	1999
Indonesia	29	mid-2001
Comoros	30 ^a	1998
Solomon Islands	31	mid-1999
Gambia	34	September 2002
Nigeria	34	March 2002
Federated States of Micronesia	34	1997
Mali	35	February 2002
Angola	37	mid-2002
Guinea ^b	37	mid-2002

^aApproximate figure.

^bConakry.

republics that were Central Asian countries of the former Union of Soviet Socialist Republics is almost eight times the rate for South Central Asian countries (mainly on the Indian subcontinent). In Europe, the median rate for Central and Eastern European countries is more than three times that for Southern European countries. The countries of Oceania (including Australia and New Zealand) have a median rate that is some 20 per cent below the world average.

These subregional variations are as follows:

Africa

Western and Central Africa	50
Eastern Africa	122
Northern Africa	124
Southern Africa	362

Americas

South America	107
North and Central America	164
Caribbean	297

Asia

South-Central Asia	54
West Asia	108
South-East Asia	118
East Asia	175
Central Asia	426

Europe

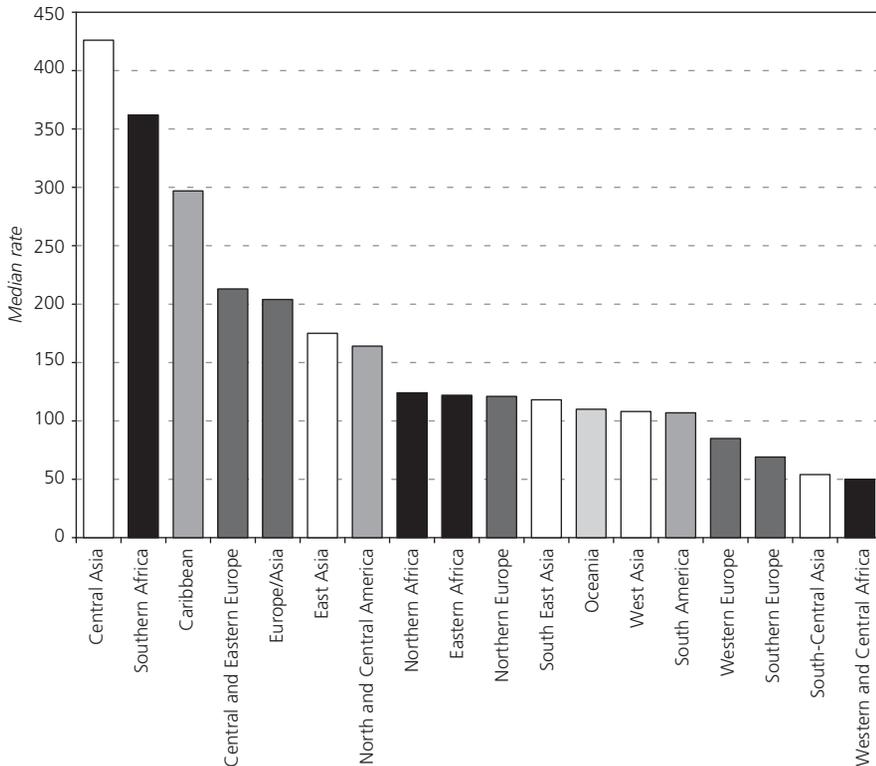
Southern Europe	69
Western Europe	85
Northern Europe	121
Europe/Asia	204
Central and Eastern Europe	213

<i>Oceania</i>	110
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The data on subcontinents presented above are presented in figure II, beginning with the subregion with the highest prison population rate. It is clear that Central Asia, Southern Africa and the Caribbean have particularly large numbers of people behind bars.

Figure II. Prison population rates, by subregion

(Prisoners per 1,000 inhabitants)



Growth and trends in prison populations

Prison populations grew during the 1990s in many parts of the world. In Europe, they grew by over 20 per cent in almost all countries and by at least 40 per cent in one half of the countries; in the Netherlands, the prison population grew by 89 per cent. The prison population also grew in the six most populous countries in the Americas: the prison population growth was only 12 per cent in Canada, but between 60 and 85 per cent in Argentina, Brazil, Colombia, Mexico and the United States. Countries in other regions followed a similar growth pattern: 50 per cent in Australia, 38 per cent in New Zealand, 33 per cent in South Africa and 10 per cent in Japan. The general trend during the 1990s, at least in many developed countries, was for the prison population to increase, often by 40 per cent.

