

A Comparative Study  
of

# Treatment of Prisoners and Non-Custodial Measure in ASEAN



## **Preface**

The treatment process starts from the admission of prisoners and continues until their release. Rehabilitation of prisoners an important feature and should be shared with all stakeholders. Indeed, it should follow the guidelines for the treatment of prisoners and the universal standards and humane principles. The research team has envisioned the benefits of the study in this area and this led to the comparative study of the treatments of prisoners in Thailand and 10 other countries, especially in the South East Asia region: Laos, Cambodia, Malaysia, Vietnam, Singapore, Brunei, Philippine, Indonesia and Myanmar. These countries share similarities in many context and can be applied to the Thai correctional system.

The research team has cooperated with the Thailand Institute of Justice (TIJ) to conduct the study “Comparison of Treatment for Offenders Inside and Outside the Corrections among the ASEAN Countries.” The aim is to integrate the knowledge management, the administration guidelines, and the treatment of the offenders inside and outside the correctional institutions, including the prison management for offenders in ASEAN countries. Moreover, this study is intended to compare and promote the understanding of treatment for offenders among ASEAN countries. Also, this will be the guideline for future collaboration between countries in the region.

The research team hopes that this research will be beneficial for all readers in understanding the ways of treatment of prisoners in each country in the South East Asia. This also helps all relevant staff in the correctional field to understand the appropriate rehabilitation of prisoners.

Research Team

# Content

	Page
1. Brunei Darussalam	1 – 23
2. Cambodia	1 – 22
3. Indonesia	3 - 33
4. Laos	4 - 10
5. Malaysia	5 - 25
6. Myanmar	6 - 19
7. Philippines	7 - 21
8. Singapore	8 – 26
9. Thailand	9 – 24
10. Vietnam	10 – 10
11. Comparative Table	11 – 27

# 1

# Brunei Darussalam



Source: CIA, 2014

## Introduction

Brunei Darussalam is located to the north-west of Borneo Island. The country is separated into two parts, both surrounded by the state Sarawak of Malaysia. The internal administration of the country is divided up into 4 districts (daerahs), namely, Brunei-Muara, Belait, Temburong, and Tutong. According to the national census conducted in 2011, Brunei's population was 393,162 with 202,668 males and 190,494 females. The ethnic Majority of the population is Muslim. The official language is Malay (or Bahasa Malaya) (according to the Department of Economic Planning and Development, 2012).

Negara Brunei is a single state, governed under constitutional absolute monarchy having the Sultan (the king) as the head of state and also Yang Di-Pertuan of Brunei Darussalam. The country is governed under the philosophy of MIB: Malay, Islam and Beraja (the King) which is the core belief system widely accepted of the country. Malay is the official language and the nation's cultural and traditional beliefs. Islam is the central of law and national values. Beraja or the king is the head of state that shall bring security, affluence, and prosperity to the nation while Brunei citizens are required to be loyal to royal institutions.

Brunei uses both custodial and non-custodial measures for the treatment of offenders. Prisons Department is responsible for custodial measures. Meanwhile, probation services, as non-custodial and alternative measures for both adult and young offenders, are under the collaboration of various organizations namely, the Probation and Community Services Unit, the Magistrate's Court, Police Department, Narcotics Control Bureau, and Attorney General's Chambers. The legal framework for the treatment of offenders is outlined in the Prison Act 1979 and its subsidiary legislation<sup>1</sup> (for custodial measures), Children and Young Persons Order 2006 and the Offenders (Probation and Community Service) Order 2006 (for non-custodial measures).

According to a report proposed to APCCA conference in 2013, the Brunei government is preparing to introduce Syariah<sup>2</sup> (Islamic) Criminal Penal Code. The Code will definitely affect practices of the Brunei criminal justice system from the investigation procedure, court trials, criminal penalties to the enforcement of sentences.

## 1. Treatment of Prisoners

### Prisoner Classification

Upon the admission to prison, prisoners are examined by Medical Officer to check the state of their health. There is a Reception Board in every prison, responsible for prisoner classification. In classifying the prisoner, the board shall consider prisoners' age, behavior, as well as their background. Newly admitted prisoners will

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<sup>1</sup> Chapter 51 of the State Law of Brunei Darussalam

<sup>2</sup> The term Syariah has variation English spelling, can also be spelled as Shariah or Sharia.

also be interviewed by the reception board. Different uniforms are used to identify prisoners in different classification levels. Under Clause 32 of Prison Rules 1984<sup>3</sup>, there are 4 types of prisoners in Brunei:

1) Young Prisoners Class: convicts who are under 17 years old. They are marked with “Y.P.” on their uniforms.<sup>4</sup>

2) Star Class: first-time and well-behaved convicts with no vicious tendencies or habits. They are marked with a red spot on uniforms.

3) Ordinary Class: all other convicted prisoners. They are marked with a black spot on uniforms.

4) Unconvicted Class: all debtors, remandees, awaiting trials, vagrants, and persons detained for safe custody or for warranty.

Besides the specified class above, the General Director may stipulate additional classes, for example, for rehabilitation purpose. According to Brunei’s report for the 33<sup>rd</sup> APCCA, the Inmate Rehabilitation Classification system categorizes prisoners into 3 classes as follows;

1) The R Class (low): prisoners who are unlikely to re-offend (for first time offenders with strong family support)

2) The S Class (moderate): prisoners who are likely to re-offend if appropriate intervention is not provided (second-time or more offenders with limited family support)

3) The T Class (High): prisoner who at risk of re-offending unless intensive intervention is given (for second-time or more offenders with no family support)

Brunei Prisons Department (2013)

There is a separate prisoner classification in place for rehabilitation purposes, please refer to the best practice section on evidenced base rehabilitation. As regards to the prisons conditions and circumstances, prisoners in each class should be kept separate into their classes.

### **Class/Type of Prisoners**

The progressive prisoner levels are arranged in every prison. Prisoners in higher level shall receive higher privileges. Each prisoner is promoted under the conditions specified below. This progressive levels system is also used as mechanism for discipline. Prisoners who commit disciplinary offences or are continuously lazy at work will be subjected to level demotion or suspension of level promotion for a certain period of time. If a prisoner receives a suspended level discipline, he or she has to fulfill a no-

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<sup>3</sup> Prisons Rules, Subsidiary Legislation under section 62 of Prison Act 1979

<sup>4</sup> The definition of prisoners in Young Prisoners Class is different from definition of Prisoners Class under the Prison Act and Prisons Rules which specified Young Prisoners means any person who is under the age of 18 years and whether convicted or not, under the detention in any prison (Section 2 of Prison Act).

further-misconduct period specified by prison authority before eligible for promotion. In addition, prisoners in different levels are entitled to different level of privileges, for example contacts and visit. The table below summarizes the definitions of prisoners in each level, employment and earning scheme, and conditions for promotion as specified in the Prison Rules.

**Table 1 Summary of Prisoner Stage**

Stages	Imprisonment / Prerequisite	Employment	Earning Scheme	Promotion conditions
First Stage (having a red bar on the left sleeve of their jumper and left leg of their shorts)	Short sentence prisoner (imprisonment for period less than 6 months)	be employed in hard or light labor	6 dollars each month - subject to good conduct and work contributed - receive on release	N/A
Second Stage (having two red bars on the left sleeve of their jumper and the left leg of their shorts)	Long term prisoner (imprisonment for a period exceeding 6 months)	being employed in hard or light labor	- not eligible to participate in the Earnings Scheme	- must stay in this Stage for a minimum period of 3 months - have no disciplinary charge for a period of at least one month - good conduct and industry

Stages	Imprisonment / Prerequisite	Employment	Earning Scheme	Promotion conditions
Third Stage (having three red bars on his left sleeve of his jumper and the left leg of his shorts)	Being promoted from second stage	- be employed in hard or light labor  - be employed in constructive work (as the officer in charge may direct)	- eligible to participate in Earnings Scheme	- must stay in this Stage for a minimum period of 15 months  - have no disciplinary charge for a period of at least three months  - always show good conduct and industry
Fourth Stage (having four red bars on his left sleeves of the jumper and left leg of his shorts)	Being promoted from the third stage	- be employed at hard or light labor  - be employed in a trade (as officer in charge may direct)	- eligible for promotion in Earnings Scheme (on condition that he show excellent conduct and high standards of working skill)	- must stay in this stage for a minimum period of 18 months  - have no disciplinary charges against him for a period at least six months  - always show good conduct and industriousness



Stages	Imprisonment / Prerequisite	Employment	Earning Scheme	Promotion conditions
Special Stage or Honor Prisoner (they wear special blue uniform)	Being promoted from the fourth stage	- be employed in a trade or any labor (as the officer in charge may direct)	- eligible for promotion in the Earnings Scheme (on condition that he shows good conduct and maintains high standard of working skills)  - if he is able to continue his excellent conduct from the time of entering the fourth stage until his release, he will be eligible to receive 7 days early release	

### **Vocational Training / work**

Every prisoner is required to work on a useful task, except prisoners deemed by medical staff unfit to work. If the medical staff holds the opinion that a prisoner is not fit for hard labor, he or she shall be allocated to do one or more light-labor works. Light labor includes sewing, gardening, laundry, cleaning and white-washing inside prison or any other similar works. The responsible prison staff is authorized to allocate work which is most suitable for each prisoner considering his or her proficiency, length of sentence and resources available in prison.

### **Earning Scheme**

Under the condition in the progressive stage system (please refer to class and type of prisoner), prisoner is eligible to receive payment for work done and the skills utilized in their industry. Under the earning scheme, prisoners are classified into 3 grades as follows:

Grade A	Being highly skilled at trade and showing excellent conduct (Highest Grade)
Grade B	Being skilled at a trade but have not reached a degree of (Intermediate Grade) proficiency to be Grade A
Grade C	All other prisoners who are eligible to the Earning Scheme (Normal Grade)

From the start, when a prisoner enters into an Earning Scheme, he or she will be assigned to Grade C. A promotion to Grade A and Grade B depends on his or her skill and conduct. A prisoner is entitled to spend up to a maximum of two-thirds of his monthly revenue. Such money can be used for purchasing tobacco or other items as allowed by responsible staff.

### **Education in Prison**

Evening education classes are arranged in every prison for prisoners who wish to study both correspondence courses or private study or handicraft courses in their leisure time. Illiterate prisoners are strongly recommended to study and are eligible to take a class in substitute of prison work. There are libraries in every prison and every prisoner is able to borrow books as often as practicable, depending on their stage (details are specified in the table of privileges annexed to this report). Every prisoner is eligible to receive suitable books or magazines from homes.

### **Welfare / Social work**

#### Accommodation

Prisoners are confined during the night time in a separate cell, under the conditions of each prison. However, in special circumstances, the Director General may authorize the incarceration of not more than 3 prisoners in one cell. All prisoners are provided with bedding supplies. Every prisoner shall daily take exercise and attend recreational activities, except those deemed unfit.

#### Clothes

Wearing prison clothes is compulsory for all prisoners, and refusing to wear their uniforms is deemed as a minor disciplinary offence. Clothes of prisoners must be changed and washed daily. Unconvicted prisoners are allowed to wear their own clothes.

#### Diet

All prisoners are provided with foods by prisons under the recommendations of the Director of Medical Services. No prisoners shall receive or have any food in his possession other than that specified in the diet scale, except when authorized by the responsible staff in special circumstances or when approved by medical staff as necessary for them. Unconvicted prisoners may receive or purchase other luxury items, books and papers, clothes or foods.

Medical officers are responsible for a regular examination of prisoners' foods (cooked and uncooked) and water, as well as the sufficiency and quality of their clothes and bedding supplies and a submission of written report to the officer-in-charge.

Table 2 : Table show food provided for prisoners

TABLE 2 (a) (1)			TABLE 2 (b) (1)		
Prison No. 1			Prison No. 2		
FOOD	QUANTITY (GRAMS)	FREQUENCY	FOOD	QUANTITY (GRAMS)	FREQUENCY
<b>1. Daily food provided for the Prisoner</b>					
Rice	150	Daily	Suppl	15	-
Meat	50	-	Meat	15	-
Curry oil	-	-	Bean or soybean	5	-
Black oil	5	-	Egg	5	-
Curry leaf	5	-	Lupine (lent, peas, peas, kidney beans, chick, etc.)	25	-
Local meat	5	3 times per week	Fish	10	-
Local fish	5	3 times per week	Edible cooking oil	5	-
Local fish	5	3 times per week	Green	5	3 times per week
Local or other animal origin diet	-	-	Onion	5	3 times per week
Eggs or other	-	-	<b>2. Special Diet for Inmate-Dependent Prisoner</b>		
Local fish or other vegetables	5	Daily	Rice	2	Daily
Local fish, bean, or peas	5	-	Suppl	4	Month
Bread	2	-	Meat, Suppl	25	3 times per week
Local fish or other	5	-	Lupine	1	Daily
Curry leaf	5	-	Black Rice	125	-
Suppl	15	-	Oil	15	-
Local fish, bean	5	-	Curry oil	5	-
Egg	1 egg	3 times per week	Green leaf vegetables	4	-
Milk	15	Daily	Non leaf vegetables	4	-
Local fish or other	5	-	Onion	5	-
<b>3. Daily food provided for the Prisoner</b>					
Bread	10	Daily	Meat	5	-
Local Meat or fish	5	-	Local Meat	1	-
Green Vegetables	4	-	Suppl	5	-
Green leafy veg.	5	-	Local Meat	1	-
Non leafy vegetables	5	-	Oil	5	-
Local Meat	5	-	<b>4. Special Diet for ill Prisoner</b>		
Meat or Suppl	1	-	Rice	125	Daily
Local Meat	5	-	Green leafy fish	2	-
Meat	5	-	<b>5. Special Diet for ill Prisoner</b>		

Source: First Schedule in Brunei

### Medical Services and Treatment

In Brunei's prisons, both medical and dental officers work inside prisons daily. A medical unit or appropriate area for sick prisoners are arranged inside prisons. Professional opinions of medical officers are regarded highly in the determination of how prisoners should be treated. Medical staff shall examine prisoners upon their admission and before the assignment of any work or level of disciplines. They are entitled to give written recommendation to the officer-in-charge when any health concern, both physical and mental, is present and there is a need to alter disciplines or prisoner treatment. Otherwise, these might harm a prisoner or the rest of his or her counterparts. Moreover, medical staff are required to conduct prison inspections monthly in order to examine the sanitary at a prison, prisoners' health, foods and dietary table.

### Prisoners' Health

Medical staffs are required to examine every prisoner admitted to a prison and then arrange a medical record for each prisoner. Medical officers shall see every prisoner weekly and visit those in close confinement daily. Chief officers shall report immediately if there is any ill prisoner. In addition, they are responsible to submit daily to a medical staff a list of ill prisoners, prisoners who claimed to be ill and prisoners detained in cells shall. In the case of prisoners suffering from serious illnesses or being confined in prisons which are not suitable for their health condition, medical officers are entitled to relocate prisoners to a government hospital or any other hospital if approved by the Minister.

### Mental Disorders

Medical officers shall report to responsible authority when there is a prisoner suffered or likely to suffer from a mental injury, or those with mental disorder are present. They also responsible for consultation on how to treat such prisoners. In addition, they can also make a request to relocate such prisoners to psychiatry hospitals and appropriate settings for safe custody

### **Contacts (visits / letter / telephone)**

Generally, prisoners are allowed to communicate with outsiders under the terms provided in the Prisons Act and Prisons Rules. Only their fellow prisoners in the same location, relatives, and friends are allowed to communicate with prisoners. Ex-prisoners are not allow to contact current prisoners except those with written permission from the responsible authority. Access to visits and letters varies in accordance with prisoner's level as shown in the table below.

### Letters

Every prisoner is allowed to write a letter to inform their imprisonment upon their admission or transfer. All outgoing or in-coming letters are checked by responsible staff. If inappropriate content or length are found, they can be denied by staff.

Staff may allow letters in substitute of visits. Also, in special circumstances as mentioned below, a prisoner shall be allowed to write and receive extra letters:

- (a) the death or serious illness of close relatives;
- (b) emergency of business or family matters ; or
- (c) employment arrangement or assistance for release.

### Normal Visits

Visits are allowed during official hours. On holidays, only visits on emergency matters are authorized. At one time, no more than 3 visitors are allowed for each prisoner. Visiting area is arranged in the location where staff can see and hear the conversation. When the language used is not understood by staff, a translator has to be present. In case of suspicion, the officer reserves the right to search visitors.

### Legal Visits

Legal advisors can visit prisoners on matters regarding relevant legal proceedings of prisoners. Visits should take place in the area where staff can see prisoner and visitors but cannot hear their conversation. However, visits by legal advisors on other matters, approval by responsible staff must be obtained and visiting area is arranged so that staff are able to observe and hear conversations.

### Consular Visits

Foreign prisoners are entitled to consular visits by their consular representatives.

### Police Visits

At any reasonable time, the police may visit and interview any prisoner in the area where prison staff can see and hear the conversation, unless approved by responsible authority that such visit has to be confidential. The purposes of police visit shall be for:

- (a) Identifying offenders;
- (b) Photographing
- (c) Taking statements from prisoners considered necessary for the investigation under the Criminal Procedure Code or authorized by other laws; and
- (d) Any other purpose authorized in writing by the Officer-In-Charge

### Special Visits

- If a prisoner with a serious illness requests a visit by close relatives or friends, the medical officer, in his discretion, may give an order in writing for a special visit.

- In the case that a prisoner with a long term sentence and have no visit since his or her admission for a period of three years, the Director General may consider the transfer of such prisoner to a prison close to his home and may allow visit by relatives or friends for a specific time period.

## Grievances

Generally, prisoners may submit their complaints to the Visiting Justice, the Director General, the officer-in-charge, and the matron (in case of female prisoners).

### Grievances to the King

Prisoners can submit their petitions to the King on any matters from their legal issues, sentences and any other subject. For death row prisoners, they may submit their petition to the King at any time during their sentence. On the other hand, other prisoners can submit one petition per year (12 months period).

### Grievances through Visiting Justices

Every year, the Minister appoints a Board of Visiting Justices. The board member has a responsibility to visit and inspect the assigned prisons. The inspection covers all areas of the prison such as wards, cells, yards, solitary punishment cells and other areas. The Visiting Justice is also authorized to inspect and test the quality and quantity of prisoner's foods. They can visit prisoners, receive complaints and also interview them.

**Table 3 : Comparison of contact privileges of prisoners in each stage**

Stage	Condition	Letter	Visit
First Stage	No conditions required under the law	Write and receive one letter every 4 weeks	Receive one 15-minute visit every 8 weeks
Second Stage	Show good conduct and be diligent in work	Write and receive one letter every 4 weeks	Receive one 20-minute visit every 8 weeks
Third Stage	Show good conduct and be diligent in work	Write and receive one letter every 3 weeks	Receive one 20-minute visit every 6 weeks
Fourth Stage	Show good conduct and be diligent in work	Write and receive one letter every 2 weeks	Receive one 30-minute visit every 4 weeks

Stage	Condition	Letter	Visit
Special Stage	Show good conduct and be diligent in work	Write and receive one letter every week	Receive one 30-minute visit every 2 weeks

### **Pre-release**

Reintegration of prisoners into society is recognized by all prison officers in Brunei. The strategic plan of the department aims at the effective rehabilitation through ethical and moral reformation, education and vocational training programs. Since all prisoners classified fit to work, they have to work inside prisons. They are trained with marketable skills during their incarceration. Rehabilitation programs include psychological rehabilitation (individual counseling, group counseling family counseling); moral rehabilitation (such as religious education, religious activities according Islamic calendar); Civic Rehabilitation by organizations both governmental agencies and private sector; and social rehabilitation (carpentry and handicraft, farming, livestock, laundry, car wash and services, gardening and landscape and building maintenance). The Department also implements community based reentry programs. This program engages stakeholders and communities including trading and education agencies in order to help prisoners with skills and opportunity for employment after release.

## **2. Treatment of specific prisoners**

### **Female prisoners**

Female prisoners must be kept separate from male prisoners, and male prison officer are strictly not allowed to enter the female section, except on duty or escorted by female officers.

Matrons are assigned to supervise female prisoners in women prisons. It is required that they visit and inspect the prison areas where female prisoners work or live twice daily, especially where there are sick prisoners or prisoners in solitary confinement or on a specific diet as part of discipline. Normally, female prisoners are treated with the same standards as applied to their male counterparts. Upon their arrival to a prison, they are subjected to medical screening and entitled to receive the same standard of care while living in prison. However, as females and males have different physical stamina, works and vocational training assigned for female prisoners do differ from males. The works for women prison include tailoring, knitting, fine arts or weaving, food preparation, laundry services agriculture, landscape and cleaning. In addition, in response to women's special concern about their life after being released, the re-entry program for female prisoners is established to engage governmental and non-governmental agencies to assist them on successful reintegration into the community.

### Mothers in prison

According to the APCCA 32nd report, from 2007-2011, there were a total of 14 prisoners who were pregnant upon admission to prisons, and 3 of them gave birth during incarceration. Generally, the mothers are allowed to raise their babies in designated cells/blocks for a period of no more than 2 years. However, a longer period may be allowed if deemed as beneficial to a child. For example, children of foreign national prisoners are allowed to stay in prison with their mothers as they have no relatives outside the prison. Facilities and supplies such as bedding supplies for mothers and children, diapers, toiletries, bottles and babies' foods are provided under the governmental expenses.

### Drug Addicts

Pusat Al-Islah Drug Rehabilitation Center was transferred from Brunei Prisons Department to Narcotics Control Bureau in 2008. This center adopts Therapeutic Community (TC) as the rehabilitation method, mainly for the treatment of Amphetamine and other related substances. Methyl amphetamine (categorized as Amphetamine Type Stimulants) is the most common drug abused in Brunei (Nor Al-Aimi Haji Jamain, 2010). The process of treatment consists of both medical detoxification and inpatient programs. Psychiatric staffs supervise the program providing interventions and special assistance for psychotic clients or anyone who is at risk of severe depression. The rehabilitation program combines behavioral, psychological, emotional, intellectual, spiritual, survival, and vocational training elements. In addition, Islam and other religions' activities are also used as a method to rehabilitate the program's participants.

## 3. Treatment of prisoners with non-custodial measure

### **Parole**

According to the APCCA 33rd report, the parole system is about to be used in the correctional system.

### **Remission**

Prisoners who have shown good conduct in prison may receive remission on their sentence and are entitled to be released when they serve the remaining sentence. Remission may be granted to prisoners who have imprisonment sentences of more than one month. The maximum remission received is one third of the sentence. However, all prisoners must serve at least a month in prison. Records of remission is kept for all prisoners. They contain details of the sentence term, remission allowed, remission forfeitures (in case of disciplinary punishment) and the earliest date of possible release.

### **Transfer**

International Transfer of Prisoners Order 2011 has come into effect in 2011 allowing prisoners to be transferred between Brunei and prospective countries.



## **Probation**

There are two pieces of legislations on probation for adult and young offenders namely the Offenders (Probation and Community Service) Order 2006 and the Children and Young Persons Order 2006. The probation system in Brunei is a collaboration between various governmental agencies namely the Police Department, Narcotics Control Bureau, Attorney General's Chambers, The Magistrate's Court, Department of Community Development, Ministry of Culture, Youth and Sport and Probation and Community Service Unit.

For cases which the Magistrate Court deems eligible for probation, the court will request probation officers to prepare a Pre-sentence report (PSR). The PSR is a thorough social report of the offender which includes details on family, education, health and other socio-economic issues. It also contains the recommendation of the probation officer whether such offender is suitable for probation and other relevant recommendations. Under Brunei law, the length of probation can range from the minimum of 6 months to the maximum of 3 years.

When the Magistrate Court issues probation order for any offender, the probation officer has a responsibility to supervise him or her and ensure a compliance with the probation conditions as well as give advice and assistance to probationers as deemed appropriate in order to prevent them from reoffending.

Each probationer shall have an individualized case management plan (ICMP) which shall be reviewed regularly when developments on progress and changes of any outstanding risks, strength and circumstances are present.

In addition, the court may also order an offender to serve community service. In this case, the probation staff can assign such the probationer of the service with not more than 240 hours work.

### Young Offenders

If the probation officers find in the PSR that a young offender is not suitable for probation, he or she may recommend such young offender be placed in an approved home or school for at least 2 years but not more than 3 years. However, in the case of serious juvenile offenders, before the court order is issued, the pre-sentence report are examined by the Magistrate Court and the Panel of Advisors which consists of experts in various fields such as the treatment of young persons, Islam Law (Syariah), local culture and society.

For the probation of young offenders, the Probation and Community Service Unit usually organizes the rehabilitation program for both probationers and their parents. The program includes the solution of relationship problems (if any) between probationers and parents, and parenting skills for the youth, etc.

## 4. Organizational Management

Brunei correctional system is under the administration of Brunei Prisons Department, Ministry of Home Affairs. The department has adopted a 20 year strategic plans (2005-2025) to prepare the organization for any future challenges for correctional services. The plan developed based on the population forecast, current indications, and trends of socio-economic conditions such as crime, future or amendment of legislative and policy. The plan covers the improvement of efficiency of administration and operation in the following areas:-

- Enhancing of detention and management of inmates through effective and sophisticated security systems to facilitate a safe environment for inmate rehabilitation
- Improving the effectiveness of rehabilitation through spiritual and moral reformation, education and vocational skills training programs
- Creating public awareness and enhancing the co-operation between the department and government agencies including public organizations such as NGOs in facilitating the re-integration of ex-offenders
- Restructuring the department to meet the needs of current times and environment to improve the performance, productivity and quality of services.

Each objective in the strategic plan will be implemented through action plans which will be complemented and be in line with the action plans of other agencies under the supervision of Ministry of Home Affairs. The strategic plan will be reviewed every 5 years for necessary amendments.

### **Mission**

To protect society with safe humane custody and ideal rehabilitation of offenders to become useful and responsible members of society

### **Vision**

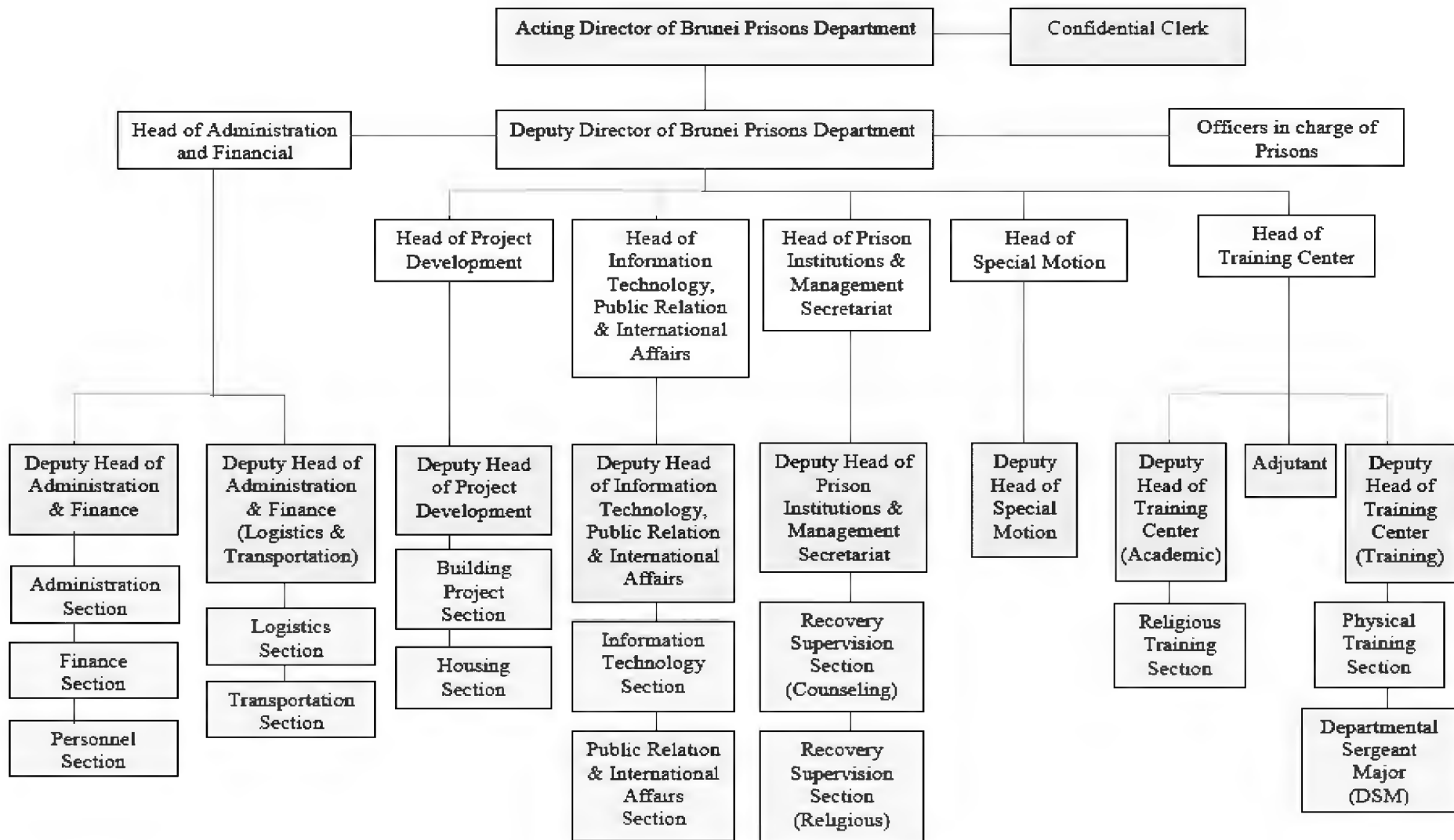
To be an excellent rehabilitation institution

### **Objectives**

“The department’s objectives are based on two specific areas:

1. Protection – Securing public safety by detaining and guarding inmates securely with appropriate facilities.
2. Reformation/rehabilitation – To provide various rehabilitation programs for behavioral reform so as to encourage repentance, knowledge-seeking and moral improvement as so to reform the 7890 inmates through an ideal rehabilitation approach so that they can return to the society as useful, knowledgeable and law abiding citizens.”

*Brunei Prisons Department (2012), pp. 1-2*



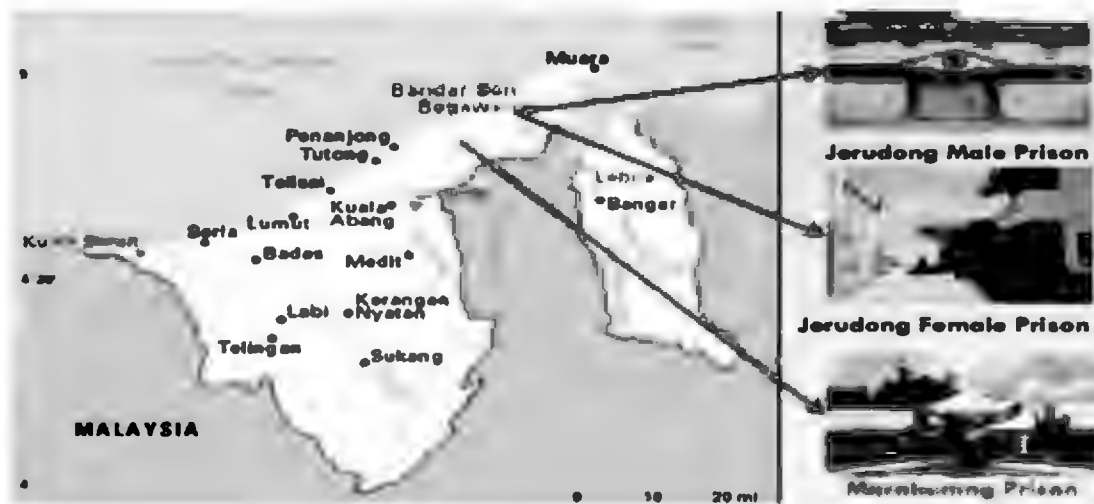
## Prisons Management

Overall, there are three correctional institutions in Brunei, located in two locations namely Jerudong prison in Kilanas and Brunei-Muara and Maraburong Prison in Keriam, Tatung. Jerudong Prison consists of male and female prison units and Maraburong prison is designated solely for male prisoners.

Jerudong prison is the first and oldest prison of Brunei. It was established in 1954 while the department was still under the police force. After the separation from Police Department in 1959, the Jerudong prison was transferred to Brunei Prisons Department and relocated to the current location in 1980. There are 2 prison units in Jerudong prison, which are male and female prisons. Jerudong prison is authorized to hold all categories of prisoners; remand and convicted prisoners, from one day imprisonment to life imprisonment.

Maraburong prison is a new prison, operated since 1<sup>st</sup> August 2001 and completed its phase II expansion in 2010 (Shen K.J., 2010). It was designated for incarcerating first and second time male offenders. The prison comprises of a training center for trainee prison wardens and cadets, High security Detention Block, Multi-purpose Hall and sport complex. Currently, Brunei Prisons Department is proceeding in the development of third phase of Maraburong prison. This phase will include the construction of additional male block, administration block, medical facilities, and vocational training block

*Figure 1: Location of prisons in Brunei*



## Personnel Management

Brunei Prisons Department has approximately 600 staff (Brunei Prisons Department, 2013). There are two categories of staff, uniform and civilian who support multi-functioned tasks of the department such as administration, securities, counseling, or instructing.

### Recruitment of Staff

All candidates applying to work with the department are required to have a diploma or degree level. For the uniform staff, the recruitment conducted by the department. The candidates must pass physical tests and the department examinations and interviews. Whereas the recruitment of civilian staffs such as those who are prison counselor, instructor, and clerk is managed separately by the Civil Servant Department.

All new staff are required to undergo 6 months pre-service training arranged by prison training center. The training covers both physical training and specific training for correctional service. The course includes foot drill, self-defense as well as general knowledge on prison law, emergency and riot drill, and basic management skill.

### Career and Promotion

Brunei Prisons Department divides its career path into two main levels namely operational and administrative levels. Basically, every staff will be assigned to work in a position in the department for some time. Later, if their performance is evaluated as excellent, they will be promoted to higher positions where they are given more challenging positions to show management skills and where they must co-operate with higher ranking staff. They will also be involved in policy implementation or decision making.

The administrative level ranges from senior officers which are in charge of subordinate officers at the operational level to senior executive's levels such as superintendents. It is compulsory that every senior officer needs to pass the official examination, the General Orders Examination by Civil Servant Department and the financial regulation examination by Ministry of Finance.

The recruitment of senior ranking officers such as superintendent and below is open to all, not limited for those with a correctional background. It is required that the senior ranking officers must have high qualifications with good experiences and knowledge in penal systems as well as rehabilitation and treatment. However, the appointment of Deputy Director General and Director General levels is under the discretion of Ministry of Home Affairs.

### Training

Apart from pre-service training, officers can also attend the Civil Institute Training Services which conducts various training courses for all governmental officers such as management training. For executive staff, the courses offered range from strategic matters, financial management, people management, high level analytical to policy development skill. Civil Institute Training Service requires that every governmental officers attend at least 100 hours of training.

The department also sends staff to participate in professional skills training overseas. The department also supports and encourages officers to further their education in any related field both locally and abroad. Scholarships are given from diploma level to Doctor of Philosophy level. Currently, there are many prison officers who have graduated in the field of criminology, counseling, engineering and computing

at the level of diploma to degree level from various countries such as Australia, United Kingdom, Malaysia and others.

### **Relevant Law**

In principal, Brunei Prisons Department works under the Prison Act (1979) which was amended twice in 1985 and 1989. The Penal Codes and Criminal Procedure Act also play an important role in the criminal justice system of Brunei. From the government's plan, in the near future Syariah Law will also become influential to criminal law and criminal law procedure of the country. After the implementation of Syariah Law in Brunei, there are changes to be made to the contry's criminal justice system.

## **5. Best Practice**

### Evidence-based rehabilitation<sup>5</sup>

In order the return law abiding and useful citizens to the country, the department views that it is necessary to dedicate the efforts on rehabilitation program and services. The department currently integrates collaboration with both governmental and non-governmental agencies to the reintegration programs to ensure the successful re-settlement of the prisoner after their release. The community based service includes both in care and aftercare programs and the provision of services to offenders. The department has updated its in care Rehabilitation Framework and appointed an ad hoc committee to improve the current rehabilitation program. There are three phases of rehabilitation under the rehabilitation framework "INVESTS"; classification and orientation (phase 1), education and intervention (phase 2), and reintegration (phase 3). The Religious Rehabilitation Program<sup>6</sup> is also an important rehabilitation program which is continuously repeated at every step of the rehabilitation under the framework.

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<sup>5</sup> This project is the on-going reformation rehabilitation scheme used in Brunei prisons which potentially can be considered as good practice if successfully implemented.

<sup>6</sup> The Religious Rehabilitation Program is considered as SPRITUAL in the INVESTS framework.

*Figure 1 : Meaning of the keywords under “INVESTS” framework*



*Source : Brunei Prisons Department, 2013*

*Phase 1 : Classification and Induction (6 months)*

In this phase, inmates will participate in the induction program such as orientation and ice breaking activities. The classification will also be arranged in this phase along with the psychological and the religious rehabilitation program, and basic skills training.

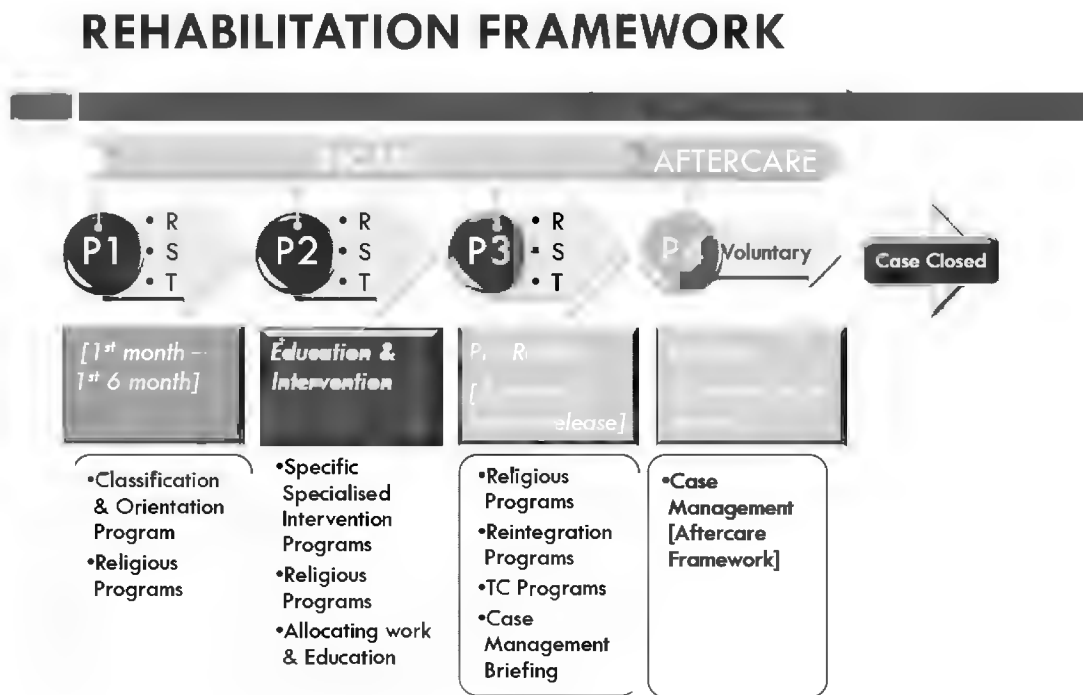
*Phase 2 : Education and Intervention (at least 6 months after the end of phase 1)*

This phase concerns giving a change to the inmates. The specific specialized intervention programs are highlighted in this phase and community engagement will be established for the inmates. Vocational skills training and academic programs of education will be provided for inmates as well. The inmates will be allocated work considered suitable for them. The inmates must continuously participate in religious program rehabilitation.

*Phase 3 : Pre-release (6 months before release)*

In this phase, various rehabilitation programs conducted in phase 2 continue their programs into this phase with the addition of the preparation of the inmate to be released to the society. The pre-release reintegration programs such as love – and – care, community engagement program, TC programs, and case management briefings will be offered to inmates depending on their specific necessities.

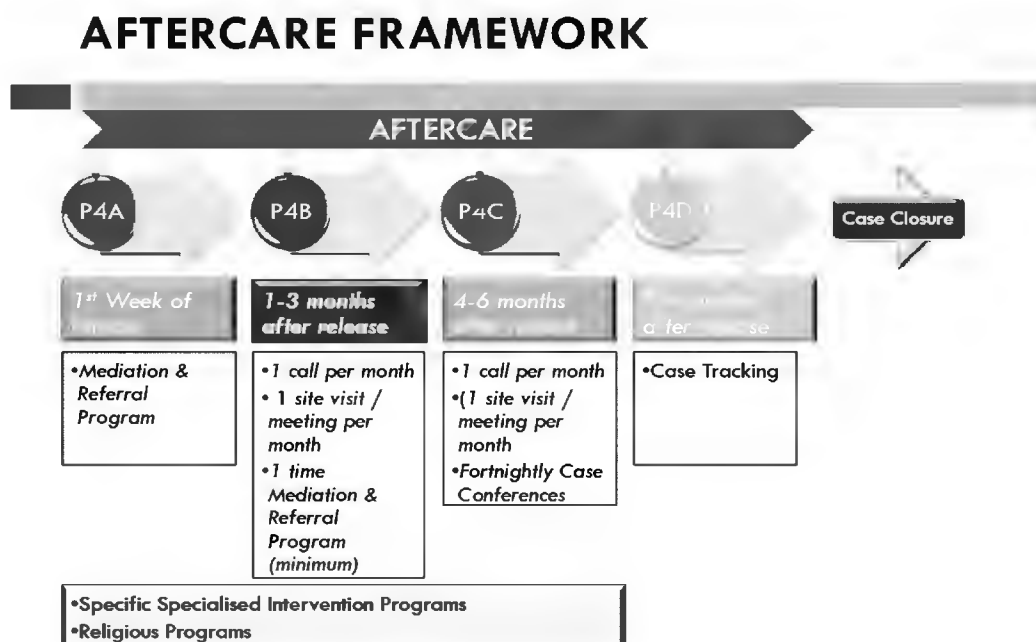
*Figure 2: Rehabilitation framework both in care and aftercare service*



*Source: Brunei Prisons Department, 2013*



*Figure 3 : Proposed rehabilitation framework on aftercare service*



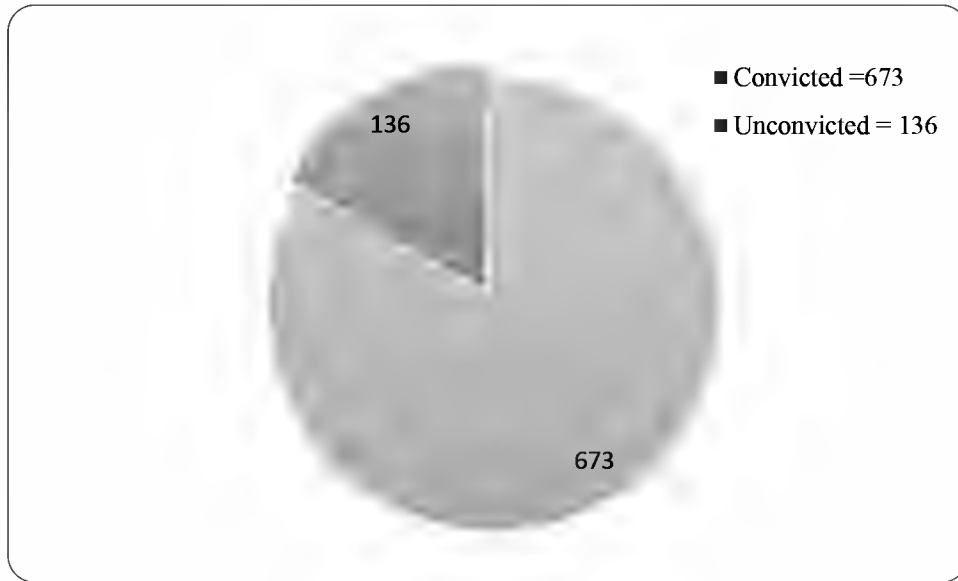
*Source: Brunei Prisons Department, 2013*

The department aims to further establish Care Network as part of Aftercare framework. A permanent aftercare office in Bandar Seri Begawan has been proposed to facilitate continual aftercare service to ex-offenders. The additional community based programs are planned to be established in the future i.e. work allotment, special visit programs, parole, home detention and expanded work release scheme.

## 6. Statistics and figures

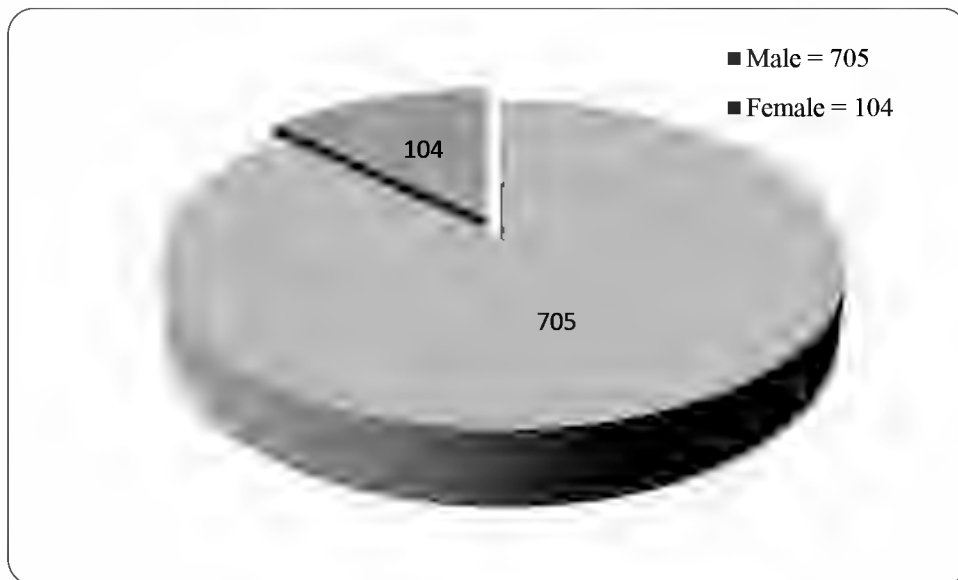
In 2012, there were 809 prisoners in Brunei which was an increase of 19% from the previous year. The population rate is at 122 prisoners per 100,000 of the national population (International Center for Prison Studies (ICPS), 2013). The significant decrease of prisoners awaiting trial (from 196 in 2011) is a result of the reduction of case proceeding in petty crimes.

**Table 1: Types of Inmates**



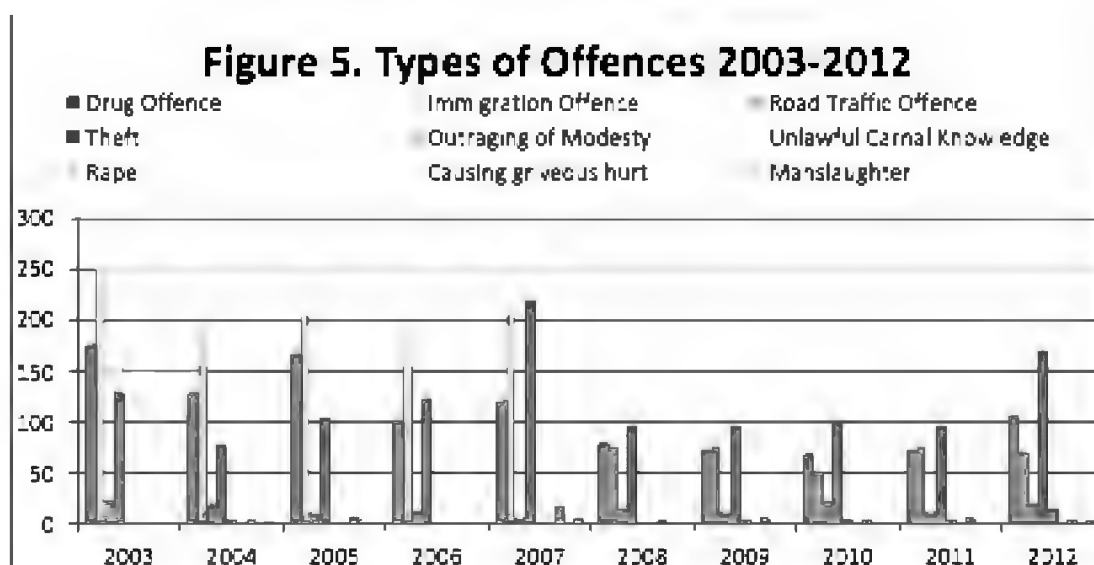
Source : Brunei Prisons Department, 2012

**Table 2: Prisoner Gender**



Source : Brunei Prisons Department, 2012

*Figure 3: Number of prisoners categorized by offences*



*Source : Brunei Prisons Department, 2012*

**Table 4: Statistics on Adult and Youth Probation from July 2010 – March 2013**

Crime Category	Youth						Adult					
	Cases Received		Probation		Recidivism		Cases Received		Probation		Recidivism	
	M	F	M	F	M	F	M	F	M	F	M	F
Traffic	17	1	23		1							
Theft	1	1	4	1	1		1		1			
Rape	1											
Drugs							5		3			1
Others	4											
Overall Total	33	2	27	1	2		6		4			1

*Source: Department of Community Development, 2013*

## Bibliography

### Books

- BRUNEI PRISONS DEPARTMENT (2012). Challenges and Initiatives in Corrections. In 32<sup>nd</sup> Asian & Pacific Conference of Correctional Administrators. . Bandar Seri Begawan, Sunday 7<sup>th</sup> – Saturday 12<sup>th</sup> October 2012. Bandar Seri Begawan: APCCA. pp. 1-10
- DEPARTMENT OF COMMUNITY DEVELOPMENT, PROBATION AND COMMUNITY SERVICE UNIT (2013). Recent Development in Probation and Non-Custodial Measures. In ASEAN Plus Three Conference on Probation and Non-custodial Measures 2013. Bangkok, Wednesday 3<sup>rd</sup> –Friday 5<sup>th</sup> April 2013.
- UNITED NATIONS OFFICE ON DRUGS AND CRIME (2014) Prison Systems and Management in Southeast Asia: An Overview. Bangkok: UNODC.

### Online articles

- ASIAN AND PACIFIC CONFERENCE OF CORRECTIONAL ADMINISTRATORS (2012) Official Website of APCCA Conference Reports [Online] Available from: [http://www.apcca.org/uploads/APCCA\\_Report\\_2012\\_Brunei.pdf](http://www.apcca.org/uploads/APCCA_Report_2012_Brunei.pdf) [Accessed 11 June 2014].
- BRUNEI DARUSSALAM LEGISLATIVE COUNCIL (2012). Brunei Darussalam's Country Report – Narcotics Control Bureau. In the 9<sup>th</sup> Meeting of ASEAN Inter-parliamentary Assembly (AIPA) Fact Finding Committee (AIFOCOM) to combat the drug menace. Yogyakarta. Sunday 8<sup>th</sup> – Thursday 12<sup>th</sup> July 2012. AIPA [Online] Available from <http://www.aipasecretariat.org/wp-content/uploads/2014/02/BRUNEI-DARUSSALAM-COUNTRY-REPORT1.pdf>. [Accessed 15 July 2014]
- BRUNEI PRISONS DEPARTMENT. (2014) Official Website of Brunei Prisons Department [Online] Available from: <http://www.prisons.gov.bn/index.htm> [Accessed: 5 June 2014]
- BRUNEI PRISONS DEPARTMENT (2013), Challenges and Initiatives in Corrections. In 33<sup>rd</sup> Asian & Pacific Conference of Correctional Administrators. New Delhi, Sunday 22<sup>nd</sup> – Saturday 27<sup>th</sup> September 2013. APCCA. [Online] Available from <http://apccaindia2013.gov.in> [Accessed 11 June 2014].
- CENTRAL INTELLIGENCE AGENCY (2014) Official Website of CIA [Online] Available from: <https://www.cia.gov/library/publications/the-world-factbook/geos/rp.html> [Accessed 10 June 2014]
- Children and Young Persons Order, 2006 (CYPO, 2006)

- DEPARTMENT OF ECONOMIC PLANNING AND DEVELOPMENT (2012). Preliminary Report Population and Housing Census 2011. [Online] Available from [http://www.depd.gov.bn/projects/BPP/Preliminary%20Report%20of%20BPP%202011\\_updated\\_20Feb2012.pdf](http://www.depd.gov.bn/projects/BPP/Preliminary%20Report%20of%20BPP%202011_updated_20Feb2012.pdf) [Accessed 8 June 2014].
- INTERNATIONAL CENTRE FOR PRISON STUDIES (2014) World Prison Brief: Brunei. [Online] Available from: <http://www.prisonstudies.org/country/brunei> [Accessed: 11 June 2014]
- NOR AL-AIMI HAJI JAMAIN (2010), Country Presentation on Narcotics Control Bureau, Brunei Darussalam. In SMART Regional Workshop for East and Southeast Asia. Bangkok. Thursday 5<sup>th</sup> – Friday 6<sup>th</sup> August 2010. UNODC. [Online] Available from [https://www.unodc.org/documents/southeastasiaandpacific//2010/08/smart-regional-workshop/Brunei\\_-\\_presentation\\_for\\_reg\\_wksp\\_Aug\\_2010.pdf](https://www.unodc.org/documents/southeastasiaandpacific//2010/08/smart-regional-workshop/Brunei_-_presentation_for_reg_wksp_Aug_2010.pdf) [Accessed 15 July 2014] Offenders (Probation and Community Service) Order, 2006 (OPCSO, 2006). Prison Act 1979 (and its amendments) and Prison Rules 1984, Chapter 51 of the State Law of Brunei Darussalam
- SHEN, KOO JIN (2010). Phase II of Maraburong Prison up and ready. The Brunei Times. [Online] Friday, October 15<sup>th</sup>, 2010. Available from <http://www.bt.com.bn/news-national/2010/10/15/phase-ii-maraburong-prison-and-ready>. [Accessed: 5<sup>th</sup> June 2014]
- US CENTRAL INTELLIGENCE AGENCY (2014). The World Factbook (Brunei). [Online] Available from : <https://www.cia.gov/library/publications/the-world-factbook/geos/bx.html> [Accessed : 13 June 2014]
- YUSUF, N.M. and MUNDIA, L. (2014). The Status of Counseling in Brunei Prisons: Qualitative Exploratory Case Study, Journal of Sociological Research. [Online] 5 (1). pp. 24-39. Available from <http://www.macrothink.org/journal/index.php/jsr/article/viewFile/5422/4335>. [Accessed: 15 July 2014].



## Introduction

Cambodia officially known as the Kingdom of Cambodia is a country located in the southern portion of Southeast Asia. The area is 181,035 square kilometers (69,898 sq. mi) and it a border with three main countries: Thailand, Laos and Vietnam and it adjoins the Thailand. Historically, Cambodia was a colonial country of France. Therefore, many cultures and architectures in Cambodia have been influenced by France. Although France introduced its cultural heritage architecture to Cambodia in many aspects, Cambodian people still keep their beautiful cultures and historical buildings from thousand years ago such as well-known historical sites like “Angkor Wat” and “Angkor Thom”

Nowadays, the Cambodia population is approximately 14.8 million. Cambodia is also the 70th most populous country in the world. The official religion is Buddhism, which is followed by approximately 95% of the Cambodian population. Moreover, the country's minority groups include Vietnamese, Chinese, Chams, and 30 hill tribes. The capital and largest city is Phnom Penh, the political, economic, and cultural center of Cambodia.

The Criminal Justice system focuses on the Law of Criminal Procedure, which defines the roles and three main institutions, including the policing institution, the judicial institution and the correctional institution. Agencies in the Cambodian Criminal Justice System are the Ministry of Interior (MoI), the National Police Department, the Gendarmerie Militaire and the Department of Prisons.

The criminal Justice system in Cambodia is regulated by the Criminal Code and the Law on Criminal Procedure (1993). The use of capital punishment is prohibited, with the maximum sentence being life imprisonment. Although, Cambodia is trying to improve the justice system in many aspects, the country is facing challenges, especially budgetary and a lack of recourses to improve the system. In particular, the General Department of Prisons<sup>1</sup> is facing those difficulties. However, this organization is trying to improve its quality and develop its organization by opening and cooperating with outside organizations continually. It aims to set standards of prison administration and improve the quality of life for prisoners.

Public punishment in Cambodia is not allowed. Therefore, fines and imprisonment became the main common type of punishment imposed by the court. There are no alternatives to imprisonment. Non-Custodial sentences are limited to fines, suspended sentences, and conditional release. There are no legal provisions for community orders, supervised probation, and parole.

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<sup>1</sup>The General Department of Prisons ( GDP)

Punishment for serious Crimes use prisons terms as a tool for punishment. The serious crimes are murder, rape, theft, burglary, robbery, and drug trafficking

**Murder:** the death penalty has been abolished since 1989. However, such case still carries a heavy penalty as they are serious crimes with a prison term of 10 to 20 years. The length of the prison sentence is provided by the Ministry of Interior Article 31 of Criminal Code.

**Rape:** according to Article 33 of the criminal code, rapists are punished with a prison sentence of 5 to 10 years. In the case of juvenile offenders under 18 years, these offenders are having their sentence reduced by half.

**Theft, burglary, and robbery:** the Criminal Code of Cambodia classifies burglary as robbery. Article 34 sets a prison term for theft of five years. However, the sentence depends on the circumstances. This is because robbery cases set a prison term of three to ten years that varies according to the amount of force or weapon used.

**Drug Cases:** these cases are commonplace and have contributed to the increase of the prison population in Cambodia. There are many levels of penalties in the case of drug offences from fines to imprisonment depending on the type of drug offences. According to Article 98, personal consumption, and production for the purpose of personal consumption of any of the prohibited drugs is punished by a fine of US\$25 to US\$250. Moreover, Article 36 creates the offence of selling or providing any of these drugs to a person for personal consumption “Shall be punished to imprisonment from one month to one year with fine 1,000,000 Riels (about US\$ 250) to 5,000,000 Riels (about US\$1,250) or one of the two penalties” Under Article 86 there is a severe penalty for these offences. The severe penalty in this case is imprisonment from one year to five years and with fine US\$ 2,470. In particular, drug trafficking is regarded as a serious crime in Cambodia. In the case of drug trafficking or any purposes of drug traffic, offenders are punished by imprisonment from five to twenty years with fines of up to 50,000,000 Riels (about US\$ 12,500) by the criminal code.

Nowadays, the General Department of the Prison plays a vital role to administer the correctional system, but the agency is facing numerous challenges including overcrowding, budgetary constraints, and a lack of resources. These factors are big difficulties for the organization. Particularly, the overcrowding issue because it affects all aspects of prison management. Most prisoners have committed drugs offences, such as being drug users, other drug related charges, include drug trafficking. This includes the role of the police and court process which focus on penalty by imprisonment. This problem greatly increases the prison population in Cambodia.

These challenges inspire the organization to develop prison administration in any dimension by cooperation with outside organizations, especially international



organizations; ICRC, and Human Rights, including cooperation with the government from Japan, France, and Australia.

Regarding cooperation with outside organizations, this will help the General Department of Prisons to develop the structures within Cambodian prisons, especially the infrastructures in prisons. This is because most prisons are old and are influenced by France. Most old style prisons were simply designed to incarcerate prisoners with small cells, minimal sunlight, and ventilation. Most prisons were also built in 1920 and these prisons are in a state of poor repair. There are poor water systems in prisons. The capacity of each prison is approximately 500 prisoners, but most prisons need to accommodate almost 1,000 prisoners.

The following issues lead to the General Department of Prisons to the infrastructure in many aspects, including developing law and human resources in the organization and developing of the treatment of prisoners is one of the main point that the department seek to improve the prisoner live to be better.

## **1. The treatment of prisoners**

### **Prisoner Classification**

For prisoner classification in Cambodia, the process focuses on the type of prisoners. The new prisoners will be separated between convicted and remand prisoners. They will be sent to different buildings. After that all the new prisoners' personal information is collected to provide the treatment for the next step.

### **Class / Type of prisoner**

There are two main categories of prisoners in Cambodia: Convicted and Remand prisoners. The convicted prisoners will be categorized into three main groups as follows: high risk medium risk, and low risk prisoners. The convicted prisoners, who are medium and low risk, will be required to work on the vocational training programs, while remand prisoners do not need to work or participate in part of the vocational training programs. This follows prison law.

### **Vocational training / work**

The Vocational Training program is important for prisoner rehabilitation. This idea leads the General Department of Corrections to provide vocational training programs for prisoners. There are various programs such as sewing, technical courses, carpentry courses, agricultural courses, cultivation courses, art courses. These programs have cooperated with outside agencies, such as NGOs (Non – profit Governmental

Agencies) in providing useful programs for prisoners in Cambodia. Particularly, prisoners who participate in training programs will earn their money while living in prisons. The income for working is separated into many portions: 40 percent for a prisoner, 40 percent for all related officers and 20 percent for prison development. Although prisons allow prisoners to work, prisoners cannot spend time working and doing training programs of more than 8 hours per a day.

### **Education in prisons**

Within prisons, there are classes to support prisoner education. The General Department of Prisons has paid a great deal of attention to education for prisoners. This issue leads to the provision of education in Cambodian prisons which focuses on basic literature. This aims to help prisoners to be literate in the basic knowledge. With the limitation of many factors, there is no class to provide in higher education. Also, education is the tool for prisoner rehabilitation which follows Article 42 of the Law on Prisons. The article focuses on the fundamental objective of prisoner management in order to help prisoners get proper rehabilitation. According to this law, Cambodian prisons have continued to implement rehabilitation and reintegration programs by cooperation with other organizations, particularly international organizations and development partners in helping the education for prisoners. LEGAL AID OF CAMBODIA<sup>2</sup> is one of the agencies which help the General Department of Prison to promote juveniles rights, education, and rehabilitation in Cambodia. This organization is working in Correctional Center 2 and Battambang prison which are places for juvenile and female prisoners. Cooperation from outside agencies includes LICADHO which is one of the important outside agencies in providing rehabilitation programs within Cambodian prisons for both adult and juvenile offenders such as vocational training and useful knowledge.

Moreover, Article 67 (Law on Prisons) also focuses on cooperation between other governmental agencies to help prisoners get useful rehabilitation, especially The Ministry of Education, Youth, and Sports and the Ministry of Labor and Vocational Training. These agencies should cooperate with the Ministry of Interior to organize and implement education, including vocational training programs for convicted prisoners in prisons. There is cooperation between the Ministry of Interior and Ministry of Education in providing an educational system in prison. This includes vocational training and standard academic education which are also provided for inmates when they are integrated into the national education program in the case of release conditions. Although there is cooperation amongst other agencies for prisoner rehabilitations, the General Department of Prisons still have a challenge, especially because the limited

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<sup>2</sup> Legal Aid of Cambodia (LAC) is a non- profit, non-governmental Khmer – administered association of lawyers dedicated to serving the legal needs of Cambodia’s poor in all types of civil and criminal matters. This organization was founded in December 1995. The LAC headquarter is in Phnom Penh and 8 local offices.

human resources (trainers), budgetary constraints, and limited materials that have an effect on running programs for prisoners.

### **Welfare**

Turning to prisoner welfare in Cambodia, prisoners are provided two meals a day for Lunch and Dinner. This includes water for consumption. Although prisoners in Cambodia are provided drinking water, Cambodian prisons are facing the problem of a lack of water. Therefore, the General Department of Prison has cooperated with outside agencies, especially ICRC to help with the issue of water management in prisons. It is expected to help prisoners consume quality water and improves prisoners' hygiene. In addition, prisoners will receive clothes and items they need during incarceration, including medicine when they are sick.

### **Food**

All prisons in Cambodia provide meals for all prisoners. There are main meals every day for lunch and dinner. Lunch time is at 10.30 am and dinner 4.30 pm. Moreover, prisoners are allowed to get extra foods from their family and they can buy the extra food in prisons. Currently, the cost per prisoner is 1,500 riel (USD \$ 0.38). Prisoner's costs include transportation, sanitation, cooking, fuel, water, electricity, and administration whilst the market price is at least 1,700 riel to purchase food materials. However, the General Department of Prisons has cooperated with outside agencies in helping to provide food for prisoners in some occasion. In particular, The LICADHO Prison Project<sup>3</sup> provides extra food and supplies to prisoners on special days such as those for female prisoners (Women's Day on 8 March) and children in prisons (Children's Day on 1 June). This project also provides fundamental supplies and foods such as floor mats, water containers, milk, rice, seasoning, sugars, and vegetables. Not only are foods provided for prisoners, but also water for consumption. Normally, Cambodian prisons provide drinkable rainwater or water from the prison water tank for consumption. However, most prisoners prefer to drink bottled of water within the prison provided for them. Although water in prisons is provided for prisoners, it is not enough water for prisoner consumption. The shortage of water is still problem which the General Department of Prisons is trying to solve.

### **Medical service / treatment**

With overcrowding, health problems are prevalent in Cambodian prisons. The health of prisoners is considered important. The General Department of Prisons provides the medical staff to take care of prisoners. Each prison has doctors, nurses and medical staff who take care of all prisoners within the prison and there are also medical units.

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<sup>3</sup>LICADHO (Cambodian League for the Defense and Promotion of Human Rights) : LICADHO's prison project is the research project in monitoring 18 of Cambodia's 28 prisons, and providing a variety of services to inmates within prisons

Although there is a medical unit within prisons, this unit merely provide prisoners with basic treatment. In emergency cases, prisoners will be sent outside in order to get appropriate treatments in the hospital. Moreover, the General Department of the Prison is working with outside agencies to cooperate and help for prisoners to get the proper medical treatments, especially the Ministry of Health. In the case of HIV positive and prisoners who have TB, the ministry of interior and Ministry of Health is working together to set a Standard of Operating Procedure for HIV, STI and TB and HIV Prevention, Care, Treatment and Support in prisons (And Correctional Centers) in Cambodia. The aim is to provide appropriate treatments for prisoners in this group.

### **Prisoner Activities**

Normally, prisoners get up at 4 am, after that some prisoners attend a vocational training course and other activities. Most activities are related to vocational training. This is to help prisoners prepare themselves for future careers after release. If some prisoners do not want to participate in activities, they will have to remain in their cells. Moreover, only convicted prisoners are allowed to attend training courses. Moreover, radio and newspapers are not allowed in prisons. However, according to the UN Standard Minimum Rules for the Treatment of Prisoners in article 21 (1) : “every prisoner who is not employed in outdoor work shall have at least one hour of suitable exercise in the open air per day if the weather permits”

In addition, prisoners in Cambodian prisons are allowed to exercise or do sport activities. Moreover, there are other activities, including religious activities, art, and playing musical instruments. In particular, article 29 of the Law on Prisons allows all prisoners to have the right to respect their own religions and prisoners do not need to be forced to follow any religious. Also, prisons must have a place for religious practices and other places; treatment room, library, vocational training area following the Law of the Prison.

### **Contacts (visits / letter / telephone)**

Prisoners are normally allowed to contact civilians, according to Prison Procedure No 8, Article 4.1 “all prisoners have the right to receive visits from family or friends for at least one hour each week at times designated in the prison rules by the prison chief, but the collection of goods or money from visitors by any prison official for the privilege of visiting a prisoner is expressly forbidden”

Cambodian prisons allow relatives to contact prisoners, but most relatives visit prisoners once a month or two times a month depending on when they can afford to come. (If foreigners, he or she can communicate to their families through embassies and consulates or representative embassies to Cambodia). These communications are made in the presence of prison officials except when prisoners are meeting with their lawyers. In reality the permission for prisoner visits depends on the prison administrators’ decision. This includes the number of prison officers. In the case where

there a limit of officers, the prison will allow prisoner relatives to visit just 2 or 3 days per a week, but they are not allowed to visit on weekends or holidays. However, if there are enough officers, prisons allow families to visit prisoners on the weekend and public holidays. The time for visiting is arranged two rounds: from 7.30 am to 10.30 am and 2.00 pm to 4 pm. Generally, relatives of prisoners are allowed to visit prisoners between 15-20 minutes. During visiting, relatives need to have an identification card or voting card. If they do not have those cards, they need a letter signed by a commune chief or commune chief. However, prisoners who are being punished whilst inside prison may be denied access to their relatives by the prison authorities. This includes political prisoners.

Additionally, prisoners have a right to send letters or make phone calls to their families and relatives. The use of phones by prisoners is under the supervision of prison officers in order to prevent them contacting unlisted people who might encourage deviant behaviors. Currently, the General Department of Prisons has used technology in order to prevent the use of smuggled cellphones into prisons. Prisons cooperate with the telephone companies to block such phone calls. There are three prisons using blocking system, Correctional Center 1 and 2, Battambang prison, and Banteay Meanchey prison.

### **Privileges**

Prisoners' privileges are special treatments received from prisons in relation to prison visits. Extra visitation is a privilege that prisoners may receive from prisons. This is special because they can not only contact their family, but also are able to receive food. Visitation can be classified into three levels. Firstly, at the normal level, prisoners contact their relatives via a phone in a room. Secondly, the special level, prisoners are only separated from their visitors by an iron bar so they, therefore, can see and touch. However, they have to pay between 10,000 Reil (\$ USD 2.5) and 40,000 R (\$USD 10) to get this privilege. Lastly, the contact visit, prisoners and their relatives are able to get closer to each other in a room without separation. Again, the visitors have to pay a minimum USD10 per time, for this privilege.

Moreover, prisoner transfers and reduction of prison terms are the two other privileges that prisoners may get. Prisoner transfer is a privilege because it enables prisoners to get closer to their families and make it more convenient for relatives to visit. In the case of reduction of the prison term, most prisoners want to get early release because of the strict environment of prisons. Therefore, prisoners try to behave and not violate the rules.

### **Grievances**

Detainees have the right to file a complaint addressed to a prison director or the General Department of Prisons, a prosecutor, General Prosecutor attached to Court of Appeal on cases of abuse by prison staff or by other detainees. Also, the inmates

have rights to complain to the chief of the prison, the prosecutor, where inmate's rights are violated.

### **Pre-release preparation**

With the problem of a shortage of human resources and budgetary constraints, the General Department of the Prison has the job of preparing Pre-Release of prisoners. 6 months before their release, prisoners will attend training class programs. However, the main programs are the same as those which are included in all programs that are provided for prisoners when they are living in prisons such as educational, vocational training programs, and other skills. The aim is to help prisoners to gain the basic skills required before getting release and returning back to society.

## **2. Treatment of special prisoners**

### **Female prisoners**

The treatment of female prisoners in Cambodia is an important issue for prison management. Most offences committed by female prisoners are related to drugs and non-violent crimes. The number of female prisoners has increased continuously. The proportion of female prisoners rose from between 4.7 percent in 1995 to about 6.4 in 2006. By the end of 2013 the number of female prisoners was 1,137 in Cambodian prisons. There were 15 girls aged 17 years old kept in adult prisons.

Female prisoners are separated from male prisoners. They are sent to Correctional Center 2. This place is specifically used for female prisoners and juvenile offenders. In provincial prisons, there are buildings that are in the female section and separated for female prisoners. The female prisoners are provided with medical services including hygienic and special items.

Moreover, Cambodian prisons provide training programs for female prisoners who would like to practice vocational skills such as sewing, handicrafts and knitting. NGO (Non- Government Organization) contribute to these programs.

In the case of pregnant prisoners, they are provided treatment whilst living in prisons, and they are separated from other female prisoners in different area. This is because it is convenient for them to take care of themselves. After they give birth, children are allowed to be with mother prisoners, and mothers are allowed to look after their children until they are 5- 6 years old. However, it is rare to find pregnant prisoners in Cambodian correctional facilities.

### **Youth offenders**

Cambodia currently has no special justice system for juveniles. Therefore, juvenile offenders have to be tried in adult courts and there are no alternatives for juvenile offenders. Juvenile offenders are minors in prison between the ages of 13 and

18. According to UNTAC<sup>4</sup> law article 14.4, children under the age of 13 are not incarcerated as a result of a prohibition by law. Most juvenile offenders are incarcerated in CC2 prison. While juvenile offenders are also placed in cells with adults, the UNTAC law provides that minors less than 13 years cannot be placed in pre-trial detention; minors 13 to 18 years of age may not be placed in pre-trial detention for more than one month. This includes those juvenile offenders with the felony charges, who can be incarcerated for up to two months. Also, the Convention on the Rights of Children (CROC)<sup>5</sup>, Article 37 (c), states that children must be separated from adults in prison. However, in reality, juvenile offenders are kept in pre-trial detention almost a year and with adult offenders. This is because there is not enough room in separating cells for juvenile offenders. This leads to the treatment of juvenile offenders in Cambodia being the same as adult offenders. They eat the same food and do the same activities. Currently, there is only one Youth Rehabilitation Centre (YRC) in Phnom Penh to use for rehabilitation of these juvenile offenders.

### **HIV positive and prisoners suffering from TB**

HIV and TB prisoners are those with the most serious illnesses found in Cambodian prisons. Most prisoners with the HIV and TB are male. This is due to the lack of the standard medical care and due to sexual activities among prisoners without the use of a condom. Most cases of prisoners with HIV also have TB. In 2011, the General Department of Prisons reported the overall prevalence of HIV and TB in prisons. Statistics showed that HIV illness amounted to 301 cases while cases of TB amounted to 133 cases of the total prison population of 15,325. This does not include the TB suspected cases which number 1, 323 and 24 cases of TB-HIV cases. According to an UNODC study, there was no systematic prevalence survey conducted in prisons in Cambodia.

With the number of HIV and TB cases in prison, the Ministry of Health and the Ministry of Interior has considered that prisoners' health is of a low standard. This results from many improper conditions of prisons such as overcrowding, poor ventilation, inadequate infection control, lack of a safe water supply, and inadequate health care. These conditions are the main issues which problems, especially HIV and TB within prisons in Cambodia. This led to the cooperation between the two ministries to set a Standard of Operating Procedure for HIV, STI and TB and HIV Prevention, Care, Treatment and Support in prisons (And Correctional Centers) in Cambodia.

The standard aims to be served as guidance on the delivery of HIV and TB prevention, treatment and care in prisons and correctional centers in Cambodia. This

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<sup>4</sup> UNTAC (United Nations Transitional Authority for Cambodia), adopted by the Supreme National Council of Cambodia for Criminal Law & Procedure in September 10, 1992

<sup>5</sup> The Convention on the Rights of the Child (CROC) is an International Convention that protects your rights as a child and youth up to the age of eighteen that Cambodia has adopted since 15 October, 1992

standard will be useful not only for prisoners, but also for correctional officers and stakeholders to provide the proper treatments for illness prisoners.

Not only is there cooperation between the Ministry of Health and the Ministry of the Interior, but also there is cooperation from NGO agencies to help prisoners in this group. NGO staff develop programs and activities to support health care education for prisoners to understand the prevention, care, treatment and supporting in HIV and TB.

#### **Elderly offenders**

The majority of elderly offenders have been convicted of rape or murder. Cambodia does not have any special facilities for elderly inmates so they are accommodated alongside other inmates under a standard regime. However, additional privileges (such as food supplements and longer periods out of the cell) are given to those who are suffering from untreatable age related conditions. Moreover, low security prisoners get care during incarceration.

### **3. Treatment of prisoners with non-custodial measures**

#### **Royal Pardon**

A Royal Pardon is the one the main mechanisms to reduce prison population in Cambodia. This is because there are no alternatives to imprisonment such as probation and community service. So, pardon is another way of solving prison overcrowding in Cambodia. Prisoners in Cambodia may have the opportunity to receive a reduction of their sentences or an early release by pardon. According to the Law on Sentence Reduction and Amnesty (Chapter 8 Article 74) which focuses on three times a year during national occasions such as Khmer New Year, Visakabochea Day and Water Festival, including Pchum Ben ceremony (religious day) that are special occasions for early release. However, prisoners who obtain this opportunity need to have exhibited good behaviour and have served a sufficient portion of their sentence.

If prisoners have served 1/3 of their sentence, they may be pardoned proportionally according to number of years served, having discounts of 12 months, 9 months and 6 months. In addition, if they have served 2/3 of their sentence and have exhibited good behavior, they will be released.

The government has established a national committee comprises members from the Ministry of Justice and Ministry of Interior. This committee oversees and makes decisions with regard to requests for sentence reduction / amnesty through a royal decree. In the Ministry of Interior, there is a municipal and provincial committee led by provincial governors for monitoring performance of prisoners. Following the adoption



of the new law, there is reduction in the prison population, solving problems stemmed from overcrowding.

### **Sentence reduction**

Normally, each prison has a committee chaired by the warden, which monitors and reviews prisoners' behavior and performance. This committee can propose a sentence reduction or abolition. By law, the committee must submit such a request to the king. For prisoners sentenced up to a year in total, the request can be made after half the sentence has been served, and for those sentenced to more than a year, after at least two third has been served.

### **Transfer**

In case of foreign prisoners, they can be sent back to their home country, but their countries need to sign the agreement of prisoner transfer. The prisoner transfer between Cambodia and Thailand began in 1999<sup>6</sup>. This agreement was made in cooperation with the Ministry of Foreign Affairs of Thailand and the Ministry of Foreign Affairs for Cambodia. This includes the cooperation of the Department of Corrections of Thailand and the General Department of Prisons of Cambodia to transfers Thai and Cambodian prisoners to serve sentence in their countries. In addition to an agreement with Thailand, Cambodia has signed the agreement with other countries, such as China in 2000, and Laos 2005 Australia in October 2006.

### **Alternative measures to imprisonment**

There is no probation system or community corrections in Cambodia. However, Cambodia has tried to develop alternative measures to imprisonment. Probation in Cambodia is still underdeveloped. The process of setting up probation services in Cambodia originated in October 2001 by the establishment of the Inter-ministerial working group. This working group includes the Ministry of Justice, Ministry of Interior (Cambodia National Police and the General Department of Prisons, the General Department of Local Administration), the Ministry of Social Affairs, the Veteran and Youth Rehabilitation program, and Development Partner. The Working group plans to conduct work following the policies or procedures to support the penal code and code of criminal procedure. Currently, the working framework of the Inter – Ministerial Working Group has been communicated in 3 circulars on Judicial Supervision, Suspended Sentencing, and Community Work Service.

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<sup>6</sup> The agreement of prisoner transfer between Cambodia and Thailand has taken place since 2001

## 4. Organizational Management

The General Department of Prisons is one of the law enforcement agencies which administrate Cambodia's prison system. It is also part of the Ministry of Interior which was separated from the National police in 2000 and later from the General Department of Administration in 2006. In the past, the the General Department of Prisons puts emphasis on the punishment and torture to stop them from committing crimes. Nowadays, the concept has changed to the focus on returning decent citizens to societies. This has led to the development of programs to rehabilitate prisoners, to give them a second chance and to return them to society. In addition, the Standard Minimum Rules also lead the General Department of Prisons to improve prison standards in Cambodia. In order to be an effective organization, the General Department of Prisons has developed and evolved in the administrative Structure of the General Department of Prison as follows:

### **Administrative Structure Evolution**

- 1979-1983: Department of Prisoner Corrections and Interrogation
- 1983-1992: Department of Detainee Evaluation and Correction.
- 1992-2005: Prisons Department.
- 2006-present: General Department of Prisons.

The Law on Prisons, prison reform policy, and five year plan of the Ministry of Interior and through the cooperation from major development partners, prison infrastructures will be improved and meet the United Nation's Minimum Standard for Prisoner Management in the near future.

### **Mission & Vision**

“To try to change the prison from just a place where a prisoners is incarcerated to a place where a prisoner is rehabilitated”

### **Organizational Structure**

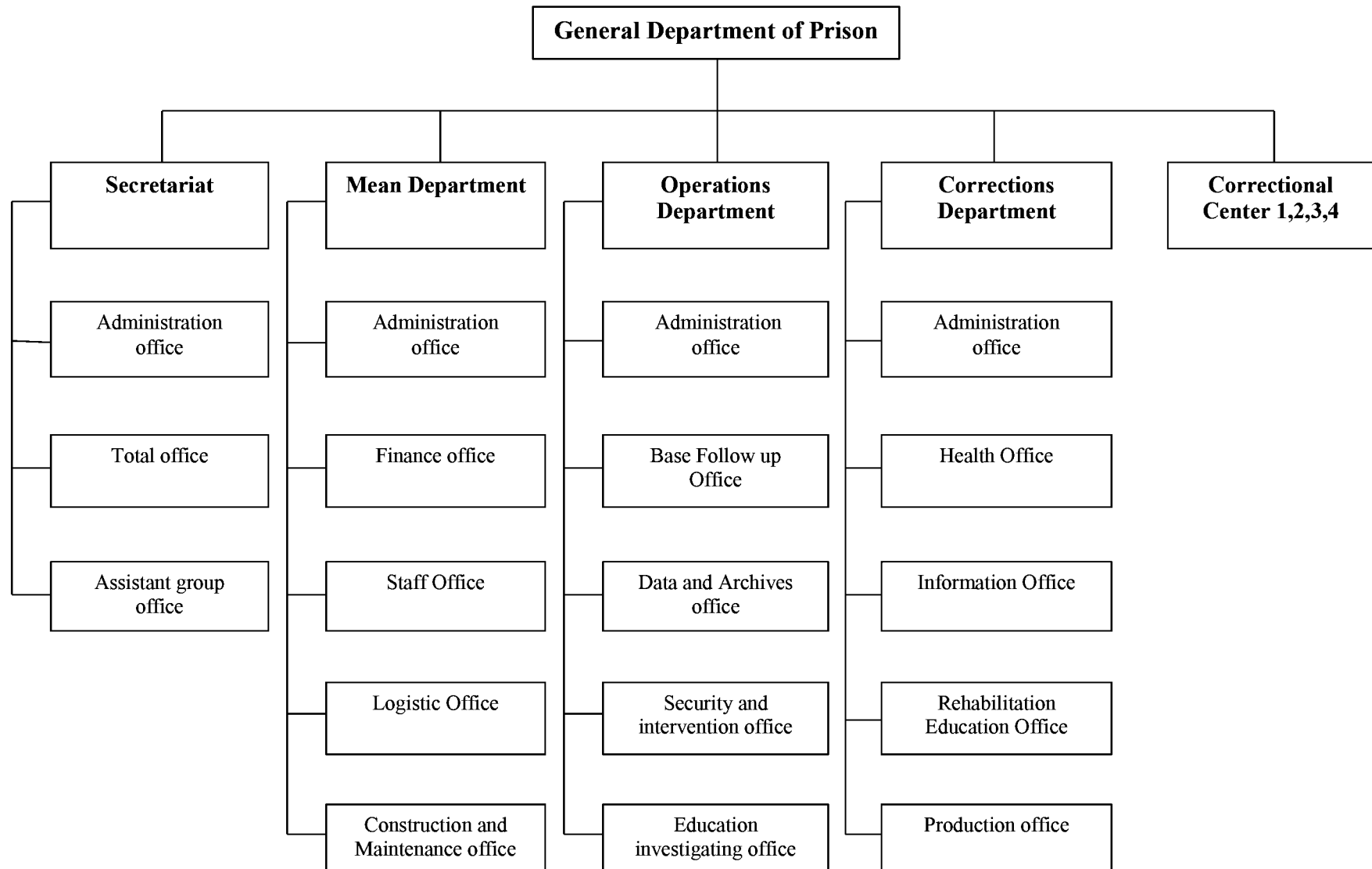
Currently, Cambodian prisons are under the General Department of Prisons of the Ministry of Interior. There are 28 prisons in Cambodia. These prisons can be separated into two main groups. Group 1 are four correctional centers (CC1, CC2, CC3, and CC4),<sup>7</sup> which are under direct management of the GDP and which CC2 detains only woman and juvenile offenders. CC4 is the latest prison constructed in 2009-2010. Group 2 comprises 24 prisons, which are under the management of the provincial authorities and GDP. In 2014, there are two new prisons being constructed. The GDP does not have any authority over military prisons.

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<sup>7</sup>CC1, CC2, CC3, CC4 are the Correctional Center which are under direct management of the GDP

### **Prison Management**

The head of the General Department of Prisons is the Director General. There are 6 Deputy Directors General. The superintendent plays an important role as the head of prison. The administration of the organizational structure follows the organizational chart below:



## **Personnel management**

### **Prison Officials**

Nowadays there are 2,316 officials who are working in the prison system throughout the country. 2,056 officials are working directly in the centers or prisons. The ratio between officers and prisoners is 1 to 6. This is based on the Royal Decree and on a Separate Status of Framework for Prison Officials; a sub-decree is being prepared to determine ranks and uniforms of all prison staff. Prison guards earn an income of approximately 200,000 riel (\$50) per month.

Moreover, the General Department of Prisons is concerned with developing the abilities of officers by supporting training programs for officers. Prison staff will be sent to attend training courses from the Professional Training Center for Prison Guard, which is under the control of the Police Academy of Cambodia. Moreover, the General Department of Prison in Cambodia is committed to further develop executive and specialist training programs in partnership with relevant agencies and Correctional departments in the region. Under the Cambodian Criminal Justice Assistance Project, a training program is currently being developed for the Cambodian correctional staff. This includes agreements with other agencies for providing training programs, such as UNHCR and Vietnamese Authority. The programs are provided for the following group as follows:

- Premier class officers who will attend the training course in Police Academy.
- The medium class which will attend a course in Vietnam.
- Also, GDP officers will be given a training course at law school.

These classes are provided to GDP officers in order to prepare them for working in all situations.

### **Relevant laws in correctional operation**

The following legislation applies to the administration of the General Department of Prisons:

- The Constitution of Kingdom of Cambodia
- The Criminal Code of Kingdom of Cambodia
- The Criminal Procedure Code of Kingdom of Cambodia
- The Law on Prisons
- The administration of prisons in Cambodia was based on Parkas No. 217 on the Administration of Prisons and Prison Procedures dated July 31, 1998 of Ministry of Interior

These are fundamental laws and regulations on prison administration in Cambodia. In particular the law on prisons is the new law. This was passed by the King in 2011. The law plays an important role as the new path for juvenile rehabilitation and

prison management. Moreover, there are other International Rules which are applied to the guideline for prison management.

International standards relating to prison administration

- The UN Standard Minimum Rules for the Treatment of Prisoners
- The European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment
- The Convention on the Rights of the Child
- The International Convention on the Elimination of All Forms of Racial Discrimination

## 5. Best Practice

After the Standard Minimum Rules for the Treatment of Prisoners was adopted in 1948, this changed the way in which prisons were managed; they were managed in a way in which they changed from places of punishment to being places of rehabilitation. This idea led to changes in the Cambodian correctional system and developments in the way in which offenders were rehabilitated in order for offenders to be returned to society as decent citizens. Although there are many challenges and limitation to development, i.e. budgetary constraints and limited human resources, the General Department of Prisons is managed towards prisoner rehabilitation. This idea is still new in the correctional system in Cambodia. Yet, it is rapidly expanded and become an outstanding motto for prison administration in Cambodia.

The General Department of Prisons has improved prisons in many ways. Rehabilitation processes have been initiated. The General Department of Prisons tries to support and provide useful rehabilitation programs, especially providing vocational skills and education for prisoners. The outstanding training is related to industrial work, handicrafts and agricultural work. Moreover, there are specific courses for prisoners. In prisons, inmates are provided with orientation courses, legal training, and social morality training. To prepare them for release, those prisoners will use their vocational knowledge to earn their money. Prisoners are able to attend vocational training programs of their interests. Also, products of prisoners from vocational training are sold and this helps prisoners to improve their skills and earn money during incarceration.

In addition, there a lot of cooperation from stakeholders to provide extra programs for prisons. The aim is to integrate them to the community. At the present, the General Department of Prisons is involved with specific training for both genders. There is also an increase in the special training programs for female prisoners, especially in the case of vocational programs.

In order to develop the justice system, Cambodia currently has an initiative to set up a Legal Research Department (LRD). This department is under the Secretariat General of Senate of Kingdom of Cambodia. This department is the successor of Legal Counsel. In 2005, the Legal Council changed its name to the Legal Research

Department on 24<sup>th</sup> November 2005. The mission of LRD focuses on providing legal services and designing the legal framework for institutions of the criminal justice system. Nowadays the LRD has an important role on the development of criminal justice system in Cambodia, which is as follows:

### **The Role of the Legal Research Department**

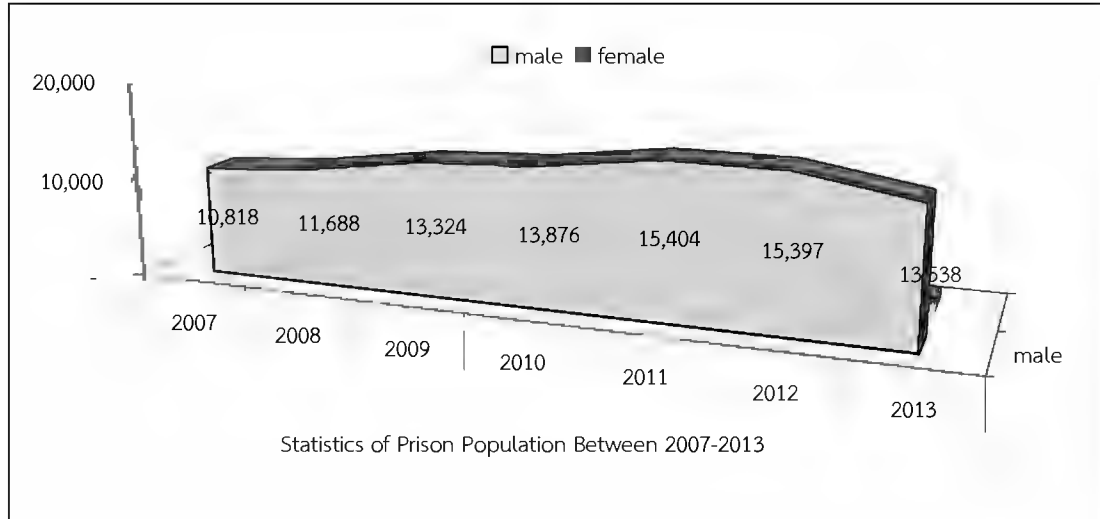
- The duty of the LRD is to monitor, counsel and provide ideas and provides legal services, by doing legal drafting and producing legal documents in order to assist the parliamentary commission.
- The LRD works as a partner of the permanent commission in exchanging ideas relating to Law
- The LRD also play an important role in conducting research on Law in serving the parliament and cooperating with the General Secretariat of the Parliament for legal work.

## **6. Statistics and figures**

According to Correctional Statistics for the last 10 years, the number of the prison population in Cambodia has fluctuated. In 2011 and 2012, the number of prisoners in Cambodia rose to 16,661, and 16,658 respectively. In particular, the number of female prisoners has increased rapidly.

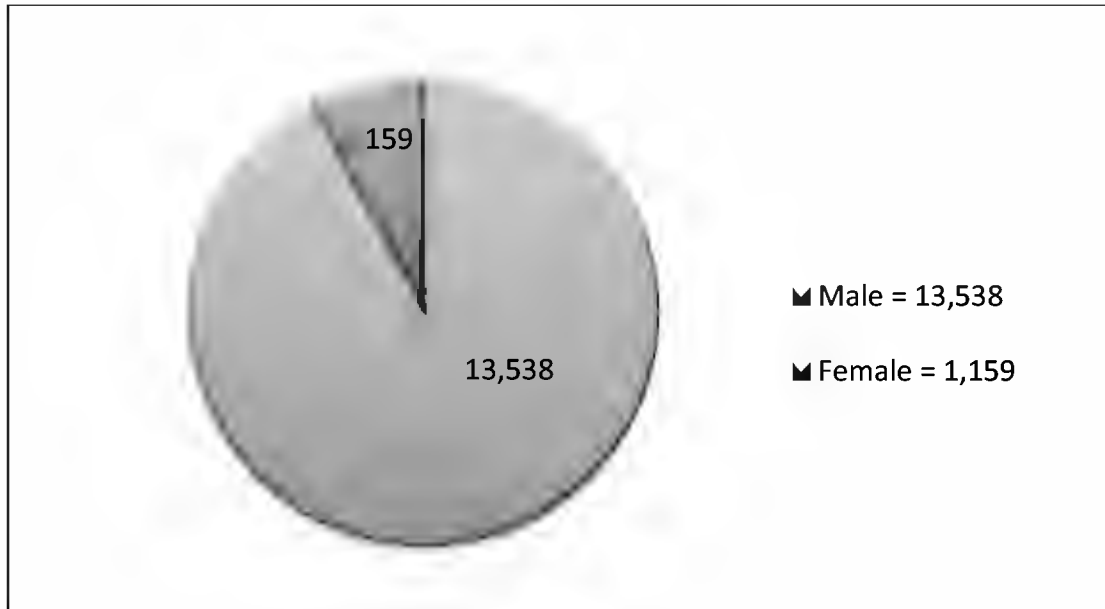
In 2013, the number of prisoners in Cambodia decreased to 14,697. The number of male and female prisoners accounted for 13,538 and 1,365 of the population respectively. The number pregnant prisoners were 18 and children living with mothers were 22 boys and 26 girls. The number of juvenile offenders is 348 of which men number 336 and women 12. Also, the number of foreign prisoners accounts for 713 with 519 of those men and 194 women. Regarding correctional officers statistics, the number of correctional staff account for 2,050 male officers, and 250 female officers. The number of Prison officers is 1,827 male officers and 229 for female officers.