In recent years, it has been possible to monitor movements in the prison population of 173 countries. In 68 per cent of those countries, the prison population has risen. It has risen in 22 out of 36 African countries (61 per cent), in 28 out of 41 countries in the Americas (68 per cent), in 27 out of 31 Asian countries (87 per cent), in 32 out of 49 European countries (65 per cent) and in 8 out of 16 countries in Oceania (50 per cent), including Australia and New Zealand, the two largest countries in Oceania. There is thus a consistent pattern in all parts of the world. Some of the rises are substantial. For example, in Africa there have been rises of 38 per cent in Ghana over the last four years, 35 per cent in Malawi over four years, 24 per cent in South Africa over four and a half years and 26 per cent in Cameroon over five years.

In the Americas there have been rises of 50 per cent in El Salvador over three years, 50 per cent in Mexico over three and a half years, 38 per cent in the Dominican Republic over three and a half years and 40 per cent in Brazil over four years.

In Asia, there have been rises of 112 per cent in Cambodia over four years, 66 per cent in Thailand over three years and nine months, 51 per cent in Indonesia over four years and 35 per cent in Sri Lanka over four years.

In Europe, there have been rises of 45 per cent in Poland over two and a half years, 27 per cent in Finland over one year and eight months, 50 per cent in Greece over four years, 46 per cent in the former Yugoslav Republic of Macedonia over four years and 39 per cent in Ireland over four and a half years.

In Oceania, there has been a rise of 27 per cent in Australia over four years.

Although the trend is towards prison growth, there have been decreases in the prison population in almost one third of the countries where movements have been monitored. These, however, have generally been smaller than the increases in the other countries.

The most notable in Africa is a decrease of 22 per cent in Rwanda over three and a half years, mainly as a result of a reduction in the number of persons for suspicion of participating in the genocide of 1994. In the Americas, there has been a decrease of 28 per cent in Saint Vincent and the Grenadines over 3 years and nine months. In Europe, there have been decreases of 22 per cent in Switzerland over 2 and a half years, 31 per cent in Northern Ireland (United Kingdom) over four years and 21 per cent in Bulgaria over three years. No significant recent decreases have been monitored in the prison population of countries in Asia or Oceania.

Reasons for prison population growth

It is well established that crime rates alone cannot explain the movements in prison populations. In many countries, crime rates, including rates for the more serious crimes, have been stable or even decreasing, while prison populations have risen steadily. Part of this rise in prison populations is attributed by many experts to an increasing belief in a number of countries that prison is preferable to the alternatives.

As André Kuhn pointed out in 1997 [2], an increased fear of crime, a loss of confidence in the criminal justice system, disillusionment with positive treatment measures and the strength of retributionist philosophies of punishment all lie behind this belief. Loss of confidence in the system may lead to more draconian legislation being passed and harsher sentences may be used as emergency remedies to keep society integrated. Retributionist philosophies can readily be translated into popular demand for longer, tougher sentences. Such factors certainly appear to have led to a change in attitudes in some parts of Europe and North America among key groups (policy makers, members of the judiciary, prosecutors and the media) as well as among the general public.

Attitudes can also be influenced in the short term by isolated dramatic events, which can result in the public demanding a more punitive response to certain crimes and offenders. Such a demand may be accepted by both policy makers and the courts. After the media has moved on to other issues, the more punitive policy responses tend to remain in place.

A review of the factors that seem to have influenced the growth in the prison population in certain countries where major increases have recently occurred, indicates that the growth is the result of changes in policy. It is because of greater use of imprisonment, longer sentences and, in many European countries at least, more restricted use of parole or conditional release.

Why large prison populations matter

People often ask whether it matters if there is a large prison population. In principle, the more criminals that are locked up, the less crime they can commit; however, research has shown that, to have a significant effect on crime levels, far more people would have to be locked up and for longer periods—at great public expense—than even the countries that are most enthusiastic about imprisonment have been willing to do.

If a country finds it necessary to lock up a high proportion of its population, what does that say about the nature of the country? The countries with the highest prison population rates lock up more than 1 out of 80 of their male citizens, that proportion is much higher if boys too young to be imprisoned and older men are excluded (very few are included in prison populations). What does that say about the social cohesion of those countries? Does social cohesion matter? Should the emphasis be more on promoting social integration and less on locking people up?

Regardless of what a person might think about these broader issues, it is the practical considerations that are the most powerful in demonstrating that high prison population rates really do matter. High prison population rates and growth in prison populations invariably lead to overcrowding. The better-off countries manage to build more prisons as the numbers rise, but overcrowding still persists. Overcrowded prisons are a breach of United Nations and other international standards, which require that all prisoners are to be treated with respect to their inherent dignity and value as human beings, including being accorded a reasonable amount of space.

High prison population rates and growth in prison populations not only result in prison overcrowding, but also tend to be accompanied by a host of other major problems in prisons: restricted living space, poorer conditions of hygiene, poorer sanitation arrangements and less time for outdoor exercise. In many countries, there is insufficient bedding and clothing available for prisoners when there is significant prison population growth and

the food is less satisfactory in terms of quality and quantity. Health care is also more difficult to administer effectively. There is more tension, more violence among prisoners and more violence directed against the staff. There is increased risk of self-injury and suicide.

When there is growth in prison numbers the ratio of staff to prisoners invariably falls. Reduced staff-to-prisoner ratios are likely to mean less effective supervision by the staff and less time for them to organize activities to ensure the existence of a positive regime that maximizes the chances of former prisoners being successfully reintegrated into the community. In particular, treatment programmes, including pre-release courses, are likely to be negatively affected. Furthermore, there are likely to be harmful effects on staff in terms of increased stress and sickness. There are also likely to be harmful effects on families and friends outside the prisons, because they rapidly become aware of the increased levels of tension and stress affecting prisoners and staff.

It has been said that prisons are “universities of crime” and imprisonment is “an expensive way of making bad people worse”. It is clear that imprisonment in conditions of growth in numbers and overcrowding is even more damaging.

Measures for reducing high prison population rates

What can be done to reduce high prison population rates and to combat growth in prison populations? If it is accepted that imprisonment should be used as sparingly as possible, then even a prison population rate that is not among the highest may need to be reduced. Even when the overall prison population in a country is not particularly large, there will often be overcrowding, at least in some pre-trial prisons.

First of all, less use can be made of pre-trial (or remand) imprisonment. In many countries, suspects are detained in prison almost automatically once they are arrested. In other countries, it is known that pre-trial imprisonment is often unnecessary. Legislation needs to be in place to ensure that there are appropriate restrictions on the circumstances in which pre-trial imprisonment can be used, so that it is limited to cases where offences are particularly serious or where, for some other reason, it is clearly not in the public interest to allow the suspect to remain in the community.

Secondly, when a person is held in pre-trial imprisonment, the period should be as short as possible. In many countries, investigation procedures

are long, and even when a decision has been taken to prosecute there are delays in arranging the court hearing because there is a backlog of cases. Legislation can be introduced to shorten the time allowed for investigation. Thirdly, it is important to increase the availability of alternatives to prison sentences. The existence of alternatives certainly does not guarantee that the prison population rate will not be high, but in many countries the courts have limited options: only fines, imprisonment and sometimes suspended imprisonment. Probation and community service have been introduced in a number of countries and are planned in others. Community service is showing signs of reducing prison population totals, for example in sub-Saharan Africa. Then there is the question of ensuring that there are actual reductions in the use of prison sentences for convicted offenders. In many countries, large numbers of persons are held in prison although they are not regarded by anyone as posing a danger to society or as having committed so serious a crime that only imprisonment could reflect its gravity. In other countries, such people are not imprisoned and prison population levels are lower. A wider application of the United Nations Standard Minimum Rules for Non-custodial Measures (the Tokyo Rules) (General Assembly resolution 45/110, annex) on alternatives to imprisonment is recommended.