**Figure 1: Statistics of Prison population between 2007 and 2013**



*Source: The Asian conference of Correctional Facilities, Architects and Planners, 2014*

**Table 2: Prisoner by Gender**



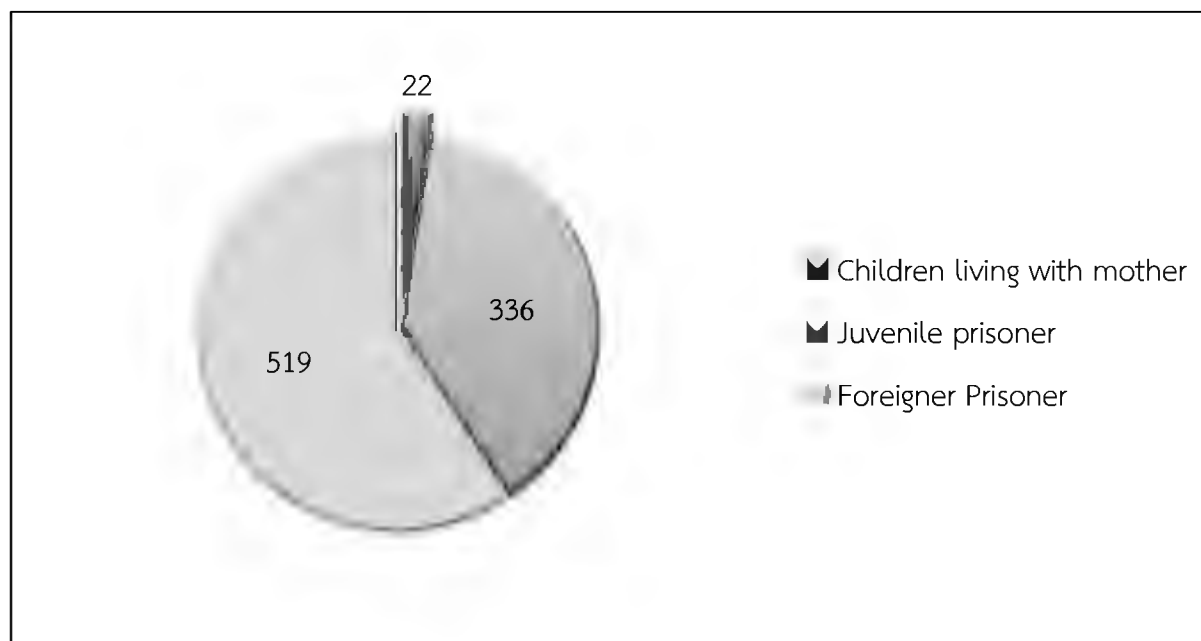
*Source: The Asian conference of Correctional Facilities, Architects and Planners, 2014*



**Table 1: The pre-trial/remand offender rate per 100,000 of the national population**

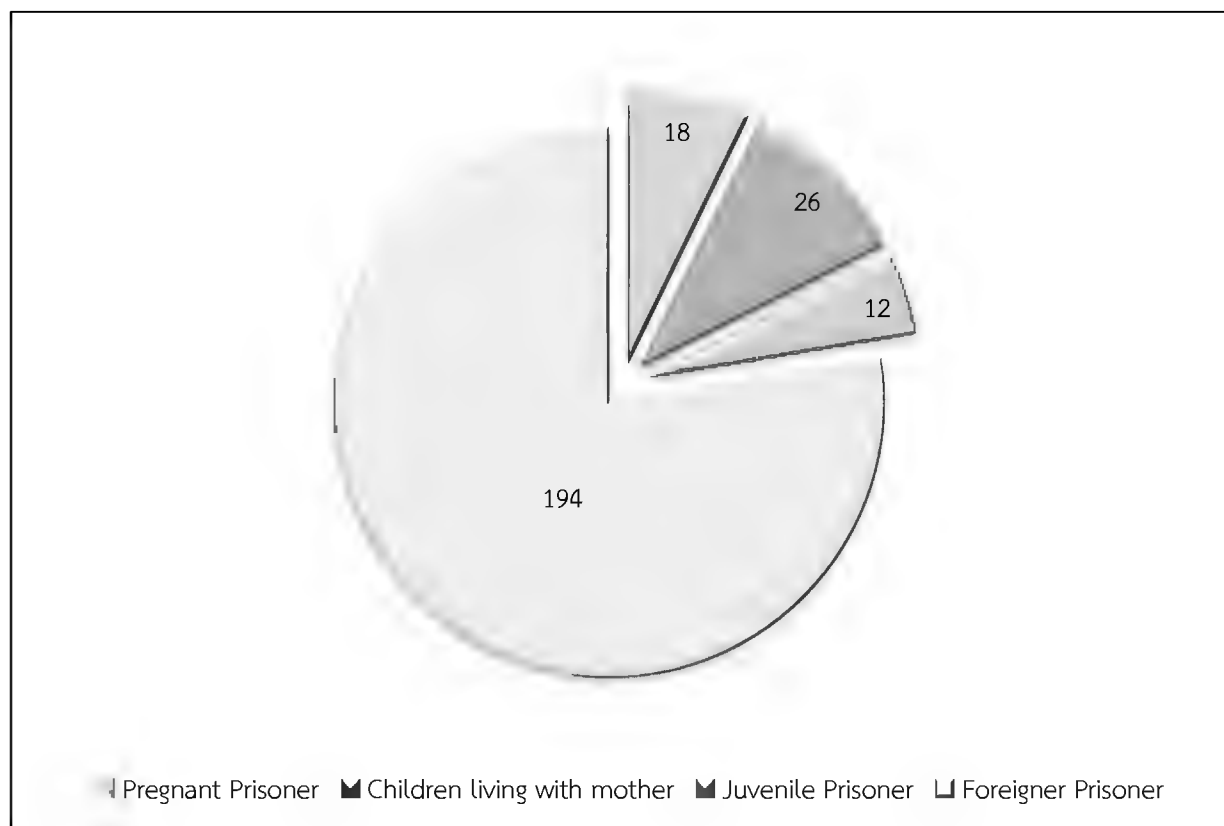
Year	Number in pre-trial/remand imprisonment	Percentage of total prison population	Pre-trial/remand population rate (per 100,000 of national population)
2000	1,967	35.8%	16
2005	2,434	29.8%	18
2010	4,443	31.9%	31
2014	3,381	23.1%	23

*Source: The International Centre for Prison Studies, 2013*

**Figure 3: Special Group of Prisoners**

*Source: The Asian conference of Correctional Facilities, Architects and Planners, 2014*

**Figure 4: Special Group of Prisoners**

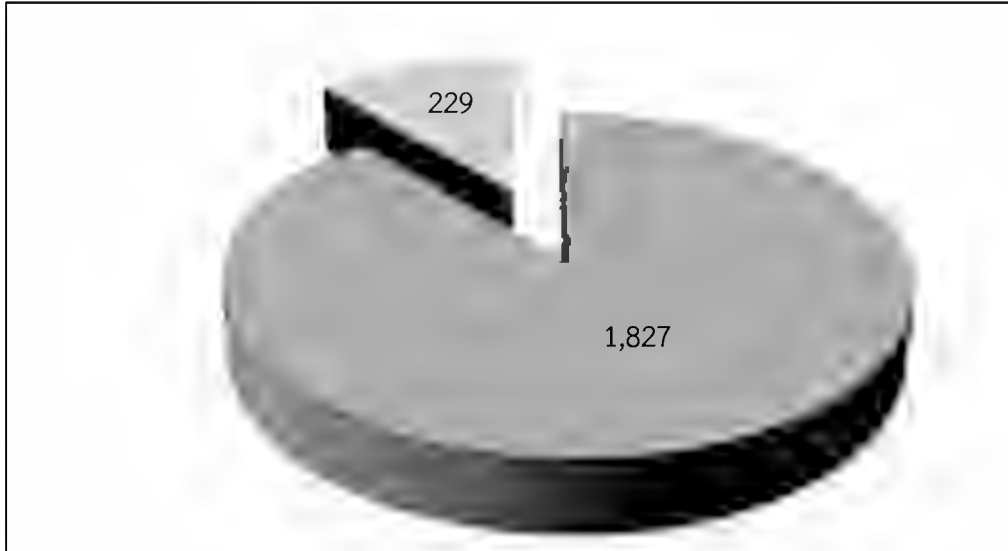


*Source: The Asian conference of Correctional Facilities, Architects and Planners, 2014*

Type of prisoner	Male	Woman
Pregnant Prisoner	-	18
Children living with mother	22 (Boys)	26 (Girls)
Juvenile Prisoner	336 (Men)	12 (Women)
Foreigner Prisoner	519 (Men)	194 (Women)

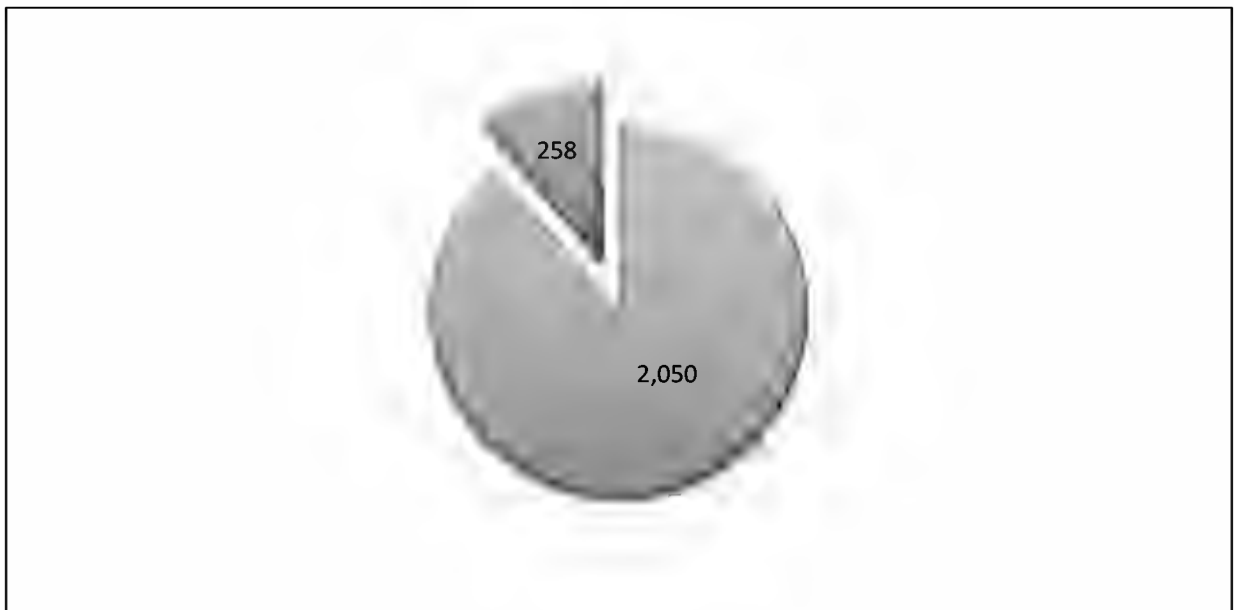
*Source: The Asian conference of Correctional Facilities, Architects and Planners, 2014*

**Figure 5: Correctional Officers**



*Source: The Asian conference of Correctional Facilities, Architects and Planners, 2014*

**Figure 6: Prison Officer**



*Source: The Asian conference of Correctional Facilities, Architects and Planners, 2014*

## Bibliography

### Books

- GENERAL DEPARTMENT OF PRISONS. (2013) the 3 rd. Regional Water and Habitat in Detention Seminar: Siem Reap, Tuesday 26 November to Friday 29 November 2013
- GENERAL DEPARTMENT OF PRISONS. (2014) the 3 rd. Asian conference of Correctional Facilities, Architects and Planners, Tuesday 26 to Friday 29 March 2014
- UNITED NATION OFFICE ON DRUGS AND CRIME (2014) "Prison Systems and Management in Southeast Asia: An Overview.

### Online Articles

- ACADEMY FOR EDUCATION DEVELOPMENT. (2006) [Online]  
<http://www.humantrafficking.org/organizations/62> [Accessed: 25 April 2014]
- ASIAN AND PACIFIC CONFERENCE OF CORRECTIONAL ADMINISTRATORS 28<sup>th</sup>. (2008) [online]  
[http://www.apcca.org/uploads/APCCA\\_Report\\_2008.pdf](http://www.apcca.org/uploads/APCCA_Report_2008.pdf) [Accessed: 25 April 2014]
- ASIAN AND PACIFIC CONFERENCE OF CORRECTIONAL ADMINISTRATORS 27<sup>th</sup> (2007) [online] [http://www.apcca.org/uploads/Final\\_APCCA\\_Report\\_2007.pdf](http://www.apcca.org/uploads/Final_APCCA_Report_2007.pdf) [Accessed: 25 April 2014]
- AUSTRALIAN GOVERNMENT. (2012) Cambodia Case Study: Evaluation Australian Law and Justice Assistance [Online]  
<http://www.oecd.org/countries/cambodia/cambodia.pdf> [Access: 25 April 2014]
- BROADHURST, R. ET. AL. (n.d.) Crime and Justice and Cambodia [Online]  
<file:///C:/Documents%20and%20Settings/job/My%20Documents/Downloads/SSRN-id2118319.pdf> [Accessed : 20 March 2014]
- BUREAU OF DEMOCRACY, HUMAN RIGHTS AND LABOR. (2012) Country Reports on Human Rights Practices for 2012: Cambodia [Online]  
<http://www.state.gov/j/drl/rls/hrrpt/2012humanrightsreport/index.htm?year=2012&dliid=204192#wrapper>  
<http://www.state.gov/j/drl/rls/hrrpt/2012humanrightsreport/index.htm?year=2012&dliid=204192#wrapper>
- CAMBODIAN LEAGUE FOR THE PROMOTION AND DEFENSE OF HUMAN RIGHTS. (2013) Statement: LICADHO highlights alarming increase in Female Prisoner Population to Mark International Women's Day [Online]  
[http://www.licadho-cambodia.org/press/files/303\\_LICADHO\\_Pr\\_International\\_Women\\_Day2013-English.pdf](http://www.licadho-cambodia.org/press/files/303_LICADHO_Pr_International_Women_Day2013-English.pdf). [Accessed: 3 April 2014]
- CAMBODIAN LEAGUE FOR THE PROMOTION AND DEFENSE OF HUMAN RIGHTS. (2010) THE ADOPT-A-PRISON PROJECT: A review of the

conditions of mothers, pregnant women and young children living in ten Cambodian prisons [Online] <http://www.licadho-cambodia.org/reports/files/1412010-June-Adopt-a-Prison%20Final%20ENG.pdf> [Accessed: 3 April 2014]

COX, M. & SOPHEAK, O. (2012) Cambodia Case Study: EVALUATION OF AUSTRALIAN LAW AND JUSTICE ASSISTANCE [Online] <http://www.oecd.org/countries/cambodia/cambodia.pdf> [ Accessed : 28 February 2014]

CROTHERS, L. & MENGLING, E. (2014) Case Study Highlights Impact of Prison Life on Children [Online] <http://www.cambodiadaily.com/archives/case-study-highlights-impact-of-prison-life-on-children-45230/> [Accessed: 20 March 2014]

INTERNATIONAL CENTRE FOR PRISON STUDIES. (2013). ICPS NEWS DIGEST :18th Edition – November - December 2013 [online] [http://www.prisonstudies.org/sites/prisonstudies.org/files/resources/downloads/icps\\_news\\_digest\\_nov-dec\\_2013.pdf](http://www.prisonstudies.org/sites/prisonstudies.org/files/resources/downloads/icps_news_digest_nov-dec_2013.pdf) [ Accessed: 31 March 2014]

INTERNATIONAL CENTRE FOR PRISON STUDIES. (2013) Cambodia World Prison Brief [Online] <http://www.prisonstudies.org/country/cambodia> [Accessed: 31 March 2014]

MINISTRY OF INTERIOR& MINISTRY OF HEALTH (2012) Standard Operation Procedure for HIV, STI and TB- HIV Prevention, Care, Treatment and Support in Prisons (and Correctional Centers) in Cambodia : First Edition [Online] <http://www.nchads.org/SOPs/SOP%20for%20Prison%20Setting%20Eng.pdf> [ Accessed: 5 April 2014]

## **Interview**

H.E. HOEURN, H. (2014) Interview with H. Hoeum on 15th March 2014. Lankai Malaysia.[Recording in possession of author]

# 3

# Indonesia



Source: CIA, 2014

## Introduction

Republic of Indonesia<sup>1</sup> is situated in Southeast Asia in form of the archipelago between the Indian Ocean and the Pacific Ocean. Indonesia is the 15<sup>th</sup> largest country in the world with a total area the size of 1,904,569 square kilometers. The country has a land size of 1,811,569 square kilometers. Furthermore, the country comprises 17,508 islands and some 6,000 islands are inhabited. The population in 2014 was 253,609,643, making Indonesia the 5<sup>th</sup> most populous country in the world.

The capital city of Indonesia is Jakarta with 9.12 million population; the second most populated city is Surabaya with holds the statistical record of 2.5 million people, followed by Bandung with 2.4 million residents. Alike other Asian countries, Indonesia comprises of a variety of ethnic groups i.e. Javanese- 40.1 percent, Sundanese- 15.5 percent, Malay- 3.7 percent, Batak - 3.6 percent, Madurese - 3 percent, Betawi- 2.9 percent, Minangkabau - 2.7 percent, Buginese - 2.7 percent, Bantenese and others- 2 percent.

The official language is Bahasa Indonesia, which is the modified form of the Malay language. Other languages being used in Indonesia are English, Dutch, and local dialects. Among 700 languages and dialects used in Indonesia, the most widely spoken dialect is Javanese.

Most Indonesians are Muslim, which is approximately 87.2 percent of the population. It makes Indonesia the world's largest Muslim majority nation. Christian Indonesians are around 7 percent of the population, Roman Catholic Indonesians are 2.9 percent, and Hindu Indonesians are only 1.7 percent of entire population.

Indonesia is an Asian country that has a history of being colonized like many other countries in the region. The points in time of being colonized were first in the early 17<sup>th</sup> century, when Indonesia was colonized by the Dutch. Furthermore, during 1942 and 1945 when Japan occupied the islands. Later, Indonesia declared its independence on 17<sup>th</sup> August 1945.

The legal system of Indonesia is a civil law system based on a Roman-Dutch model which is influenced by customary law. Referring to the country's administrative divisions, since 1<sup>st</sup> January 2001 when the implementation of decentralization was initially introduced countrywide, regencies and municipalities become the main administrative units providing most forms of government services.

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<sup>1</sup>The research responsible for main content is Ms. Urya Krisanachinda.

The country is comprised of 31 provinces, an autonomous province, a special region, and a national capital district. In respect of the executive branch, Indonesia has a president who is the chief of state and head of government. The president and vice president are elected for a five-year term by direct vote of the citizenry.

As Indonesia consists of a variety of groups of people, naturally as a result of the diversity, obviously under these conditions there are some potential for social problems or conflict. Regarding the issue of Indonesian crime and delinquency, the Bureau of Diplomatic Security (OSAC) proclaims that crime in major urban centers e.g. Jakarta and Surabaya, can be problematic. According to the Indonesian National Police (INP) statistics on criminal activities and trends in 2011, there were reported 54,799 violent crimes, 64 murders, 68 rapes, 1,936 aggravated assaults, 6,807 burglaries, 7,702 thefts and 5,352 vehicle thefts. In the analytical part, the general crime rates per capita basis of Indonesia are lower than similar reported crimes in major western cities such as New York, London, Paris and etc.

Indonesia is identified as the producer nation of illicit drugs i.e. cannabis for domestic consumption; it is also a producer of methamphetamine and ecstasy. The Indonesian National Police (INP) and the National Narcotics Board (BNN) discovered numerous clandestine methamphetamine laboratories capable of producing large quantities of crystal methamphetamine or known locally as “Shabu”. Besides, it is well-known that some members of the main terrorist organizations have been arrested and been put in prison, namely members of Jemaah Islamiyah (JI) and Jema’ah Ansharut Tauhid (JAT). In 2010 the establishment of the National Counterterrorism Agency (BNPT) was a crucial step by the Indonesia central government to take all responsibility for managing the nation’s counterterrorism and de-radicalization programs. Also, the country’s law states that watching porn is an act against the law, which has been in effect since March 2008.

Before the Dutch colonization which was literally prior to 1910, “Hukum Adat” or Adat laws applied throughout the islands. During colonial times, the Dutch set up a civil law system and influenced on the current criminal justice system which was largely based on civil law with an exception of the province of Aceh where the Islamic legal code has been assimilated in the criminal code. Hence the Penal Code 1999 and the Law on Criminal Procedure 1981 function as the regulatory foundations for criminal justice. Also, the guidelines of the administration of the Indonesian prison system are given by Government Regulation No. 99, 2012 (32, 1999) “Conditions and Procedures for the Implementation of the Rights of Prisoners” and the Corrections Law (1995). Indonesia criminal justice provides for capital punishment in certain cases. At present, the implementation of the death penalty is executed by a firing squad.



The philosophy of Indonesian corrections has evolved since 1965 led by Directorate General of Corrections of Indonesia, as Indonesia has used the philosophy of social reintegration rather than the past philosophy of retributive, and deterrence. This paper will examine the Indonesian corrections system highlighting on some focal points of concern.

# 1. Treatment of prisoners

## Prisoner Classification

The Indonesian correctional process is basically divided into 4 phases. The process begins after the convicted prisoner is given his final sentence from the criminal court judge. The procedure is as follows;

- **The First Phase**- In the First phase there are 3 core process: admission, orientation, and observation. This phase may take approximately 1 month. A new prisoner is introduced to the atmosphere of the correctional institution. This is necessary to lessen some of the burden of transition and to avoid the possibility of abrasion with other prisoners. This phase could take up to a third of the sentence period. In this period a prisoner is controlled under the maximum-security level facility and treatment.
- **The Second Phase**- This phase is the continuance of the first phase; however in the second phase a prisoner is given some work experience e.g. business, small industry, and all kinds of support skills. This training will be adjusted according to a prisoner's skills and interest. This phase will take as long as one third to a half of the sentence period. In this period the prisoner is controlled under the medium-security level facility and treatment.
- **The Third Phase** - In this phase a prisoner is introduced to the assimilation process, a process to adapt a prisoner back into society. There are several forms of activities in this stage, such as academic studies, religious worship, furloughs, social work and working for third parties etc. A prisoner is entitled to receive all of this treatment. This phase will take as long as a half to two-thirds of the sentence period. In this period the prisoner is controlled under the medium-security level facility and treatment.

- **The Fourth Phase/Final Phase** - The integration phase, in this phase a prisoner is eligible for parole and pre-release treatment. A prisoner no longer has to stay at the correctional institution. He or she, however, is placed under specific conditions, i.e. reporting regularly to the parole office. This phase takes place at the final third of the sentence period. The security level is restricted to minimum level. This phase is designed to treat the prisoner in accordance with the correctional discretion and the prisoner's basic human rights.

### **Class / Type of prisoner**

In Indonesian corrections, prisons are divided into three categories.

- Class I prisons : with a capacity of more than 500 inmates - Class I prisons have maximum security areas, and prisoners with long sentences or death sentences are sent here.
- Class II prisons : with a capacity of 250-500 inmates; and
- Class III prisons : with a capacity of up to 250 inmates.

Prisoner classification is aimed at the provision of appropriate treatment for specific prisoners. Among these categories are detainees, political prisoners, women, juveniles and death row prisoners. Normally, the incarceration of detainees and persons awaiting trial are separate from convicted prisoners, except in the event of religious services exercise periods. Detainees usually wear their own clothes and work only on a voluntary basis. Compared to other categories, detainees spend less time outside their cells than their fellow inmates. Each day they are let out of their cells three times, with an hour or two each. Meanwhile, convicted prisoners are out of their cells from 6 a.m. to 5 p.m. in Class I prisons.

### **Vocational training / work**

In principle, inmates are those in the process of training by prisons or detention centers<sup>2</sup> for a certain time, or those doing times imposed by the court for wrongdoings he has done.

The vocational training program in Indonesian prisons comprises programs for male and female inmates. The vocational program for male inmates includes rattan furniture manufacturing, wood and straw handicrafts, uniforms, shoe making and electronic repairs. Whereas female inmates are given programs designed specifically for women-such as cooking, flower culture and arrangement, sewing, knitting, and embroidery.

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<sup>2</sup>In Indonesia, detention center is place where unconvicted prisoner including awaiting trial, awaiting investigation and pending of appeal taken into custody.

The Ministry of Justice and Human Rights embrace many creative talents in Indonesia to enhance the nation's pride, those incarcerated in prisons are included. The Ministry of Justice and Human Rights in 2012 promoted prisoners' skills and competency by organizing the Prisoner CRAFT Fair. The event was also to increase the value of prison products and convince the public of prisoners' talent

One of the best examples of inmate work programs is the production of shoes and rattan furniture, of which their quality is well known. This program is partially funded by private industry. The shoe factory is established at Lembaga Pemasyarakatan (L.P.) Wirogunan Prison. It produces shoes for prison staff throughout the country. An inmate working at the factory receives 2000 rupiahs (\$1.15) a day, 1000 of which is deducted to the government, 750 deposited to his saving account, and 250 is allowed for their use. The program is beneficial to all parties involved, even prison officers who could purchase quality products with reasonable price.

### **Education in prison**

Generally, the educational program in Indonesian prisons is a strategic program that is held by correctional officers to rehabilitate and redirect prisoners' misbehavior in order to change them to have a good attitude and mindsets upon their release. To ensure quality of educations, the Department of Corrections design the program to suit specific type of prisoners, considering their behaviors and background

To meet the demands of prisoners for appropriate educational levels, a broad spectrum of educational programs are offered from illiterate level to elementary level. At Wirogunan prison, some prisoners are reported to have passed an equivalency test and graduated with elementary level while serving their time in prison. This is an evidence of success on how educational program can be used to change attitude and behavior of prisoners.

Education can be considered as part of rehabilitation program. There are several reasons for organizing workshops as part of a treatment program. In this context there are two strategic functions of workshops; firstly, the workshop is an effective tool to evaluate the treatment program that has been implemented for high risk inmates, and the second, the meeting among stakeholder who care and concern about the treatment program in the workshops they will be raising a lot of good ideas to revise the weakest points of the treatment program.

The officers carry out the assessment of prisoners for getting comprehensive and correlative overviews on individual prisoner's characteristics and the role of each prisoner. The assessment instruments are scientifically tested. This part is to be crucial to the assessment of prisoners who are terrorists because in the context of terrorism and high-risk prisoners, the assessment instrument will provide data and analytical reports to the classification board. The level of prisoners later is the result of the assessment.

Based on the results of assessment, a structured coaching program for changing the mindset and attitude of prisoners will be introduced to encourage prisoners to refrain from committing criminal acts. In Indonesian prison culture, it is important that there are some personal communications between officers and prisoners and some form of trust will be easier to motivate and bound them to join the treatment program. It is the reason that understanding some personal factors may successfully influence the character and mindset of prisoners.

The educational program is operated to improve both the mindset and behaviors of prisoners; therefore, the content of the program has to be interrelated as follows;

- **Conflict Management Training (CMT)** - Conflict Management Training program is conducted with adult learning models, which involve active participation to stimulate responding, thinking and conducting discussions with other inmates on a designated topic. In addition, the process of learning and changing their mindsets is implemented through games. They are taught to familiar with and accept diversities in different aspects such as differences in ethnicity, culture, religion values and attitudes. . Some of the main topics discussed during the CMT training are Self Confidence, Positive Thinking, Perspectives, Mediation and Negotiation. These would help reshape their thinking after release..
- **Life Skill Training** - The program aims to help build a new and strong mindset to achieve activities in life, especially business activities of which prisoners might make a living . Prisoners must have strong motivation to do business because it is not easy to get job with such a negative stigma as an ex-prisoner. Some topics that are discussed business plan, marketing strategy, and competitiveness. This is to prepare prisoners with knowledge and spirit of entrepreneurships before release.

### **Welfare and Social work**

In Indonesia, prisoners are treated with systematic welfare support. Some contemporary and successful examples of the psychological welfare and library facilities for prisoners as part of prisoner welfares are demonstrated below.

The risk of psychological damage to prisoners is high partly because of the coercive conditions of prisons. Therefore, psychological assistance for prisoners are necessary. In collaboration with the Faculty of Medicine, University of Airlangga, in Surabaya, prisons are able to manage psychological consultation with prisoners on a monthly basis. Consulting with psychologists would help prisoners not only when they

are in prisons but also after they are released. Consultation needs to take into consideration In terms of welfare, it takes a touch of psychology, understanding the true religion, job training. This collaboration program improves the knowledge, skills, and the handling of the doctors on issues relating to inmates, especially mental disorders or emotional psychiatric disorders associated with the individual.

The second outstanding prisoner welfare is the establishment of prison library facility. It is well-accepted that education is a tool to build knowledge society and this library program has followed that belief. As stated in the Article 14, Correctional Law no. 12 of 1995, prisons and detention centers should establish a library facility and allow access by prisoners. Prisoners have the rights to read publications and reading materials which are not considered contraband items In Indonesia, library facilities are located in every prisons and detention centers. To standardize library facilities, it is stipulated that each library should contain books, a reading room, reading lights, and a manager., The concrete development of libraries in prisons / detention centers began after a Memorandum of Understanding (MOU) between Ministry of Law and Human Rights and the National Library was signed.

This is in line with other consultation programs provided in prisons and detention centers, i.e. personality development and self-sufficiency programs. With the utilization of library, inmates are able to get access to various knowledge from general science, religion to other sciences that are beneficial to prisoners after their r.

### **Medical Service and treatment**

The Department of Corrections announces that 2013 is the year of a good healthcare service for prisoners. This service cover the following activities:

- Standardization of medical treatment;
- Facilities and infrastructure for the treatment of prisoners;
- Healthcare services; and
- Sanitary and environmental health.

Furthermore, the Department of Corrections carries out health education activities as a preventive measure for 40,366 prisoners and detainees; and provides treatment for 92,138 prisoners and detainees. Besides, the Department of Corrections plays an important role with vulnerable and at-risk groups i.e.

- supporting 2,035 vulnerable groups i.e. the elderly, children, infants, pregnant women, nursing mothers, and ill persons
- supporting 1,746 at-risk prisoners infected with serious diseases i.e. HIV, TB, Hepatitis, STDs, heart disease and cancer
- providing activities for 46,844 hospitalized prisoners in prisons / detention centers.

The healthcare practices in prisons and detention centers are conducted as follows;

- Planning and Budgeting for the program for High -Risk Groups in prisons and detention centers
- Monitoring and Evaluation of Health and Treatment
- Treatment for infectious diseases in prisons and detention centers
- the use of Therapeutic Community (TC) in prisons and detention centers

Missions and responsibility of administrative counselors in prisons and detention centers:

- The Technical Meeting and Finance for 25 provinces and 39 prisons
- Achievement Program Implementation for 22 provinces in 105 prisons
- Socialization Reporting Recording System for 47 prisons

Missions and responsibility of the Office of Monitoring and Evaluation in the regional areas are as follows:

- Taking Blood Voluntary Program
- Socialization of TB
- Training TB DOTS
- Training Lab TB
- Strengthening Supervision and M & E Network
- Compilation (Revised) Tools (Measurement) Technical Guidance and Monitoring Services in the HIV AIDS Correctional Unit

The Model Prison;

- Training Assessment and Treatment Plan Narcotics Use Disorders for Health Professionals in prisons / detention centers
- Films Production as a Tool for Communication , Information , and Education strengthening Quality Services for those suffering from HIV AIDS in the Correctional Environment
- Strengthening the Capacity of Model Prison Officers
- The Sub Directorate of Technical Support

Formulation of Policies and Guidelines for Monitoring and the Evaluation Tool on healthcare;

- PLT Screening, Diagnosis and Treatment of TB
- Detection and Treatment of MDR cases

- Programs for TB Infection Prevention and Control
- Meeting coordination and socialization training and wastewater and waste to prisons and detention centers
- Assessment and socialization for the development of waste management installations
- Assessment and socialization for wastewater treatment plant construction planning coordination meeting (Communal System Installation Anaerobic processing garbage)
- Development of garbage treatment plants Development of a wastewater treatment plant in Karachi Prison
- The training of waste management and waste water

### **Contacts (visits / letter / telephone)**

#### **Family Visits**

A family visit is a basic right for a prisoner along with other rights such as integration, parole, and pre-release treatment. All prisoners can receive weekly visits. Fifteen minutes is allocated for a regular visit. Visiting rooms are allocated and provided for prisoners. They sit on the opposite side of the table to their visitors. Some Indonesian prisons limit the number of visitors to 2 persons; while other prisons such as the Tangerang women's prison has no limits on the number of visitors. However in the Tangerang women's prison, if there are any women who have committed a disciplinary offense in prison, they will lose all their visiting privileges.

Major prisons are located in the center of cities, as a result families from the rural area could conveniently visit prisoners. The rationale of relocation of prisoners in Indonesia is strongly influenced by family relations. For instance some prisoners, who are transferred from other parts of Indonesia, are suffering psychologically as well as living hardship because their basic necessities – i.e. food, medicine, bedding, and clothing - are commonly supplied by families. Generally, the visiting rooms in Indonesia prisons do not have iron bars, except in Bantul detention center near Yogyakarta for security reason. The detention center was completed in 1987 with a capacity of 150.

According to the Department of Correction's statistics on family visits, the number of family visits was not greatly different overtime. In 1998 there were 427 visits; in 1999 there were 295 visits; in 2000 there were 138 visits; in 2001 there were 101 visits and in 2002 there were 395 visits.

## Letters

Prisoners can receive letters frequently. However, these letters are subject to security inspection to prevent the smuggling of contraband items..

## Lawyers

The revised Criminal Procedure Code (KUHAP<sup>3</sup>) has been a major step towards providing legal protection for criminal suspects - including the right to counsel from the time of arrest. In practice, however, many criminal suspects do not have lawyers prior to trial, occasionally because they are not familiar with legal rights and there is no lawyer available. In prisons, convicted prisoners are permitted to have contact with lawyers; this is usually the case with prisoners involved with political crimes who are exercising their right to appeal.

## Grievances

The submission of complaints is the development of measures to protect prisoners' rights by the Department of Corrections. In Article 14, Correctional Law No. 12, 1995 on Corrections explicitly mentioned a number of rights of prisoners; one of them is the right to file a complaint.

Regarding the right to make complaints, it is a manifestation of the principles of good governance that aims to serve justice in the law enforcement agencies in particular the Department of Corrections.

To date there has been no Ministerial Decree regulating the procedure of how to make and settle a complaint. However, the grievance procedures by prisoners are dealt with implicitly under the discretion of the Directorate General of Corrections in accordance with No.E.22.PR.08.03 2001 on the execution of tasks of Corrections Operating Procedure. In practice, prisoners can make complaints to the prison or outside authority such as family, relatives, lawyers and judges. Especially, they can make a petition to the prison inspection authority comprising judges and the inspectors assigned to supervise correctional intuitions. They can visit prisons randomly every 3 months without advance notice.

Inspectors can interview prisoners and prisoners can submit petition to the inspectors directly. The inspectors do not interfere with the management of prisons but their duty are similar to that of State Ombudsman.

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<sup>3</sup>Abbreviation from KitabUndang-UndangHukumAcaraPidana



## 2. Treatment of specific prisoners

### Female prisoners

Across the country, according to the International Centre for Prison Studies (2013) there were 7,854 female prisoners or approximately five percent of total prisoners. In major prisons, there are small female blocks where conditions are similar to those shared by male prisoners.

The model prison for women, Tangerang, built in 1980 outside Jakarta, has a capacity of 250 female prisoners. In recent years, it holds prisoners of lower than 100. Of the 96 women at Tangerang Prison, 33 were on drug charges and 27 on murder charges, which are the two most common offenses in Indonesia.

The physical layouts of Indonesian female prisons are different – some new prisons have small lodges with rooms containing beds and bedding supplies. In older facilities, meals are served on the floor in the traditional way. On the other hand, newer prisons has a dining area where prisoners sit at tables and eat from food trays. Regarding the treatment of children attached to mothers in prison, Tangerang prison allows female prisoners to keep their children up to the age of 2 with them for breastfeeding and nurturing to build a close bond between mother and child.

### Youth offenders

The Indonesian prison regulations, the incarceration of juvenile offenders are separated from adult. Juvenile facilities and adult prisons obviously serve different purposes and has different target groups. Generally, the facilities are situated across the country.

In 2013, the juvenile facility at Tangerang, built in 1925, took custody of 59 boys between 11 and 18 years old. The director of the prison addresses the needs of the children in a creative and innovative way. The physical layout of these facilities usually consists of a room with capacity of 20 boys. For disciplinary sanction, single cells are provided for isolation when they are justified "dangerous to others."

Male juveniles in Tangerang receive primary and secondary education both within and outside the institution, and they also have opportunities for sports outside prisons including swimming. At times, they may participate in the community's sport competitions, the celebration of national and religious festivals, as well as a scouting program which mixes child inmates with outside scouts. Regarding female juveniles, the number is relatively low in Indonesia. There is a program of handicrafts training for juveniles which are funded privately.

## Political Prisoners

In Indonesia, only the Class I prisons such as Cipinang Prison, the Malang Prison and the Kalisosok Prison take in custody political prisoners. Among these facilities, the Cipinang Prison contains the highest number of the political prisoners, which are 61 (4%) out of 1,458 sentenced prisoners in the facility. The Kalisosok Prison has a slightly lower percentage, which is 32 (3.7%) out of 856. Additionally, Malang Prison held 14 prisoners (1.8%) out of a total of 777 (Human Rights Watch, 1990).

The statistics of the Department of Corrections demonstrate that each prison divides these prisoners into EKKA (*ekstrimkanan* or the far right group, which is known as the Muslim radicals) and EKKI (*ekstrimkiri* or the far left group, signified as the former supporters of the Indonesian Communist Party). Additionally, some of the prisons held sentenced inmates for involvement in independence or separatist movements. The Cipinang Prison, for example, holds 6 prisoners from East Timor<sup>4</sup>, convicted and sentenced to long terms for support of the Revolutionary Front for an Independent East Timor. Both Malang Prison and Kalisosok Prison house inmates from Irian Jaya, Indonesia's easternmost province, convicted of having advocated independence for the state of West Papua.

Some political prisoners are rather better off than common criminals in terms of the living conditions and standards of treatment. Prison officials in the Cipinang Prison acknowledge that the best cells are reserved for political prisoners. Moreover the block where Muslim radicals are held has beds rather than concrete platforms, with small gardens; an exercise for prisoners those particularly well-known persons, and books including the Quran and English language manuals. The Cipinang Prison's most famous political prisoner, General Hartono ReksoDharsono, has his own bungalow on the prison grounds.

There are two reasons for the relatively better treatment of such prisoners. Firstly and most importantly, the International Committee of the Red Cross (ICRC) has regular access to the prisoners arrested in connection with the 1965 coup attempt and those from Irian Jaya and East Timor. This monitoring is an essential safeguard against abuse or maltreatment. The ICRC does not have such access to the Muslim radicals, however, and it is widely believed that some of these prisoners, particularly those suspected or convicted of violent crimes, may receive worse treatment than common criminals. Secondly, the status and international connections of certain political prisoners can be an important protection against mistreatment or substandard conditions.

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<sup>4</sup>Or currently known as the Democratic Republic of Timor-Leste

## **HIV Positive Prisoners**

Prisons are settings which are considered relatively high-risk environments for HIV transmission. There are some concerns about HIV and syphilis being prevalent and that risky behavior occurs amongst prisoners in Indonesia. A survey study which looked at HIV and syphilis from a biological and behavioral perspective was piloted on random samples of 900 male and 402 female prisoners in 2010 from 18 general prisons and detention centers in Indonesia.

The study found high-risk behaviors of male prisoners and the prevalence of HIV and syphilis among female prisoners. It revealed that HIV prevalence in prisons was 1.1 percent among males and 6.0 percent among female prisoners. Syphilis's prevalence was 5.1 percent for males and 8.5 percent for females. A history of drugs injection was the most important risk factor for HIV infection among male prisoners. For females, it was an infection of both HIV and syphilis. Most of females were associated illicit drug use. In Indonesia, high-risk activities in prison included tattooing, piercing and inserting genital accessories without proper sterile equipment, and sexual intercourse without condoms. The challenge faced by the Department of Corrections is to seek a preventive measure for prisoners including harm reduction initiatives.

## **Muslim Prisoners**

Religion is an important element Indonesian's lives. This also applies to those incarcerated in prisons. In some areas such as Kalisosok and Wirogunan, religious education is required. Most prison directors believe that the best mechanism to help improve in their institutions is religious training. Each prison has a large and clean areas for religious activities, like mosque and church. Prisoners are assigned to take care of these facilities as part of their work assignments.

In general, prisoners are given a set of blue uniforms which they have to wash by themselves. Most prisoners receive blue shirts and pants from their families, although regulations require prisons to provide prisoners with two sets of uniforms a year. For Muslim prisoners, they are allowed wear their own clothes when going to the prison mosque. Traditionally, all Muslims must perform ablutions or bathing before praying. Many prisoners request to pray in their own cells at the required hours. They, therefore, need water in their cells to perform their ablutions. On every Friday, prisons arrange religious activities and prisoners are gathered from different blocks in the designated area.

Visits of outside clergy or chaplain can be considered as a non-governmental monitoring measure. Many religious organizations in Indonesia provide food supplements and medicine for prisoners who do not have adequate visits by families.

## **Death row prisoners**

The Indonesian law retains the death penalty. In addition to political subversion, murder, narcotics dealing, hijacking and numerous other offenses are punishable by death. In recent months, both the Attorney General and the President have stated that people convicted of certain economic crimes such as smuggling and gambling, for example - may now be tried under the Anti-Subversion Law and face a maximum penalty of death.

There were 27 prisoners executed since 1985; of which 20 accused of association in the 1965 coup attempt against President Sukarno. In October 1989, Amnesty International stated that 31 prisoners are on death row – 11 were sentenced in connection with the 1965 coup attempt, 3 Muslim activists, and 17 were convicted of non-political crimes. Four prisoners from the 1965 coup who had been in prison for almost 25 years were ultimately sentenced to death on February 16, 1990.

## **3. Treatment of prisoners with non-custodial measures**

### **Parole**

The Indonesian correctional system has closely been connected with probation service and parole system thorough the Probation and Parole Board. The roles of the Board are threefold as follows;

- Support–finding facts for investigators, prosecutors and judges who handle children’s cases; and providing legal assistance to children.
- Treatment – Responsible for probation services, parole services and pre-release programs for probationers, prisoners, and juveniles. Giving advice on how to treat children offenders to legal guardians and social agencies. Providing parenting skills for parents and leagal guardians. Coordinating with prosecutors, courts, police, local government, and local community leaders.
- Surveillance – Giving recommendation to Minister on parole revocation matters and early release approval.

## Pardon

According to the Law of the Republic of Indonesia No. 3 (1950) on clemency, the President may grant clemency and rehabilitation under the recommendation of the Supreme Court. Furthermore, Article 1 of Law No. 22 (2002) provides the definition of clemency as is the measures to forgive law breakers in the form of change, mitigation, reduction or revocation of the sentence. The President is given the power to exercise the clemency.

The preamble letters b and c of Law No. 5 (2010) of the Amendment Act No. 22 (2002) on clemency provides that the President may grant clemency so that justice, human rights protection and the rule of law are served. This may convert the court's sentence, if necessary. Clemency may be granted in the following circumstances:

- for the interests of the family of the convicted persons;
- when convicts are seen useful for the society and community;
- when convict suffers from incurable diseases; and
- when convicts present good behaviors while serving their sentence in prisons.

Conditions for clemency: Individuals who wish to submit their petition to the President for clemency must meet the following criteria:

- The clemency appeal may be filed by a sentenced prisoner and court decisions that have permanent legal force;
- convicts are serving the following sentences:
  - the death penalty;
  - life imprisonment ;
  - imprisonment for up to 2 years.

Individuals who are eligible to apply for clemency are:

- Prisoners - Article 6 paragraph (1) of Law no. 22 (2002)
- Legal Counsel - Article 6, paragraph (1) asserts also that the legal advisor of convicts can apply for clemency on behalf of their clients. Convicts should authorize powers to their legal advisors on this matter.
- Families of prisoners - Families are also able to apply for clemency or authorize their legal advisors to handle the process on their behalf.
- the wife or husband of the prisoner

Article 6 paragraph (2) provides the definition of convicts' family as follow:

- children of prisoners;
- biological parents of prisoners;
- siblings of prisoners.

### **Transfer**

At present, Australia, Hong Kong, Iran and Brazil have approached the Justice and Human Rights Minister, Patrialis Akbar on prisoner-transfer agreements. However, the government is in the process of enacting appropriate legislation on this matter.

### **Alternative measures to imprisonment**

#### **Probation**

According to the Indonesian Criminal Code, the extent of the operations of the statutory penal provisions is stated. The probation period for crimes and misdemeanors described in articles 492, 504, 505, 506 and 536 is at most three years, for other misdemeanors it is at most 2 years. The probation period takes effect as soon as the verdict has become final and has been made known to the sentenced person in a manner fixed by law. The probation period does not take effect during the period that the sentenced person is deprived of his freedom by reason of a lawful detention. Probation conditions must not limit individual freedom on religion and political belief.

For conditional release, prisoners must serve two thirds of the sentence or at least nine months before eligible for release. In case where prisoners have more than two imprisonment sentences, must serve more imprisonments consecutively, the imprisonment is considered for this purpose to be one sentence. By this conditional release a probation period for the sentenced person shall be determined and the condition, which the sentenced person shall satisfy during the probation period, shall be fixed. The duration of the probation period is one year longer than the remaining part of the actual term of imprisonment of the sentenced person. It is not effective during the time that the sentenced person is lawfully deprived of his freedom.

#### **Community-based corrections**

As part of correctional services development, one of the alternative measures brought in the system is the so called ‘community corrections’. It is the measure which utilizes cooperation and support from the community. Details are as stated below.

The Department of Corrections has implemented a new model for the treatment of juvenile delinquents. It is called the diversion model, where communities take on a key role in carrying out the process of treatment or rehabilitation for juveniles. The process has been amended from the previous formal one, which heavily relied on role of law enforcement agencies. The present practice focuses on the informal process,

based on integrated supports and participation of the community. The treatment program, facilities and evaluation are designed and prepared by the community itself with guidance probation officers, social workers and local police officers. The juvenile who commits the crime must undergo treatment or rehabilitation programs by attending meetings where victims, family and local community leaders are present with supervision of probation officers, local police officers and also counselors from local schools.

Community-based corrections have also been implemented with those serving probation order. The treatment program is conducted by probation officers in cooperation with the community. In some cases or programs, the community is represented by local administrative organizations or entrepreneurial groups. In Indonesia, there are small-scale businesses interested in such programs and wish to take part in such program of like life skills training for the inmates. In the program for treatment of inmates in the prison especially for inmates who have passed half their sentences, the officers have usually been invited to community participation. The practice is that inmates who have good skills such as professional competence will be employed in the community business center. Or, inmates with good skills in repairing cars will be assigned to the car repair group owned by a group of businesses.

As of July 2013, there were a total of 163,153 offenders incarcerated in Indonesian prisons and detention centers. Of this number, there were 10,435 offenders on conditional release, 10.8 percent increase from July 2012, and 17.8 percent increase from July 2011.

## **4. Organizational Management**

### **Mission**

Their principal mission is to transform offenders to become better human beings and to help them realize their mistakes, reform themselves and not to reoffend. This is in line with Article 2 of the Corrections Act No. 12/995. The community is amenable towards them and they can actively take part in the nation's development and can live normally as responsible citizens as follows;

- Realizing the duties and functions of correctional system by promoting the law and human rights;
- Creating professional staff who believe in transparency and accountability in performing correctional duties and functions;
- Developing the capability and competency of staff consistently;
- Promoting cooperation with stakeholders to increase efficiency in corrections works.

## **Vision**

The Indonesian correctional system is an institution with social accountability and transparency for the delivery of correctional works by professional staff under related laws and regulations.

## **Organizational structure**

The Department of Corrections is under the Ministry of Justice and Human Rights and responsible for administers prison administration.. In 2013, the Department oversaw 569 prison across the country.

The organizational structure of the Department of Corrections can be described as follows;

### **❖ Directorate General of Corrections**

Directorate General of Corrections is the executive position and is responsible to the Minister of Justice and Human Rights. Directorate General of Corrections has the task of formulating and implementing policies and technical standardization in the correctional field.

Duties and responsibilities of the Directorate General of Corrections:

- correctional policy formulation;
- correctional policy implementation;
- development of norms, standards, procedures, and criteria in corrections;
- providing technical guidance and evaluation in the field of corrections; and
- other administrative functions.

### **❖ Secretariat of Directorate General**

Secretariat of Directorate General has the task of providing services to all administrative units under the Directorate General of Corrections. Secretariat of Directorate General has the following duties:

- coordination and implementation of plans, programs and budgets;
- management of personnel affairs;
- management of financial affairs;
- implementation of business equipment;
- evaluation and preparation of the Directorate General of Corrections; and
- implementation of other public affairs.



### ❖ Directorate of Security and Order

Directorate of Security and Order has the tasks of supporting the formulation and implementation of policies, providing guidance, conducting evaluation on security and order in accordance with the policy established by the Directorate General. Duties and responsibilities of the Directorate of Security and Order are:

- preparation of a draft policy on security and order;
- implementation of guidance, counseling and community development services in the field of security and order;
- development of norms, standards, procedures, and criteria on security and order;
- Preparation of the draft policy and security residential facility standardization, and standardization control unit and occupancy in implementing Technical Corrections;
- Preparation of draft prevention and prosecution policies and orders in the technical implementation unit of Corrections;
- Preparation of draft internal policy guidance and supervision of correctional officers, advocacy and legal assistance as well as technical guidance to security and order officers in correctional technical implementation units.
- Preparation of draft complaint service policies, service standardization system complaints, investigations of complaints, as well as the evaluation and preparation of building security and order; and
- Implementation of administrative affairs and household Security and Order.

### ❖ Directorate of Healthcare of Prisoners and Detainees

The Directorate of Healthcare of Prisoners and Detainees formulates and implements policies and conducts technical evaluations in the field of community development and healthcare as outlined by Directorate General of Corrections. the Directorate of Healthcare of Prisoners and Detainees has the following responsibilities:

- preparation of a draft policy on community development and healthcare of prisoners and detainees;
- giving guidance and consultation on community development and healthcare of prisoners and detainees;
- preparation of drafting norms, standards, procedures, and criteria in the field of community development and healthcare of prisoners and detainees;
- Preparation of policies, guidance, and technical support in the fields of nutrition, food ingredients, food infrastructure in prisons and state jails, preparation of policies, guidance, and technical support in

health, healthcare, health facilities and sanitation and a healthy environment in the technical implementation unit;

- Preparation of policies, guidance and technical support in the field of prevention of infectious diseases and drug addiction addictive psychotropic substances and substances in prisons and state jails, as well as medical rehabilitation and social rehabilitation of prisoners;
- Preparation of policies, guidance and technical support in the field of the protection of vulnerable and high risk groups as well as the preparation of the evaluation and preparation of health and care; and
- Supports the administrative affairs and household healthcare of prisoners and detainees.

#### ❖ **Directorate of Confiscated Objects**

The Directorate of Confiscate Objects has the tasks of policy formulation and implementation as outlined by the Directorate General of Corrections.

The Directorate of Confiscated Objects Management has the following responsibilities:

- Preparation of a draft policy in the areas of community development and management of confiscated objects;
- Implementation coaching, guidance and services in the field of community development and management of confiscated objects;
- Preparation of drafting norms, standards, procedures, and criteria in the field of community development and management of confiscated objects;
- Preparation of policies, guidance, and technical support in the areas of registration and identification of confiscated objects;
- Preparation of policies, guidance, and technical support in the field of security and maintenance of seized objects;
- Preparation of policies, guidance, and technical support in the field of deletion of confiscated objects;
- Implementation of administrative affairs and household Confiscated Objects Management.

#### ❖ **Directorate of Information and Communication**

The Directorate of Information and Communication has the tasks of implementing policies, providing technical guidance, information and communications in accordance with the technical policy of the Directorate General of Corrections. To carry out the task as intended the Directorate of Information and Communication has the following functions:

- Preparation of draft policy formulation in the field of information and communication;
- Implementation of coaching, guidance and services in the field of information and communication;
- Preparation of drafting norms, standards, procedures, and criteria in the field of information and communication;
- Preparation of policies, guidance and technical implementation in the field of data and information;
- Preparation of policies, guidance and technical implementation in the field of communication;
- Preparation of policies, development and implementation of technical cooperation ; and
- Implementation of administrative affairs and household Information and Communication.

#### ❖ **Directorate of Guidance and Social Welfare**

The Directorate of Guidance and Social Welfare has responsibility to prepare the formulation and implementation of policies, evaluations in the field of technical and social guidance for children in accordance with policies established by the Directorate General of Corrections. To carry out the task as intended, the Directorate of Guidance and Social Welfare performs the functions of:

- Preparation of the formulation of the draft guidance in the field of social policy and welfare;
- Coaching, guidance and counseling services in the field of social and welfare;
- Preparation of drafting norms, standards, procedures, and criteria in the field of social assistance and social welfare;
- Preparation of policies, guidance, and performs the technical implementation in the field of registration of child and adult offenders;
- Preparation of policies, guidance, and performs the technical implementation in the field of education;
- Preparation of policies, guidance and performs the technical implementation in the field of child protection and poverty;
- Preparation of policies, guidance, and performs the technical implementation in the field of guidance and supervision of offenders;
- Preparation of policies, guidance, and performs the technical implementation in the field of social research; and
- Implementation of administrative affairs and household Guidance and Social Welfare.