Where prison sentences are unavoidable, they can be made as short as possible. Again there are vast disparities between the length of sentence that offenders are likely to get for a particular crime in one country and the length they would get in another. Although such disparities can be explained by differences in legislation and public opinion, it does not mean that longer sentences provide for more security of citizens. High prison population rates can be reduced by increasing the use of early release procedures, such as parole and conditional release. On the contrary, many countries have become more restrictive in granting early release. However, there are a number of advantages, from the point of view of the public and therefore from the point of view of potential victims to increasing the use of parole. The most obvious must be the assistance that parole can give to the reintegration of the offender into the community.

If the above-mentioned measures are ineffective in reducing the prison population, or cannot be applied, for example because they have not been legislated for or because they would not be acceptable in a particular country, then consideration can be given to the use of amnesty for less serious offenders who are approaching the end of their sentences. Amnesty is essentially a measure of short-term value, but if high prison population levels and overcrowding cannot be effectively combated in any other way, amnesty can play a useful role.

Finally, restorative justice is a measure that can be an alternative not only to the use of imprisonment, but also to the use of the criminal justice system itself. Restorative justice is increasingly being recognized as the way forward in a number of circumstances, not all of them involving minor offences. Although there is no concrete evidence that restorative justice has led to a reduction in prison populations, it is believed that it will play an increasing role in doing so as it is used more and more instead of criminal justice procedures, instead of imprisonment and during imprisonment, as a measure that is likely to create the conditions in which earlier release becomes possible.

Reducing high prison population rates: getting the measures accepted

It is one thing to identify the measures that can be taken to reduce high prison population rates and to combat prison population growth; it is another to persuade those concerned to take those measures. Merely changing laws and creating possibilities of new non-custodial sanctions are not enough. To get the measures accepted, it is necessary to convince all the key players in the criminal justice world. The policy makers, including government ministers, and legislators must be convinced; so must the judiciary and the police and prosecutors; and it is vitally important to convince the media and the general public. Policy makers and legislators must be helped to understand what imprisonment can achieve, what its limits are and what its dangers are. They must also fully understand the financial costs entailed in a high level of imprisonment. If they are not impressed by the arguments for greater humanity and social reintegration, they will sometimes be impressed by the expense of imprisoning so many people.

The judiciary obviously has a key role to play. Its members must also become fully aware of what imprisonment can and cannot achieve and of the harm it can do. All judges ought to be familiar with prison conditions and well informed about the opinions of prison experts, especially including those who work in prisons and with prisoners. They should also receive information concerning the impact of their sentences on prison population levels and, where possible, on the future criminal careers of those whom they sentence. Furthermore, they should be informed about sentencing disparities, although they may regard disparities between their own practice and that of others merely as a result of the difference in individual cases. Some judges are known to be resistant to anything that they view as a restriction on their discretion, and there is a possibility that information

on disparities will lead as much to raising the level of more lenient sentences as to reducing the level of harsher ones. But the broader the picture they receive of practice in other jurisdictions, for example, and the better they are able to accept it through improved judicial training, the less of a risk this may be. Clearly, any policy of reducing the use of imprisonment and the length of sentences must win the hearts and minds of the judges.

The police and prosecuting authorities often exercise a major filtering influence in the criminal justice system and not only in respect of offenders whose crimes are so minor that they would be unlikely to receive sentences of imprisonment. Efforts to provide criminal justice officials with balanced information about imprisonment should extend to the police and prosecuting authorities. However, it is not just the criminal justice professionals that need to be persuaded. The media and the general public play a crucial role in many developed countries. The media are the source of a great deal of information, both true and false. It has been argued by Thomas Mathiesen [3] that, intentionally or not, the media have the effect of exerting pressure on policy makers to make decisions based less on principles than on what will be readily acceptable to the prejudices of the average voter, who is not well informed in such matters. Mathiesen suggests that this weakens the importance of national debate on fundamental issues of criminal policy. The media image is thus selective, simplified and skewed and drives discussion down to the level of the sound bite. If this analysis is accepted, it may well be that the public's fear of crime, and hostility towards offenders in general, needs to be counteracted by providing more accurate descriptions of offenders and the circumstances in which they commit their offences and by providing information on the functions of punishment, on the relative effectiveness of custodial and non-custodial measures and on the reality of prisons. The public is not generally aware of the problems faced in prisons, nor is it aware of the dangers of uncontrolled use of imprisonment or of its human and financial costs. Representatives of the media who are receptive to these issues can be drawn into a debate on how criminal justice should be reported. The basic requirement is for more responsible media coverage. Media watchdogs could be required to ensure that coverage of sensational and rare offences and incidents is balanced; at the very least such coverage should point out how rare such incidents are.