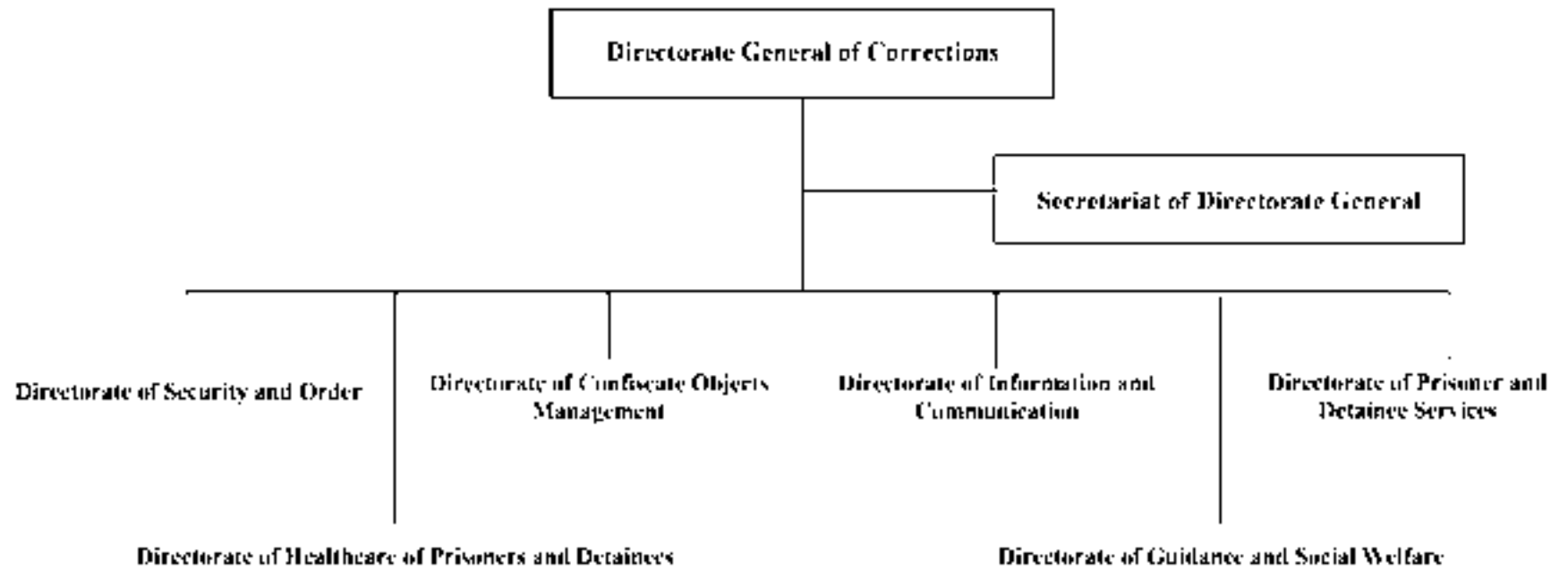
### ❖ Directorate of Prisoner and Detainee Services

The Directorate of Prisoner and Detainee Services has the task of preparing the formulation and implementation of policies, providing technical guidance and evaluation in the field of community development of prisoners and detainee services in accordance with the policies established by the Directorate General of Corrections. To carry out the task as intended, the Directorate of Prisoner and Detainee Services has the following functions:

- The Preparation of a draft policy formulation in the areas of community development and custody services;
- Implementation coaching, guidance and services in the field of community development and custody services;
- Preparation of drafting norms, standards, procedures, and criteria in the field of community development and custody services;
- Preparation of policies, guidance, and performs technical implementation in the areas of registration and classification;
- Preparation of policies, guidance, and performs technical implementation services in the areas of custody and legal aid;
- Preparation of policies, guidance, and performs technical implementation and integration in the field of correctional inspection team;
- Preparation of policies, guidance, and performs technical implementation guidance in the field of self-reliance;
- Preparation of policies, guidance, and performs technical implementation guidance in the field of personality; and
- Implementation of administrative affairs and household Prisoner and Detainee Services.

### Organizational Chart

The organizational chart of the Department of Corrections, below, demonstrates the administrative positions in the headquarters. In 2014 the Department of Corrections was headed by Mr. Handoyo Sadrajat, Directorate General, who previously was the Deputy Director of Internal Control and Public Complaints Institution of the Corruption Eradication Commission.



## Prison management

The Department of Corrections has significant changes in regard to the treatment of offenders by employing concept given by the Indonesia's former Minister of Justice, Dr. Sahardjo in 1964. This concept cover 10 Correctional Principles for the treatment of offenders::

- Prisons should protect and encourage offenders to become good citizen;
- punishment is not a form of revenge by the State;
- the focus is on provision of guidance on repentance rather than incarceration
- The State shall not be responsible for the offender's future wrongdoings;
- unnecessary separation is a form of alienation of offenders from the community. Offenders should always be part of the community.
- offenders shall not be given jobs that benefit only the institution or state. The jobs assigned should help develop the offenders' skills;
- educational aspect of correctional treatment must be paramount;
- offenders/prisoners should be treated as a human beings. Their dignity and human rights must be respected;
- offenders/prisoners shall be punished only in the form of loss of freedom;
- all correctional structures and facilities must support the rehabilitative and educational function of the correctional system.

There are two types of prisons in Indonesia, which are identified as Class I Prisons and Class II Prisons:

Class I prisons accommodate prisoners who are:

- high profile;
- serving long sentence;
- serving life sentence; and
- serving death sentence.

Class II prisons are to accommodate prisoners other than those mentioned above. Beside prisons, Indonesia also has detention centers. These institutions accommodate un-sentenced prisoners. There are 498 detention centers and other institutions accommodating specific inmates. They can be divided into :

- 239 Prisons
- 210 Detention Centers
- 21 Juvenile prisons
- 9 Women's prisons
- 19 Narcotics prisons

**Organizational Objectives:**

- Following the rule of law;
- Promoting the rule of law principle and human rights;
- strengthening the institutional management;
- Improving the quality of human resources.

**Personnel management**

Personnel management of the Department of Corrections is one of the most challenging developments. At the national level, there are 10,270 custodial officers working in prisons. According to the Standard Minimum Rules, proper prison administration depends heavily on the quality of its personnel. It is required that prison staff be adequately paid and trained and provided with security. The Indonesian prisons organize staff training courses to enhance the staff so that they work professionally.

In general, prison officers and their families are given special rice allotments, as a supplement or welfare to their salary. In terms of security, there are 2 prisons- Malang and Kalisosok – where staff are trained by retired Army officers. Seemingly, unlike regular prison staff, they can use rifles and are employed at guard posts. Indonesian prisons do not have psychiatrists working full time. However, there are volunteer psychologists who come approximately twice a month to the Tangerang Women's Prison. Hence, the Department of Corrections attempts to strengthen proficiency of human resource as well as build leadership among staff. The Department is aware of the fact that human resources are critical in achieving an institution's mission. The success or failure of the institution depends on quality of its leadership.

One of the developments in personnel management is succession planning which is always significant arena in the discipline of Human Resource Management and vital for sustainable development. It is an important strategic consideration for creating strategic policy. Some part of the succession planning review will identify the officers who have a certain potential and a commitment to raising the organization. The next step is to provide an opportunity for officers to develop their potential to meet the requirements of the Department. Some tasks that must be implemented by policy makers such as carrying out the following key activities:

- ❖ To give those officers special assignments to sharpen their potential;
- ❖ To appoint them as leaders or members of high potential groups;
- ❖ To visit prisons or other institutions, domestic or abroad.
- ❖ To attend conferences, workshops, etc.

## Relevant laws in correctional operations

The Department of Corrections' legislations and policy framework are as follows;

- Corrections Act No. 12/1995
- Juvenile Act No. 11/2012
- Government Ordinance No. 31/1999 Treatment of Offenders
- Government Ordinance No. 99/2012

The Directorate General of Corrections operates under the Corrections Act No. 12/95 and other policies. On 12 November 2012 the country issued Government Regulation No 99/2012. It is to regulate the remission or Good Conduct Allowance for high-profile prisoners, which state that prisoners who are involved with certain crimes such as drug abuse, terrorism, and some other cases have to achieve some additional goals to get remission or Good Conduct Allowance. The objective of this regulation is to satisfy the public on the aspect of the higher requirements for delivering sufficient punishment.

Correctional laws is the Dutch heritage from colonial era. Indonesia's Criminal Code (KUHP) is still largely based on the Dutch system. It has been in effect since 1917 with minor changes.

## 5. Best Practice

Good governance in corrections is manifested by freedom from corruption, collusion and favoritism. Although the form of government authority is accountable and responsible government, accountability of an organization/ government looks through the presence and Performance Report Performance Evaluation conducted periodically that describes the results of performance achievements. Accountability of a government agency to public in principle is an obligation to explain performance implementation of the government to the people. This is intended as an attempt to improve the efficiency, effectiveness, productivity, and accountability of the government in order to move towards good governance as expected by all components of the Indonesian nation.

Based on the Regulation of the Minister of Justice and Human Rights Number: M.HH - 05.OT.01.01 of 2010 on the Organization and Administration of the Ministry of Law and Human Rights, the Directorate General of Corrections has the task of formulating and implementing policies and technical standardization in the field of corrections. The Directorate General of Corrections is responsible for:

- Formulation of policy in the field of corrections;
- Implementation of policies in the field of corrections;
- Preparation of norms, standards, procedures, and criteria in the field of corrections;



- Providing technical guidance and evaluation in the field of corrections;
- Implementation of duties as outlined by the Directorate General of Corrections.

The strategic objectives posted in 2013 are:

- monitoring to ensure the compliance with the law;
- All groups, particularly vulnerable groups and minorities shall receive protection and their human rights are respected;
- planning, implementing, controlling and reporting are done in a timely manner and accurately;
- All units meet excellent service standards and achieve performance targets efficiently and with accountability.

Also, in order to achieve its strategic objectives in 2013, the Directorate General of Corrections was responsible for Key Performance Indicators namely;

- percentage of prisons with safety and order and law compliance;
- percentage of inmates that integrate with the community;
- percentage of inmates receiving protections.

In general, Key Performance Indicators were achieved by the Directorate General of Corrections in 2013. This results in budget saving.

However, although performances were achieved, the obstacles faced by Directorate General of Corrections include lack of quantity and quality of human resources, budget constraints and coordination between departments.

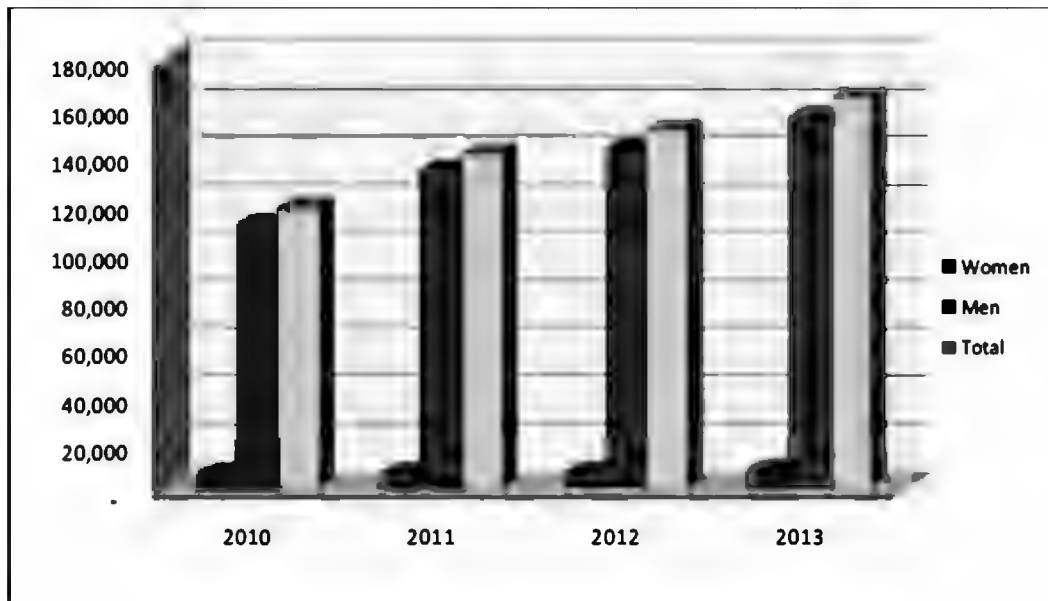
## **6. Statistics and figures**

According to Correctional Statistics, as presented in the Asian and Pacific Conference of Correctional Administrators 2013, prisons and detention centers are over capacity. Statistics show that the standard capacity of detainees and prisoners are for 103,090 persons. However, in 2013 the actual prison population was 163,153, of which 51,234 were detainees and 111,919 prisoners. This was 60 percent over capacity. Some initiatives has been introduced to mitigate the impact of overcrowding such as building new prisons and renovating rooms to make use of space and increase room occupancy, moving prisoners to low populated prisons, and implementing parole and remission.

In 2013, on average, there were around 51,234 males and females on remand in Indonesia and 111,919 were under sentenced. Over the past three years, the average number of males and females on remand on any given day remained moderately steady. Convicts, on the other hand, slightly increased.

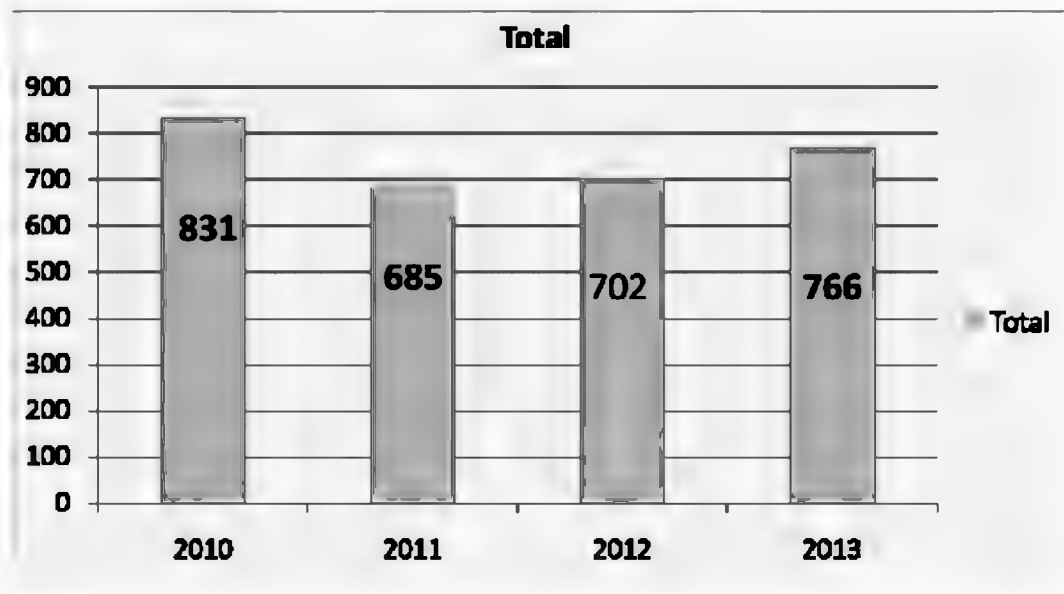
The number of foreign inmates in recent years were approximately 600-800 inmates. This resulted from the fact that Indonesia had no transfer system yet.

**Figure 1: Comparison of Male and Female Prisoners, 2010-2013**



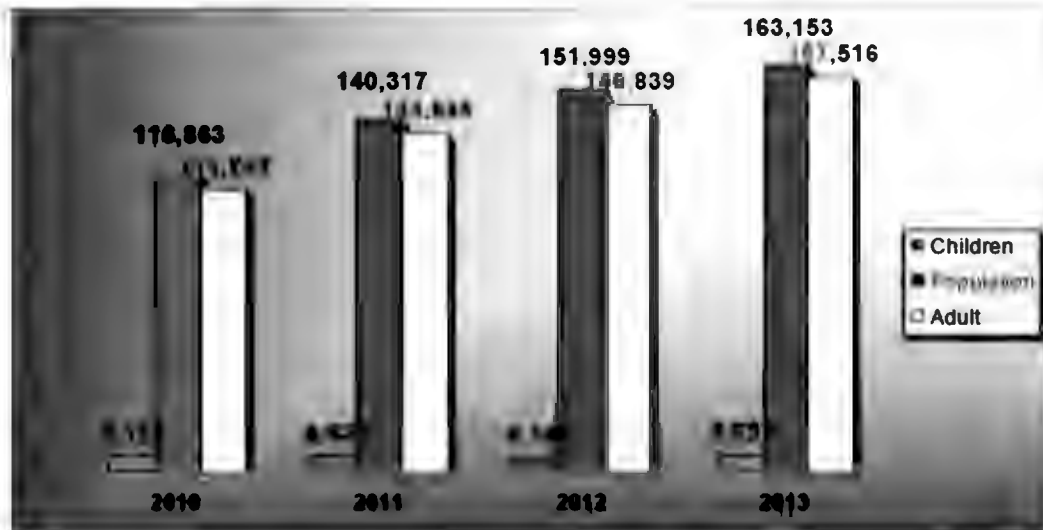
*Source: Asian and Pacific Conference of Correctional Administrators (APCCA), 2014*

**Figure 2: Number of Foreign Prisoners, 2010-2013**



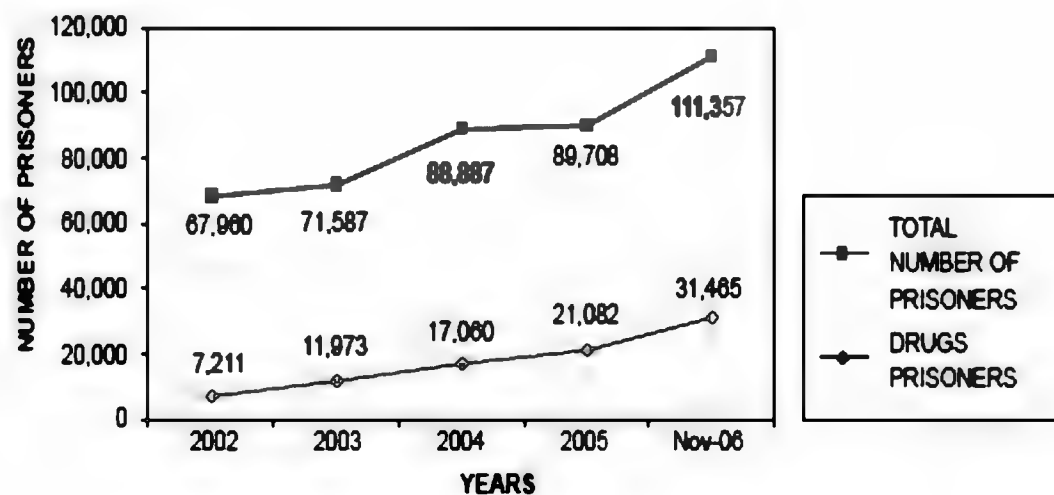
Source: Asian and Pacific Conference of Correctional Administrators (APCCA), 2014

**Figure 3: Juvenile and Adult Prison Population, 2010-2013**



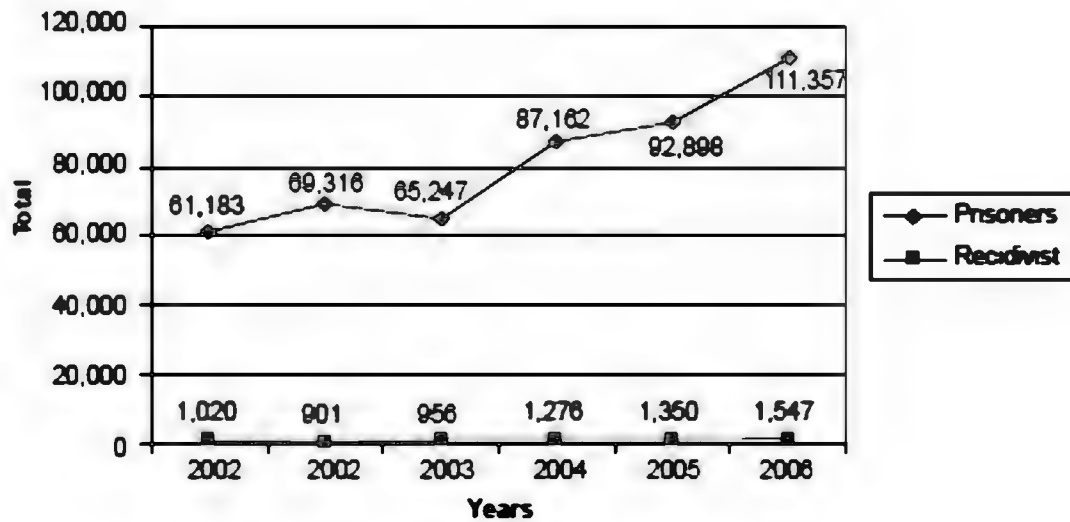
Source: Asian and Pacific Conference of Correctional Administrators (APCCA), 2014

**Figure 4: Numbers of Drugs Prisoners, 2002-2006**



Source: United Nations Asia and Far East Institute for the Prevention of Crime and the Treatment of Offenders (UNAFEI), 2008

**Figure 5: Rate of Recidivism, 2002-2006**



*Source: United Nations Asia and Far East Institute for the Prevention of Crime and the Treatment of Offenders (UNAFEI), 2008*

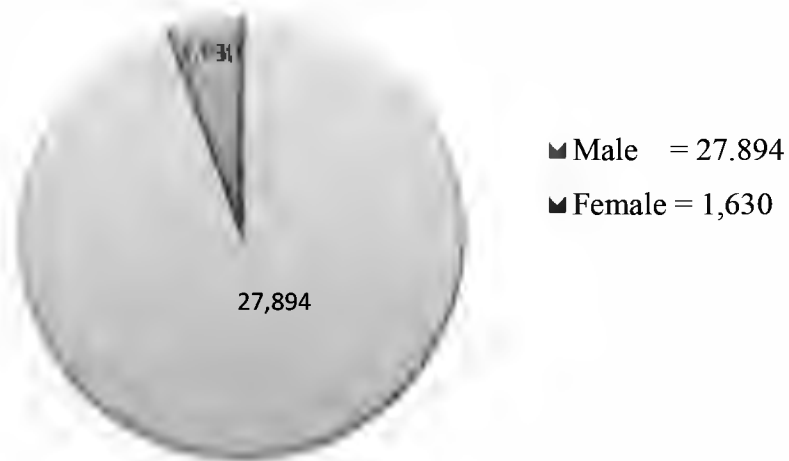
**Figure 6: Sentenced Prisoners by Gender, January 2013**



*Source: Asian and Pacific Conference of Correctional Administrators*

(APCCA), 2014

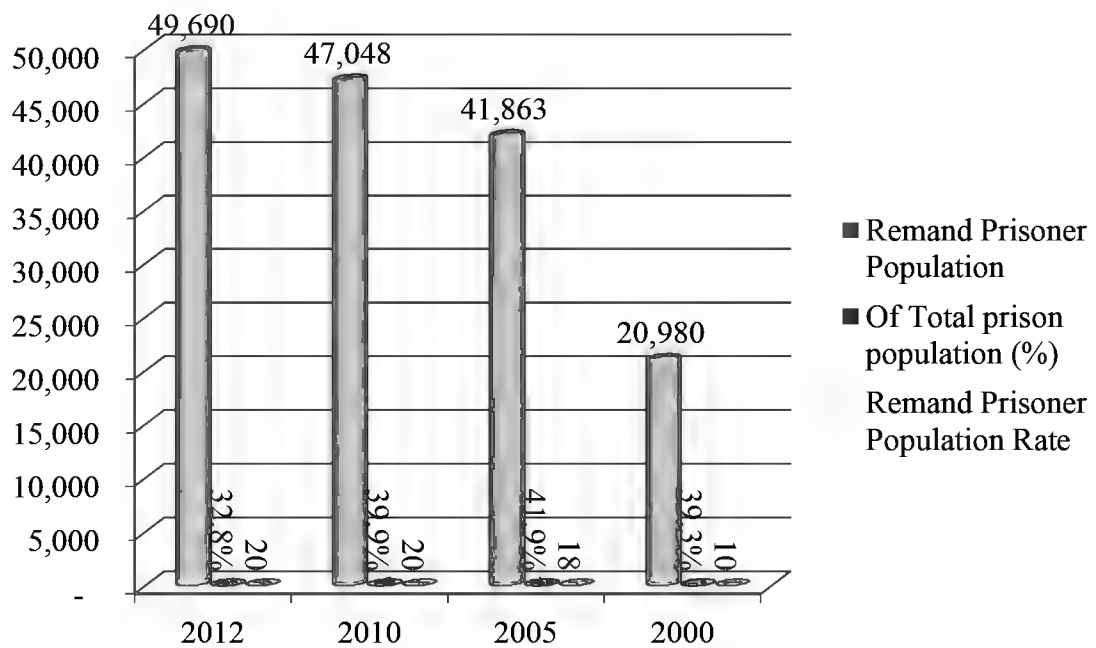
**Figure 7: Juvenile Offenders by Gender, January 2013**



Source: Asian and Pacific Conference of Correctional Administrators

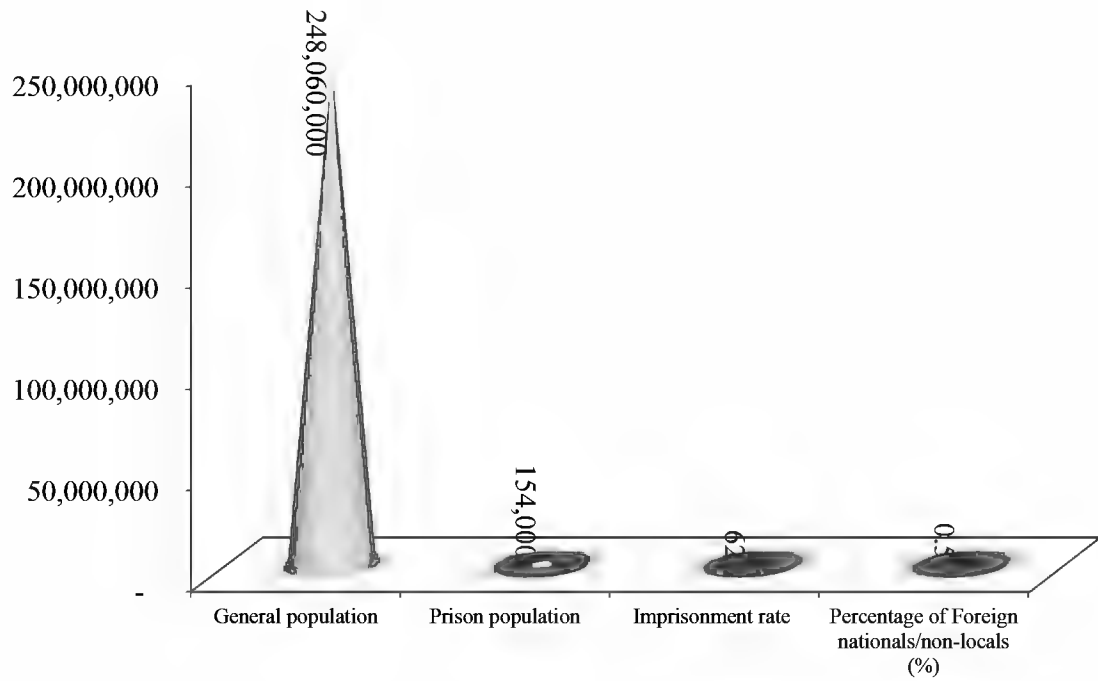
(APCCA), 2014

**Figure 8: Prison Population Trend, 2013**



Source: International Centre for Prison Studies (ICPS), 2014

**Figure 9: Prison Population Rate, 2013**



*Source: International Centre for Prison Studies (ICPS), 2014*

## Bibliography

### Books

- BLOGG, S., UTOMO, B., SILITONGA, N., HIDAYATI, D.A.N. AND SATTLER, G. (2010) *Indonesian National Inmate Bio-Behavioral Survey for HIV and Syphilis Prevalence and Risk Behaviors in Prisons and Detention Centers*. London: Sage Publication.
- HUMAN RIGHTS WATCH (1990) *Prison Conditions in Indonesia*. New York: Human Rights Watch.
- PLATZDASCH, B. (2012) The ASEAN-10: Economic Outlook. In: Montesano, M.J. and Onn, L.P. (eds). *Regional Outlook: Southeast Asia 2012-2013*. Singapore: Institute of Southeast Asian Studies Publishing.
- SIREGAR, R. (2012) The ASEAN-10: Political Outlook. In: Montesano, M.J. and Onn, L.P. (eds). *Regional Outlook: Southeast Asia 2012-2013*. Singapore: Institute of Southeast Asian Studies Publishing.
- UNITED NATIONS OFFICE ON DRUGS AND CRIME (2014) *Prison Systems and Management in Southeast Asia: An Overview*. Bangkok: UNODC.

### Online articles

- ASSOCIATION OF SOUTHEAST ASIAN NATIONS (2014) *Official Website of ASEAN* [Online] Available from: <http://www.asean.org/asean/asean-member-states> [Accessed 20 May 2014]
- BUREAU OF DIPLOMATIC SECURITY (OSAC), UNITED STATES DEPARTMENT OF STATE (2014) *Indonesia 2012 Crime and Safety Report* [Online] Available from: <https://www.osac.gov/pages/content/reportdetails.aspx?cid=12027> [Accessed 17 April 2014]
- CENTRAL INTELLIGENCE AGENCY (2014) *Official Website of CIA* [Online] Available from: <https://www.cia.gov/library/publications/the-world-factbook/geos/id.html> [Accessed 14 May 2014]
- DEPARTMENT OF CORRECTIONS. (2014) *Official Website of Department of Corrections* [Online] Available from: <http://www.ditjenpas.go.id/> [Accessed: 7 May 2014]
- DEPARTMENT OF CORRECTIONS (2014) *Official Website of Department of Corrections* [Online] Available from: <https://http://www.ditjenpas.go.id/> [Accessed 20 April 2014]

- HIDAYATI, D.A.N. (2008) Correctional Institutions Searching for An Effective Intervention in Promoting Public Safety and Controlling Drugs Dependent Recidivism. *UNAFEI Resource Material Series No. 74* [Online] p. 115-124. Available from: [http://www.unafei.or.jp/english/pdf/RS\\_No74/No74\\_12PA\\_Hidayati.pdf](http://www.unafei.or.jp/english/pdf/RS_No74/No74_12PA_Hidayati.pdf) [Accessed: 18 May 2014]
- HUMAN RIGHTS WATCH (1990) *Prison Conditions In Indonesia: An Asia Watch Report* [Online] Available from: <http://www.hrw.org/legacy/reports/pdfs/i/indonesia/indonesi908.pdf> [Accessed 22 April 2014]
- INTERNATIONAL CENTRE FOR PRISON STUDIES (2014) *World Prison Brief: Indonesia*. [Online] Available from: <http://www.prisonstudies.org/country/Indonesia> [Accessed: 17 May 2014]
- SUYATNO, A.SH. (2003) Reform of the Treatment of Offenders – Community Involvement. *UNAFEI in Indonesia Joint Seminar: Session Five: Reform of the Treatment of Offenders-Community Involvement* [Online] p. 177-184. Available from: <http://www.unafei.or.jp/english/pdf/PDFindonesia/session5.pdf> [Accessed: 18 May 2014]



# 4

# Laos



Source: CIA, 2014

## Introduction

The Peoples' Democratic Republic of Laos is one of the countries with the longest history located in the center of Indochina. It shares borders with the following neighboring countries; Thailand, China, Myanmar, and Cambodia. The total area is 236,800 square kilometers. The landscape of Laos consists of 70 percent mountains. The natural border, especially the Mekong River is the main geographical feature of the border between Laos and Thailand. This river is largest river in Laos, extending 1,898 kilometers from the North to the South of Laos.

Currently, the Laos PRD population is 6.5 million. The population consists of 49 ethnic groups. The official language is the Lao language and there are four main dialects from four main families, including the Lao- Tai Family, the Mon – Khmer Family, the Tibeto- Burmese Family, and the Hmong – Loumien. About 90 percent of population is Buddhist.

The Criminal Justice system in Lao PDR is based on the legal system of France. This is because Lao PDR used to be one of the colonies of France. So, the legal system has been influenced by France. Since 1989, Lao PDR started an extensive reform of its legal system, and today the Penal Code (2005), the Penal Procedure Code (2004), the Law on Judgment Enforcement (2004), and Criminal Law of the People's Court (2003) are the main laws which serve as the foundation for laws in running the criminal justice system in Laos PDR (UNODC, 2013).

As regards to the correctional system in Laos, the correctional system in Laos is administrated by the Department of Prison Police. The Department of Prison Police is one of the main criminal Justice agencies in Laos which plays an important role in the public safety in Lao PDR. The Prison Department is under the control of the Ministry of Public Security. Currently, the Department of Prison Police manages 17 prisons with approximately 5,000 prisoners (Water, 2013).

Laos PDR government has tried to develop the country in numerous ways. This includes the correctional system. The correctional system in Laos has been improved, but there are challenges which there are obstacles in developing its full capability. This is because Laos faces budgetary constraints and a lack of important resources for development. Therefore, development in Laos has improved gradually. Although there are difficulties in the development of the correctional system, the Department of Police Prison as the main agency has cooperated with other agencies inside and outside country. Those agencies have joined hand in hand to help the Department of Prison Police to develop the quality of life of prisoners in many aspects. Those agencies are the Human Rights, ICRC, and UNHCR. Those agencies also provide basic needs for prisoners such as food, water, medical treatment, including supporting construction within the prison. This cooperation aims to help prisoners in Laos have a high quality of life during incarceration. Particularly, prisoner treatment is the important in improving quality of prisoners' lives.

# 1. Treatment of prisoners

## Prisoner Classification

Prisoner classification is the first step for prisoner treatment. Generally, when prisons admit new prisoners, all new prisoners will have a background check, which will be recorded on prison records. Subsequently, new prisoners will be checked up for their health to examine their health. With the limitation of areas inside prisons, prisoners are not separated with reference to their offences or the type of prisoners. After checking their health, new prisoners will be kept in the prison.

## Class / Type of prisoner

No classification process is performed. Or at least the data are not available. Also prisoners will be incarcerated in the same cell regardless of their offense and background.

## Vocational training / work

The Department of Prison Police provides opportunity for prisoners to work. So, there are the vocational training programs for prisoners. They can learn how to earn money after they get released. The vocational training program in Lao PRD focuses on handicraft training, especially wood handicraft. This is because Lao PDR is a country rich in timber and natural resources.

## Education in prison

Education is one of the main initiatives that the Department of Prison Police has provided to prisoners for prisoner rehabilitation. Given the limitation of resources, education is offered in some courses, and prisoners are encouraged to attend and continue their education during incarceration. Limited budget and resources has led to limited education and rehabilitation.

## Welfare / Social work

Prisons in Laos provide food and water as well as medical services as welfare for prisoners. Normally, food is provided in all prisons for breakfast and dinner. Breakfast time is at 10.30 am and lunch and dinner time is around 3.20 pm. With the limitation of food budget, no special foods are provided for specific groups of prisoners, including foreign prisoners. All prisoners have the same foods. The foods in Laos' prisons are traditional and local, with sticky rice served. However, some prisons have a sundry shop where prisoners can purchase supplements for their meals. Also, prisons allow relatives to bring foods for prisoners. This is to help prisoners gain proper nutrition and variety of choices. Moreover, prison allows prisoners to grow food plants inside within prisons.

### **Medical treatment**

Normally, basic medical treatment is provided in all prisons, but in cases where the prisoner is seriously ill, they will be sent to get treatment at outside hospitals such as the police hospital. In addition, prisoners who have infectious diseases will be separated from other prisoners. However, the prisoners need to pay all expenditure of medical treatment when they are sent to outside hospitals, including specific treatment costs without government support. Although, most prisons have some medical service units and a doctor or a nurse staff working, they are not able to provide treatment for prisoners with critical conditions.

### **Contacts (visits / letter / telephone)**

Prisoners are allowed to contact the outside world. The prison authorities have the power to set prison policies for prison visits. According to the constitution, families can visit prisoners once a month. However, political prisoners are only allowed visit from members of their family. NGOs and humanitarian organizations are given limited visitation access to political prisoners in Laos.

### **Prisoner activities**

Within the prisons, prisoners are allowed to do activities, especially religious activities during incarceration. If the prison officers do not allow prisoners to do activities or provide a place for doing activities, they can send the request to the prison authority.

### **Grievances**

Laos' prisons give a right to prisoner to make requests. The prison officers allow prisoners to send request to appropriate authority without checking. Prisoners can send a request in order to investigate their charges. In addition, there are inspectors from the Ministry of Public Security to monitor the prison management on some occasions. This also allows prisoners to make direct complaints and request without checking.

### **Pre-release preparation**

There is no separate pre-release program in Laos due to the fact that the pre-release preparation is already included in the rehabilitation procedures such as providing vocational training programs covering agricultural and other activities that help prisoners to gain knowledge to earn a living after their release.

## 2. Treatment of specific prisoners

### Female prisoners

Regarding the treatment of female prisoners in Laos, they are provided a section in prison separated from male prisoners. Female prisoners in Laos are provided with specific needs items during incarceration such as sanitary napkins. Whilst in prison, female prisoners can attend vocational classes that aim to help them prepare their skills. According to the Penal Code, Article 29, it is prohibited to punish female prisoners with life sentences and death penalty.

In the case of pregnant prisoners, they are allowed to remain outside to give birth and take care their infants. Mother prisoners are allowed to go outside just to look after their children for a maximum of 1 and a half years after that they have served their sentence within the prison. At present, prisons try to contact relatives of prisoners in order ask them to take a baby out outside prisons. If there is no relative, these children will be sent to other places outside prisons. However, the number of pregnant prisoners in Laos is small.

### Youth offenders

According to the Penal Code, children are those under 18 years of age. Also, children can be divided into two groups; aged 1-15 years and 16-18 years. Article 17 and 36 of the Penal Code has set the exemption of punishment for children (under 18) and pregnant women. Moreover, Article 48 of the Penal Code lists the special measures to be applied by the court towards children between the age of 15 and 18 years (the offenders must request a pardon from the damaged party and the child may be sent to his her family or guardian or administrative authorities or social organizations for re-education). Article 29 of the Penal Code has forbidden punishment by life imprisonment or death penalty for offenders under 18 years of age.

Moreover, the Laos Penal Code allows for the conditional release of children who have committed offences and are sentenced by the court to imprisonment when requested by re-education centers or when it is seen that such children have a positive attitude, and have already served half of their sentence. The local people's court where the sentence is being serviced will consider the conditional release and outline the conditions to be implemented by the prisoners. According to the Penal Code, Article 47 if within five years, such prisoners fulfils all conditions and does not fall into recidivism, the remaining sentence to be served will be lifted. In the case of juvenile offenders who complete their full sentences, they will be sent to their parents, guardians, the administrative authorities or organizations for further education. All these measures aim to encourage repentance for their acts and give them opportunities to make a contribution to society. However, in reality, juvenile offenders in Laos are kept in adult prisons, but they are separated from adult prisoners. In some juvenile cases, , the authority may ask the International Non-government Organization (NGO) to provide emergency shelters.

### **HIV positive prisoners**

Basically, most prisons will check up prisoner's health backgrounds and interview them to determine their health condition. When medical staff know that prisoners are infected with diseases such as HIV, such prisoners will be separated from other prisoners. They will be provided basic medical treatments from prison medical staff. Most HIV positive patients in Laos have contracted the disease through heterosexual intercourse and injection of drugs. HIV is also spread by sex workers and their clients, including men who have sex with men.

### **Drug offenders**

Drugs cases are among prevalent offenses in Laos. Most offenders in Laos are related to drug abuse. The Somsaga Treatment and Rehabilitation Center is used as a detention facility for treatment of drug abusers and for the drug rehabilitation programs. The Somsanga Treatment and Rehabilitation Center is the oldest institution of the Lao PDR which was established in 1996 by the Ministry of Public Security.

The Somsanga Treatment and Rehabilitation Center has provided basic treatment services since 1999. Also, this centre has cooperated with other agencies, especially UNODC and the provincial and national commissions on drug control. Among these agencies are LENS (Law Enforcement and Narcotics Section of the US Embassy) DED (German Development Service) and SIF (Singapore International Foundation).

Within the center, there are basic treatments for drug detoxification and rehabilitation including vocational training activities. This aims to help drug offenders to get access to rehabilitation. The programs consist of medical and psychological treatment, including rehabilitation programs.

Vocational trainings and occupational therapy activities help support physical and mentality of offenders. This also benefits offenders in the long term in getting jobs after release. Moreover, the treatment program provides consultation not only for drug offenders, but also their families. This is to enable understanding between offenders and their families through useful treatments.

The drug treatments of the Somsanga Treatment and Rehabilitation Center can be separated into three main phases as follows:

### 1. Drug Detoxification Phase

In the first step, the offenders will be the patients, in particular drug users. Basically, patients will receive medicine and vitamins in order to withdraw the toxicity of drugs. During the treatment, patients will be provided consolation and psychological support treatment.

### 2. Rehabilitation Phase

In the second phases, this takes 3-12 months depending on the severity of the patient's drug problems. Treatment will be provided through activities, particularly vocational training activities and group counseling.

### 3. Follow up Phase

After finishing treatment programs, offenders will be followed up on their behavior in relation to drugs. This phase will be conducted when offenders are released back to society. This will check the efficiency of treatments when prisoners are reintegrated.

## **3. Treatment of prisoners with non-custodial measure**

### **Parole**

The parole procedure in Laos is conducted by the court. The prisoners who are eligible for parole are considered by the board committee. They will have to show good performance and behavior during incarceration. They are considered by the prison board and then nominated to the main board of the parole committee. The process of parole are done starting from the prison, the department, the ministry to the government respectively. The decision of the government is final.

### **Royal Pardon**

Royal Pardon in Laos is conducted once a year on the national day. The royal pardon is important to help prisoners get early release. Normally, prison will present the names of the prisoners who are eligible for the royal pardon. The nominee are those serving their sentence for certain period, w pay a fine and do the beneficial activities for their prisons. The eligible prisoners are then considered by a committee. The committee for royal pardon is appointed by the government.

### **Prisoner Transfer**

As regards to transfers, this practice is quite difficult for prisoners. This is because when prisoners request to transfer to another prison, prisoners need to spend their money on the expenditure for transfer. The cost prevent prisoners from transfer. In the case of foreign prisoners, transfer might occur under the agreement between their home country and the Laos authority. Prisoners can be transferred back to their counties, such as Thailand. Laos and Thailand have had an agreement for prisoner transfers since 2004. But due to agreement negotiation process, there is yet prisoner transfer.

### **Alternative measures to imprisonment**

#### **Probation**

There is no full system of probation in Laos. The probation system in Laos focuses on offenders or ex-offenders who are required to report regularly to prisons. Offenders need to report to prison every 15 days. However, in some cases, the government allows convicted prisoners of petty offences and non-violent crimes to get early release..

## **4. Prison administration**

### **Organizational Structure**

The head of the Department of Prison Police is the Director General. There are the Deputy Directors who work as the assistants for the administration. In the provincial area, the Department delegate power to superintendents for the management of prisons.

### **Prison Management**

Currently there are 17 prisons in Laos, including at least 25 rehabilitation centers for the rehabilitation of drug users. The level of prisons in Laos can be classified into three main categories which are capital prisons, Khawng (provincial) prison, and Muang (district) prison, including rehabilitation center. Capital prison is under direct control of the Department of Prison Police. Samkhe prison in Vientiane is the largest prison, with a capacity of 700 prisoners. Now there are approximately 550 prisoners. For foreign offenders, they are sent to the Phonthong prison.

### **Personnel management**

In order to support the capability of correctional officers, the Department of Prison Police has cooperated with the other agencies within countries and outside countries.. Training courses are provided for correctional officers. The correctional officers work as police officers which is another function of the officers. Some police officers work in prisons as the prison officers. Most officers need to attend training courses to prepare themselves for various situations within prisons.



The Training Courses are provided both in the country and abroad. Regarding training abroad, there is the cooperation between Lao PDR authorities and Vietnamese authorities under a Cooperative Agreement on Training. With a good relationship between the two countries, this agreement helps officers gain knowledge from the training course. The training agreement is an initiative between the Ministry of Public Security of Vietnam and the Ministry of Public Security of Laos P.D.R., which was initiated on August 9<sup>th</sup>, 2013. The training course is a police training course on the specific topics: prisoner education and corrections. The trainees acquire useful knowledge in many aspects, especially researching and exchanging the main contents of basic issues relating to the prisoner education and corrections.

## 5. Best Practice

Although Laos Corrections face challenges in many aspects, there is one outstanding point which is interesting, especially Mediation<sup>1</sup>. With the small number of the population, Laos has efficiently used mediation to reduce the number of the prisoner population. Mediation is designed to help reduce the number of prisoners by avoiding imprisonment. Mediation is used as the important tool for the minor dispute resolution, such as minor conflicts, and minor offences. The mediation has many stages before being sent to the court. The stages of mediation consists of Bann (Home), Muang (City), Khwang (Muang) relatively. Normally, the mediation process consists of Bann at the first level of dispute resolution. This level plays an important role before continuing to other steps. If both parties can be in agreement, the dispute is resolved. The process of mediation in Bann consists of 7 steps<sup>2</sup>

- First Step : Preparation
- Second Step : Mediation meeting
- Third Step : Sharing the opinion of the party
- Forth Step : Sharing the participant of meeting
- Fifth Step : Study the information of the committee
- Sixth Step : Presenting the opinion between dispute parties
- Seventh Step : Summary of the Mediation

For mediation in Bann, it can reduce disputed cases to the courts and the number of prison population.

## 6. Statistics and figures

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<sup>1</sup>Mediation is usually a meeting, in the presence of a trained mediator, between victim and offender. This system generally involves few participants, and often is the only option available to incarcerated offenders

<sup>2</sup> The comparative study : mediation procedure of village level in Laos PDR : PrasertSawangdee (2009)

Prison Population	
Number of prisoners	4,020
Prison population rate (per 100,000 of national population)	69
Pre-trial detainees (percent of prison population)	1.0 percent
Female prisoners (percent of prison population)	10.5 percent
Juvenile prisoners ( percent of prison population)	348 (78 convicted and 68 non convicted)

*Sources: International Centre for Prison Studies (ICPS), 2014*

## **Biography**

### **Thai**

### **Book**

SAWANGDEE, P. (2009) The comparative study : mediation procedure in Laos PDR

### **English**

### **Articles Online**

AMNESTY INTERNATIONAL. (2009) Lao People's Democratic Republic [Online]  
Available from: [http://www.europarl.europa.eu/meetdocs/2009\\_2014/documents/droi/dv/201/201104/20110413\\_502laosai\\_en.pdf](http://www.europarl.europa.eu/meetdocs/2009_2014/documents/droi/dv/201/201104/20110413_502laosai_en.pdf) [Accessed: 10th May 2014]

AUSTRALIAN GOVERNMENT. (2009). Law and Policy Review : HIV/AIDS Asia Regional Program. [Online] Available from:  
[http://aid.dfat.gov.au/aidissues/health/hiv aids/Documents/haarp\\_lawandpolicy.pdf](http://aid.dfat.gov.au/aidissues/health/hiv aids/Documents/haarp_lawandpolicy.pdf) [Accessed: 10Th May 2014]

JAIDEE, K. (2013). Travelling and experience in Laos prison [Online] Available from: [http://www.goodjai.com/thai/Prisoner\\_Lover\\_Globe.htm](http://www.goodjai.com/thai/Prisoner_Lover_Globe.htm) [Accessed: 9Th May 2014]

ROYAL THAI EMBASSY VIENTIANE, LAOS PDR. (2009) General Information. [Online] Available from:  
[http://vientiane.thaiembassy.org/vientiane/th/about/about\\_basic/](http://vientiane.thaiembassy.org/vientiane/th/about/about_basic/) [Accessed: 10th May 2014]

THE PEOPLE'S ACADEMY. (2013). Opening ceremony of police training course on prisoner education and correction for Ministry of Public Security of Laos P.D.R [Online] Available from: <http://www.hvcsnd.edu.vn/en/Acedemy/International-Cooperation/167/3468/Opening-ceremony-of-police-training-course-on-prisoner-education-and-correction-for-Ministry-of-Public-Security-of-Laos-PDR.aspx> [Accessed: 10th May 2014]

TOURISM MARKETING DEPARTMENT, LAO PDR. (2012). Laos in brief [Online] Available from: [http://www.tourismlaos.org/show.php?Cont\\_ID=41](http://www.tourismlaos.org/show.php?Cont_ID=41) [Accessed: 8th May 2014]

UNICEF OFFICE OF RESEARCH. (1996).State Parties Report: Lao People's Democratic Republic [Online] Available from: [http://www.unicef-irc.org/portfolios/documents/404\\_laos.htm](http://www.unicef-irc.org/portfolios/documents/404_laos.htm) [Accessed: 5 th May 2014]

UNITED STATES DEPARTMENT OF STATE. (2013) Country Reports on Human Rights Practices - Laos [Online] Available from: [http://www.refworld.org/topic,50ffbce582,50ffbce5ee,53284ab837\\_0,,,LAO.htm](http://www.refworld.org/topic,50ffbce582,50ffbce5ee,53284ab837_0,,,LAO.htm) [Accessed: 15th May 2014]

WOMAN NEWS NETWORK. ( 2012) LAOS: Prison conditions at rehab center cause concerns for global advocates[Online] Available from: <http://womennewsnetwork.net/2012/07/10/laos-prison-conditions-concern/> [Accessed: 10th June 2012]

## **Seminar**

GENERAL DEPARTMENT OF PRISON. (2013) the 3 rd. Regional Water and Habitat in Detention Seminar: Siem Reap, Tuesday 26 November to Friday 29 November 2013

## **Interview**

WATANAKIRI, C. (2014) Interview with C. WATANAKIRI on 25th May 2014. The Thai Department of Corrections. [Recording in possession of author]

# 5 Malaysia



## 1. Introduction

Malaysia is located in Southeastern Asia on the peninsular of Malaysia and consists of 13 states and 3 Federal Territories (Department of Statistics, 2010). The administration of each state is divided into districts. According to the National census of 2010, the population of Malaysia was 28.3 million. The most populated places in Malaysia are the state of Selangor (5.4 million), Johor (3.35 million) and Sabah (3.21 million). Out of the total population of 28.3 million, 91.8 percent were Malaysian citizens and 8.2 percent were non-citizens. Among those Malaysian citizens, they came from various ethnic backgrounds, 67.4% were Bumiputera, 24.6% were Chinese, 7.35% were Indians and 0.7% were from other ethnic groups.

Since Malaysia is a multi-racial nation, Malaysians hold a variety of religion beliefs. The majority of Malaysians are Muslims at 61.3% of the population, 19.8% are Buddhists, 9.2% are Christians and 6.3% are Hindus. The country's official language is Bahasa Malaysian but English and Chinese are also spoken widely. There are several dialects which are spoken by indigenous people in the East Malaysia region (CIA world factsheet, 2013).

According to the Malaysia Through Statistics 2010 published by the Department of Statistics, there are 14 categories of crime in Malaysia which are divided into two major groups' namely violent crimes and theft.

*Table 1: Crime in Malaysia*

Violent Crimes	Theft
Murder	Theft
Rape	Theft of trucks or vans
Group armed robbery	Theft of cars
Gang robbery without firearms	Theft of motorbikes
Armed robbery	Pickpocketing
Mugging	Daytime burglary
Assault	Night time burglary

*Source: Department of Statistics, 2010*

In addition to the aforementioned 14 crimes there are also special crimes under specific laws such as possession or trafficking of dangerous drugs, commercial crimes or crime related to the possession of illegal firearms.

The Prisons Department of Malaysia, under the Ministry of Home Affairs, is responsible for the supervision of prisons in the peninsular Malaysia, Sabah and Sarawak, wherein lie a total of 43 prisons, 14 State Parole Office and 50 Parole District Offices.

## 2. Treatment to Prisoners

### Prisoner Classification

Pursuant to regulation 34 of the Prison Regulations 2000, prisoners are categorized to facilitate the prisoners training and minimize the danger of contamination. The criteria used for classifying prisoners must concern the prisoners' age, gender, personality, history and other relevant factors on the discretion of the officer-in-charge. The categories of prisoners are as follows:

- 1) Convicted: prisoners who are currently serving a term of imprisonment
- 2) Unconvicted: debtors, remandees or persons awaiting trial, person detained for safe custody or person who have not been convicted.
- 3) Young prisoners: prisoners whose age is below 21 years old
- 4) First time offenders
- 5) Reoffenders
- 6) Escapees: include all former escapees from prison or other authorities

Prisoners in each category should be segregated, as far as the circumstances and conditions allow, both in the work place and their accommodation. It is especially important that convicted prisoners are segregated. All categories of prisoners may be identified by the usage of the abbreviation above the prisoner number worn on their shirt. For some categories of prisoners, it is required to distinguish them from others by using a specific color of prison number on their shirt such as red for first time offender, black for reoffender. Also, colored special stripes can be attached to the shirts of prisoners who were escapees.

Each prison shall have a reception board which is responsible for interviewing the prisoner, considering the arrangements for their training and classifying prisoners

by prisoners' age, character, and background history (Regulation 21, Prison Regulation 2000)

### **Class / Type of prisoner**

The Progressive Stage System is used in Malaysian prisons in order to establish the progressive stages with increasing privileges along which prisoners move up to get to higher stages. According to Regulation 35 in the Prison Regulations 2000, there are 5 stages of imprisonment namely: first stage, second stage, third stage, fourth stage and special stage. Promotion through the stages is determined upon the prisoners' good conduct, industry (the work done), and length of service.

The fundamental privileges of prisoners in every stage are the use of the library and the access to concert or lectures provided in prison. For the fourth and special stage prisoners, they are allowed to partake in additional evening activities which may be arranged from time to time; gain access to approved recreational activities in their cells; and gain permission to leave the prison under escort to take part in competitions approved by the officer - in-charge. The Special Stage are allowed to occupy dormitory accommodation or provided with special furniture in the cell such as extra bedding, and they are not to be locked in their cells or dormitories during midday, and they may be permitted to move within the prison without escort.

### **Vocational training / work**

Convicted prisoners are required to do any type of labor which the officer-in-charge and medical officer deems appropriate. For the allocation of the labor and the type of work one shall consider the suitability of the work as vocational training to prisoners related to their sentence, interest, capacity and the available resources of the prison. For the prisoners who are not convicted and merely being held in custody, they can decide whether they are willing to work, while they are in the prison. The prisoners' skill are classified into four grades namely grade A, B, C and D. Grade 'A' prisoners are highly skilled, while grade 'D' prisoners are basic grade. Prisoners receive payment rates which varies from the grade they are, grade A prisoners receive the highest rate of payment. Their promotion through the grades depends on the improvement of their skills and their conduct in prison. Prisoners in the earning scheme are permitted to spend up to a maximum of two-thirds of their total monthly income in order to purchase necessities for their use.



### The self-sufficiency and large scale production program

The department's vision is to be a world class correctional organization by 2020. The department's strategy is to set a target to develop in 5 main areas which include the self - sufficiency and large scale production programs (Dato' Sri Hj Zulkifli bin Omar, 2013). This program was initiated in 2010 and implemented firstly in six institutions by staff and pre-release inmates. They have been producing fresh-water fish, bread and vegetable to supply the local prison.

Currently, there are 10 institutions participating in the program that provides supplies to 36 correctional institutions. Moreover there is a new stream of large scale production which produces frozen food, snacks and textile for the local market. Now, there are 8 institutions working on this new production program.

### **Education in prison**

The Prisons Department of Malaysia has adopted the concept of "Lifelong learning and education for all" from UNESCO. There are courses which inmates can register with local universities for education ranging from diploma to degree level programs. From the Prisons Department of Malaysia, agenda 1 report at APCCA 2013, the number of prisoners registered on courses is increasing. From 2009-2013, there were 113 inmates registering to study in local universities. The table below shows the number of inmates who graduated from the university.

Integrity schools were established in 2009 specially for improving the examination results of the juvenile and young offenders in secondary school examinations. With cooperation from the Ministry of Education, 9 integrity schools operate in various prisons to help juvenile offenders. Currently, there are 98 full time teachers from the Ministry of Education in the integrity schools who teach juvenile and young offenders on the daily basis. On the integrity schools program, there were 2,800 inmates who passed the examinations and pursued further education.

### **Welfare / Social work**

#### Accommodation

All prisoners shall be confined at night in separate cells, dormitories or wards (certified by the Medical Officer). There shall be no more than three prisoners in one cell, except where there is any special reason. Male and Female prisoners must be kept separately in different buildings using a separate lock. Bedding shall be provided to all prisoners.

### Clothing

All convicted prisoners are required to wear prison clothing, which must be cleaned and changed regularly. Prisoners who have not been convicted are permitted to wear their own clothing.

### Diet

Food must be provided to prisoners according to the diet scales set out in the first schedule or other diet guidelines which are approved or recommended by the minister of health. The prisoners who have not been convicted may elect to provide their own food. No prisoner shall receive or have in their possession food other than that authorized by the diet guidelines.

### Programs for special groups of prisoners

The Prisons Department of Malaysia regards rehabilitation as one of the most important aspects of correctional work. The Prisons Department undertakes various strategies to enhance the quality of the rehabilitation programs to ensure its effectiveness. The department works with the higher institute of learning such as local universities to accredit and endorse the effectiveness of the rehabilitation modules i.e. modules for sex offenders, drugs trafficking offenders, general criminal offenders and white collar crime offenders.

### **Medical Services and treatment**

According to Regulation 7 of the Prison Regulation 2000, every prison shall have an infirmary or other place for receiving sick prisoners for medical treatment. If possible, each prison shall have a resident medical officer who shall attend the prison daily.

In the APCCA 2013 conference, the department reported that they are working on the building of a medical prison project. The project is now in the approval process. The plan of the hospital shall comprise of two zones. The first zone is the hospital zone with 100 beds, the operation theatre, dental clinic, medical laboratory and special ward. The later zone is the staff-quarters.

### **Contacts (visits / letter / telephone)**

Visits and letters are considered as privileges which each type of prisoners will be awarded differently. According to regulation 87 of the Prison Regulation 2000, the rights of prisoners are as follows:

- 1) First and second stage:** to write one letter every week and to receive one visit of forty-five minutes every four weeks (or to write and receive one letter in lieu);
- 2) Third stage:** to write one letter every week and to receive one visit of forty-five minutes every three weeks (or to write and receive one letter in lieu);
- 3) Fourth stage:** to write one letter every week and to receive one visit of forty five minutes every two weeks (or to write and receive one letter in lieu);
- 4) Special Stage:** to write one letter every week and to receive one visit of forty-five minutes every week (or to write and receive one letter in lieu).

However, the officer-in-charge may allow additional letters or visits as he may think fit as the privilege for any stage. Prisoners in every stage shall be entitled to receive letters without restriction.

### Visit

**Normal visit:** The visit shall take place at the normal working hours and not more than five persons shall be allowed to visit at a time. Provided that they give adequate information to the officers and pass the security search, visitors are allowed to visit prisoners, with the exception of the ex-prisoners, who only are only allowed to contact the current prisoner by letter. The visit must observable and audible to the officers.

**Legal adviser visit:** Prisoners are allowed to consult with one legal adviser.

**Police officer visit:** police officers may visit the prison to interview any prisoners for the matter of identifying offenders, taking photographs, taking statements from prisoners for the purposes of investigation or any authorized matters by the officer-in-charge.

**Sick prisoners:** prisoners with seriously ill can be visited by relatives or friends by the order of the medical officer and approved by the officer-in-charge.

### Letter

Prisoners can write and receive letters on a frequency which is dependent on the stage that the prisoner is at. However, every letter, to and from prisoners, are subject to censoring by the officer-in-charge. The letters can be considered as objectionable if they are found to be at risk on the following grounds (Regulation 97 (4), Prisons Regulation 2000);

- (a) Interests of national security;
- (b) The prevention, detection, investigation or prosecution of crime;
- (c) Interests of public safety;
- (d) Maintenance of prison security or good order and discipline in a prison
- (e) Protection of health or morals;
- (f) Protection of rights and freedoms of any person;

### Telephone/video-conference visit

Some prisons allow prisoners to make a phone call. Also, starting from the year 2003, some specific groups of visitors who are elderly, pregnant, physically disabled, or family member who cannot afford the cost of travel, can make video-conference visits. Selected institutions are linked to town centers (as of 2012 there were 4 institutions which were equipped with video facilities)

### **Grievances**

Prisoners may make the complaint to the visiting justice, director general or officer-in-charge. Prisoners may also make a complaint to junior officers with a request for an interview with the officer-in-charge for the purpose of making a complaint. (Regulation 115)

### **Pre-release preparation**

Mohd Zawawi Bin Ab Abraham (2012) presented at the APCCA 2013 conference on management and reintegration of prisoners serving a long sentence. The key to a successful pre-release program for long term prisoners is to ensure the effective rehabilitation and the strong support from the family and community.

The Comprehensive Prisoner Development Program (CPDP) was initiated in 2003 to ensure better coordination with the rehabilitation policy and the development of program. The new program was designed to comprehensively cover all types of offenders. In addition, there is a specific program on life skills, to reform prisoner's attitudes, and equip inmates with the necessary knowledge and skills.

Rebuilding family and community ties is also necessary to ensure the reintegration of offenders into the community. Various communication methods are available for prisoners to keep in contact with their families. Moreover, offenders' families' supports them both financially and social assistance is provided by the government and social service agencies through the "WE Care" project.

Employment assistance, with the collaboration of other governmental agencies and the commercial sector is available to the prisoners. Employment opportunities will be offered to long term prisoners. The offenders will be helped to find jobs before release so that they will be able to work upon their release. The joint program between the private sectors and the department guaranteed employment and currently there are 10 commercial companies operating in 5 prisons under this program. The prisoners would subsequently be employed by the company after their release.

Halfway houses are also available for those ex-prisoners who do not have relatives or other people to support them. Each state of Malaysia has one halfway-house and a total of 94 ex-inmates are assisted by the house in their transition period. The house is managed by NGOs and it offers accommodation, recreation activities and classes (for more information on Halfway-house, please refer to the section on Treatment of prisoners with non-custodial measures)

### **3. Treatment of specific prisoner**

#### **Female prisoners**

The Prisons Development of Malaysia has tailored its relevant law to support the women prisoners which includes the following aspects:

#### The Mother and child

Children under three years old may be admitted to the prison with his/her mother under the approval of the director general (Regulation 13, Prisons Regulation 2000) which is in accordance with the Bangkok Rules 51. If the children attain the age of three years old, the medical officer shall report whether it is desirable or necessary that the child should be kept in prison for longer. However, the child shall not be kept in prison with his mother after the age of four years old, except by special approval of the director general. In case that the child reaches the age of three or four years old (as the case maybe), the officer-in-charge shall find out whether there are any relatives or people who are in a position to willingly receive the children. If there is no such person, the child shall be sent to a welfare home until the mother is released from the prison.

### Prisons Designed for women offenders

It is necessary that the buildings and other facilities such as wards, cells, dormitories and yard must absolutely separate both genders for safety and moral reasons. However, as of 2012 only in Kota Kinabalu was the women's prison building separated from male building.

### **Elderly offenders**

According to the 34<sup>th</sup> volume of the APCCA newsletter, the number of elderly prisoners is increasing which causes various problems to the correctional facilities such as health care, nutrition, accommodation and other issues. Malaysia is using the definition provided by the World Assembly on Aging in 1982 by the United Nations, the term "elderly" prisoner's means prisoners who are over 60 years old. The preparation of the facilities in the prisons for elderly prisoners includes the following

#### In House Clinic

Health screening for elderly prisoners is provided to check physical health and mental health. Blood samples of inmates are taken periodically and on a random basis in order to monitor the health of elderly inmates which is crucial to prevent any outbreak of diseases and also to promptly provide the necessary medical care. Prison hospitals or wards are set aside for seriously ill prisoners.

#### Diet

Special diets such as high fiber bread, milk and vegetarian diets are provided under the recommendation of the medical officer.

#### Accommodation

Elderly inmates use a mattress placed on the ground for the needs of their physical condition. Also, the facilities and necessary material are arranged to support their health needs.

#### Welfare care

Welfare is arranged to meet the special needs of elderly prisoners such as the provision of wheelchairs for the prisoners with difficulty in moving, spectacles for inmates with eyesight's problems and other services.

## 4. Treatment of prisoner with non-custodial measure

### Parole

Prisoners serving a minimum of one year imprisonment will be eligible for parole. However, inmates must complete the rehabilitation program where approved by the commissioner general in the prison prior to the application. For the consideration of granting parole, the parole board must:

- a) examine and evaluate the parole dossiers, report of the prison officer in relation to the application for release on parole
- b) consider the following matters
  - protect the safety of the community
  - maintain public confidence and the administration of justice
  - nature and circumstances of the offence
  - prisoners criminal record
  - risk of the prisoner re-offending
  - likelihood of the prisoners ability to adapt to community life
  - effect on victims and victims' family
  - (for foreign prisoner) the availability of the parole system or other similar system in the country
  - other relevant matters

The Prisons Department of Malaysia supervises the parolees by encouraging good behavior and diligence in facilitating their rehabilitation. The parolees are obligated to

- a) report to a parole officer as specified by the director of the officer;
- b) reside at a place specified in the parole order and must seek the permission of the parole officer if he/she travels to the place outside the allowed district;
- c) work as arranged or agreed by parole officer and undergo any rehabilitation program which is specified by the parole officer;
- d) comply with the conditions specified in parole order;

- e) comply with any other conditions, instructions, and directions from the parole board or parole officer.

District parole officers will visit the parolee's home and work place periodically. The parole officer will also work as a coordinator between the parolee and their family or employer to be involved in the rehabilitation by giving support or being there to help the parolee.

According to information given in ASEAN plus Three Conference on Probation and Non-custodial Measures in 2013, there are 5,203 prisoners who successfully completed their parole conditions so far; only 2.2% of all participating parolees have breached their parole orders.

### **Royal Pardon**

According to Article 42 of the Malaysian Federal Constitution, the Yang di-Pertuan Agong has power to grant pardons, reprieves and respite for all offences which are tried by court-martial and all offences committed in the federal territories of Kuala Lumpur and Labuan. The Ruler or Yang di-Pertua Negari of state has power to grant pardons reprieves and reprieves for all offences committed in state, except for those cases which are imposed by any court established under any law regulating Islamic religious affairs shall be exercisable by the Yang di-Pertuan Agong as head of the religion of Islam in the state. The Ruler or Yang di-Pertua Negari shall exercise power on the advice of a Pardon Board who must meet in presence of the Ruler or yang di-Pertua Negeri and he shall preside over it.

### **Remission (under regulation 43 of the Prisons Regulation 2000)**

Subject to the terms of an order made by the Pardons Board, prisoners shall be also granted remission as follows:

- a) a convicted prisoner with imprisonment sentence of more than one month may be granted as remission one-third of his sentence
- b) prisoners with sentence of one month or less shall not be granted remission



## **Transfer**

The International Transfer of Prisoner Act 2012 was published in the Malaysian government gazette on the 21st February 2013. The government plans to complete ratifying relevant treaties with interested countries in 2014.

## **Alternative measure to imprisonment**

### Correctional Volunteers

Starting in 2012, the correctional volunteers club was established to help rehabilitation of inmates in prisons. More than 2,326 experts and professional members registered as correctional volunteers who conducted various rehabilitation and motivational programs. Moreover, the correctional under-graduate program was also implemented.

### Probation

As regards adult prisoners, there are no specific provisions on probation in Malaysia. However, the parolees might be under the probationer's care after they are released under parole. On the other hand, Juvenile offenders, Runjit Singh a/l Jaswant Singh (2005) stated that the Child Act 2001 allows the probation of those child offenders. Such probation order shall have effect for a period not less than one year and not more than three years. The purpose of child probation is to ensure the child's good conduct and monitor the behavior of the child in order that he or she will not reoffend. The probation order may include one or more of the following conditions:

- (1) the person on probation shall reside at a probation hostel, at the home of his parent or guardian or relative or at some other place;
- (2) the person on probation shall attend an educational institution to be recommended by the probation officer;
- (3) the person on probation shall remain in his place of residence, be it at the probation hostel or at home, during hours to be specified.

### Compulsory Attendance Order

A Compulsory Attendance Order is an alternative to imprisonment which the court may issue to offenders. Under the order, the offenders are required to undergo compulsory work for 4 hours a day of no more than 3 months duration. The location of the work will be determined by the Compulsory Attendance Officer.

Currently, there are a total of 65 districts in 14 states implementing this program. Approximately 950 participants have successfully completed the program with only a few revoked orders (as of the 22nd February 2013).

### Halfway House

The first Halfway Houses in Malaysia began operation on the 29th of September 2011 in Kuala Lumpur. As of 2013, there are now 14 halfway houses across the country. The main objectives of the Halfway house are being as a shelter for ex-prisoners after their release before they can find a proper place to stay and to assist them to successfully reintegrate into society. The house will guide those ex-prisoners by providing counselors, support group which are tailored to meet individual needs. The house values and guides the house members to be productive individuals and adhere to the law. To date, there are approximately 512 prisoners who have been accommodated in halfway house and around 95% of the ex-prisoners have obtained employment.

## **5. Best Practice**

### **Successful Community based Rehabilitation: Community Rehabilitation Center**

Reducing crime is one of key obligation to the society which the department is responsible for as one of the agencies in the criminal justice system. Some crucial steps must be taken achieve crime reduction by correctional work: improvising the rehabilitation program, improving the post-release resettlement program and enhancing co-operation among agencies in rehabilitation and reintegration. Community based corrections by the prisons department of Malaysia includes parole, compulsory attendance centers, halfway houses and community rehabilitation centers.

Apart from the above community based corrections, the newly launched community rehabilitation centers were established in 2011. Five centers were built in different parts of Malaysia with the collaboration of the Malaysian Armed Forces through the National Blue Ocean Strategy within the army camps. Inmates with remaining sentence of three years can be sent to these community rehabilitation centers so that they can rehabilitate within their community. They will be assigned jobs which will enhance their life skills and will pay at a minimum of 200 RM per month and include personal accident coverage. The rehabilitation centers are built in army camps which ensure their safety. As of June 2013, there were 1,200 inmates assigned to the centers.

The prisoners selected to go to the centers must

- complete the rehabilitation programs
- be convicted for non-serious offences

- be sentenced for more than six months imprisonment with the remaining sentence not exceeding 3 years imprisonment
- be Malaysian inmates
- not have committed any offences during imprisonment
- selection is made on a voluntary basis

The community rehabilitation centers target is the reduction of the reoffending rate to below 10% (the 2012 recidivist rate is 7.9%)

## 6. Organization of the Management

The Malaysian government introduced its policy on Government Transformation Program (GTP) which aimed at transforming governmental agencies to be more effective in the delivery of services with a higher accountability to the public in 2009. The Prisons Department of Malaysia, consequently, has set its sights on becoming a world class correctional organization by the year 2020 by focusing on the development of five main areas, namely,

1. Achieving self-sufficiency and large scale production
2. Building a knowledgeable workforce to propel the department to be a competitive and a prestigious organization
3. Maintaining secured and effective security at all times
4. Effective inmate management and rehabilitation
5. Exploring and using Information Technology in management of rehabilitation and security

(Prisons Department of Malaysia, 2013)

### **Mission**

“We protect the community by providing a secure attachment and effective rehabilitation programs.”

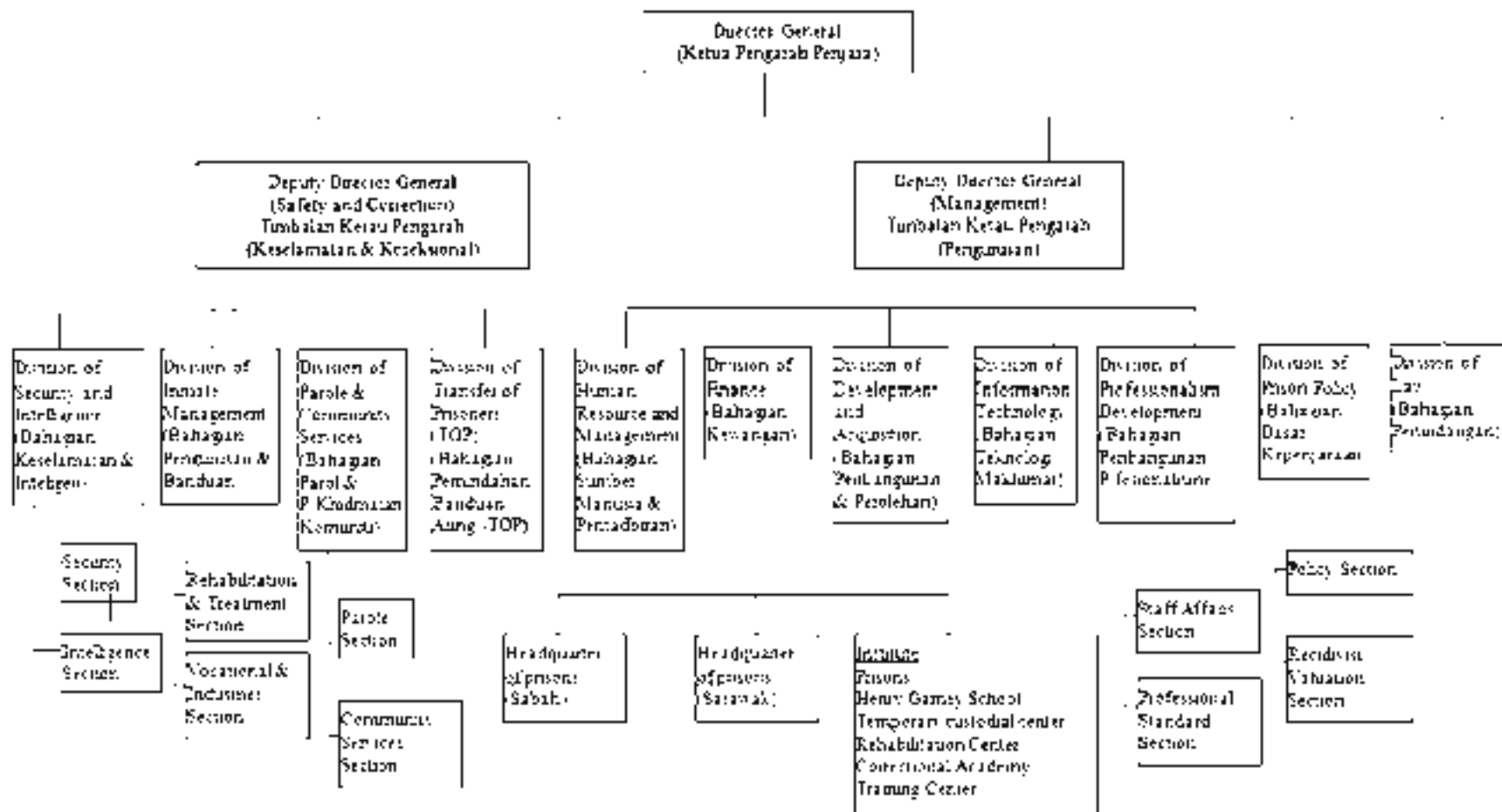
### **Vision**

“To be a world class correctional organization by 2020”

### **Organizational Structure**

The Malaysian Prisons Department is led by a Director General. There are two Deputy Director Generals; they are responsible for safety & corrections area and administration. At the department's headquarters, the internal administration is divided into 11 divisions which include all aspects of correctional services i.e. security and custodial, rehabilitation, prisoners management, and other internal matters. The organizational chart is shown below.

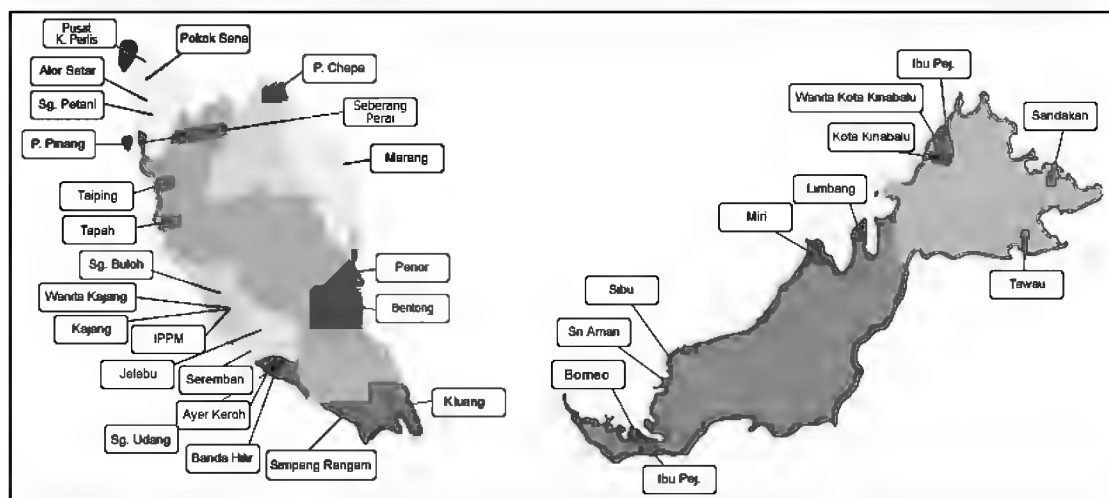
**Organization Chart**



## Prison management

According to Dato' Sri Hj Zulkifli bin Omar (2003) as stated in the APCCA report, there are 35 prisons, 1 detention center, 3 juvenile institutions (Henry Gurney Schools) and 4 rehabilitation centers. The capacity of all the institutions is in total around 50,700 inmates.

Figure 1: Prisons and Correctional Institutions in Malaysia



Source: Prisons Department of Malaysia Official Website

## Personnel management

### Recruitment of Staff

According to the career guide for prison staff shown on the official website of the department, there are 3 levels of entry position, namely:

- (1) Warden (Perlantikan sebagai wader - KX17) - for Malaysia certificate of education holders
- (2) Inspector of Prisons (Perlantikan sebagai Inspektor Penjara -KX27) - for higher school certificate or diploma in public administration
- (3) Deputy Superintendent of Prisons (Perlantikan sebagai Timbalan Penjara - KX41) - for degree holders

Apart from academic qualifications, each candidate is required to meet physical requirements as to their height, weight, chest size and eyesight etc. Staff who are appointed to each level of position above are required to serve a probationary period of 1-3 years (or trial period). They are also required to attend an induction course and they

must successfully complete the basic training program and pass any relevant examinations.

Pre-service or induction course training is offered to new staff. It covers the basic knowledge about correctional services, which includes the department's philosophies and expectations, the role of correctional staff as the correctional agent. This pre-service course is provided in 3 levels: basic, intermediate and the advanced prison management certificate course. In addition, there is an 8-month course offered to the senior officers which is held concurrently with the correctional science of graduate diploma course in collaboration with the department and the Malaysia's North University.

#### Career and Promotion

Equal opportunities for promotion are open to all staff members. Promotion is based mainly on their working performance. There are various awards offered to staff who add extra value to the organization such as promotion, monetary incentives, medals, certificate and other benefits. (ACP S. Gunasegaran A/L Shammugam, 2012)

#### Staff - Offender Ratio

In the APCCA report of 2012, CP Wan Mohamad Nazarie Bin Wan Mahmood illustrated the size of prisons and the number of staff (table 1). The report also proposed initiatives for the classification of prisons by using a staff-offender ratio determined by using an electronic surveillance system (ESS) in each prison (table 2).

*Table 2: Capacity and number of staff in each type of correctional institution*

Capacity (Offenders)			Staff		
Maximum	Medium	Minimum	Maximum	Medium	Minimum
3000	2000	1000	800	500	300

*Table 3: Inmate and Staff Ratio in each type of correctional institution*

Prisons Type	Manual	Semi-ESS	ESS
Ratio	1:4	1:6	1:8

### Laws regulating correctional operations

The Prison Act 1995 is the main Act which is of fundamental importance to correctional work in Malaysia. There is also the Prison Regulation 2000 which is the subsidiary regulation under the Prison Act 1995.

## 6. Statistics and figures

From APCCA 2013 Report, the prison population in 2008 to 2010 show the declining trend which might have resulted from the government policy on amnesty to foreigners who overstayed in Malaysia. In 2010-2011, the number of the foreign prisoners significantly decreased over that period while the number of Malaysian prisoners remained relatively unchanged.

From the year 2011, the number of prisoners in Malaysia could increase due to two main factors. The first one is the Government Transformation Program (GTP) launched in 2009. This policy aims to combat street crime via the police and the courts and it resulted in a significant increase in the number of prisoners. Also, there was the expiration of the amnesty for overstayed foreign prisoners after 2011. These two factors have together caused the prison population to increase from 34,420 in 2010 to 35,108 in 2011 and 36,122 in 2012. Malaysia Prison Population rate: 133 per 100,000 national populations (information as of 13 October 2013, International Center for Prison Studies). Below is statistical information of prisoners in Malaysia reported to Asian and Pacific Conference of Correctional Administration in 2013.

*Figure 2: Trend of prison population*

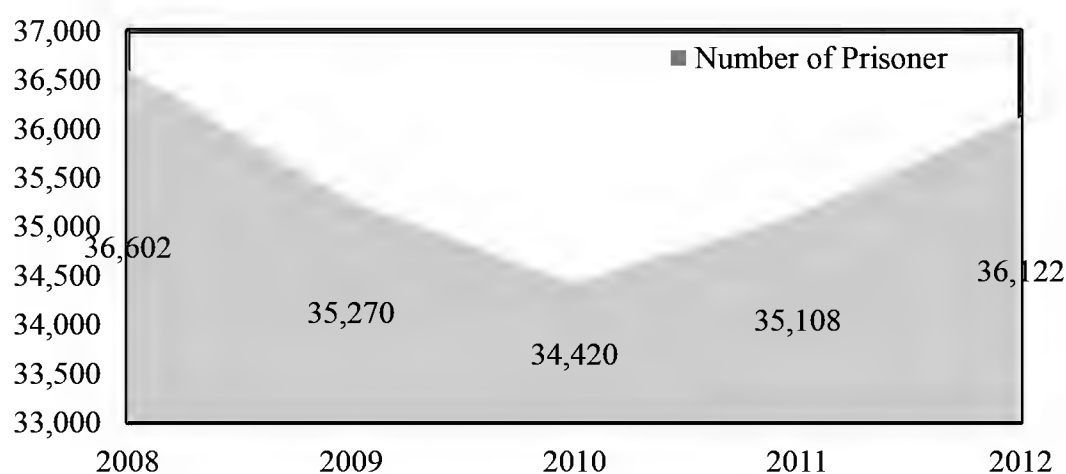




Figure 3: Prisoners on remand and convicted prisoners

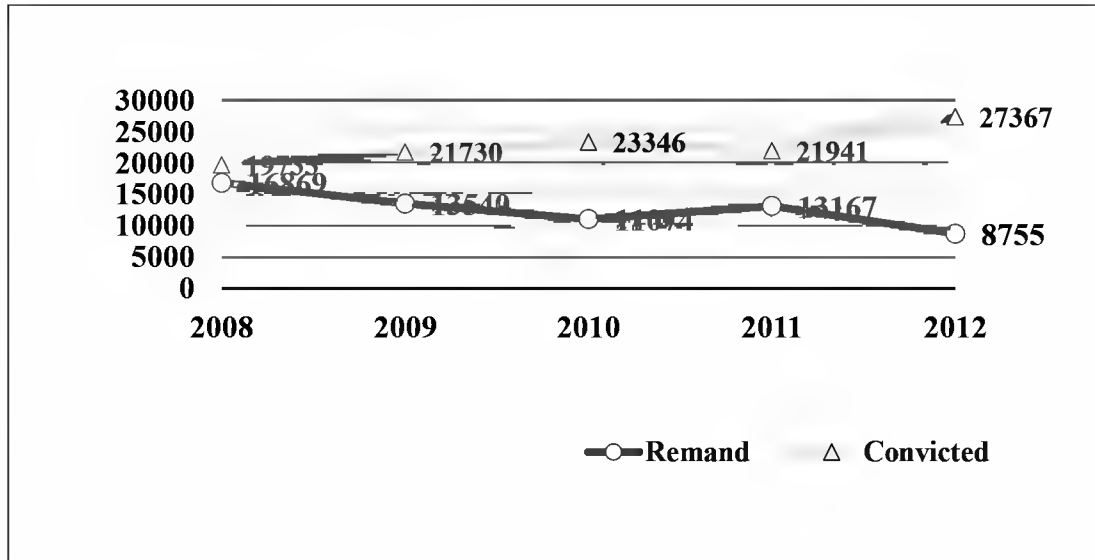
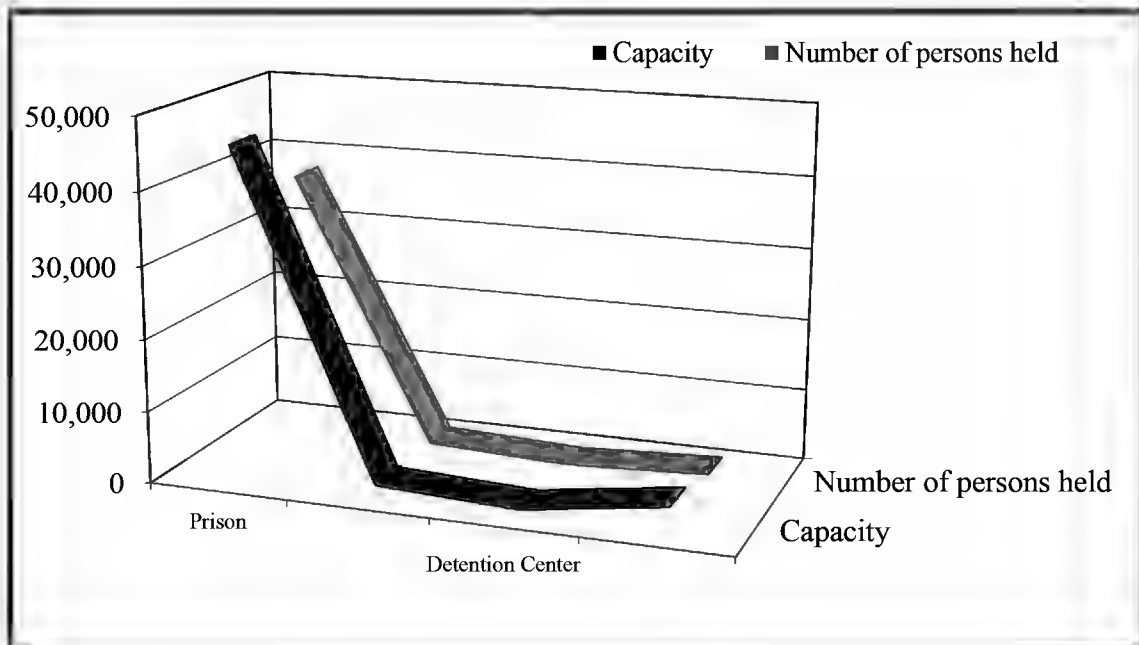
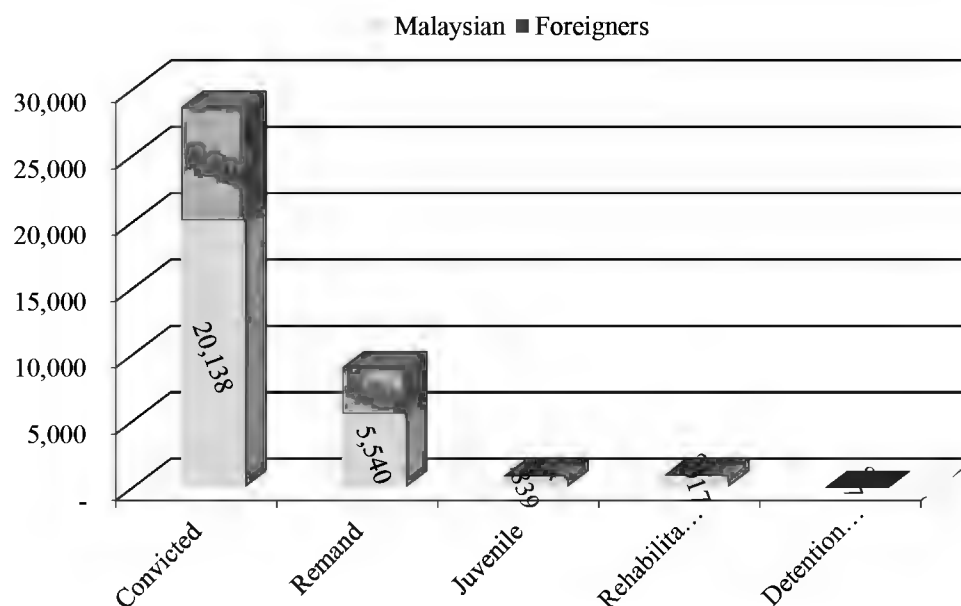


Table 4: Number of Inmate held in each type of correctional institution (as of 1st July 2013)



Institution	Capacity	Number of persons held
Prison	45,900	37,851
Henry Gurney Schools	1,250	853
Detention Center	350	15
Rehabilitation Centers	3,200	942
Total	50,700	39,661

Table 5: Types of Inmates



Categories	Malaysian	Foreigners	Total
Convicted	20,138	8,549	28,687
Remand	5,640	3,524	9,164
Juvenile	839	14	853
Rehabilitation Centers	917	25	942
Detention Center	7	8	15
Total	27,541 (69.41%)	12,120 (30.6%)	39,661

Table 6: Prisoners' Gender

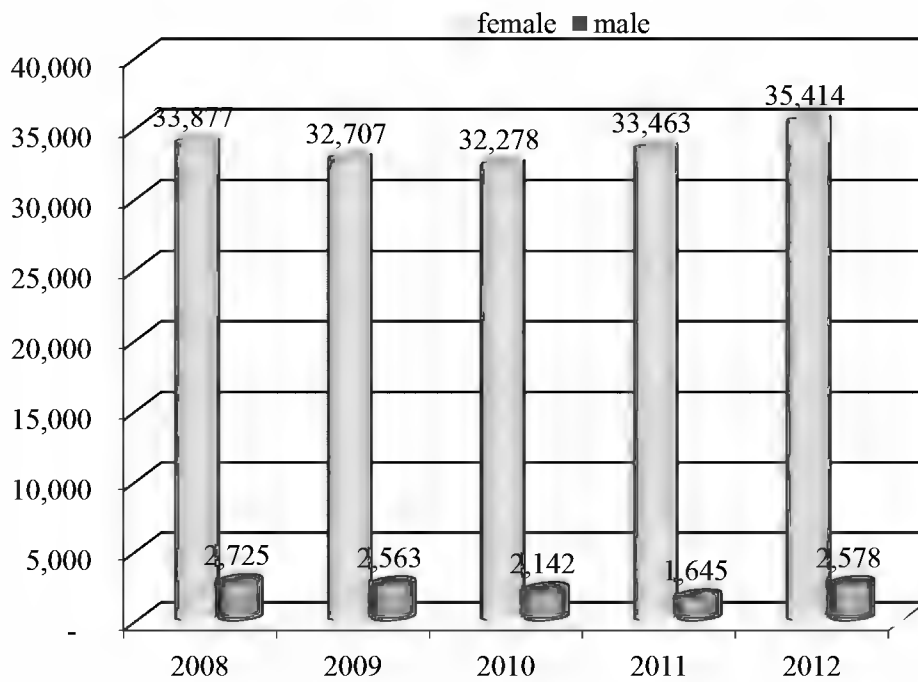


Table 7: Young and Adult Prisoner

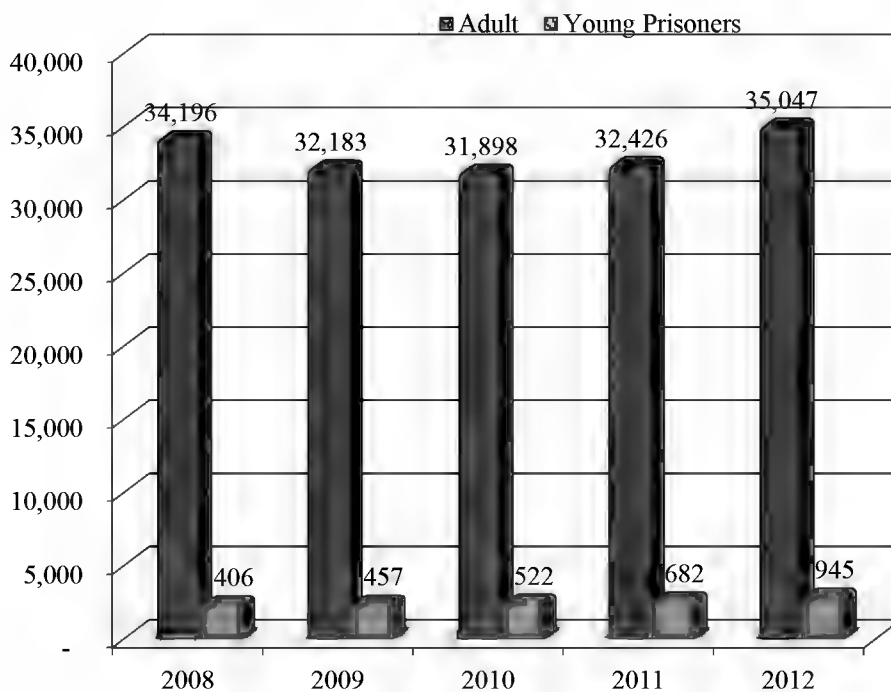
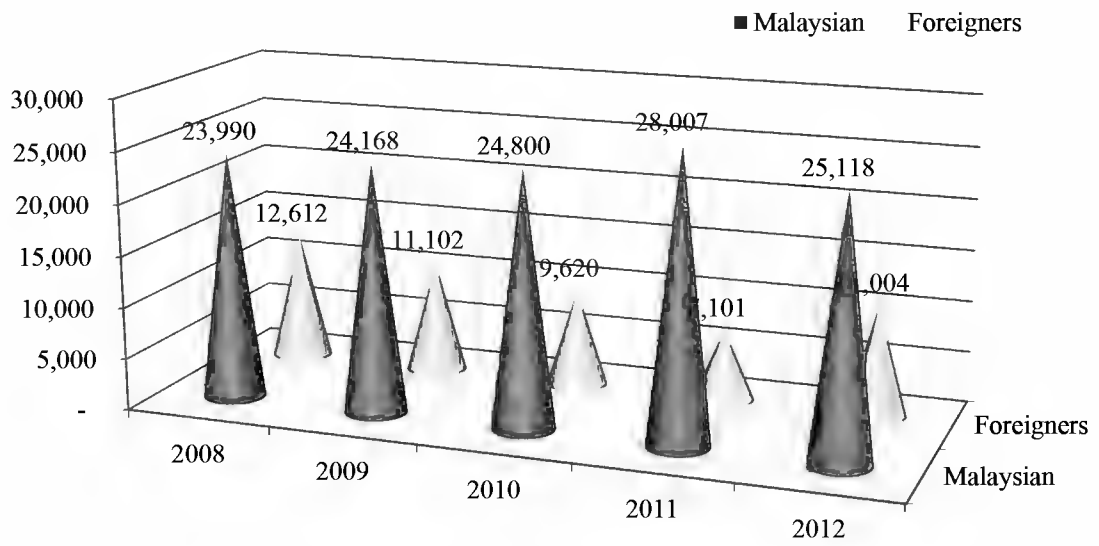


Table 8: Malaysian and Foreign Prisoner



## Bibliography

### Act

MALAYSIA. Prison Act 1995. ACT 537: incorporating latest amendment - ACT A1332/2008 [Online] Kuala Lumpur: Prisons Department. Available from <http://www.prison.gov.my/images/content/pdf/Act537.pdf>. [Accessed 12th February 2014].

### Conference Paper

- ACP S. GUNASEGARAN A/L SHAMMUGAM. (2012) Promoting staff-offender interactions in prison and in the community whilst ensuring staff safety. In *32rd Asian and Pacific Conference of Correctional Administrators Conference*. Bandar Seri Begawan, Sunday 7th to 13th October 2012. Bandar Seri Begawan: APCCA. pp. 1-19.
- ANON. (2013). Recent Development in Probation and Non-custodial Measures in Malaysia. In *ASEAN Plus Three Conferences on Probation and Non-custodial Measures 2013*. Bangkok, Wednesday 3rd to Friday 5th April 2013. Bangkok: Thailand Department of Probation. pp.14.
- CP WAN MOHAMAD NAZARIE BIN WAN MAHOOD (2012) Challenges and initiatives in corrections. In *32rd Asian and Pacific Conference of Correctional Administrators Conference*. Bandar Seri Begawan, Sunday 7th to 13th October 2012. Bandar Seri Begawan: APCCA. pp. 3-12.
- DATO<sup>7</sup> SRI HJ ZULKIFLI BIN OMAR. (2013) Challenges and initiatives in corrections. In *33rd Asian and Pacific Conference of Correctional Administrators Conference*. New Delhi, Sunday 22nd to Friday 27th September 2013. New Delhi: APCCA. pp. 3-20.
- MAT RASID JAHLIL (2013) Meeting the Challenges Posed by High Risk Offenders. In *33rd Asian and Pacific Conference of Correctional Administrators Conference*. New Delhi, Sunday 22nd to Friday 27th September 2013. New Delhi: APCCA. pp. 1-29.
- MOHD ZAWAWI BIN AB RAHIM (2012) Challenges and Opportunities In the Management and Reintegration of Prisoners Serving Long Sentences. In *32rd Asian and Pacific Conference of Correctional Administrators Conference*. Bandar Seri Begawan, Sunday 7th to 13th October 2012. Bandar Seri Begawan: APCCA. pp. 3-18.(2013) Alternatives to Imprisonment: Opportunities and Challenges in Developing Community-Based Supervision and Management. In *33rd Asian and Pacific Conference of Correctional Administrators Conference*. New Delhi, Sunday 22nd to Friday 27th September 2013. New Delhi: APCCA. 1-32.

SUPT. ZULIA Bt. KHAMIS ADMAD KAMIL (2012) Women in Corrections As Offenders. In *32rd Asian and Pacific Conference of Correctional Administrators Conference*. Bandar Seri Begawan, Sunday 7th to 13th October 2012. Bandar Seri Begawan: APCCA. pp. 3-18.

VIJAYAN KRISHNAN (2013) Measuring and Reducing Recidivism Rates: Assessing What works, setting targets, and implementing evidence-based programs. In *33rd Asian and Pacific Conference of Correctional Administrators Conference*. New Delhi, Sunday 22nd to Friday 27th September 2013. New Delhi: APCCA. 1-20.