The International Crime Victim Survey includes a question on public attitudes towards punishment, asking the respondents what sentence they considered most appropriate for a recidivist burglar—a man aged 21 who is found guilty of burglary for the second time, having stolen a colour television. A community service order was seen as the most appropriate

sentence in the industrialized countries providing results in the 2000 Survey: 41 per cent of respondents recommended it. Imprisonment was recommended by 34 per cent of respondents and was the first choice in half of the countries, the greatest support being in the United States, where 56 per cent of respondents opted for it. In Japan and the United Kingdom of Great Britain and Northern Ireland, over 50 per cent of respondents favoured imprisonment [4].

How successful can anyone hope to be in significantly influencing policy makers, judges, the media and the public in this way? Maybe many dramatic turnarounds cannot be expected, but every little bit helps and dramatic turnarounds are certainly not impossible. In Finland, for example, there was a steady downward trend in the prison population during the 1990s. The trend had started in the 1970s. Tapio Lappi-Seppala argues [5] that specific law reforms that were expressly designed to reduce the prison population were introduced, for example redefining laws and penalties concerning theft and increasing the use of suspended sentences and parole. Lappi-Seppala draws attention to the fact that the decisive factor was not the reforms themselves but the readiness of civil servants, the judiciary and the prison authorities to use all available means to bring down the number of prisoners. They had noticed that the neighbouring Scandinavian countries each had a much lower number of prisoners and that the figure for Finland was a legacy of Soviet influence on the country. That led a group of key individuals to recognize Finland's prison population rate as a problem and to produce a number of measures, not only law reforms and alterations to sentencing practice, but also low-level, day-to-day decisions, which all contributed to the desired result. According to the findings of the International Crime Victim Survey, public support for community service orders in Finland increased markedly after 1989, when the sanction was introduced in the country, suggesting that change in formal sentencing can increase support for alternatives to imprisonment. So, it can be done, if the determination can be created in the right quarters.

To do this, criminal justice experts need to ensure that the key people are well-informed; provide information to and stimulate discussion among opinion formers, the media and the general public; challenge media misrepresentations; draw attention to how similar countries or jurisdictions cope differently; and bring the key people together to promote policy discussions, leading to decisions as to the direction in which policy ought to move.

If steps are not taken to reduce high prison population rates and stem the growth, then the current 8.75 million in prison will soon become 10 million

or more and a significant minority will be locked away, at great cost in human as well as financial resources, despite the fact that there is only a need to incarcerate a far smaller number, either to register abhorrence at what has been committed or to protect people from further serious crime.

References

1. Roy Walmsley, "World Prison Population List: fourth edition", *Findings*, No. 188 (London, Home Office Research, Development and Statistics Directorate, 2003).
2. André Kuhn, "Prison population: how many? why? what is to be done?", unpublished conference paper, 1997.
3. Thomas Mathiesen, "The media, public space and prison population", *Prison Population in Europe and North America: Problems and Solutions* (Helsinki, Ministry of Justice of Finland, 1997).
4. John van Kesteren, Pat Mayhew and Paul Nieuwbeerta, *Criminal Victimisation in Seventeen Industrialised Countries: Key Findings from the 2000 International Crime Victim Survey* (The Hague, Ministry of Justice of the Netherlands, 2000).
5. Tapio Lappi-Seppala, "The fall of the Finnish prison population", *Journal of Scandinavian Studies in Criminology and Crime Prevention*, vol. 1, No. 1 (2000), pp. 27-40.