## Journal

PRISON DEPARTMENT MALAYSIA (2013) Elderly Offenders in Malaysian Prisons. *Newsletter of the Asian and Pacific Conference of Correctional Administrators*. [Online] 34 pp. 7-12. Available from: [http://www.apcca.org/uploads/APCCA\\_Newsletter\\_Issue\\_34.pdf](http://www.apcca.org/uploads/APCCA_Newsletter_Issue_34.pdf). [Accessed: 8th February 2014]

RUNJIT SINGH A/L JASWANT SINGH (2005) Non-Custodial Sentencing Option in Malaysia. *UNAFEI Resource Material Series No. 67*. [Online] 67 pp. 88-92. Available from: [http://www.unafei.or.jp/english/pdf/RS\\_No67/No67\\_00All.pdf](http://www.unafei.or.jp/english/pdf/RS_No67/No67_00All.pdf). [Accessed: 8th February 2014]

## Official Publication

MALAYSIA. DEPARTMENT OF STATISTICS. (2010) *Population distribution and basic demographic characteristics*. [Online] Putrajaya: Department of Statistics. Available from: [http://www.statistics.gov.my/portal/download\\_Population/files/census2010/Ta\\_buran\\_Penduduk\\_dan\\_Ciri-ciri\\_Asas\\_Demografi.pdf](http://www.statistics.gov.my/portal/download_Population/files/census2010/Ta_buran_Penduduk_dan_Ciri-ciri_Asas_Demografi.pdf) [Accessed: 16th February 2014]

## Statutory Instruments

MALAYSIA. PRISON REGULATION 2000. P.U. (A) 325/2000 incorporating latest amendment - P.U. (A) 193/2003. [Online] Kuala Lumpur: Prisons Department. Available from <http://www.prison.gov.my/images/content/pdf/pua193y2003bi.pdf>. [Accessed 12th February 2014]

## Website

- CIA. (2014) *The World Factbook* [Online] Available from:  
<https://www.cia.gov/library/publications/the-world-factbook/geos/my.html>  
[Accessed: 16th February 2014]
- MALAYSIA, PRISONS DEPARTMENT. (2009) *Prison Department of Malaysia Official Portal*. [Online] Available from  
<http://www.prison.gov.my/portal/page/portal/english> [Accessed: 8th February 2014]
- INTERNATIONAL CENTRE FOR PRISON STUDIES (2014) *World Prison Brief: Malaysia*. [Online] Available from  
<http://www.prisonstudies.org/country/malaysia> [Accessed: 8th February 2014]

# 6

# Myanmar



Source: CIA, 2014



## Introduction

The Republic of the Union of Myanmar<sup>1</sup> is the westernmost country in Southeast Asia bordering the Andaman Sea and the Bay of Bengal, and sandwiched between India and Thailand. The country lies in between Southeast Asia and South Asia. Myanmar consists of 3 geographically distinct regions; the western hills, the central belt, and the Shan plateau on the east. The country occupies an area of 676,578 square kilometers. In other words, Myanmar is the 40<sup>th</sup> largest country in the world.

Myanmar's former capital city is Rangoon with a population of 4.259 million people. Two major urban areas are Mandalay which is populated by 1.009 million people and Nay Pyi Taw, the current capital city, which has 992,000 people. The country has a population of around 60,380,000 people and the majority nationality is Burmese. Myanmar is similar to other Asean countries that have various ethnic groups. The breakdown is as follows: Burmese - 68 percent, Shan - 9 percent, Karen - 7 percent, Rakhine - 4 percent, Chinese - 3 percent, Indian - 2 percent, Mon - 2 percent and other minor ethnic groups- 5 percent of the entire population. The official language is Burmese, nonetheless minority groups have their own languages.

The country also has a number of religions. Buddhism is the biggest religion. The religious groups can be broken down into percentage points as follows: 89 percent are Buddhists, Christians - 4 percent, Islam - 4 percent, Animism - 1 percent, and other beliefs - 2 percent.

Some of the historical background of Myanmar may be useful to place the narrative of Myanmar's correctional system into perspective. Myanmar used to be known as Burma. Various ethnic groups inhabited the city-states. Britain subjugated Burma between 1824 and 1886. The country had been ruled as a province of India until 1937. Then it became a self-governing colony of the Commonwealth. On the 4<sup>th</sup> January 1948, Burma achieved its independence and was governed for the first time by a military ruler, General Ne Win. However, the country faced widespread civil unrest and the military suppressed student-led protests.

In 1990, the multiparty legislative elections gave rise to the National League for Democracy (NLD) winning a landslide victory in the general election. However, the military government put the NLD leader and Aung San Suu Kyi under house arrest for long periods. In 2011, the parliament selected Mr. Thein Sein as president and a series of political and economic reforms took place. As a result the country opened up and became a part of the international community and hundreds of political prisoners were released, and there was a preliminary peace agreement with major armed ethnic groups and the enactment of better laws for human rights protections.

Myanmar has been administered by the parliamentary government since March 2011. Formerly, the country was governed by the military authorities. In terms of governance, the administrative capital city is Nay Pyi Taw. Other administrative areas under the division can be categorized into two levels; regional and state levels. Administratively, the country consists of Nay Pyi Taw Union Territory and 14 States

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<sup>1</sup>The research responsible for main content is Ms. Urya Krisanachinda.

and Regions. The governing bodies can be arrayed into the following divisions; 70 districts, 330 townships, 84 sub-townships, 398 towns, 3,063 wards, 13,618 village tracts and 64,134 villages.

There are seven regions which are as follows – Ayeyawady, Bago, Magway, Mandalay, Sagaing, Taninthayi, Yangon; and there are also seven states which are also as follows – Chin, Kachin, Kayah, Kayin, Mon, Rakhine, and Shan. The current chief of state is President Thein Sein. The president serves a five-year term and there are with three vice presidents and the government consists of the upper house, the lower house, and military members of the parliament.

Controversial issues regarding crime and disputes in the region mostly concern borders and illicit drug transit routes. There is also the problem of non-national or stateless people like Rohingya and some trafficking in persons for forced labor and sexual exploitation. Last but not least, because Myanmar is the world's third largest producing country of illicit opium and Shan is the main source of 94.5 percent of poppy cultivation. The government is not committed to eradicating illicit crops and money laundering, so that these are widespread.

The Myanmar Correctional Department is under the administration of the Ministry of the Home Office which is the same as other organizations i.e. Myanmar Police Force, General Administration Department, the Bureau of Special Investigations and Myanmar Fire Force. The Myanmar Correctional Department is headed up by Director-General U Zaw Win.

In the 2<sup>nd</sup> Regional Seminar on Good Governance for Southeast Asian Countries held in Bangkok, Thailand, it was noted that the legal system of Myanmar is an exceptional system whereby the principles of Common Law are implanted into the vehicle of codified laws or statute laws which are promulgated by the legislature (Wai, 2008). The authorities and responsibilities of the Attorney General of Myanmar are the features and principles of the Myanmar legal system. Myanmar's laws on corruption and international crime include the Suppression of Corruption Act which was enacted in 1948.

In Myanmar, the police are primarily responsible for the investigation of all crimes including corruption. Myanmar law permits Law Officers, who serve the function of public prosecutors, to advise the police force in the investigation of cases and to ensure that corruption investigations and subsequent prosecutions run efficiently and effectively.

As information on corrections in Myanmar is rather hard to come by, this paper elects to explore the Myanmar Correctional Department as deeply as possible. Mostly, the information herein is derived from the 1894 Manual of Rules for the Superintendence and Management of Jails in Burma.

# 1. Treatment of prisoners

## Prisoner Classification

Classification of prisoners separates unconvicted criminal prisoners from convicted criminal prisoners as well as from civil prisoners.

Under Section 31 of the Prison Act, an untried prisoner shall be permitted to obtain food, clothing, bedding and other necessaries. The superintendent shall supply clothing and bedding to those prisoners who are unable to provide themselves with these articles. They classify them into two types of untried prisoners based only on previous living standards who should be kept in custody separately as follows:

- **Special Class** – who are to be given precisely the same privileges and treatment as A-Class and B-Class convicted prisoners (e.g. The same meals shall be received as the B-Class convicted prisoners)
- **Ordinary Class** - who shall be given precisely the same privileges and treatment as B-Class and C-Class convicted prisoners (e.g. the same meals shall give as C-Class convicted prisoners receive)

It is stated under Section 27 (4) of the Prisons Act, 1894 that a civil prisoner shall be confined apart from criminal prisoners, convicted or unconvicted. Under Section 31 of the Act, subject to certain restrictions, a civil prisoner can legitimately obtain food, clothing, bedding, or other necessaries. The Superintendent shall supply clothing and bedding to a civil prisoners who are unable to provide themselves with those articles.

With the Superintendents permission, civil prisoners can work and follow any trade or profession and may, with certain reservations, receive their whole earnings. In addition, due provision shall be made for the admission to prison of persons with whom civil prisoners may desire to communicate. Under Section 46 of Prisons Act, 1894, a civil prisoner is exempted from the punishment of wearing hand-cuffs, or fetters or whipping. Civil prisoners should be divided into 2 classes,

- The Special civil prisoner
- The Ordinary civil prisoner

Classification in the Special Division shall be confined to civil prisoners who, by social status, education or habits have become accustomed to a high class of life. Civil prisoners not included in the Special Division shall be classified in the Ordinary Division.

### **Class / Type of prisoner**

Through the classification process, convicted prisoners in Myanmar are divided into 3 classes, which are known as A Class, B Class, and C Class. The details of each prisoner class are as follows;

- A-Class Prisoners – prisoner shall be qualified for the class by fulfillment of the following conditions;
  - Prisoners are non-habitual prisoners of good character
  - Prisoners are accustomed to a superior mode of living by status, education and habit.
  - Prisoners must not have convictions for the following offences;
  - Offences involving elements of cruelty, moral degradation or personal greed
  - Serious or premeditated violence
  - Serious offences against property
  - Offences relating to the possession of explosives, firearms and other dangerous weapons with the object of committing an offence or of enabling an offence to be committed
  - Abetment or incitement of offences falling within these sub-clauses
  
- B-Class Prisoner – prisoners shall be eligible for this class by their social status, education or habit. Habitual prisoners shall be excluded automatically. The classification officers can exercise discretion to suggest the inclusion in the B Class on grounds of character and background. The B Class is anticipated to meet the case of European, Anglo-Indian, Myanmar and other prisoners whose standard of living is higher than that of general prison population.
  
- C-Class Prisoners – prisoners consist of prisoners who are not classified in either A Class or B Class of prisoner.

Among these classes of prisoners, accommodation of prisoners is to be segregated differently. Furthermore, A-Class prisoners have privileges over other classes which can be described as follows:

- Diet – prisoners shall be provided with the diet prescribed in paragraph 1084 and permitted to receive additional food bought by themselves from outside prison subject to medical advice. However, the food shall not be luxurious; it shall be simple food.
  
- Clothing – prisoners shall be able to wear their own clothes. But they are not allowed to wear or put on any garments of political implication. However, any excess of the requirements as determined by the superintendent must be returned to prisoners' relatives, or if the prisoners with no relatives are willing to accept the excess clothing, the items shall be retained in prison and return to the prisoners once being released.

- Bedding – bedding and camp beds are to be supplied to prisoners at the government's expenditure. The advice of superintendents and medical officers is to be taken into account for the use of prisoners own bedding, except that cots will be provided by prisons.
- Accommodation – there is a separation of prison accommodation between A Class prisoners and other classes of prisoners distinct the special dormitory or block of cells of the A Class prisoners. In general, the imprisonment should not be in the nature of separate confinement.
- Prisoner tasks – the allocation of tasks in the case of sentenced prisoners should be assigned on medical grounds and careful consideration with regard to capacity, character, backgrounds and mode of living. Prisoners are not permitted to employ other prisoners as private servants.
- Facility for reading – prisoners may be allowed to use books from the prison library as well as their own books and magazines from outside on their own budget. In comparison with prisoners in Class B, the prisoners in Class A have a larger provision of reading materials.
- Newspapers – newspapers are supplied, in addition to the main newspaper which is supplied weekly to all prisons with the approval of government. However, the censorship of newspapers is under the authority of prison to be administered.
- Letters – prisoners may be permitted to write or receive letter once every fortnight. On an urgent case, such as a death or serious illness of family members, the regulations may be lenient at the superintendent's discretion. In the respect of letters content, it should be involved with private affairs; there should not be any reference to prison administration, discipline, politics or other prisoners.
- Interviews – applications for interviews should be made on Jail Form No. 6 and the interview is permitted to be conducted in a period of 2 weeks in the presence of the superintendent or deputed officer on his behalf. The content of the interview should be strictly limited to private and domestic matters. None of the political issues should be raised up to the interviewing. The number of visitors at the interview should be at most 2 persons, however in the exceptional cases the discretion of the superintendent is to be justified.
- Furniture – some utensils such as for eating or cooking or simple furniture such as tables, chairs etc. belong to prisoners and can be used in prison. Nevertheless, such furniture may be allowed from the prison stock without any payment.

- Parades – prisoners should be given to understand that they are required to line up in an orderly and neat manner and behave politely to the superintendent and other authorities.
- Mode of address –Burmese are to be addressed as “Maung” and “Ma” This adoption of mode of address should also be paid to foreign prisoners.
- Restraint – prisoners should not be handcuffed or fettered, the only exception is where they are violent prisoners and likely to be vandals.
- Punishments – superintendents are authorized to withdraw individual privileges, in the event of prisoner misconduct. The ordinary infliction of punishment is under the superintendent’s discretion, but all serious offences should be reported to the Inspector General for the order of punishment.
- Whipping – whipping shall not be given to prisoners except with governmental approval.
- Removal to a lower class – The only authority that has power to remove a prisoner from Class A to Class B is the government.
- Medical attention – prisoners shall be subject to the ordinary rules in medical treatment stated in the manual. Only public medical officers or practitioners can enter jail to treat prisoners, but private medical officers or practitioners can only be called for consultation on the recommendation of the public medical officers

### **Vocational training / work**

All sentenced prisoners are required to work on the basis of their interests, their vocational training and the job demands of the prison. The important objective of working in prison is presented by the obligatory job assigned to prisoners for creating a reduction of prisoner’s stress while living in jail.

The superintendent gives permission to prisoners for working or following any professions. No prisoners are allowed to be sentenced to labor or employed on labor at prisoner’s needs except only on an emergency basis. Prisoners cannot be put to labor for over 9 hours in any situations whatsoever. The medical officer examines and gives opinions on the health of prisoners to determine which class of labor they shall be placed Furthermore; no prisoner can be sentenced to rigorous imprisonment in the case of neglect of work except by such alteration in the diet as may be established by the rules of the prison.

## **Education in prison**

Education in Myanmar Correctional Department is arranged for juvenile prisoners and A-Class, B-Class prisoners, civil prisoners especially those who fulfil the conditions. The education of juvenile prisoners shall be re-examined once a year by an officer of the Educational Department and a report of the results of this inspection shall be forwarded to the Inspector-General.

Each year the report on educational program shall be furnished to the Inspector-General, showing (1) the number admitted during the year, (2) the daily average number under instruction, (3) the number released and the state of their education on admission and discharge. Information regarding the education of juveniles will be given, by the Inspector-General, in the body of the annual report.

Further, the result of education is to be considered in the classification process including social status and the living habits of prisoners.

## **Medical Services and treatment**

On arrival, medical checking is performed by doctors and nurses in every jail. The Myanmar Correctional Department has a program which provides the necessary medical drug in accordance with the budget and prisoner suitability. The Myanmar Correctional Department has put effort into the prevention and cure of HIV/AIDS and severe Tuberculosis with the assistance of INGOs and NGOs besides the state plan for medical drugs provision.

As regards to the health of prisoners, if any prisoner wishes to see a medical officer, it shall be without delay reported by the officer for proper treatment. In every prison, there should be a hospital or proper place for the treatment of sick prisoners.

## **Contacts (visits / letter / telephone)**

Visitation can be made under proper restrictions and at proper times in every prison for both civil and unconvicted criminal prisoners. Also the visit of qualified legal advisers to prisoners under trial can be approved with the interests of justice without any presence of any other irrelevant person or officer.

The officer has to take the names and addresses of all visitors. Furthermore, in case that the officer has to conduct a search of visitors, the search shall not be conducted in the presence of prisoners or other visitors. The search shall be made in the proper room. However, in the case of refusing to be searched, the officer may deny visitors make a visit as well and that shall be recorded as the Governors directions.

## **Grievances**

The principles of grievance practices in Myanmar's prisons insist that all officers shall behave towards prisoners with a good temper, humanity, kindness, strict impartiality, listen patiently, and without irritability to any complaint or grievance of prisoners. It is important that every complaint made by a prisoner should be heard carefully; in order that, in the case if it is substantiated that it may be redressed, and that no cause for discontent may be tolerable to continue.

## **2. Treatment of specific prisoners**

### **Female prisoners**

Female prisoners in Myanmar are separated from male prisoners so as to prevent their seeing, conversing or holding any intercourse with the male prisoners. Also unconvicted female prisoners shall be contained separately from convicted female prisoners. Furthermore, strictly no female prisoners shall be liable to punishment with handcuffs, or fetters, or to whipping. The female ward shall be so situated as not to be overlooked by any part of the male prison; and there shall be a separate hospital for sick female prisoners within or adjoining the female enclosure.

As regards to accommodation, female prisoners generally shall be retained in the district prison to which they belong, unless the official instructions have been issued to the effect that prisoners are to be transferred to another place.

All verification of warrants shall be conducted in the female enclosure and by female officers. No male officer shall be permitted on any pretext to enter the female prison by himself. In every female prison, there shall be a block of 2-6 cells for use as punishment cells as well as to afford separate accommodation. Female prisoner may be allowed to retain a child until the age of 4 or with the approval of superintendent, which is sometime if female prisoners wish the child can be up to 6 years old. The child shall be allowed a special diet according to the recommendation of the medical officer as well as the provision of the children's clothing.

In the case that a female prisoner dies in prison and leaves a child, notice shall be sent to the Deputy Commissioner of the district in which their home is situated at the same time. If there is no relative or friends of the prisoners who are willing to take care of the child, the Deputy Commissioner will make the best arrangement possible, either by placing the child in some institution or by entrusting the child to some respectable person to bring the child up.

All food for female prisoners is to be cooked in prisons and shall be prepared by male prisoners and be deposited by male prisoners at the door of the female enclosure. In the performance of duties, opportunities for communication shall be rigorously guarded.

The hair of a female prisoner shall not be cut without prisoners consent or unless medical officers considers it is requisite on a health and cleanliness basis. Moreover, for well-behaved female prisoners, they shall be allowed to see their friends once every month.

### **Youth offenders**

Juvenile prisoners in Myanmar's criminal justice system are considered as prisoner of up to the age of 18. According to the Prison Act 1894, Section 27, male prisoners under the age of 21 years old shall be contained altogether as separate from adult prisoners. Those who have not reached at the age of puberty shall be separated



from adult prisoners. Female juvenile prisoners may be contained in the female ward allotted to casual prisoners

In the exercise of the authority conferred by Sections 6 to 8 of the Prevention of Crime (Young Offenders) Act 1930, a combined borstal and senior training school has been established at Thayetmyo for the reception and treatment of young offenders, in other words, it has been declared by the government as a reformatory school.

Diet for juvenile prisoners shall be regulated according to their age and apparent physical requirements. For example, in the case of larger boys, they shall be as a rule, be allowed to get the same portion as an adult would.

All juveniles under 18 years of age who are undergoing sentences of a year and over, shall be taught reading, writing and arithmetic. They shall be taught for an hour in the morning and an hour in the afternoon. A senior prisoner may be allowed to teach the juveniles, and may be awarded additional remission of one day per month, if he performs the duty satisfactorily. The warders who are allowed to enter the juvenile compartments should also be persons of impeccable character.

No conversations shall be allowed in the class room except that concerning the actual lesson. Juvenile prisoners who neglect to learn may be reported and suitably punished. The classes shall be visited intermittently by the superintendent, and once in every month he shall observe their progress.

On admission of such persons Superintendents of prisons shall take immediate action as indicated below:

- In the case of juveniles under 19 years of age, who are sentenced to imprisonment for two years and above, their prison record shall be forwarded to the Inspector-General soon after the results of their appeals are known, with a view to their cases being transmitted to Government for consideration of the question of their transfer to a borstal year and School, under the powers vested in it under section 29 of the Prevention of Crime (Young Offenders) Act 1930. In submitting their prison record information as to whether a copy of the judgment of the trial has been submitted directly to Government by the convicting Court, should invariably be furnished. The age of every such prisoner should be carefully determined by the Superintendent before it is recorded on the nominal roll submitted to the Inspector-General. In the case of juveniles of 18 years and under 18 years of age and who have been sentenced to transportation for life, the prison records of such juveniles should also contain a note to the effect that their cases are to be considered with reference to paragraph 506 in the event of their not being considered eligible for transfer to a Borstal School. Pending the orders of Government, all such juveniles shall be detained in the prison which they were originally committed.
- Juveniles, who have been convicted for a period of less than 2 years but not less than 3 months, and who have been classified as habitual, should be transferred to the Insein Central Prison before the results of their appeals acknowledged.

- Juveniles, who have been convicted for a period of less than 2 years but not less than 3 months, and who have been classified as casuals, should be transferred to the Meiktila Juvenile Prison before the results of their appeals are known, provided that at the time of sentence they have attained their 14<sup>th</sup> birthday but have not achieved their 19<sup>th</sup> birthday. Before transfer of a juvenile to the Meiktila Juvenile Prison is effected it should be ascertained previously from the Superintendent of prison as to whether or not accommodation is available.
- Juveniles, who do not fulfil any of the above conditions shall be kept in the prison to serve out their sentence.

### **HIV positive prisoners**

In the recent past, the health care system of Myanmar's prisons has been prevalent with a shortage of medicine, lack of skilled medical staff, and lack of preventive measures. Most prisoners have died prematurely due to AIDS, TB, malaria, diarrhea or dysentery. Therefore the Ministry of Home Affairs takes part in the HIV Myanmar National Strategic Plan and Operational Plan on HIV and AIDS 2011-2015 and conducts the following duties and responsibilities;

- Policy on links between law enforcement and public health for targeted condom promotion and other HIV programs.
- Delivery of prevention and impact mitigation programs on HIV across police and prison departments and in prisons.
- Policy development, coordination and support of people who inject drugs (PWID) hard reduction program.

### **Prisoners convicted for drug use**

The statistics of United Nations Office on Drugs and Crime (UNODC) indicates that the HIV infection rates in prisons or closed settings are generally higher than in general community. The sharing of injection equipment is the main contributing factor that links to illicit drug addiction. The UNODC incorporates the concern of HIV/AIDS prevention activities into the demand reduction programs; as a consequence the UNODC mandate focuses on prison settings by means of prevention and awareness activities, treatment and rehabilitation of drug users, and skills training for prison communities in order to minimize risk-taking behavior such as drug use.

### **3. Treatment of prisoners with non-custodial measures**

#### **Parole**

To date, parole and the conception of parole is very new to Myanmar correctional system. There is no reference of parole in any publication or law.

#### **Royal Pardon**

Previously, the High Court may recommend to His Majesty the granting of a pardon to any prisoner. The effect of pardon grant upon condition of penal servitude. If prisoner is sentence to the death penalty, the prisoner shall have his mercy extended on the condition of being contained in penal servitude for life, or for any term of years, all the provisions of the Prison Act shall be applicable to such offender in the same manner.

#### **Transfer**

The Inspector-General of Prisons who is appointed by the Local Government is invested with the general control and superintendence of all prisons situated in Myanmar. The Inspector-General may order the removal of prisoners from one prison to another prison within the country; also regulate all details regarding the prisoner transfer to transportation. The incidents that prisoners shall be transferred i.e. when overcrowding is threatened or epidemic spread in the areas etc.

The criteria for prisoner transfer in the case of relieving the overcrowded state of prisons, the superintendent should be careful to select prisoners with the longest terms unexpired and the scheme prescribed e.g. classes of prisoners to be selected for transfer to receiving prisons.

The documents that shall be sent when prisoners are transferred from one prison to another are as follows;

- By registered post – i.e.
  - List of property and personal effects made over
  - Description Roll in Form No. 48
- By escort in charge of prisoners– i.e.
  - Warrant
  - Copy of Descriptive Roll in Form No. 48
  - History tickets in a sealed packet
  - Remission cards in a sealed packet

As regards to prisoner transfer agreements, it has not been recognized that by this time Myanmar has engaged in any form of bilateral or multilateral treaties of such agreements with any countries. However, in 1931 the United Kingdom signed the extradition treaty with the United States for the application of Burma regarding prisoner transfer which was effective in 1941, but it is no longer effective these days.

Furthermore, Myanmar has not signed any bilateral consular conventions, other relevant agreements, and child abduction agreements, therefore it can be stated that there is no possibility of international prisoner transfer in 2014.

### **Alternative measures to imprisonment**

According to the official records and documentation, there has been no evidential discussion over the alternative measures to imprisonment in Myanmar as penal practice is a key element of punishment in criminal justice process.

### **Probation**

Up to the present time, information on the subject of probation and the conception of probation in Myanmar correctional system is not be acknowledged nor shown any developmental phase.

## **4. Organizational Management**

### **Mission**

The mission of the Myanmar Correctional Department is to protect society from crimes. Officially, the mission was defined in the Prison Act (1894), a prison is any jail or place used permanently or temporarily under the general or special orders of the Governor for the detention of prisoners.

### **Vision**

The vision of the Myanmar Correctional Department is not officially declared on a regional or international level.

### **Organizational structure**

The Myanmar Correctional Department has key duties to provide the following services;

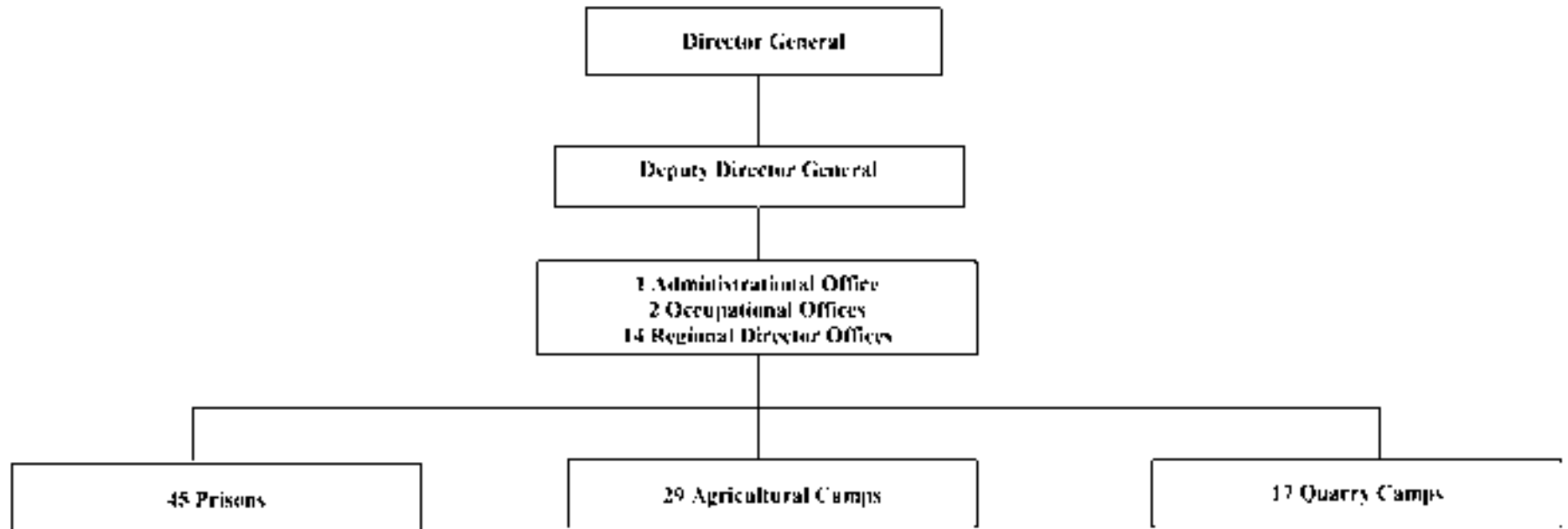
- Safe detention;
- Correction;
- Training for productive works; and
- Serving for the interests of people

As a result, the Myanmar Correctional Department is in charge of activities concerning the following issues:

- Security;
- Maintaining discipline;
- Upgrading the living standards of prisoners;
- Health care;
- Corrections; and
- Vocational training and education

Accordingly, the Myanmar Correctional Department is structured under the supervision of the Office of the Director General and is divided into the following divisions:

- The Office of the Director General
- Administration Session
- Office of Occupational Division (2 offices)
- A-Class Office of Divisional / State Office (7 offices)
- B-Class Office of Divisional / State Office (7 offices)
- Central Prison (3 prisons)
- A-Class Prison (26 prisons)
- B-Class Prison (6 prisons)
- C-Class Prison (6 prisons)
- D-Class Prison (4 prisons)
- A-Class Agricultural Camp (4 camps)
- B-Class Agricultural Camp (25 camps)
- A-Class Quarry Camp (8 camps)
- B-Class Quarry Camp (9 camps)



## **Prison management**

The executive administration of a prison in all matters relating to internal economy, discipline, labor, expenditure, punishment and control generally shall be vested in the superintendent of prison, subject to the orders and authority of the Inspector-General and in accordance with the rules made by the government.

## **Personnel management**

For every prison there shall be some certain officers i.e. a Superintendent, a Medical Officer or at least there may be the Superintendent, a Medical Subordinate, a prison officer, and such other officers as the Governor thinks necessary. Every officer of a prison previous to his being on duty shall be examined by the Medical Officer of the prison, who will certify his physical fitness for employment. All appointments to permanent posts in the cadre shall be probationary for 6 months. At the end of that time, the services of any newly appointed subordinate officer, who has failed to qualify in drill and knowledge of his duties, may be dispensed with.

In terms of prison officer training, there is no application in the Myanmar correctional system because all governmental officers in Myanmar including prison officers are regulated to be trained at a national-level training agency as a centralized operation conducted by the government. Therefore no matter what positions the officers have obtained, they have to pass basic training in the first stage.

## **Relevant laws in correctional operations**

Myanmar's laws are made up of a composite of traditional customary laws and English common law and legislation. Since 2010, political transition in Myanmar has been developed in several aspects pertaining to the criminal justice system and comparatively overlapping prison system. The law of Myanmar is on the threshold of reform. There will be a transitional period of legal reform which will result in better-quality prison conditions.

The 2008 Constitution underpins Myanmar's criminal justice system framework, alongside the 1898 Criminal Code and the amended Penal Code of 1948. In Myanmar, the Penal Code arranges capital punishment for certain cases. However, there has never been an execution since 1988. Laws and procedures presently operated by Myanmar Correctional Department are as follows;

- The Prisons Act 1894
- The Prisons Act (Act III of 1900)
- The Identification of Prisoners Act (Act XXXIII of 1920)
- Manual of Rules for the Superintendence and Management of Jails in Burma Part I
- Appendix of Burma Jail Manual Part II
- Orders, Directives and other existing laws

On an international level, the Myanmar correctional system adheres to the provisions of the United Nations (UN) Standard Minimum Rules for the Treatment of Prisoners covering issues of registration; separation of categories, accommodation, personal hygiene, clothing and bedding, food, physical exercise and sport, medical service, discipline and punishment, access to information about complaints by

prisoners, literature, religion, retention of prisoners' property, notification of death, illness and transfer, removal of prisoners, institutional personal, and inspection.

## 5. Best Practice

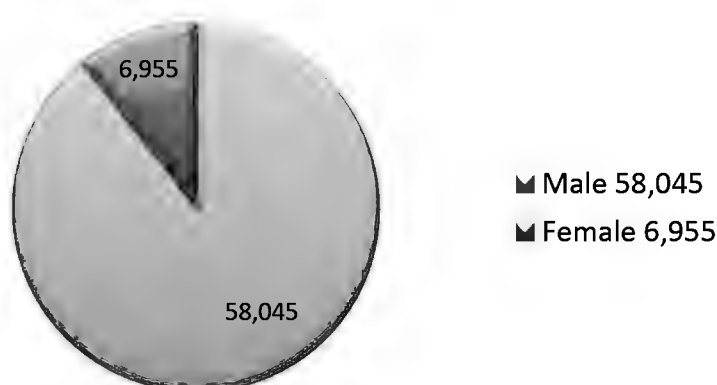
Currently, best practice in corrections and prisoner treatment in Myanmar has not been publicized at an international level yet.

## 6. Statistics and figures

Based on the International Corrections and Prisons Association (ICPA) Country Report in 2012, Myanmar occupies 42 prison facilities and 100 labor and rehabilitation camps. The official capacity of the Myanmar prison system according to the latest records available in 2002 was 26,100. This number probably does not include the camp-type institutions. Later on, the prisoner number was 60,053 which were the statistics as of mid-2009. As a result, the occupancy level of the prison system is 144.3 percent, which obviously explains the overcrowded state of prisons countrywide.

Additionally, in 2009 a pre-trial detainee in Myanmar constituted 10.8 percent of the total prison population which is very close to that of female prisoners by percentage as at 10.7 percent. Foreign prisoners incarcerated in Myanmar amount to 0.8 percent of entire prison population.

**Figure 1: Prisoners by Gender, mid 2012**



*Source: International Centre for Prison Studies (ICPS), 2014*

**Table 1: Prisoners by Imprisonment Rates Trend, 2013**



<b>Year</b>	<b>Imprisonment Population</b>	<b>Imprisonment rate (per 100,000 population)</b>
2011	66,000	126
2009	60,053	N/A
2007	65,063	128
2004	60,000	120
2002	26,100	N/A
2001	31,648	64
1993	53,195	120

Source: International Centre for Prison Studies (ICPS), 2014

**Table 2: Pre-trial/ Remand Population Rate, 2014**

<b>Year</b>	<b>Number of Remand Prisoner Population</b>	<b>Percentage of Total Prison Population</b>	<b>Pre-trial/ Remand Population Rate (per 100,000 population)</b>
2009	6,495	10.8	14
2007	7,431	11.4	16
2001	4,966	15.7	11

Source: International Centre for Prison Studies (ICPS), 2014

**Table 3: Number of establishments / institutions and Occupancy Level (based on official capacity, mid 2012)**

<b>Country</b>	<b>Total Establishments / Institutions</b>	<b>Occupancy Level</b>
Myanmar	142	144.3%

Source: Asian and Pacific Conference of Correctional Administrators (APCCA), 2014

## Bibliography

### Books

GOVERNMENT OF BURMA (1968) *Manual of Rules for the Superintendence and Management of Jails in Burma*. Rangoon: Central Press.

THAN, T.M.M. (2012) The ASEAN-10: Political Outlook. In: Montesano, M.J. and Onn, L.P. (eds). *Regional Outlook: Southeast Asia 2012-2013*. Singapore: Institute of Southeast Asian Studies Publishing.

THE PRISON ACT 1894, Republic of the Union of Myanmar. (No. IX of 1894.)

SWE, T. (2012) The ASEAN-10: Economic Outlook. In: Montesano, M.J. and Onn, L.P. (eds). *Regional Outlook: Southeast Asia 2012-2013*. Singapore: Institute of Southeast Asian Studies Publishing.

UNITED NATIONS OFFICE ON DRUGS AND CRIME (2014) *Prison Systems and Management in Southeast Asia: An Overview*. Bangkok: UNODC.

UNITED NATIONS OFFICE ON DRUGS AND CRIME (2007) *Drug Demand Reduction and HIV Prevention in Myanmar*. Myanmar Country Office: UNODC.

### Online articles

ASSOCIATION OF SOUTHEAST ASIAN NATIONS (2014) *Official Website of ASEAN* [Online] Available from: <http://www.asean.org/asean/asean-member-states> [Accessed 17 April 2014]

CENTRAL INTELLIGENCE AGENCY (2014) *Official Website of CIA* [Online] Available from: <https://www.cia.gov/library/publications/the-world-factbook/geos/bm.html> [Accessed 17 May 2014]

INTERNATIONAL CENTRE FOR PRISON STUDIES (2014) *World Prison Brief: Philippines*. [Online] Available from: <http://www.prisonstudies.org/country/myanmar-formerly-burma> [Accessed: 16 May 2014]

INTERNATIONAL CORRECTIONS AND PRISONS ASSOCIATION (2014) *Official Website of ICPA* [Online] Available from: <http://www.icpa.ca/> [Accessed 19 May 2014]

MINISTRY OF HEALTH (2014) *Country Profile* [Online] Available from: <http://www.moh.gov.mm/file/COUNTRY%20PROFILE.pdf> [Accessed 19 May 2014]

- MINISTRY OF HEALTH (2014) *Myanmar National Strategic Plan and Operational Plan on HIV and AIDS 2011-2015* [Online] Available from:  
[http://www.aidsdatahub.org/sites/default/files/documents/NSP\\_Concise\\_2011\\_2015.pdf](http://www.aidsdatahub.org/sites/default/files/documents/NSP_Concise_2011_2015.pdf)[Accessed 19 May 2014]
- THAN, L.L. (2009) *Measures to Freeze, Confiscate and Recover Proceeds of Corruption, Including Prevention of Money-Laundering in Myanmar in UNAFEI Second Regional Seminar on Good Governance for Southeast Asian Countries In Measures to Freeze, Confiscate and Recover Proceeds of Corruption, Including Prevention of Money-Laundering*[Online] p. 110-116. Available from:  
[http://www.unafei.or.jp/english/pdf/PDF\\_ThirdGGSeminar/Third\\_GGSeminar\\_all.pdf](http://www.unafei.or.jp/english/pdf/PDF_ThirdGGSeminar/Third_GGSeminar_all.pdf)[Accessed: 16 May 2014]
- UNITED NATIONS OFFICE ON DRUGS AND CRIME (2014) *Official Website of UNODC Myanmar Office* [Online] Available from:  
<http://www.unodc.org/southeastasiaandpacific/myanmar/index.html> [Accessed 17 May 2014]
- WIN, S. (2008) *Corruption Control in Public Procurement. UNAFEI Second Regional Seminar on Good Governance for Southeast Asian Countries* [Online] p. 83-88. Available from:  
[http://www.unafei.or.jp/english/pdf/2nd\\_Regional\\_Seminar.pdf](http://www.unafei.or.jp/english/pdf/2nd_Regional_Seminar.pdf) [Accessed: 16 May 2014]
- WAI, P.M. (2013) *Administrative and Criminal Justice Measures for Preventing Corruption in Myanmar. UNAFEI Seminar on Preventing Corruption: Effective Administrative and Criminal Justice Measures*[Online] p. 208-221. Available from:  
[http://www.unafei.or.jp/english/pdf/PDF\\_GG5\\_Seminar/GG5\\_Myanmar1.pdf](http://www.unafei.or.jp/english/pdf/PDF_GG5_Seminar/GG5_Myanmar1.pdf)[Accessed: 16 May 2014]

# 7

# Philippines



Source: CIA, 2014

## Introduction

The Republic of the Philippines is an archipelago which is 300,000 square kilometers. Apart from mainland Southeast Asia, the country is seated in between the Philippine Sea and the South China Sea or on the east of Vietnam. The country comprises 7,107 islands. Luzon, Visayas and Mindanao are the 3 main groups of islands of 3,144 named islands. This does not only make it geographically different from other Asian countries but also culturally distinctive. The result of 350 years of being a Spanish colony during the 16<sup>th</sup> century, the Philippines was overwhelmed by the Catholic influence i.e. exquisite Spanish-Filipino colonial architecture and exuberant town fiestas etc. In 1942, the islands fell under the Japanese occupation in the period of World War II, at that time the US forces together with Filipinos fought against the Japanese to reclaim control between 1944 and 1945. Shortly after, on 4<sup>th</sup> July 1946 the Republic of the Philippines attained independence. As the US became the next colonial successor to the country, this brought new malls, fast-food culture and spoken English into the Philippines. However, despite these foreign influences, the Philippines retains a great deal of its own customs, cultures and traditions.

The Philippines has a capital city named Manila, where 11.449 million people live out of the national population of 107,668,231 as of July 2014 (CIA, 2014). The country has 80 provinces, 143 cities, 1,491 municipalities and 42,028 barangays or subdivision of municipalities. The country is composed of a variety of ethnic groups i.e. Tagalog, Cebuano, Ilocano, Bisaya / Binisaya, Hiligaynon Ilonggo, Bikol, Waray and others. The official languages are Filipino and English. Some other languages include Spanish and 8 other major dialects – Tagalog, Cebuano, Ilocano, Hiligaynon or Ilonggo, Bocol, Warray, Pampango and Pangasinan. The current head of the State is President Benigno S. Aquino III.

Regarding the issue of crime and delinquency, in 2014 the National Statistics Office disclosed that the national crime rate in 2012 was 227 (per 100,000 population) whereas in 2010 the rate reached 350; and in 2011 the rate was 251. Hereafter the trend of general crime of the country has persistently plummeted. The total number of reported crimes in 2012 was 217,812. Crime can be categorized into 2 groups, defined as an index crime and non-index crime. The most reported crimes were index crimes (or 129,161 in number). The top crimes were crimes against property (78,092); followed by crimes against persons (51,069). The specialist<sup>1</sup> sets an assumption that the reason why the Philippines has the highest rate of crime dealing with property is due to prevailing poverty of the country, plus high level of unemployment. Among the statistics of crimes against property, the top crimes range from theft (43,606 offences), robbery (26,988 offences), stealing cars (6,919 offences) and cattle rustling (579 offences).

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<sup>1</sup>Researcher (Ms. UruyaKrisanachinda) discussed with Ms. Neneitte L. Eugenio, key informant from Parole and Probation Administration, Department of Justice, Philippines via electronic mails

Offences against body mostly are resulted from illegal drug addiction, uncensored media, and publications regarding sexual agenda and openly trade on porn movies in public areas as it reported cases of drug/ substance abuse in rehabilitation centers in 2012 numbered 2,744. They are not considered to be as high as the reported cases of violence against women, which were 17,526 instances; and the reported crimes against children, which were 15,028 instances.

The correctional system of Philippines is composed of three main institutions; government, civil society and business sectors. The public sector formulates penal policies and delivers correctional services involving confinement, correction and restoration of offenders for delinquent acts or crimes; civil society provides general social support services, advocacy and social mobilization; and the business sector offers opportunities and further cooperation for improving efficiency and alternatives. All prisons or penitentiaries, jails and detention centers are under the direct supervision and administration of public sector.

Characteristically, the correctional system separates the administration of prison system from the jail system. In the country, 'jail' is defined as a place of inmate confinement under investigation or awaiting trial, usually serving short-term sentences. Jail system includes provincial, district, city and municipal jails and under the supervision of provincial government and the Bureau of Jail Management and Penology (BJMP), under the Department of Interior and Local Government. They are distinguished from 'prison' which is referred to the national prisons and administered by the Bureau of Corrections (BuCor), under the Department of Justice. BuCor is responsible for the custody and rehabilitation of national offenders where the penalty imposed exceeds 3 years and where they serve their sentence within the BuCor penal institutions i.e. penal farms, prisons and correctional institution for women. The agency has its headquarters in the New Bilibid Prison Reservation in Muntinlupa City.

This paper explores the Bureau of Corrections (BuCor) in particular as the organization covers the full scope of correctional and rehabilitation processes commencing from prisoner intake to post-release welfare services.

# 1. Treatment of prisoners

## Prisoner Classification

Prisoner classification is conducted by an independent facility of the Bureau of Corrections (BuCor) under the issuance of Administrative Order No.8, Series of 1953 of the Department of Justice, namely, the Reception and Diagnostic Center (RDC). The goal of RDC is to achieve consistency in the organization and functions of the center in receiving, diagnosing, classifying and rehabilitating all national prisoners committed by final judgment to the National Penitentiary.

The initial classification procedures can be displayed as follows;

- The Reception and Diagnostic Center Classification Board (RDC Board) deliberates a group of newly received prisoners for the 60-day period for classification purposes.
- The RDC Board approved the Minutes of deliberation of the Board, after that the necessary transfer orders of the prisoners are affected.
- The newly received prisoners are classified according to the security status:
- Maximum – prisoners with minimum sentence of 20 years and above, with pending cases, recidivist, ex-convicts, parole violators, prisoners with terms of life imprisonment, prisoners considered high security risks, death row convicts.
- Medium – prisoners with serving a minimum sentence below 20 years, prisoners whose age is 65 and above having a minimum sentence of 20 years and above.
- Minimum – prisoners with a time of 1 year or less to be served before expiration of maximum sentence, prisoners whose age is 65 and above and who have a minimum sentence below 20 years.

## Class / Type of prisoner

At the initial stage, adult offenders can be classified into 2 broad categories:

- Those who are awaiting judgment or sentencing by courts of law – those meted out with lighter sentences, as well as those with pending cases before the regional trial courts, are confined in provincial jails under the local government; while those awaiting trial in municipal trial courts or serving light penalties (e.g., infraction of city or municipal ordinances) are detained in city, municipal or district jails under the bureau of jail management and penology; and



- Those who are already serving a sentence or offenders convicted by the courts to serve sentences of three years or more are kept at the prison facilities of the bureau of corrections and they are classified as national prisoners.

According to the Manual of Operations of the Bureau of Jail Management and Penology, Section 5, Rule III, there are 4 classes of prisoners.

- Insular or national prisoners are referred to as one who is sentenced to a prison term of 3 years and 1 day up to death row prisoners.
- Provincial prisoners are referred to as ones who are sentenced to a prison term of 6 months and 1 day up to 3 years.
- City prisoners are ones who are sentenced to prison terms from 1 day to 3 years.
- Municipal prisoners are referred to as ones who are sentenced to a prison term of 1 day to 6 months.

Also, there are 3 types of detainees as follows;

- Those undergoing investigation;
- Those awaiting or undergoing trial; and
- Those awaiting final judgment.

BuCor classifies prisoners according to security level into 3 types of prisoner as follows;

- Maximum security prisoners – the largest group of prison population in the correctional system as it accounts for 48.2 percent or 17,800 prisoners of a total of 36,920 prisoners.
- Medium security prisoner –the second largest prison population as it accounts for 39.9 percent or 14,736 prisoners
- Minimum security prisoner –the smallest group accounting for 11.8 percent or 4,384 prisoners

### **Vocational training / work**

One of the six major reformation programs is vocational training and work in prison. Prisoner work programs consist of a wide range of activities from agricultural to industrial works. The objectives of vocational training and work in prisons are, firstly, to keep inmates busy, secondly to provide them some income for relieving their personal expenses while being imprisoned, and lastly yet most importantly, to equip them with livelihood skills for their benefit on their release and to help them settle back into their communities. With sincere support from BuCor, these following cases have given some recent portrayals of successful practices for the sustainable rehabilitation of prisoners.

At each prison and penal farm, suitable types of work are provided for for prisoners by joint venture agreements between the BuCor and private sector which are open to each area to efficaciously coordinate. The outstanding practice is located at Davao Penal Colony. The prison through the BuCor has a partnership with the Tagum Development Company (TADECO) banana plantation; their prisoners are able to participate in aspects of banana farming. Likewise, the Iwahig Penal Colony occupies a large area where the prisoner workforce grows many agricultural products, thereby giving back extra income to the BuCor. Another example is at Sablayan Prison and Penal Farm, located in Occidental Mindoro – which is largely rice-based and also available for aquatic resources because the province has a long coastline. Both rice and fish are significant economic products that constantly contribute to the appropriate place for prisoner work program provisions.

### **Education in prison**

Official statistics show that many prisoners has poor education. The majorities are elementary school dropouts and those with lower than primary level. Education in prison works to provide remedial schooling to give them fundamental skills such as reading, writing, and mathematics skills. In response to the major objective of rehabilitation of incarcerated offenders, education in a prison setting led by the Reception and Diagnostic Center (RDC) aims at improving prisoner's academic and job skills. As a result, a number of prison settings facilitate programs e.g. vocational training, on-the-job training, and any job assignment courses for job readiness or enhancing their eligibility to be employed in lawful employment on their release. To be more specific, most potential occupations after release are working in traditional blue-collar occupations e.g. electronics, auto mechanics and making handicrafts. However, for those inmates with high school education graduation, a basic computer course and typing course are offered. A college degree program and tertiary degree correspondence course is also offered in addition to the regular secondary and compulsory basic literacy classes. It is a principal that prisoners are encouraged to enroll while serving their sentence to improve their academic standards.

### **Welfare and Social work**

The welfare and social work services provide both pre-release and post-release assistance to institutionalized offenders. The services offered are legal and paralegal assistance, links with families, government and non-government agencies, counseling and employment opportunities. The core objective of welfare and social work services for prisoners is to make the re-entry of prisoners to society as smooth as possible. The program is the newest in BuCor.

### **Medical Service and treatment**

On arrival, all prisoners have to be examined by medical and mental specialists at the Reception and Diagnostic Center (RDC). Here, prisoner's medical records will be documented. The medical exam history is vital for consideration whether s/he would be fit for work or not because medical information and mental health status exams are

used to ascertain his/ her overall physical and mental fitness. As well being used as part of diagnostic procedures, this determines the appropriate rehabilitation programs for individual prisoners.

The medical facilities in prison settings are a 500-bed hospital located at New Bilibid Prisons (NBP); and 6 mini-hospitals (clinics) located at 6 other prisons and penal farms. All prison facilities i.e. clinics, infirmaries and hospitals have full and competent medical staff and practitioners in charge. The medical services cover minor surgical operations, laboratory examinations, radiology, psychiatry, rehabilitation and dental treatment. Furthermore, medical services include a wide range of counseling services and therapy programs for prisoners especially in the case of prison conditions resulting in psychological problems of prisoners. Whenever there is any infirmity case beyond the competence of in-house medical doctors, prisoners are referred to state-run hospitals in line with prison rules and under security escort procedure.

### **Contacts (visits / letter / telephone)**

According to BuCor policies and procedures, a prisoner shall have the right to be visited by his family and reputable friends at regular intervals. In the Philippine correctional facilities,

These following policies are involved to prisoner visits;

- Visitor lists - The Superintendent shall compile and maintain a list of persons named by the inmate who may visit the latter. The list may include the members of the inmate's immediate family such as his parents, step parents, foster parents, brothers and sisters, wife or husband and children. Upon the request of the inmate, the list may include his grandparents, aunts, uncles, in-laws and cousins. Other visitors may, after investigation, be included in the list if the inmate will benefit from such contact.
- Visiting days and hours - An inmate may be visited from Sundays to Thursdays from 9:00 a.m. to 3:00 p.m. visitors shall not be allowed to stay overnight in prison. There shall be no visits on Fridays and Saturdays.
- Limitation on visiting rights - The Director may limit the length or frequency of prison visits as well as the number of visitors to avoid overcrowding. Exceptions may be granted after taking into account special circumstances, such as the distance of travel of the visitor and the frequency of the visits received by the inmate.
- Privacy of visits - Prison guards shall supervise the visiting area in an unobtrusive manner. They shall not eavesdrop on conversations or otherwise interfere with the privacy of the inmate and his visitor.
- Conjugal visits - A male inmate may enjoy conjugal visits from his spouse in prisons where there are facilities therefore under such conditions as may be prescribed by the Director.

- Visit of legal counsel - An inmate may be visited by his legal counsel of record at reasonable hours of the day or night.
- Violation of visiting rules - Any circumvention or violation of visiting rules by the inmate or his visitor shall result in the suspension or deprivation of visiting privileges and the initiation of disciplinary action against the erring inmate.
- Internet Freedom- There were no governmental restrictions on access to the Internet; therefore the Internet was widely available and used.

## Grievance

Inmate Complaints and Information and Assistance Center (ICIAC) is managed by each prison and governed by the BuCor. BuCor establishes specific tasks to perform within 72 hours on all the complaints, requests for information and assistance of inmates according to Sec.26, Chapter 8, Title III, the Bureau of Corrections Operations Manual. Common inmate complaints and requests are complaints against employees / co-inmates, status of prisoners' release, computation of Good Conduct and Time Allowance and problems regarding visitors' visits.

## 2. Treatment of specific prisoners

### Female prisoner

Female prisoners in the Philippines are imprisoned at Correctional Institutions for Women (CIW). Before the separating building was finished, all female prisoners were confined at the Old Bilibid Prison, where male prisoners were kept in dormitories close to the women's quarters. The vocational activities and hospitals were not appropriate for women prisoners and as a result it became necessary to transfer women to a different site.

Special accommodation for pregnant inmates was arranged for children born in hospital outside of prison. Infants born while mothers were serving a sentence in the Correctional Institution for Women (CIW) may be permitted to stay with the mother for a period of time not exceeding 1 year. After that, children will be taken care of by family members and the superintendent shall make arrangements with the Department of Social Welfare and Development or any other social welfare agency for taking care of children. No female prisoners shall be subject to any disciplinary measure, which might affect their unborn children or affect her nursing of her child.

The Correctional Institution for Women (CIW) believes that the transformation of inmates starts with proper rehabilitation. The first step of which is when the prisoner admits wrongdoings and accepts their situation. Projects e.g. bead making

focus on the creativeness of women. Intricate bag designs and attractive key chains are just some of women's creations that have proved to be popular.

### **Youth offenders**

Youth offenders or juvenile delinquents are normally sent to youth rehabilitation centers under the juvenile justice and welfare council pursuant to R.A. 9344 unless the sentencing judge specifically orders for them to be confined at the national penitentiary, as in cases where the juvenile convict acted with discernment or the offense committed was grave. The Department of Social Welfare and Development (DSWD) supervises the regional rehabilitation centers for youth offenders through the Bureau of Child and Youth Welfare.

### **Political Prisoners**

According to the 2012 Human rights report by US Department of State, the politically motivated arrests of persons for common crimes or on fabricated charges in the Philippines have shown slight increase compared with 2011, with the majority of pre-trial detainees. The BJMP and BuCor reported there were 228 political prisoners held in prisons and detention cells. The majority of political prisoners were held with the general inmate population in the maximum-security area.

### **HIV Positive Prisoners**

According to a study of the prevalence of risky behaviors which cause HIV transmission in prison in particular injecting drugs and sexual intercourse, the World Health Organization (WHO) found the Philippines was the only country for which reporting zero prevalence of HIV cases in prison settings.

## **3. Treatment of prisoners with non-custodial measures**

### **Parole**

Under the policy of “uplifting and redeeming valuable human materials to create economic usefulness and to prevent unnecessary and excessive deprivation of personal liberty”, the Department of Justice (DOJ) administers the parole and probation system through the Parole and Probation Administration (PPA). The Board of Pardons and Parole recommends parole and pardon privileges to the President of the Republic of Philippines.

## **Pardon**

The Department of Justice (DOJ) assists the President in the grant of executive clemency through the Board of Pardons and Parole. Under Philippine law, a Board of Pardons and Parole supervises a program and makes recommendations to the President of the Republic of Philippines to grant executive clemency to certain prisoners. The recommendation can be varied from the commutation of sentence to absolute pardon and conditional pardons, with or without parole conditions.

## **Transfer**

The transfer of prisoners to another facility is conducted upon the recommendation of Chief Executive Officer (CEO) and approved by the Director. Any transfer shall be beneficial to the prisoner, to bring prisoners closer to their families or as part of a treatment and rehabilitation program. Furthermore, the transfer shall be made known to prisoner's family before it is affected. In the case where the recommendation of the CEO mentions about the transfer to NBP hospital or any governmental hospital for the purpose of psychiatric treatment, the transfer shall be made to an appropriate treatment facility.

Referring to the transfer of sentenced persons, the government of the Republic of Philippines participates in the Transfer of Sentenced Persons Agreement (TSPAs) with 5 governments including the government of Canada, Cuba, Hong Kong Special Administrative Region (HKSAR), Spain and Thailand.

The criterion of sentenced persons is subjected to the following conditions according to the Section 3 of the Transfer of Sentenced Persons Agreement (TSPAs);

- The acts or omissions on account of which the sentence has been imposed are punishable in the administering State, or would constitute a criminal offense if committed in its territory, although the definition thereof may not be identical;
- The sentenced person is a national of the administering State;
- The judgment is final and no other legal proceedings relating to the offense or any other offense are pending in the sentencing State;
- The Transfer is consented to by the sentencing State, administering State and the sentenced person;
- The part of the sentences still to be served at the time of the receipt of the request for transfer by the administering State is at least one (1) year. In exceptional cases, as determined by both the sentencing and administering State, a request may be accepted even if part of the sentence still to be served is less than one (1) year; and
- The sentenced person has satisfied payment of fines, court costs, civil indemnities and/or pecuniary sanctions of all kinds for which he or she is liable under the terms of the sentence, or has provided sufficient security to ensure payment thereof to the satisfaction of the sentencing State.

The authority to transfer sentenced persons is stated in the Section 6 of the Transfer of Sentenced Persons Agreement (TSPAs) by the Department of Justice. The procedure for transfer of sentenced persons is stated in Section 6 of TSPAs that the Treaty Partner's Central Authority shall be that which is designated in the applicable TSPA or as communicated to the Department of Justice.

- The Legal Staff shall assist the Secretary in the evaluation of the requests for transfer.
- A request for shall be made in writing and submitted with the documentary requirements provide under the applicable TSPA.
- The request for transfer and the reply to such request shall be transmitted through diplomatic channels. All other communications shall be conveyed directly to the Central Authority of either State.
- The decision taken on the request for transfer pursuant to the applicable TSPA shall be notified without delay to the Treaty Partner.

But there will also be a penalty in the case of escapees, which is an unwritten rule.

## **Alternative measures to imprisonment**

### **Probation**

The Philippine probation system is supervised by the probation administration which was created by virtue of Presidential Decree No. 968, "The Probation Law of 1976", to have official administration of the probation system. In 1989 the probation administration was renamed Parole and Probation Administration (PPA) and given the additional function of prisoner supervision on parole release and pardon with parole condition.

The vision of the Parole and Probation Administration (PPA) is that "A central component of the Philippine Correctional System that it shall enhance the quality of life of its clients through multi-disciplinary programs and resources, and efficient organization and by a highly professional and committed workforce in order to promote social justice and development". The programs provided by the administration aim to promote the reformation of offenders; reduce incidences of recidivism; and provide alternatives to institutional confinement of first-time offenders by the community-based treatment programs. The administration adopts an integrated rehabilitation program that underscores restorative justice, therapeutic community approach and volunteerism as key components to achieving strategic pathways in pursuit of the organizations vision.

The most prominent development in probation was the added function of the Administration pursuant to Section 66, 68 and 81 (b) of RA 9165, "The Comprehensive Dangerous Drugs Act of 2002" and according to the Dangerous Drugs Board (DDB) Resolution No. 2 19<sup>th</sup> July 2005. This introduces investigation and supervision of First Time Minor Drug Offenders placed under suspended sentence (FTMDO). Another

attempt to position the Administration in the forefront in crime prevention and treatment of offenders through community-based practice is the revitalization of the Volunteer Probation Aide (VPA) Program stated in Executive Order 468 dated 11<sup>th</sup> October 2005.

The probation programs and services are stated as individualized community-based and three-pronged approaches to crime prevention and the treatment of offenders. The philosophical foundation relies on Restorative Justice; the treatment modality is on the basis of Therapeutic Community (TC); and the power of volunteers is an important community resource. The benefits of having managed the less costly alternative to imprisonment of offenders bring a great deal of government savings i.e. in 2012 through the probation system, the government saved Php.230,340,072 of national government expenditure. Furthermore it eases jail congestion as detainees are more likely to get probation or executive clemency and some were referred etc.

## **4. Organizational Management**

### **Mission**

The main mission is to protect the public and prevent crimes in partnership with stakeholders by providing persons under custody with opportunities for reformation and a decent environment. BuCor aims to effectively pursue its responsibility to safely secure and transformational prisoners through responsive rehabilitation programs managed by professional Correctional Officers.

### **Vision**

The vision is to promote a safer community, it adheres to international standards and represents public order. In other words, as reconfirmed in the Asian and Pacific Conference of Correctional Administrators Conference (APCCA, 2012) that BuCor has a vision to protect the public and to prevent crimes by giving opportunities to offenders to be reformed in a decent and secure environment in which international standards avail. Prisoners therefore are given moral and spiritual development primarily and the necessary training such as educational and vocational training for life skills. Besides, prisoners are offered community support through several social welfare organizations for release settlement.

### **Organizational structure**

The Bureau of Corrections is an agency under the Department of Justice that is charged with the custody and rehabilitation of national offenders, that is, those sentenced to serve a term of imprisonment of more than 3 years.



To carry out its mandate, the Bureau undertakes the do the following:

- Confine persons convicted by the courts to serve a sentence in national prisons
- Keep prisoners from committing crimes while in custody
- Provide humane treatment by supplying the inmates' basic needs as human beings and implementing a variety of rehabilitation programs designed to change their pattern of criminal or anti-social behavior
- Ensure rehabilitation programs are made available to the inmates for their physical, intellectual and spiritual development
- Development livelihood programs to assist inmates earn a living and develop their skills while in prisons

The organizational structure of the Bureau of Corrections (BuCor) can be categorized into 2 distinguishing bodies. Firstly, there is the BuCor headquarter. It is made up of 2 main offices; 13 divisions; and 1 center, namely (as shown in the Figure 1);

- Office of the Assistant Director for Administration and Rehabilitation;
- Office of the Assistant Director for Prison and Security;
- Administrative Division;
- Accounting Division;
- Budget and Finance Division;
- Management Division;
- General Services Division;
- Procurement Supply Property Management Division;
- Industry Development Division;
- Legal Division;
- Education Division;
- Reception and Diagnostic Division;
- Medical and dental Division;
- Moral and Spiritual Division;
- Documents Division; and
- Information Technology Center

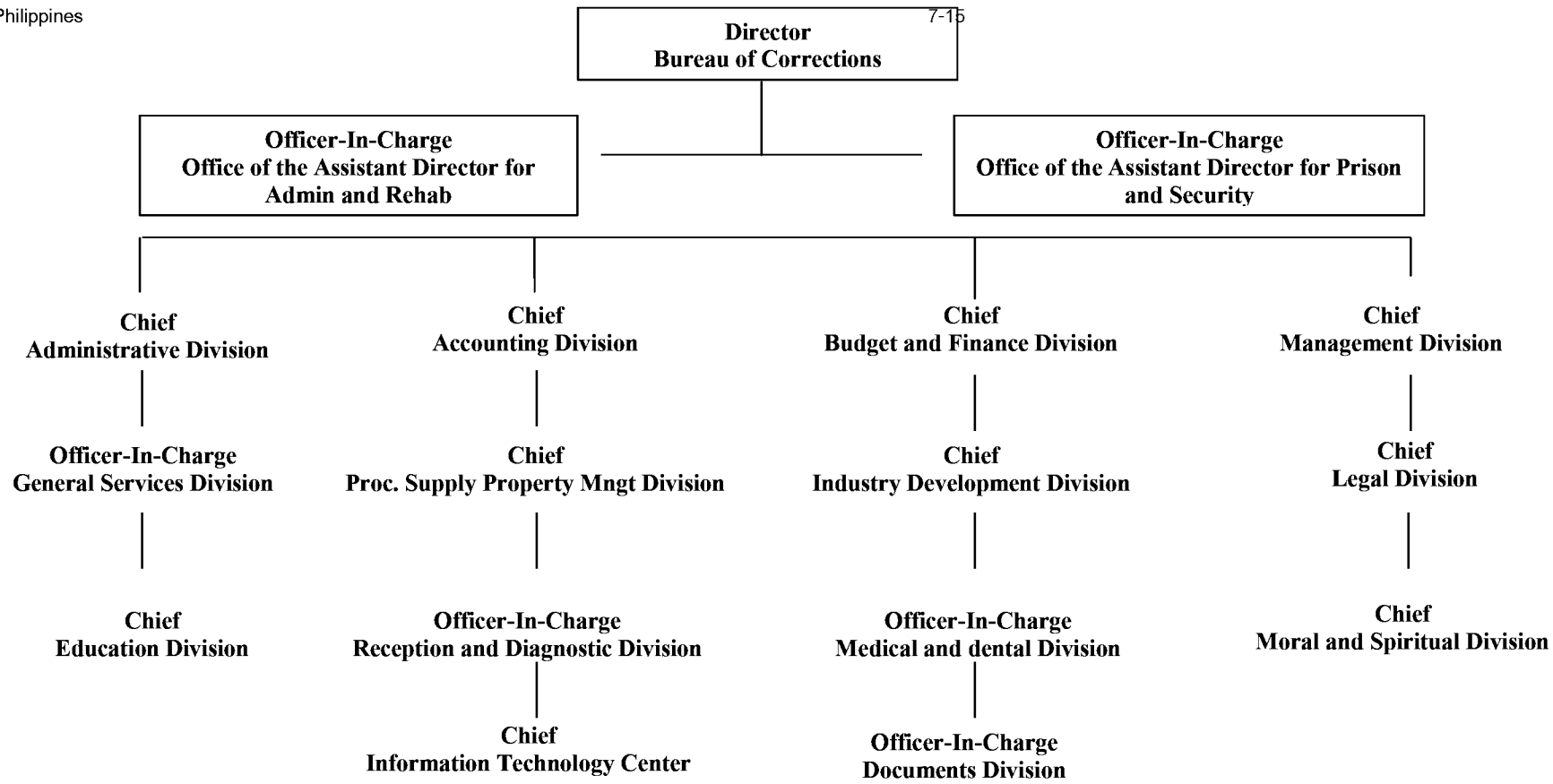
Secondly the prisons of BuCor have 7 prison facilities located nationwide, namely:

- The New Bilibid Prison in Muntinlupa City;
- The Correctional Institution for Women (CIW) in Mandaluyong City;
- Iwahig Prison and Penal Farm in Puerto Princesa City, Palawan;
- Sablayan Prison and Penal Farm in Occidental Mindoro;
- San Ramon Prison and Penal Farm in Zamboanga City;
- Leyte Regional Prison in Abuyog, Leyte; and
- Davao Prison and Penal Farm in Panabo, Davao Province.

### **Organizational Chart**

The organizational chart of the Bureau of Corrections (BuCor), below, shows the headquarters' officials are positioned above the line; and the regional prisons are shown under the line. However, in 2014 the Bureau of Corrections (BuCor) was headed by Director Franklin Jesus B. Bucayu, the 35<sup>th</sup> director of the BuCor, who was appointed by the Secretary of Justice Leila M. De Lima. Director Franklin Jesus B. Bucayu strongly aims to move forward the major reforms in the premiere correctional institutes of the Philippines.

7 Philippines



Superintendent  
New Bilibid Prison

Officer-In-Charge  
Davao Prison and Penal Farm

Superintendent  
Correctional Institution for Women

Officer-In-Charge  
San Ramon Prison and Penal Farm

Officer-In-Charge  
Sablayan Prison and Penal Farm

Superintendent  
Iwahig Prison and Penal Farm

Superintendent  
Leyte Regional Prison

## **Prison management**

Historically, the Bureau of Prisons, which are called in the Filipino language *Kawanihan ng mga Bilangguan*, which was the previous name of the BuCor during 1905 to 1989; an agency of the Department of Justice charged with the custody and rehabilitation of national offenders, who have been sentenced to three years of imprisonment or more.

Within these 7 prison facilities, BuCor manages to accommodate 26,792 prisoners. It has on women institution and one vocational training center for juveniles.

All prisons have their own Reception and Diagnostic Center (RDC); Classification Board; Rehabilitation and Vocational Training Programs; Inmate Complaints and Information and Assistance Center (ICIAC) and Inmate Council and Board of Discipline.

## **Personnel management**

Headed by a Director, the BuCor has an authorized strength of 2,362 employees, 61% of whom are custodial officers, 33% are administrative personnel and 6% are members of the medical staff. As of August 2012, there were 1,711 custodial positions working in a ratio of 1:23 prisoners in each of the 3 shift duty schedule.

## **Relevant laws in correctional operation**

In the international sphere, the Philippine correctional system adheres to the provisions of the United Nations (UN) Standard Minimum Rules for the Treatment of Prisoners and the UN Standard Minimum Rules for Non-Custodial Measures or the Tokyo Rules and other international human rights instruments which protect the rights of prisoners.

In 2013, the Bureau of Corrections (BuCor) modernized the Bureau of Corrections Act of 2013 by increasing the professionalism of the institution by restructuring the Bureau of Corrections (BuCor). The Act is the foundation for correctional operations in the Republic of Philippines.

## 5. Best Practice

The key Best Practice of the Philippine correctional system is the practice of effective community-based treatment of youth and adult offenders for the reason that the process adopts a systematic approach to the thorough rehabilitation and reintegration by the criminal justice system. Thus it is considered as a comprehensive and holistic process of reintegration – commencing when the offender is separated from the community, to the time the offender is brought before law enforcement bodies, the prosecution, the courts and the corrections authorities, until the offender returns to the community. The following section gives some highlights as to the ‘Best Practice’ portrait of the treatment measures during 4 phrases;

- **The Pre-Trial Phrase** – the Philippines’ traditional criminal justice system is known as “Katarungang Pambarangay” (Village Justice System) which is the smallest unit to settle disputes and treat offenders. Its purpose is to promote quick, amicable and inexpensive administration of justice to relieve official criminal justice agencies. Sometimes cases are referred to ‘Lupong Tagapamayapa’ (Peacekeeping Board) for peaceful settlement before presenting them to police or prosecutors. Further, another conciliation effort is in the form of mediation teams or ‘pangkatnatagapagkasundo’, all the teams work together to address the contributory factors to problems.
- **The Trial or Adjudication Phrase** – this is used in the probationary treatment of juvenile offenders which known as Suspended sentencing for youth offenders instead of being in custody of the DSWD’s rehabilitation centers for youths. The package of programs and services integrated in the acronym ‘SHEPHERDS’ is as follows;
  - **Social Services** – ensures that offenders are afforded individualized treatment; opportunity to continue contact with their families etc.
  - **Home life Services** – these are to learn household chores e.g. cooking, cleaning and home-based roles.
  - **Educational Services** – interface between youths in schools with the nearby community.
  - **Psychological Services** – help offenders to modify behavior according to socio-cultural norms of the community through individual or group sessions.
  - **Health Services** – deliver medical and dental services to contribute to physical wellbeing and character building.

- Economic Programs and Services in Rehabilitation Centers– provide skills training in accordance with social background situation e.g. in agriculture.
  - Recreational Services – enable offenders to practice discipline and sportsmanship by participating in indoor or outdoor activities.
  - Developmental Services – expose offenders to group experiences e.g. consultation, group meetings for developing planning and decision-making skills.
  - Socio-cultural Programs – include cultural presentations and spiritual programs.
- **The Post-Trial Phase** – this platform is mostly related to penal agencies in the following practices;
- Open Prison Programs – BuCor allows offenders to make a livelihood by doing agricultural activities for their subsistence and promoting reintegration as well as re-adjustment in community.
  - Pardon – under the law, a Board of Pardons and Parole supervisory programs make recommendations to the President of the Republic of Philippines for the grant of executive clemency to certain prisoners.
  - Parole – is indicated by the Parole and Probation Administration (PPA) as the conditional release of offenders from correctional institutions after the offender has served the minimum period of their sentence term
- **The Post-Institutionalization Phase** – provides after-care monitoring for discharged offenders.
- Halfway House for Adult Prisoners – considered as a necessary transitory arrangement between institutional placement which is for some prisoners after long-term confinement in closed institutions, and that of community-based services. Halfway House for Adult Prisoners is a residential facility where released prisoners can slowly adjust to community life and to full reintegration.
  - After Care Services – involve treatment and discharge planning.

## 6. Statistics and figures

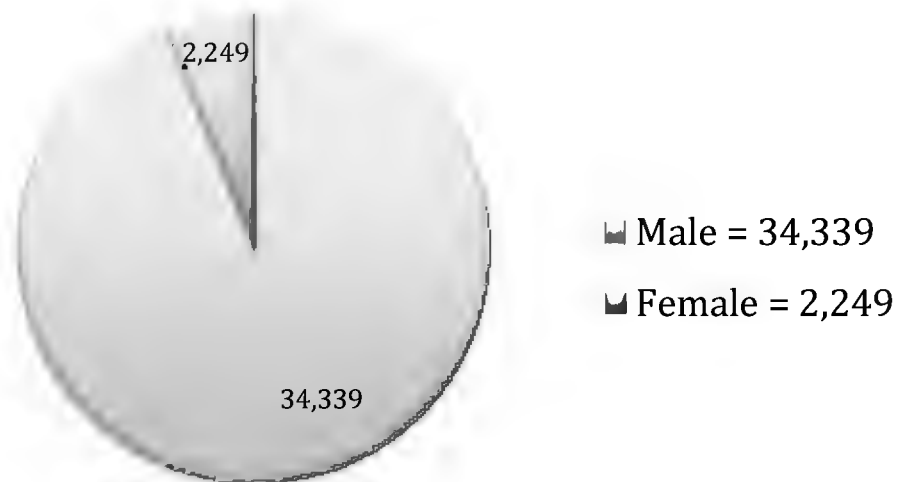
The Philippine population in 2010 World Data Bank was 93,617,000 (Ortuote, 2012) and it increased to 97,200,000 in 2012. The total prison population of the Philippines was 108,305. The prison population rate was at 111 per 100,000 of the national population. As of August 2012, BuCor took overall supervision of 36,588 prisoners in different prisons facilities and penal farms, where it could be specified that 34,339 were male prisoners and 2,249 were female prisoners. The current statistics on prison populations in nationwide prison facilities are as follows;

- The New Bilibid Prison in Muntinlupa City, Metro Manila has 20,904 prisoners;
- The Correctional Institution for Women (CIW) in Mandaluyong City, Metro Manila has 1,998 prisoners;
- Iwahig Prison and Penal Farm in Puerto Princesa City, Palawan has 2,821 prisoners;
- Sablayan Prison and Penal Farm in Occidental Mindoro has 2,265 prisoners;
- San Ramon Prison and Penal Farm in Zamboanga City has 1,376 prisoners;
- Leyte Regional Prison in Abuyog, Leyte has 1,596 prisoners; and
- Davao Prison and Penal Farm in Panabo, Davao Province has 5,377 male and 251 female prisoners.

The major statistics on prisoners are related to social backgrounds. It was statistically shown in 2012 that the majority of prisoners came from Metro Manila which totals 9,448 persons; and their ages were mostly or 59 percent of them were between 22-39 years of age. Regarding educational level, 37 percent of prisoners are only educated to elementary school level. Furthermore, approximately 40 percent of prisoners committed crimes against persons, followed by 19 percent of prisoners who committed crimes related to dangerous drugs.

As of August 2012, while BuCor incarcerated of 36,588 prisoners, there were 0.5 percent or 213 foreign prisoners from 23 countries. Prisoner subsistence is 50 PHP (Philippine Peso) per day per prisoner which is equivalent to 1.11 US Dollars.

According to Correctional Statistics, this is based on the Asian and Pacific Conference of Correctional Administrators 2012 as shown below.

**Figure 1: Prisoners by Gender, mid 2012**

*Source: Asian and Pacific Conference of Correctional Administrators (APCCA), 2012*

**Table 1: Prisoners by Incarceration Rates Trend, 2013**

Year	Incarcerated Population	Incarceration rate (per 100,000 population)
2009	102,267	111
2005	89,639	108
2002	67,798	86
1999	70,383	94
1993	35,864	55

Source: International Centre for Prison Studies (ICPS), 2014



**Table 2: Prisoners by Imprisonment Rates, mid 2012**

<b>Country</b>	<b>General Population</b>	<b>Imprisonment rate (per 100,000 population)</b>	<b>Percentage of foreign nationals/ non-locals</b>
Philippines	92,000,000	39.8	0.6%

Source: Asian and Pacific Conference of Correctional Administrators (APCCA), 2012

**Table 3: Institutional Staff to Prisoner Ratio, mid 2012**

<b>Country</b>	<b>Total Institutional Staff</b>	<b>Institutional Staff to Prisoner Ratio</b>
Philippines	2,244	1 to 16.3

Source: Asian and Pacific Conference of Correctional Administrators (APCCA), 2012

**Table 4: Custodial Staff\* to Prisoner Ratio, mid 2012**

<b>Country</b>	<b>Total Custodial Staff</b>	<b>Custodial Staff to Prisoner Ratio</b>
Philippines	1,660	1 to 22

Source: Asian and Pacific Conference of Correctional Administrators (APCCA), 2012

\*Custodial Staff refers to full time (or equivalent) custodial staff working in prisons/ correctional institutions who are involved in direct custodial inmate supervision (i.e. excluding other supporting staff like medical doctors, psychologists, teachers, clerical staff, civilian personal, etc.)

## Bibliography

### Books

- ORTUOSTE, M. (2012) The ASEAN-10: Political Outlook. In: Montesano, M.J. and Onn, L.P. (eds). *Regional Outlook: Southeast Asia 2012-2013*. Singapore: Institute of Southeast Asian Studies Publishing.
- REPRESENTATIVE OF BUCOR (2012) *32<sup>nd</sup> Asian & Pacific Conference of Correctional Administrators: Bureau of Corrections Briefing on Prison's Reformation Programs (Initiatives and Challenges)*. Unpublished.
- RILLO, A.D. (2012) The ASEAN-10: Economic Outlook. In: Montesano, M.J. and Onn, L.P. (eds). *Regional Outlook: Southeast Asia 2012-2013*. Singapore: Institute of Southeast Asian Studies Publishing.
- UNITED NATIONS OFFICE ON DRUGS AND CRIME (2014) *Prison Systems and Management in Southeast Asia: An Overview*. Bangkok: UNODC.

### Online articles

- ALVOR, M.B.B. (2005) Philippine Correctional System: Current Situation and Issues. *UNAFEI Resource Material Series No. 67 Work Product of the 109<sup>th</sup> International Training course*. [Online] 67. p. 75-87. Available from: [http://www.unafei.or.jp/english/pdf/RS\\_No67/No67\\_09PA\\_Alvor.pdf](http://www.unafei.or.jp/english/pdf/RS_No67/No67_09PA_Alvor.pdf) [Accessed: 16 January 2014]
- ASIAN AND PACIFIC CONFERENCE OF CORRECTIONAL ADMINISTRATORS (2012) *Official Website of APCCA Conference Reports*[Online] Available from: [http://www.apcca.org/uploads/APCCA\\_Report\\_2012\\_Brunei.pdf](http://www.apcca.org/uploads/APCCA_Report_2012_Brunei.pdf) [Accessed 16 February 2014]
- ASSOCIATION OF SOUTHEAST ASIAN NATIONS (2014) *Official Website of ASEAN* [Online] Available from: <http://www.asean.org/asean/asean-member-states> [Accessed 17 February 2014]
- BRAVO, C. S. (2012) Treatment of Female Inmates at Correctional Institutions for Women. *UNAFEI Resource Material Series No. 90 Work Product of the 153<sup>rd</sup> International Senior Seminar*. [Online] 90. p. 155-159. Available from: [http://www.unafei.or.jp/english/pdf/RS\\_No90/No90\\_00All.pdf](http://www.unafei.or.jp/english/pdf/RS_No90/No90_00All.pdf) [Accessed: 17 February 2014]
- BRAVO, C. S. (2012) Philippine Criminal Justice System. *UNAFEI Resource Material Series No. 90 Work Product of the 153<sup>rd</sup> International Senior Seminar*. [Online] 90. p. 160-162. Available from: [http://www.unafei.or.jp/english/pdf/RS\\_No90/No90\\_00All.pdf](http://www.unafei.or.jp/english/pdf/RS_No90/No90_00All.pdf) [Accessed: 17 February 2014]

- BUREAU OF CORRECTIONS. (2014) *Official Website of Bureau of Corrections* [Online] Available from: <http://www.bucor.gov.ph/home.html> [Accessed: 7 January 2014]
- CENTRAL INTELLIGENCE AGENCY (2014) *Official Website of CIA* [Online] Available from: <https://www.cia.gov/library/publications/the-world-factbook/geos/rp.html> [Accessed 17 February 2014]
- INTERNATIONAL CENTRE FOR PRISON STUDIES (2014) *World Prison Brief: Philippines*. [Online] Available from: <http://www.prisonstudies.org/country/philippines> [Accessed: 16 January 2014]
- MANUEL, G. Co. (2012) *Philippine Probation and Parole Systems (Community-based Rehabilitation of Offenders)*. [Online] Available from: [http://www.unafei.or.jp/english/pdf/RS\\_No81/No81\\_15PA\\_Co.pdf](http://www.unafei.or.jp/english/pdf/RS_No81/No81_15PA_Co.pdf) [Accessed: 16 January 2014]
- NATIONAL STATISTICS OFFICE (2014) *The Philippines in Figures 2014* [Online] Available from: <http://www.census.gov.ph/sites/default/files/2014%20PIF.pdf> [Accessed 17 February 2014] Prescribing Rules in the Implementation of the Transfer of Sentenced Persons Agreements, Republika ng Pilipinas, Kagawaran ng Katarungan Department of Justice. Department Circular (No. 90) Republic Act 2013, Republic of the Philippines. Office Gazette (No. 10575)
- SUPREME COURT OF THE PHILIPPINES AND UNITED NATIONS DEVELOPMENT PROGRAMME (2003) *National Survey of Inmates & Institutional Assessment Final Report*. [Online] Available from: <http://apjr.judiciary.gov.ph/pubreports/Survey%20of%20Inmates%20Final%20Report.pdf> [Accessed: 26 January 2014]
- WORLD HEALTH ORGANIZATION; UNITED NATIONS OFFICE ON DRUGS AND CRIME; AND UNAIDS (2007) *Evidence for Action Technical Papers: Effectiveness Interventions to Address HIV in Prisons* [Online] Available from: [http://www.who.int/hiv/idu/OMS\\_E4Acomprehensive\\_WEB.pdf](http://www.who.int/hiv/idu/OMS_E4Acomprehensive_WEB.pdf) [Accessed 17 February 2014]
- YANGCO, C.C. (1999) Community-based Treatment for Offenders in the Philippines: Old Concepts, New Approaches, Best Practices. *UNAFEI Resource Material Series No. 54 Work Product of the 109<sup>th</sup> International Training course*. [Online] 54. p. 283-300. Available from: [http://www.unafei.or.jp/english/pdf/RS\\_No54/No54\\_22VE\\_Yangco.pdf](http://www.unafei.or.jp/english/pdf/RS_No54/No54_22VE_Yangco.pdf) [Accessed: 2 February 2014]

# 8

# Singapore



Source: CIA, 2014

## Introduction

Singapore is located in South–East of Asia. Singapore is a city state, which occupies its own island. There are two neighboring countries: Malaysia and Indonesia. Singapore is a multi cultural country, where people with various ethnicities live. The majority of the population are Chinese (75%), while Malaysians making up 14%, Indian 9%, and people from other ethnic groups. English is the official language of Singapore.

Singapore has one of the lowest crime rates in the world. Violent crimes are rare in Singapore. Singapore has enforces its law strictly, and has severe drugs and gun laws. Singapore also has the death penalty. Singapore’s draconian laws have impact on the crime rates.

The Singapore Prison Service is one of the main institutions in the criminal justice system. It was established on April 18th, 1825. It has responsibility for the safety and security of Singapore. Singapore Prison Service is managed by the Ministry of Home Affairs (MHA). Singapore Prison Service is one of the agencies of the Home Team and shares its core strategy. They cooperate together to bring about a safe and secure country for Singaporeans. The Home Team consists of nine other law enforcement agencies and statutory boards, including Singapore Police Force, the Central Narcotics Bureau, the internal Security Department, the Home Team Academy, the Singapore Civil Defense Force, the Casino Regulation Authority, the Immigration and Checkpoints Authority and the Singapore Corporation of Rehabilitative Enterprises.

## 1. Treatment of Prisoners

### Prisoner Classification

Prisoner classification begins at the admission procedure. This admission procedure is an important process which aims to understand the specific need of prisoners and provide proper programs and rehabilitate prisoner’s behaviors.

Primarily, prison officers need to check and analyze an individual’s backgrounds. After analyzing new prisoners backgrounds, officers will provide a treatment plan and activities following the needs of new prisoners. The prisoner plan covers the whole incarceration time. The criteria for prisoner classification are defined by the classification committees. The prison director is the chairperson of the board committee which consist of social workers, psychologists, physicians, psychiatrists, probation officers, and related officers.

### Prisoner Classification Procedure

New inmates are sent to the Diagnostic or Reception Centers where inmates will be closely taken care of and where they spend 4-8 weeks. The Diagnostic or Reception Center provides specialists such as psychologists, social workers and physicians, including other related officers. There are committees which are set up to prepare plans for all inmates. After that, prisoner's information will be collected and sent to committees. The committee will consider and provide methods to help those prisoners in their next step. At this stage, the reasons why prisoners commit the crime will be analyzed, including their work experience, their abilities and the vocational interests of the prisoners.

The analysis will help the committees produce useful rehabilitation programs. In high risk cases or where prisoners have been sentenced for very serious crimes, those prisoners will be sent to high security prisons in order to prevent the risk of escaping. However, most rehabilitation programs focus on vocational training programs which aim to help them prepare themselves for finding jobs after getting released. There are also prisoner re-classification programs which focus on prisoners who display deviant behaviors such as trying to escape or go on riot.

Moreover, Singapore Prison Service sets out the Short Risk Scale Measurement. This measurement is important as a tool in the prisoner classification process. The function of the Short Risk Scale measurement is to be used for setting rehabilitation programs following individual cases. Moreover, it can also predict the tendency for reoffending.

### **Class/Type of Prisoner**

Focusing on the different classes of prisoner in Singapore<sup>1</sup>, prisoners are classified into three main classes in order to provide the appropriate resources for them:

Class A – Prisoners who are in the low risk category and require low maintenance, who are unlikely to reoffend.

Class B - Prisoners with moderate risk and require moderate maintenance, who tend to reoffend. These prisoners should be put on rehabilitation programs.

Class C – Prisoners who are at high risk and need high maintenance. This group tends to reoffend although they are provided rehabilitation programs.

In particular, the prisoners at Class B and Class C are the main target groups for providing rehabilitation programs. This aims to help them rehabilitate their behaviors and for the Singapore Prison Service to return decent citizens to their communities.

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<sup>1</sup> Class of prisoner in Singapore focuses on the tendency of risk in re-offending

Having groups of prisoner classification will help prisoners receive the appropriate treatment programs.

### **Prisoner Rehabilitation**

The Singapore Prison Service has a scheme for prisoner rehabilitation. This scheme aims to influence prisoner's behaviors to make them more positive and return them to society as decent citizen. The prisoner rehabilitation scheme is combined into multiple programs designed to cater for the needs of each prisoner. The rehabilitation programs are varied, the main principles encompass religious counseling, social counseling, work, education and physical training.

Religious Counseling – this focuses on religious activities that have an effect on changing prisoner behaviors. Religious activity will motivate and influence prisoners to have a positive attitude and morals by abiding by religious doctrines. The religious counseling is conducted by chaplains from religious organizations.

Social Counseling – Prisoners come from different backgrounds. Counseling is another way to help prisoners find solutions to manage their problems and rehabilitate them during incarceration. This aims to encourage prisoners to keep going and be brave enough to return back to the outside world. This activity will be operated by social workers or other related officers who give useful advice to all prisoners before they get released.

### **Vocational training/work**

Normally, both Singaporean and foreign prisoners can apply for work, but prisoners are not entitled to work during the first 6 months of their sentence. Vocational training and working is the one of the important steps in the rehabilitation process. Therefore, there are various vocational training programs and jobs that are prepared for the prisoners

Singapore Prison Service has specifically cooperated with the private sector in providing vocational training for prisoners. There are more than 30 companies who have cooperated with prisons. For example, the Singapore Cooperation of Rehabilitation Enterprise (SCORE) is an organization which plays an important role in reintegration. SCORE is part of the Singapore correctional system and is a strategic partner of the Singapore Prison Service. It builds enhancement in the employability of prisoners and prepares them for their reintegration into the national workforce. SCORE services highlight training, work, employment services for prisoners and community engagement.

SCORE was established on 7 November 1975. SCORE is regulated under the provisions of the SCORE Act<sup>2</sup>, and is a statutory board with aims to bring about the

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<sup>2</sup> SCORE Act is Singapore Cooperation of Rehabilitative Enterprises Act (Chapter 298)

rehabilitation of offenders. SCORE's function is to focus on the prison industry, which operates traditional services such as book-binding, wood work, cane work, tailoring and footwear manufacturing.

Furthermore, SCORE provides job training to prisoners in line with the needs of the labor market, for example to work in the laundry business and linen leasing, or in a central kitchen, a bakery, a food catering business, in subcontracting, in industrial space leasing and digital media. Revenue generated from these services goes back to funding rehabilitation programs for prisoners such as training and employment services, which help prisoners find jobs. It offers nationally accredited training to prisoners. Apart from vocational training, SCORE now teaches employable skills, such as IT skills. It also makes use of an online job portal to facilitate the job matching offenders with potential employers in its job bank. Also, SCORE is one of the important parts of the Community Action for the Rehabilitation of Ex-offenders (CARE) Network, which spearheaded the Yellow Project in 2004 to raise awareness on the reintegration needs of ex-offenders and their families.

SCORE provides the opportunity for prisoners not only to learn vocational skills, but also an opportunity to get paid for their working. Labor prisoners have to save 45 percent of their working income. Also, labor prisoners are able to save and send money to their families while 55 percent can be used to purchase extra food and necessary items within prison.

### CARE Network

The Community Action for the Rehabilitation (CARE) is called the Care Network of Ex-offenders. CARE Network was formed in 2000. The CARE Network plays an important role in cooperate with Singapore Prison Service and eight major communities, including other agencies to be responsible for the rehabilitation of ex-offenders. The CARE Network is also a grouping of public and non-government agencies involved in re-entry management. The CARE Network members are:

- Ministry of Home Affairs (MHA)
- Ministry of Social and Family Development (MSF)
- Singapore Prison Service (Prison)
- Singapore Cooperation of Rehabilitative Enterprises (SCORE)
- National Council of Social Services (NCSS)
- Industrial & Services Co-Operative Society Ltd (ISCOS)
- Singapore Aftercare Association (SACA)
- Singapore Anti-Narcotics Association (SANA)



Furthermore, the CARE Network cooperates directly with SCORE, and Yellow Ribbon Project and other agencies. SCORE cooperates by providing a secretariat which supports the CARE Network. Aside from the Yellow Ribbon Project, the CARE Network has implemented the Case Management Program for ex-offenders since March 2001. Also, there are training programs for full-time Aftercare Case Managers (ACMs) from SACA and SANA

The Objectives of CARE Network are as follows;

- To improve the quality of rehabilitative services through knowledge – sharing
- To build awareness and understanding of the rehabilitative process among the general public
- To increase efficiency by reducing duplication of work and services between member agencies
- To create a seamless transfer for offenders from incare to aftercare
- To mobilize and facilitate the community to take steps toward referring the appropriate support services to help ex-offenders and their families reintegrate into society

#### Yellow Ribbon Project

The Yellow Ribbon Project was formed in 2004 and was managed by CARE Network in Singapore. The Yellow Ribbon Projects' role is to raise awareness of the need to give a second chance to ex-offenders and their families and inspire community action to support rehabilitation and reintegration of ex-offenders back into society. This is done through engaging in partnership with various government agencies, communities, and other organizations in giving ex-offenders a second chance at life and to inspire a ripple effect of concerted community action to support ex-offenders and their families. Yellow Ribbon also encourages employers and volunteers to offer second chances to offenders who are willing to change for the better.

The goals of Yellow Ribbon Project are as follows:

- To create an awareness for giving a second chance to ex-offenders
- To generate acceptance of ex-offenders and their families into communities
- To inspire community action to support the rehabilitation and reintegration of ex-offenders.

### **Education in prison**

Education is one of the most vital parts in prisoner rehabilitation. Singapore Prison Service provides both general education and vocational education. The prison school<sup>3</sup> focuses on cooperation between prisoners, correctional officers, and outside teachers in many ways. In particular, outside teachers are supported by the Ministry of Education.

In addition, there are specific programs which are provided for prisoners, particularly life skills programs, specialized treatment programs, family involvement programs, and peer support group programs.

Life Skills Program: This program aims to help prisoners find the solutions by themselves. This program is also designed to support prisoners to create a learning process by themselves in changing their behaviors.

Specialized Treatment Program: This program focuses on giving constructive advice. This program is conducted by psychologists. Participating prisoners need to attend the program at least 12 times. The program provides useful lessons for drug rehabilitation, and emotion management, including the treatment of sex offenders.

Family Involvement Program: This program highlights the needs of prisoners' families to understand the progress of prisoners in many aspects. Prisoners' families have opportunities to discuss with an officer of the team in order to establish the correct ways for prisoner treatment. Moreover, the program aims to encourage prisoners' families to cooperate with prisons in the prisoner rehabilitation process.

Peer Support Group: Singapore Prison Service gives prisoners an opportunity to share their knowledge with others prisoners. This activity is to help prisoners to know how to work with others as a working group and to form friendships between prisoners.

### **Welfare / Social Work**

Singapore Prison Service provides welfare and social welfare for all prisoners that abide by the United Nations Standard Minimum Rules for the Treatment of Prisoners. These are the following main principles:

Prisoner Accommodation: Singapore Prison Service considers how to provide suitable accommodation for all prisoners. Each building must be located in suitable areas. This focuses on air and lighting, including atmosphere, and climatic conditions within prisons that are good enough all prisoners. Cleanliness is also an important condition for prisoners.

Medical Services and Hygiene: All prisoners in Singapore are provided medical services with support from the Public Health Ministry. In an emergency and serious case, sick prisoners will be sent to an outside hospital. Also, pregnant prisoners will

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<sup>3</sup> Prison School was set up in the Kaki Bukit Centre in 2000. Prison school is a teaching resource center

receive medical treatment until they give birth. Every prisoner is encouraged to take care of their cleanliness not only their bodies, but also their clothes, as well as their bedding to maintain their own hygiene.

Food: All prisoners are provided enough foods, with three meals a day, and water. The foods provided are selected for their nutritional value. Foreign prisoners receive the same cuisine as Singaporean prisoners.

Clothes and bedding: Every prisoner will be given the necessary items such as clothes, bedding and special items in case of female prisoners. This includes clothes which are needed according to the weather conditions.

Recreation and activities: recreation and activities are important as the welfare of all prisoners to reduce their stress during incarceration. However, the provision of recreation and activities is considered by the Inmates Rehabilitation Activities Committee. This committee will manage and set recreation and activity programs for prisoners. Their purpose is to support prisoners to be healthy and build social skills. The type of recreations and activities include concerts, debates, inter-hall games, indoor-outdoor games, and hobby classes.

Prisoner welfare shop: The prisoner welfare shop is one which provides prisoner welfare and opens up opportunities for prisoners to consume outside products. This is another way to help prisoners relax during incarceration. Most products in the welfare shop are necessary and daily items.

Prison visits: All prisoners are allowed to contact their families, including relatives and friends through many channels such as by letter, phone and prison visits. The aim is to keep and support a family bond between prisoners and their families. However, prison visits are supervised by prison officers.

Other: prisons allow prisoners visitors to bring books or magazines to prisoners. However, books and magazines are screened before they are passed to prisoners. Also, those books and magazines should be paperback and no more than one inch thick. The contents in books and magazines should not have a violent or sexual theme. Prisoners are only allowed to hold three books at any one time.

Furthermore, there are computer courses which lead to a degree certificate which include basic computer skills such as computer communications, computer design and interface. Other courses are included that inmates are interested in, such as music class, science class, and web design class.

Prisoner privileges is intended to motivate prisoners to develop and change their behaviors. Moreover, this is one way to reward prisoners for their good behavior. This also sets a good example for other prisoners to change their behavior.

### **Medical Service and Treatment**

The Singapore Prison Service employs doctors and medical staff. All newly admitted prisoners will be given a health check by a doctor. All prisoners need to inform the doctor of any previous illness and any medication they are taking. This is because all inmates will be also given adequate medical care during their incarceration. Every

prison must provide medical staff to cooperate with the Public Health Ministry, and provides specific treatments for specific groups of prisoner, such as mental illness prisoners, and pregnant prisoners, and prisoners who are drug addicts. Moreover, Singapore Prison Service is concerned about prisoner hygiene, so the Singapore Prison Service takes care of the cleanliness and hygiene of prisoners and the atmosphere in the prisons, however all prisoners need to take care of their own hygiene by themselves during incarceration.

### **Contacts (visits/letter/telephone)**

In case of prisoner visits, the rules of visitation vary and depend on the type prisoners, whether they are convicts or remand prisoners. Convicted prisoners are allowed to contact outside visitors 2 times per a month. However, remand prisoners and other types of prisoners are allowed to visit almost every day except on holidays and weekend. Moreover, prisoners can contact their family and friends by letter. They are permitted to send letters 2 times per a month while there is no limit for letters from outsiders to prisoners. However, prisoner's letters are subject to censorship before they are passed on to prisoners. In terms of foreign prisoners, they are also given permission to send letters to the outside.

Prisoner visits are usually limited to close family members except those prisoners who have no family members in Singapore. In terms of visitors, most of them are family members. The prisoner will be issued with visitor cards. If other family visitors who do not have a visitor card wish to visit prisoners, they will have to be accompanied by the visit cardholder. The cardholder has to call the Visit Office or apply on the website. In the case of foreign prisoners, they will be allowed to meet consular representatives from their own countries, including their lawyers. However, prison visitors have to abide by the regulations of prison visitation.

### Internet Home Tele-Visit

To provide convenience for prisoners, Singapore Prison Service uses technology for prisoner visits called Internet Home Tele-Visit. It helps prisoners contact their families. Internet visitation is convenient because prisoners' families are able to contact prisoners on the weekend or after official times. This is convenient for prisoners and their families and maintains family bonds. This saves their time and money. However, prisoners' visitors need to have computers and an internet network. Prisoners have no direct access to telephone. Prisoners can request prison officers to contact their families, including foreign prisoners to pass on messages to their families.

## **Grievances**

Singapore Prison Service allows prisoners to make request when they have difficulties and problems during their incarceration. All prisons provide numerous channels for prisoner requests. Their requests will be collected and reported to prison administrators. This aims to find solutions for prisoners. After that all information is reported to the director general. Moreover, prisoners are also able to make their request through the committees of Visiting Justice. The committee is appointed by the Minister of Justice. The committee is from the private sector and is also responsible for visiting and taking care of prisoners in prisons.

Prisoner requests are for the following issues:

- Fights between prisoners
- Prisoner's using abusive language
- Prisoner's living conditions
- Prisoner's Hygiene
- Disciplinary punishment
- Prisoner's transfer requests

## **Prisoner Transfer**

There is no treaty for prisoners to transfer between Singapore and Thailand. However, the Ministry of Foreign Affairs as the representative of Thai Government has requested Singapore to sign a treaty for prisoner transfer. Currently, this is on the process of negotiation.

## **Pre- release Preparation**

All prisons provide a rehabilitation process for prisoners during incarceration and before prisoners are released. The rehabilitation process aims to provide a structure for the delivery of rehabilitation efforts to prisoners. The rehabilitation process is divided into two main components, including in care and after care.

### In Care

The In Care period comprises of the following three main phases:

#### 1. Basic

This step is conducted during prisoners' admission. All prisoners are classified according to their security risk and rehabilitation needs. In particular, the Personnel Route Map (PRM) is charted for each prisoner. The PRM will record inmate's progress in the programs that they require. Prisoners are required to attend the basic programs or skills programs in order to prepare prisoners for subsequent programs.

## 2. Development

The second step is the development phase. Prisoners are allocated to programs following the needs and risks identified through their PRM.

## 3. Pre- Release

After the developmental step, prisoners will continue in the Pre-Release phase. Inmates are given programs that prepare them before getting released.

### After Care

The After Care focuses on releasing prisoners back into the community. After Care is divided into two main phases:

#### 1. Half Care

Prisoners may be suited to halfway care programs, such as Community Based Programs (CBP) or supervision. Prisoners will have opportunities for a structured and gradual reintegration into the community. Their aim is to build a bridge between institutionalization and their release.

#### 2. Reintegration

During this period, ex-prisoners will be provided with support to reintegrate them into the community. The necessary follow-ups are carried out by the relevant Voluntary Welfare Organizations, including cooperation with other external agencies in the community.

There are various programs offered to prisoners in communities such as the community aftercare program, community education program, preventive drug education, prison visits. This is to help ex-prisoners complete their rehabilitation process in order to return them as a decent citizen back to society.

## **2. Treatment of Specific prisoners**

### **Female prisoners**

Female prisoners in Singapore are a small group compared to male prisoners. Changi Women's prison (CWP) is the only female prison in Singapore. The female prisoners' treatment has been divided into two main frameworks, including the rehabilitation processes and the risk-need model in the treatment of female offenders. The rehabilitation processes can be divided into three main components, including in-care, halfway care, and aftercare. Normally, female prisoners in Singapore are provided with the same treatment programs as male. However, the Singapore Prison Service is concerned about gender difference; therefore the Singapore Prison Service provides special treatment for female prisoners.

Treatment for specific offenses is one of the most important considerations for female offenders. The Singapore Prison Service has provided effective treatment for female offenders in the case of drug and property offenses which are the two main offenses among female offenders. In drugs case, the female offenders are targeted to attend the Drug Abuse Treatment Program (DATP). This program consists of CBT, the relapse prevention model, the trans-theoretical model, motivational interviewing and group dynamics. A property offense is considered for providing treatment programs for female offenders. Female offenders who commit property offenses also have a history relating to substance abuse.

Moreover, the treatment of special needs is an important issue for female prisoners in Singapore. Focusing on mental disorders, Changi Woman Prison provides treatments. Female offenders with mental illnesses are provided a specific ward within Changi Woman Prison. However, in severe cases of mental illness female prisoners are sent to a secure ward in a public hospital if necessary. In the case of female prisoners who injure themselves, these offenders will be helped by officers, counselors, psychiatrists, and other service providers in collaborating to design an intervention plan to reduce the frequency and severity of their behavior. They will also be monitored around the clock to ensure their safety.

Pregnant prisoners have access to obstetrics and gynecology (O&G) services, and the dispensary is equipped with O&G equipment. Medical staff specializing in O&G services offers their care twice a month. Moreover, pregnant prisoners are separated from other female prisoners in a housing unit. They are provided dietary as well as nutritional supplements. They also are sent to public women's and children's hospital for checking up on their health. After giving birth, newborns usually return to offenders' families who are able to take care of them. In case where this is not feasible, alternative care options are explored with the prisoners, including foster care and adoption. When prisoners reject alternative care for their newborns, they are allowed to have their infants with them in Changi Woman Prison until other acceptable care can be found. Children are allowed to live with their imprisoned mothers until they are three years of age<sup>4</sup>. Generally, mother prisoners and their children are separated from other female prisoners. Mother prisoners also receive necessities for caring for their children. Mother offenders and children are moved to the housing unit which is designed as place for a playing room. However, if there are no caregivers identified at the end of three years, the state child welfare agency will intervene.

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<sup>4</sup> Prison Act : Prison Regulation (Article 85)

### **Young offenders<sup>5</sup>**

This group of offenders is not under the responsibility of the Singapore Prison Service. Singapore Prison Service takes in control offenders that are above 21 years old. However, the Prison Regulations in article 86 indicate that prison is used to confine young offenders, especially those below 15 years of age. They are to be kept apart from adults and in separate buildings.

### **HIV positive prisoners**

In terms of serious illness, such as HIV, mental illness, and other serious illnesses, if prisoners need to get specific treatment from outside, the prison administrators may make an order for their removal to government hospitals. Singaporean prisons have special treatment for HIV positive prisoners and educational programs prison staff. These include cooperation with other agencies and volunteers to provide useful knowledge and activities for health treatments for HIV prisoners. They also aim to reduce the stigma and discrimination against HIV positive prisoners. Therefore, education and psychosocial support are provided to inmates to inculcate positive attitudes and help them adopt a positive lifestyle. In the case of leprosy<sup>6</sup>, the minister of Home Affairs may make an order in writing that the prisoner be removed to any hospital or place to be specified by the director of medical services. Their aim is to treat prisoners until they are cured of their leprosy.

### **Drugs addicted prisoners**

In case of prisoners who are addicted to drugs, they are provided specific treatment for drug addiction in 4 main steps.

Step 1: New prisoners are sent to an admission center for 1 week to receive basic treatment.

Step 2: After the first week, prisoners have to attend courses to discipline them.

Step 3: Prisoners attend programs which follow a rehabilitation plan such as work, education, physical training, religious activity, and social counseling.

Step 4: After step 3, prisoners are classified and sent to community-Based Rehabilitation (CBR) and Extended Institutional Rehabilitation (EIR).

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<sup>5</sup> A young offender as a juvenile offender is in Singapore age below 21.

<sup>6</sup> “Leprosy” is an infectious disease that cause severe, disfiguring skin sore and nerve damage in the arms and legs and it is defined as a serious illness among prisoners following Prison Act in Chapter 247 (Part V Custody and Removal of Prisoners)



### **3. Treatment of prisoners with non–custodial measures**

#### **Remission**

Remission is an important way to secure an early release for prisoners in Singapore. The remission system in Singapore focuses on prisoner behaviors and the period of their prison sentence. The criteria for remission following the Prison Act emphasizes that prisoners are released after serving two-thirds of their sentences for good conduct and behavior. No conditions are imposed upon their release.

This has been replaced by the Conditional Remission System (CRS), which seeks to deter ex-offenders from re-offending by giving them conditions upon their release. Most ex-offenders will generally still be released at the two-thirds mark of their sentence, with the basic condition that they must not re-offend during the remission period and be sentenced to a term of imprisonment. They are given other sentences such as reformatory training, corrective training and preventive detention. The court may also impose an enhanced sentence as a penalty. The maximum length of the enhanced sentence shall not exceed the remaining duration of the remission order from the date of the “new” offence.

The Mandatory Aftercare Scheme (MAS) is a scheme that consists of supervision and restrictions such as curfew hours and electronic monitoring, as well as counseling and case management for ex-prisoners. MAS also focuses on a selected group of ex-prisoners at risk of reoffending and those who need more support to reintegrate into society.

#### **Alternative measures to imprisonment**

##### **Probation**

Probation focuses on providing a chance to offenders to serve their sentence outside prison. Probation plays an important role as a court-ordered community-based rehabilitation program for offenders. Probation in Singapore is under the Probation of Prisoners Act. Probation in Singapore is supervised by the Probation Service, Ministry of Social and Family Development. The Probation Service is responsible for the following: offender assessment for placement on Probation Orders and Community Service Orders, and provision of community based programs for offenders, including the management of volunteer probation officers involved in the supervision of offenders. In addition, the Probation Service administers the pre-court diversionary programs for youth offenders, such as guidance and streetwise programs, including supervise juvenile inhalant abusers.

The mission of the Probation Service in Singapore is to effectively rehabilitate offenders on community-based orders with the maximum participation of their families and communities. This also includes the key considerations focused on public safety,

risk of re-offending and potential for rehabilitation. Most importantly, probation is used as an important instrument of change for offenders to re-shape their attitudes, values, and create positive behaviors. Moreover, probation plays another role as a multi-prong intervention program which is a balance of rehabilitation and deterrent aspects. With such ideas in mind, the Probation Service in Singapore has adopted more stringent Probation orders as follows:

Different grades of probation: This concept focuses on the intensity of supervision provided by Probation Officers, such as frequency of contact, time restriction checks made, and the number of hours in community service.

Restrictive Conditions: This highlights probation conditions which are restrictive and enable offenders to exercise self-restraint and discipline. Such conditions include the enforcement of the court order and also serve as a deterrent to offenders.

Time Restriction: The Time Restriction Automated Checks (TRAC) system is used as an automated curfew checking system using voice biometric technology and physical curfew checks by volunteer probation officers.

Graduated Sanctions: Probationers who do not abide by probation conditions are liable to have additional conditions imposed on them. This also leads them to have their probation revoked.

With rehabilitation concepts, this idea has been expanded to communities as community service orders to provide rehabilitation programs for offenders. In Singapore, approximately 85 % of probationers are required to fulfill community service as a probation condition. This aims to help probationers interact with people in communities. This also gives probationers a chance to adapt themselves to the real world. Therefore, the Probation Service has cooperated with communities in Singapore to provide and create useful programs and various activities for probationers. For example, the residential program is a program provided to high risk offenders who tend to recidivate. Such offenders will be required to reside in a hostel as part of their probation order. The objective of having hotel residency is to provide a good environment to help offenders cultivate discipline and responsibility. Regarding the creation of partnerships, this leads the probation service to support and help probationers' reintegration into society. With cooperation from communities and various agencies, this results in the creation of a network and programs for fulfilling the need of probationers. School- based probation is a good example to demonstrate cooperation between communities and the Probation Service, including probationers' families. The program is School- based and probation supports probationers and their families to manage their risk and needs, conducted in communities. This focuses on communities as key partners to provide the value of rehabilitation for offenders.

Moreover, the Ministry of Social and Family Development has set up the Vocational and Reintegration Support Unit since 2010. This unit is used for youth probationers, aged 15 and 21 in the Juvenile Rehabilitation Centers or a Voluntary Children's Home to reintegrate them through education, employment and vocational training, for example beauty skills, culinary art, and fitness. This includes providing

vocational services such as career guidance, dance, and job support services. This aims to help offenders prepare themselves for working.

Also, the Ministry of Social and Family Development has developed the Integrated Case Management System (ICMS) in 2005. This system is used to support officers in terms of accessing client information by using technological support. Electronic Monitoring is understanding technology used for supervision of offenders. It was used in 2003 which focused on targets of curfew violation. Currently, Electronic Monitoring is used as a probation condition for a period of 4 or 6 months. In addition, The Time Restriction Automated Check (TRAC) System is another technology used for probation. The TRAC system was developed to help probation officers to make telephone calls following the court-ordered time–restriction checks on probationers at night (Between 9 pm and Midnight). The TRAC system is able to make more than 500 calls each night to offenders.

According to the Probation Service (2013), studies show that Probation in Singapore has been successful in rehabilitating offenders as follows:

- The average Probation completion rate (2010-2012) is 87 percent
- The average 3 year recidivism rate for the cohort of probationers who completed probation successfully in 2008 was 13.8 percent

Currently, probation in Singapore has expanded to all parts of society. This leads to the community helping prisoners to reintegrate by forming the Community Probation Service. The Community Probation Service was renamed the Volunteer Probation Officer scheme that helps offenders rehabilitate in community.

### **Community – Court**

The community court in Singapore was founded in June 2006 as a specialist court to respond to the needs of the community and social trends. It adopts a problem-solving approach to special categories of cases and combines criminal justice and community resources to dealing with these cases. There are many cases which are led to the community court which are as follows:

- Young offenders (aged 16 to 18)
- Offenders with mental disabilities
- Neighborhood disputes
- Attempted suicide cases
- Family violence cases
- Carnal connection offences committed by youthful offenders
- Abuse and cruelty to animals
- Cases which impact on race relations issues
- Selected cases involving offenders aged 65 years and above
- Selected cases involving offenders with chronic addiction problems
- Shop theft cases.

The community court also plays an important role as an option for minor offences. The community court provides professional and administrative orders to

support all criminal courts in relation to the implementation and operation of Community-Based Sentencing (CBS) options. The community court is supported by a team of psychologists, social workers and other administrative staff in the assessment, referral, management and coordination of cases. The team is known as the Community Court Secretariat (CCS). The Community Court Secretariat (CCS) also coordinates with government agencies such as the Ministry of Home Affairs, Singapore Prison Service, and Institute of Mental Health.

Community-Based Sentencing options include:

1. Mandatory Treatment Orders (MTO) — Through the Institute of Mental Health, MTOs provide treatments for offenders who suffer from psychiatric conditions that are susceptible to treatment.

2. Community Service Order (CSO) — CSOs can be imposed on offenders for reformation, and to make amends to the community by performing unpaid community service under the supervision of an authorized officer.

3. Day Reporting Order (DRO) — Singapore Prison Service operates DROs requiring an offender to report to a day reporting center for monitoring, counseling, and providing rehabilitation programs.

4. Short Detention Order (SDO) — An offender can be detained in prison for a period not exceeding 14 days.

Not only is there the community court which provides alternatives to imprisonment, but there is also an electronic monitoring system which is used as an alternative as an imprisonment.. This aims to help offenders to have a chance to rehabilitate within their communities, and give them a chance to maintain relationships with their families.

## **5. Organization Management**

### **Mission**

The mission of the Singapore Prison Service is to be a key partner in criminal justice and to protect society by ensuring the safe custody of offenders and their rehabilitation. Moreover the Prison Service works on projects to prevent crime and on the aftercare of ex-convicts.

### **Vision**

“Captains of Lives in inspiring everyone, at every chance, towards a society without re-offending”

This vision defines the role of the Singapore Prison Service as Captains in the lives of inmates. Their objective is to have a direct impact on prisoners' journey of rehabilitation. The Singapore Prison Service has set out three broad principles to be followed:

**REHAB** is a commitment to programs and services within the system to support inmates who have proven they have an inherent desire to change.

**RENEW** is the commitment an inmate makes to changing his/her life for the better. Looking beyond their imprisonment, they should demonstrate a willingness and desire to renew their lives.

**RESTART** is the commitment to garner the support of the community. Through the CARE Network, our offenders are given opportunities to restart their lives.

These three principles are designed to foster reformation by changing inmates' beliefs and value systems, raising their motivation levels and targeting their criminogenic needs. When prisoners leave prison as reformed individuals, their families and communities will be co-beneficiaries. Society becomes a safer place as they no longer pose a threat to the public.

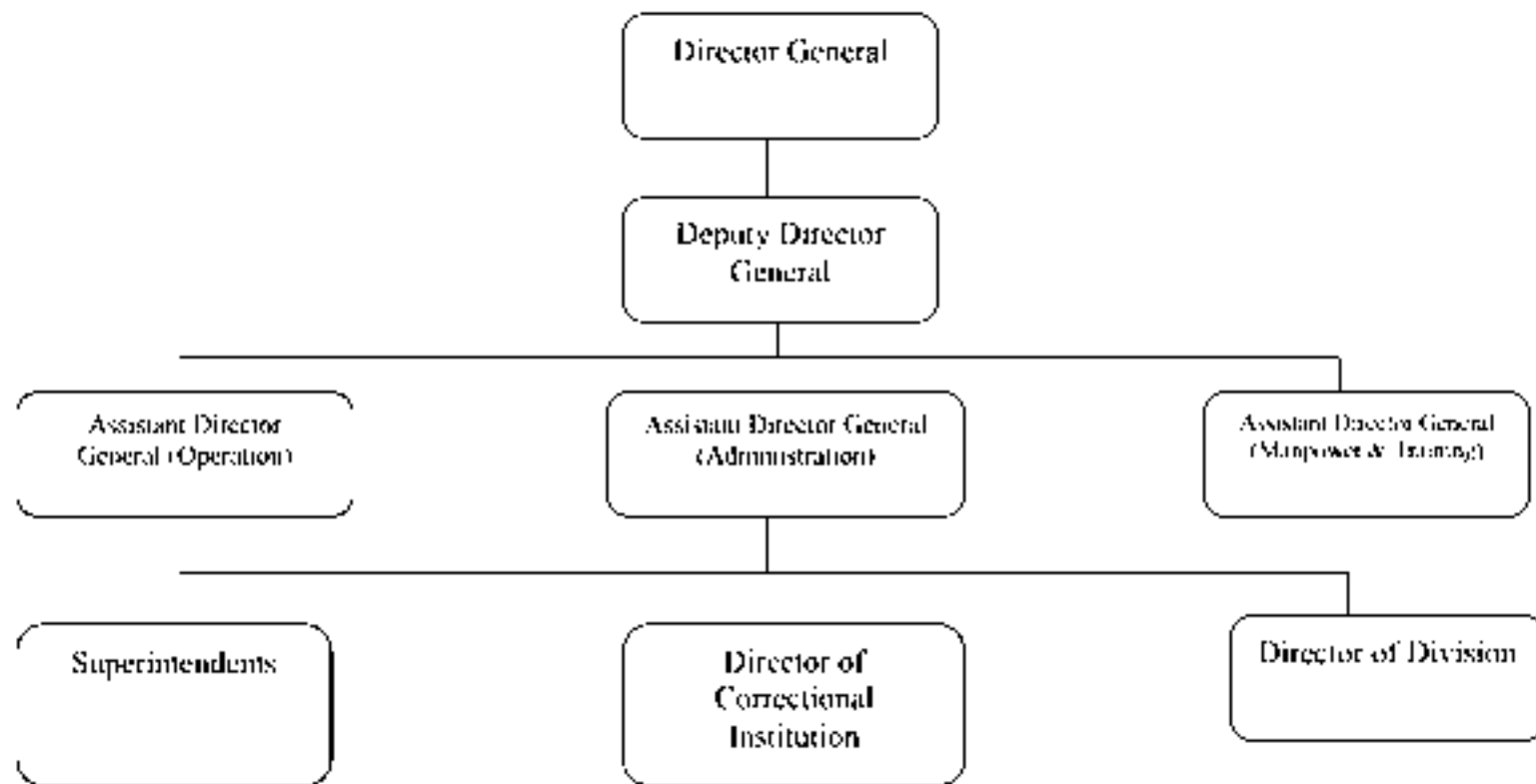
### **Organization Structure**

The Singapore Prison Service currently administrates 14 institutions which include 13 male institutions and one female institution. The organizational structure of the Singapore Prison Service is grouped into 4 clusters: Custer A and B which are in the Changi Prison Complex, Cluster C which includes the Prison School , and Operations and Security Command for synergizing services and enhancing operational efficiency.

Furthermore, the Singapore Prison Service has supported units which support various missions of agency including: the Singapore Prison Emergency Action Response (SPEAR), the Prison Education Unit (PEU), the Prison Medical Unit (PMU), the Rehabilitation and Counseling Branch (RCB).

Focusing now on the administrative structure, the Singapore Prison Service is led by the director general as the highest leader of the organization in the Singapore correctional system. Also, there is one deputy director general and three assistants to the director general for three areas of work: administration, operation, and personnel & training. A superintendent serves as an administrator to control and administrate prisons, including a director of the correctional institution who is in charge of administrating the correctional institutions.

### Organizational Structure



## Personnel Management

The Singapore Prison Service is recognized as an outstanding organization for personnel management in Singapore. This institution has received numerous awards. Individuals are attracted to have a career with the Singapore Prison Service. With a strong vision, mission, and values, there are the main principles that set the direction of the organization. In particular, the organization's values have an effect on motivating correctional officers to achieve the goals of the organization and their goal in their career paths.

**HEART Value** is one of the values of the Singapore Prison Service, which has an influence on correctional officers working hours. HEART Value is used for guiding officers in their daily work. HEART Value was formed by officers' discussions in order to lead the organization to achieve the goal of being Captain of Live (COL) for inmates. HEART Value focuses on five main principles as follows:

Honor - **Honoring** our Vision by placing it above self-interest and inspiring others to our cause.

Excel - **Excelling** in our work because we care enough to want to be the best.

Agile - Be **Agile** by being innovative and open to new possibilities, overcoming adversity through continuous learning.

Respect - **Respect** our colleagues and the community we come in contact with.

Teamwork – Foster **Teamwork** through coaching, guiding and inspiring one another in our workplace.

Not only do organizations values affect officers in achieving the organization's goals, but the leadership plays a key role in officers' performances. The Singapore Prison Service Leadership gives opportunities for people to demonstrate and reinforce the organization's purpose through regular engagements and interactive platforms. Singapore Prison Service creates a leadership model as a guideline for officers to succeed in their career paths. The Leadership Development Roadmap sets out the development pathway for being the Singapore Prison Service Leader.

According to the Leadership Development Roadmap, Singapore Prison Service provides training courses for each level: Basic officer Course (PO), Prison Officer Supervisory Course, Basic Officer Course (SPO), Senior Officer Advanced Course, and SPS Command & Staff Course.

In addition, training programs are provided to support Singapore Prison Service officers to developing their abilities. The Prison Training School plays an important role to provide various curriculums for officers in order to achieve the goal of becoming the Captain of Lives. Training is related to building skills in many aspects, especially leadership, teamwork, creating strategies, positive thinking, and personal understanding. The training courses also are divided into two main courses: the Basic Officers' Course and Supervisory Course.

Basic Officers' Course focuses on all new senior prison officers and prison officer trainees. The training is conducted in 3 phases; phase 1: Residential Phase, Phase 2: On job training phase and phase 3: Development phase. In each phase, the trainee will be provided the prison skills and knowledge from high qualified and experienced trainers.

The Supervisory Course emphasizes career progression for serving prison officers. This course is divided into 3 main courses; Intermediate Supervisory Course for Corporals, Advanced Supervisory Course for Sergeants, and Prison Officer Command Course for Staff Sergeants. These courses focus on the core of leadership and counseling skills for trainees.

### **Benefits & Wellbeing**

Singapore Prison Service provides not only an attractive salary, but also bonuses and others benefits are provided for supporting officers are as follows:

- Sign-on Bonus for Diploma holders (for Prison Officers on appointment at the rank of Sergeant)
- Retention Bonus and Payment Scheme (for Prison Officers only)
- Retirement Fund Scheme (for Uniformed Officers only)
- Membership to Prisons Sports & Recreation Club
- Membership to Prisons Multi-Purpose Co-operative Society (special rates on loans and savings)
- 13-month salary and variable bonuses
- 14 – 18 days annual leave

Moreover, the Singapore Prison Service offers opportunities for officers to obtain further education by providing and supporting scholarships such as Local Merit Scholarship, Singapore Government Scholarship and Home Team Award (Polytechnic). Granting Scholarships will open not only opportunities in education, but also opportunities for getting promotions.

Applicants are required to hold the necessary qualifications to join the service. The Singapore Prison Service announces the job descriptions and requirements for each position. This helps applicants understand the role and check their qualifications before applying for each position. Applicants are also able to apply online through the Singapore Prison Service website directly.



## 5. Best practice

The Yellow Ribbon Project as highlighted in Singapore is an initiative project which links communities and many agencies to help ex-prisoners obtain a second chance to return back to society. The Yellow Ribbon Project was launched in 2004. Its main objective is to provide a second chance to ex-prisoners, with chances to work and live in communities, the same way as ordinary people in Singapore do. ‘Tie a Yellow Ribbon Round the ole Oak Tree’ is the theme song of the project by Tony Orlando. Currently, the Yellow Ribbon Project cooperates with many organizations in society to create useful activities and community events.

There are many positive changes and successful cases fostered by Yellow Ribbon Projects. In particular, this project affects Singaporean people, so they become aware of the Yellow Ribbon Project. This leads to the acceptance of ex-prisoners as either friends or colleagues. There are many people who have attended Yellow Ribbon events and signed up as volunteers. The project also gives job opportunities to ex-offenders to get jobs from employers directly. In addition, Yellow Ribbon Project received an honorable mention in 2007 by United Nations Grand Award for campaigns deemed to be forward looking. In particular, Yellow Ribbon Project has an impact on several laws and the civil service to change processes in order to reduce the discrimination of ex-prisoners to find a job.

The impact of having the Yellow Ribbon Project is that the recidivism rate in Singapore has decreased. According to the 2012 statistics from the Singapore Prison Service, the recidivism rate for 2010’s release cohort was at 23.6 per cent. This represented a 3.1 percentage decrease compared to that of the 2009 cohort. Also, more than 500 employers registered with SCORE in 2012 to offer work opportunities to ex-offenders, contributing to a tally of 3,457 employers under SCORE’s employer database. At present, there are many countries which have adopted the Yellow Ribbon Project to reintegration, such as Fiji, Australia, Philippine and Nigeria.

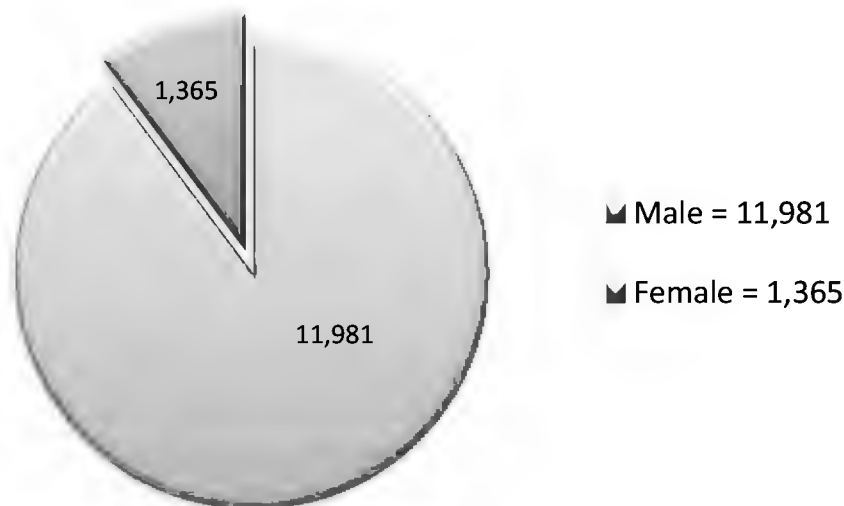
Moreover, Singapore Prison Service is outstanding for Human Resource Management. There are training programs offered for correctional officers. This aims to develop the abilities of officers in many aspects. Also, having a coaching system in Singapore Prison Service is one of the useful means of supporting new officers to understand the role of working in Singapore Prison Service. This also focuses on fostering positive attitudes for work which affects the organizations culture in a positive way. In addition, the roles of administrators have an impact on correctional officers. This helps provide the morale for working. The administrators in Singapore Prison Service provide channels in communication between administrators and officers. In particular a monthly blog post is used to as a channel between the director of the prison and the officers to engage in conversation and share their vision

In 2013, the Singapore Prison Service received the Aon Hewitt Best Employers Award which is an award for the global leader in human resource consulting as a 'Best Employer Company'. Moreover, in 2012, the Singapore prison service had many awards as an effective organization, especially Singapore Quality Award with Special Commendation (SQASC)<sup>7</sup>.

## 6. Statistics and Figure

As statistics in the mid 2013, the total number of prisoner in Singapore is 13,346. The number of male and female prisoners account for 11,981 and 1,365 respectively (Figure 1). The remand offenders are 3,277 comprising 2,773 male offenders and 504 female. It is 24.6 percent of the total prison population (Figure 2). The statistics also show that convicted offenders are 9,208 male offenders, and 861 female offenders (Figure 3). The number of foreign offenders account for 11.3 percent of the total prison population in Singapore (Figure 4). The imprisonment rate is 250.8 per 100,000 populations (Table 1) The ratio between institutional staff to prisoner is 1 to 6.0 (Table 2) And the ratio between custodial staff to prisoner is 1 to 6.6 (Table 3).

**Figure 1: Prisoners by Gender**



*Source: the 33<sup>rd</sup> Asian & Pacific Conference of Correctional Administrators (APCCA), 2013*

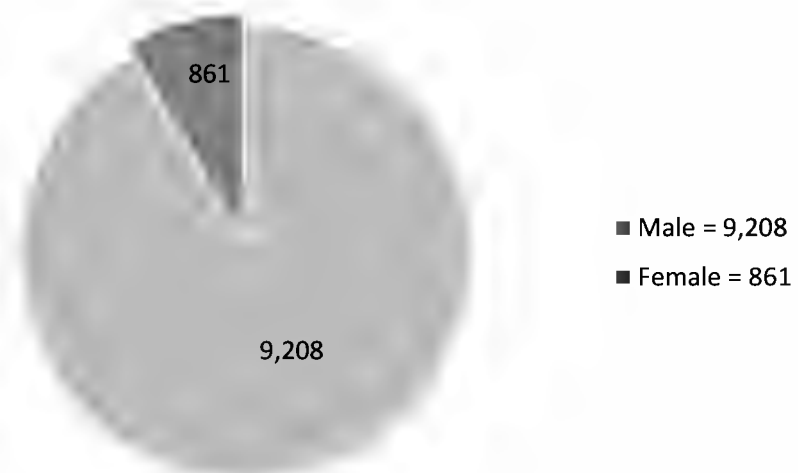
<sup>7</sup> SQASC award was launched in 2006 which recognized past the Singapore Quality Award (SQA) winners for scaling greater heights of business excellence and for demonstrating sustainable global leadership in business areas, products or services as compared to when they first won the SQA

**Figure 2: Remand Prisoners**



Source: the 33<sup>rd</sup> Asian & Pacific Conference of Correctional Administrators (APCCA), 2013

**Figure3: Convicted Prisoners**



Source: the 33<sup>rd</sup> Asian & Pacific Conference of Correctional Administrators (APCCA), 2013

**Figure 4: Foreign Prisoner**

*Source: the 33<sup>rd</sup> Asian & Pacific Conference of Correctional Administrators (APCCA), 2013*

**Table 1: Imprisonment Rate**

<b>Year</b>	<b>Incarceration rate (per 100,000 population)</b>
<b>2013</b>	250.8

*Source: the 33<sup>rd</sup> Asian & Pacific Conference of Correctional Administrators (APCCA), 2013*

**Table 2: Institutional staff to prisoner ratio**

<b>Total Institutional Staff</b>	<b>Institutional Staff to Prisoner Ratio</b>
2,237	1 to 6.0

*Source: the 33<sup>rd</sup> Asian & Pacific Conference of Correctional Administrators (APCCA), 2013*

**Table 3: Institutional staff to prisoner ratio**

<b>Total Custodial Staff</b>	<b>Institutional Staff to Prisoner Ratio</b>
2,035	1 to 6.6

Source: the 33<sup>rd</sup> Asian & Pacific Conference of Correctional Administrators (APCCA), 2013

## Bibliography

### Articles Online

ANG, L. B. (n.d.) Community –Based Rehabilitation of Offenders in Singapore. [online]. p. 166-173. Available from: [http://www.unafei.or.jp/english/pdf/RS\\_No61/No61\\_15VE\\_Ang1.pdf](http://www.unafei.or.jp/english/pdf/RS_No61/No61_15VE_Ang1.pdf) [Accessed: 30 December 2013]

ATTORNEY GENERAL CHAMBER. (2008) *Prison Act (Chapter 247)*. [online]. Available from: <http://statutes.agc.gov.sg/aol/search/display/view.w3p;ident=c37f7060-cabb-4086-88f7-23dbdb496879;page=0;query=DocId%3A%22f2f08ae1-0557-433c-a2c1-7202a0eadc93%22%20Status%3Apublished%20Depth%3A0;rec=0#pr45-he> [Accessed: 30 December 2013]

ATTORNEY GENERAL CHAMBER.. (2010) *Singapore Corporation of Rehabilitative Enterprises Act (Chapter 298)*. [online]. Available from : <http://statutes.agc.gov.sg/aol/search/display/view.w3p;page=0;query=DocId%3A%2235df6825-8f6e-4977-8800-3f5f4cabaf1c%22%20Status%3Ainforce%20Depth%3A0;rec=0> [Accessed: 30 December 2013]

BRITISH HIGH COMMISSION SINGAPORE. (2013) *Information for British Nationals Imprisoned in Singapore*. (online) Available from : [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/260690/UBS\\_Annex\\_D\\_-\\_Prisoner\\_pack\\_Singapore\\_22\\_Nov\\_2013.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/260690/UBS_Annex_D_-_Prisoner_pack_Singapore_22_Nov_2013.pdf) [Accessed: 30 December 2013]

CHIANG, J. (2012) Agenda Item2 Sharing and Adaptability of Best Practices in Correctional, including Executive Level Training and Succession Planning: Leadership Development System. [online] Available from: [http://www.apcca.org/uploads/Singapore\\_Agenda\\_2\\_Presentation.pdf](http://www.apcca.org/uploads/Singapore_Agenda_2_Presentation.pdf). [Accessed: 14 February 2014]

HOME TEAM ACADEMY. (2010) Prison Staff Training School. [online] Available from : <http://app.hta.gov.sg/HTDepartmentSchoolsSpecialistUnits/PrisonStaffTrainingSchool/tabid/100/Default.aspx> [Accessed: 14 February 2014]

KAMAL, C. the Probation Service in Singapore: 127<sup>th</sup> International Training Course Visiting Experts' papers, *Resource Material Series No. 67*. (online). p.61-74. Available from [http://www.unafei.or.jp/english/pdf/RS\\_No67/No67\\_08VE\\_Kamal.pdf](http://www.unafei.or.jp/english/pdf/RS_No67/No67_08VE_Kamal.pdf) [Accessed: 30 December 2013]

- MIEN, C. G. (n.d.) Treatment of Female Offenders in Singapore: 153<sup>rd</sup> International Training Course Visiting Experts' papers. *Resource Material Series No. 90*. [online]. p 163-170. Available from [http://www.unafei.or.jp/english/pdf/RS\\_No90/No90\\_23PA\\_Mien.pdf](http://www.unafei.or.jp/english/pdf/RS_No90/No90_23PA_Mien.pdf) [Accessed: 5th January 2014]
- MIEN, C. G. (n.d.) the Singapore Corrections System: 153<sup>rd</sup> International Training Course Visiting Experts' papers. *Resource Material Series No. 90*. (online). p 172-174. Available from: [http://www.unafei.or.jp/english/pdf/RS\\_No90/No90\\_24PA\\_Mien.pdf](http://www.unafei.or.jp/english/pdf/RS_No90/No90_24PA_Mien.pdf) [Accessed: 5 January 2014]
- REDDY, B. (n.d.) Community-Based Alternatives in Sentencing: 141<sup>st</sup> International Training Course Visiting Experts' papers. *Resource Material Series No. 79*. (online). p 220-225. Available from: [http://www.unafei.or.jp/english/pdf/RS\\_No79/No79\\_28VE\\_Reddy.pdf](http://www.unafei.or.jp/english/pdf/RS_No79/No79_28VE_Reddy.pdf) [Accessed: 5th January 2014]
- SINGAPORE PRISON SERVICE. (2013). Vision & Mission. [online]. Available from: [http://www.prisons.gov.sg/content/sps/default/aboutus/vision\\_mission.html](http://www.prisons.gov.sg/content/sps/default/aboutus/vision_mission.html). [Accessed: 9th January 2014]
- SINGAPORE PRISON SERVICE.. (2013). Conditional Remission System and Mandatory Aftercare Scheme. [online] Available from: [http://www.prisons.gov.sg/content/sps/default/connectwithus/CRS\\_MAS.html#](http://www.prisons.gov.sg/content/sps/default/connectwithus/CRS_MAS.html#). [Accessed: 9th January 2014]
- SINGAPORE COOPERATION OF REHABILITATION ENTERPRISE. (2011) Community Partnership & Aftercare. [online]. Available from : [http://www.score.gov.sg/care\\_network.html](http://www.score.gov.sg/care_network.html). [Accessed: 9th January 2014]
- SINGAPORE COOPERATION OF REHABILITATION ENTERPRISE.. (2011) Yellow Ribbon Project. [online]. Available from : [http://www.score.gov.sg/contact\\_info.html](http://www.score.gov.sg/contact_info.html). [Accessed: 9th January 2014]
- SINGAPORE PRISON SERVICE.(2013) Organizational Culture: Promoting Shared Positive Values and Integrity. [online] Available from: [http://www.apcca.org/uploads/Agenda\\_2\\_Singapore.pdf](http://www.apcca.org/uploads/Agenda_2_Singapore.pdf). [Accessed: 15th January 2014]
- SINGAPORE PRISON SERVICE.(2006) Captain of Lives : Rehab Renew Restart . [online] Available from: [http://www.spring.gov.sg/QualityStandards/be/Documents/beaw/SQA\\_Singapore\\_Prison\\_Service\\_2006\\_Summary\\_Report.pdf](http://www.spring.gov.sg/QualityStandards/be/Documents/beaw/SQA_Singapore_Prison_Service_2006_Summary_Report.pdf) . [Accessed: 14 February 2014]
- TANG, S. (n.d.) Effective Rehabilitation and Reintegration of offenders: 145<sup>th</sup> International Training Course Visiting Experts' papers. *Resource Material Series No. 82*. [online]. p.41-51. Available from: [http://www.unafei.or.jp/english/pdf/RS\\_No82/No82\\_07VE\\_Tang.pdf](http://www.unafei.or.jp/english/pdf/RS_No82/No82_07VE_Tang.pdf) . [Accessed: 20 January 2014]

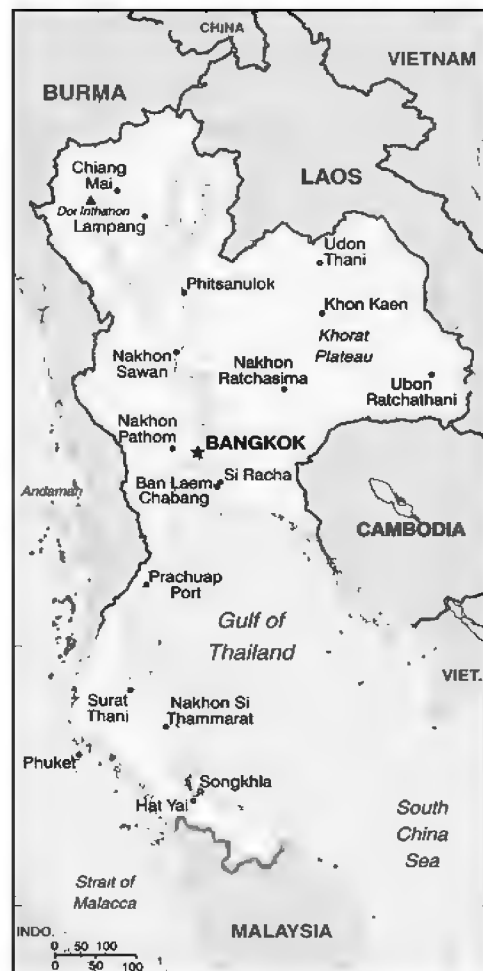
TITAI DEPARTMENT OF CORRECTIONS. (2005) *Comparative Study in ASEAN Corrections*. Translated from the Thai by I. Aekkamol Nonthaburi

THE 33<sup>rd</sup> ASIAN&PACIFIC CONFERENCE OF CORRECTIONAL ADMINISTRATORS. (2013) APCCA Statistics [online] Available from: [http://www.apcca.org/uploads/Correctional\\_Statistics\\_for\\_Asian\\_and\\_Pacific\\_2013.pdf](http://www.apcca.org/uploads/Correctional_Statistics_for_Asian_and_Pacific_2013.pdf). [Accessed: 15th January 2014]



# 9

# Thailand



Source: Central Intelligence Agency (CIA), 2014

## Introduction

Thailand is officially known as the Kingdom of Thailand. Located on the Malay Peninsula, the country is part of Indo China in South-East Asia. It is bordered to the east by Laos and Cambodia, to the south by Malaysia and Gulf of Thailand, to the west by Andaman Sea and Myanmar, and to the north by Myanmar and Laos. Mae Khong River is the natural border between Thailand and Laos. Having 76 provinces, Thailand's capital city is Bangkok, the center of administration.

With its total area of approximately 513,000 km<sup>2</sup> (198,000 sq mi), Thailand is the 3<sup>rd</sup> largest country in South-East Asia; the largest country in South East Asia is Indonesia while the 2<sup>nd</sup> largest is Myanmar. Thailand population is around 65 million (Department of Local Administration, 2014). The country's primary religion is Buddhism practiced by around 93.4 % of the population. Around 5.2% of the population practices Islam in the Southern part of Thailand, especially in Yala, Phatane, Narathiwat, Songkha and Chomporn. Other religions i.e. Christianity, Sikhism, and Hinduism are practiced by around 1.4 % of the population.

Crime rates in Thailand are likely to decrease in the case of felonies, with 4,454 cases reported in 2014. Most cases are offences against persons. Meanwhile, 23,406 bodily harm cases and sexual offences were reported, which also shows the decreasing number. The most reported cases are bodily harm cases while the second reported are cases of alleged attempted murder. In the cases of thefts and damages to property, 47,671 cases were reported, related to thefts and malicious damages respectively. Interestingly, the arrested rate regarding thefts of and from motorbikes and cars was still found high. And so was the one of cases where the State is the victim. The arrested cases were 37,358 related to firearm act, 70,782 related to gambling act, 30,198 related to prostitution, and, the highest, 384,753 related to narcotic act. This has led to the over-population of prisons in Thailand. (Royal Thai Police, 2014)

The criminal justice system in Thailand consists of several major agencies: police, prosecutors, court, department of corrections, and probation service. Each agency is separated into two streams: investigation and litigation. Not only does the criminal justice system of Thailand have to cope with the country's various types of crimes, but Thailand is also involved with crimes committed in ASEAN Economic Community. Thailand has been facing challenges of tackling crimes in both its social and cultural aspects especially human trafficking which could become a national problem in the future. Transnational crimes are expanding into an international problem. Technology being used now has enabled crimes to be committed more easily. Particularly, Thailand's location as the center of Southeast Asia, being an open and free-traded area, has made it an easy-to-access country for the surrounding regions. A lot of people in ASEAN come to Thailand to invest, and some of these investments are linked to organized crimes. Gradually, transnational organized crimes have affected Thailand's criminal justice system.

Thai Corrections has constantly evolved during the past time in order to comply with the society, economy, and politics. In particular, a change in political situation was done in 2006. The government agencies were adjusted due to civil service reform. Thai Department of Corrections has been transferred from the Ministry of Interior to the Ministry of Justice since then. The responsibility of the Thai Department of Corrections is to manage the prison system and custody of the inmates according to their sentences.

Appropriate prisoner treatment is abided by as well as the humanity principle to respect the prisoners' rights. Treatment includes rehabilitation training in order to help prisoners prepare themselves to return to the society and to adjust themselves according to social rules and regulations. In 2010, the United Nations General Assembly (UNGA) adopted the draft resolution on the United Nations Rules for the Treatment of Women Prisoners and Non Custodial Measures for Women Offenders, known as the Bangkok Rules, which are guidelines to improve treatment for female prisoners.

## 1. Practice for prisoners

### **Prisoner Classification**

Prisoner classification is important and must be conducted correctly by all prisons in order to enhance effective prison management and provide appropriate treatment to prisoners. The prisoner classification is considered a vital process for the individual prisoner practice in Thai Corrections. The process starts by checking the prisoners' background information and personalities including criminal records and the causes of the offences in order to arrange the training, rehabilitation and recovery process. The intention is to prevent them from imitating and influencing each other in committing a crime when they return to society. This is also to make sure that the prisoners receive appropriate programs in rehabilitation and reintegration. All newly admitted prisoners have to pass through the classification process which is an important step in separating prisoners from one another to get the appropriate treatment.

### **Objective of prisoner classification**

There are two main objectives of prisoner classification:

1. To improve the prisoner custody; and
2. To improve the prisoner training and rehabilitation

Each prison or correctional institution sets up its reception unit to classify new prisoners in order to provide an orientation on all regulations and disciplines as well as to put the prisoners into groups following their attributes before sending them to join other prisoners. Each inmate is classified through an interview based on the classification form, and the process must be completed within 4 weeks. The interview results are then proposed to the Prisoner Classification Committee to formulate an appropriate action plan for each prisoner.

### **Process and method of prisoner classification**

The Prisoner Classification starts from the prisoner admission until their release. The process consists of 6 steps which must be complied with as follows:

1. Collect the prisoners' background information
2. Make a treatment plan for the prisoners
3. Implement the treatment plan
4. Follow up the prisoners' behavior
5. Reclassify the prisoners
6. Make a plan to set the prisoners' pre-release program

### **Class of prisoners / Types of prisoner**

The Thai Department of Corrections has categorized the convicted prisoners in order to enable them to abide by the discipline of the prisons and be more responsible for themselves and others. The classification of prisoners provides advantages and privileges to the prisoners following their behavior and progress during the training in incarceration. This is the reason why the classification is necessary and useful for all prisoners since they are admitted into the prisons until they are released. The prisoner classification is linked with the prisoner privileges, especially the royal pardon, the good time allowance, and the parole. This also includes their appointment of trustee (helper), outside work, and co-operation during their imprisonment.

The convicted prisoners can be classified into 6 classes:

1. Excellent
2. Very Good
3. Good
4. Moderate
5. Bad
6. Very Bad

Once a prisoner is convicted, he/she will be classified into the Moderate class. However, if the prisoner re-offends in severe offenses, he/she will be classified into a Bad class.

### **Class Promotion**

The prisoners' class promotion can be done in 2 ways:

1. Regular class promotion

This type of promotion is provided twice a year: in June and December abiding by the corrections criteria.

2. Special Class promotion

This promotion is provided for prisoners who have shown good behaviors such as assisting the prison's staff to prevent prison escape, rescuing officers or people from harmful situations, or assisting the prison's staff to extinguish fires in the prisons.

### **Class Retrogression**

Class retrogression occurs when the prisoners break the prison regulations. Those prisoners who are retrograded might be put in lower classes, perhaps more than one class. This depends on how serious the case is. For example, in case of prison escape, when such prisoners are re-arrested, they will immediately be retrograded to be in the very bad class regardless of their previous class.

### **Training and Vocational Training/ Prisoner Work**

Thai prisons pay attention to the importance of vocational training for the prisoners. It has been realized that the training program are helpful for them to improve their lives. Besides, the knowledge gained will help them to earn for their living after they are released and not to relapse into criminal behavior. Generally, all prisoners can attend the training courses both in academic and practical skills. Instructors and experts from outside and inside agencies are invited to conduct the sessions. The content of the

training courses focuses on jobs and positions available in the labor market. This is to ensure that the prisoners will have more chance to be employed after their release. The examples of the courses are garment making, beauty advising and hairdressing, cooking, making Batiks, making artificial flowers, knitting woven fishing nets, making bamboo utensils and furniture, woodwork, plaster mechanics and electrical mechanics. Besides, Thai Department of Corrections has arranged for the prisoners to work in private companies. Entrepreneurs have realized that prison labors are capable workers. Prisoner employment develops and improves the lives of prisoners and increases their knowledge in working skills, which helps improve their self-discipline. Prisoners' attitudes are also improved to ensure that they feel valued. Income from the prison work is given to the prisoners as a reward so that it can be spent during their imprisonment. Not only does the prison work support the prisoners' working skills during their imprisonment, but this process is considered as the prisoners' pre-release program. The prisoners practice their working skills to prepare themselves to return back into society. In particular, they will gain knowledge and skills necessary to find a job and start their new life with their families after getting released.

### **Education in prison**

The Department of Corrections has paid attention to the educational opportunities for all prisoners, especially those who are illiterate or who have not graduated. All prisoners will be provided the same level of education including both general education and vocational education in order to support them to complete their education. The prisons in Thailand provide education for prisoners via several courses in many levels in accordance with the standard of Ministry of Education without any charges. Basic education is provided to the prisoners from the illiterate level, primary level, secondary level, to high school level. Some prisons also provide higher education courses which create the opportunity for the prisoners to peruse their career aspirations. For the higher education courses, prisoners need to pay the tuition fee by themselves. Moreover, the prisons offer vocational training courses, especially short courses such as dressmaker courses, computer technician courses, motorbike technician courses, Thai massage courses, fashion design courses, painting courses, welding courses, and carpentry courses.

Thailand's prisons work with agencies and companies to prepare several vocational training courses for the prisoners. Prisoners can also use the degrees they graduate to transfer their credits in order to continue their education during the incarceration. The university credits earned while they study in the prison are transferrable; the prisoners can continue their studies after their release.

### **Welfare for prisoners**

Prisoner welfares are provided to all prisoners. The prisoner welfare system focuses on preparing the prisoners for their pre-release in order to rehabilitate the prisoners' behavior. The prisoner welfare system can be described as follows:

1. Accommodation and facilities such as dormitory, medical unit, clean-drinking water
2. Clothes which includes at least 2 sets of clothing per year and a blanket
3. Nutritional foods, consisting of three meals per day

4. Medical treatment including doctors and nurses to cure the prisoners' illness. In severe cases, the prisoners will be transferred to outside hospitals.
5. Sports and activities such as Thai classical music and international music.
6. Books and library for the prisoners' studying and research.
7. Grocery shops which sell products at reasonable prices, the same as outside the prisons.
8. Rewards and allowance from the vocational training
9. Visitation from family and outsiders

The Department of Corrections has proceeded with the prison life requisite improvement project under **the Requisite Development Project for Prisoners (5 standards)**. This project aims at improving all living requisites of prisoners, starting from food and living, sleeping, medical care to other welfare to meet international standards. Each prison or correctional institution must provide all basic necessary facilities for prisoners as well as other development such as dormitory, kitchen, canteen, medical care unit, disposal of waste and filth, which shall take good effects to prisoners' health and general environment in the prison. As a result, the prisoner control becomes efficient under a variety of activities according to the prison mission, policy, and administration.

In addition, the Department of Corrections has allocated a budget for procurement of personal belongings for prisoners to be delivered to all prisons across the country, e.g. clothes, toothpaste, toothbrush, soap, etc. as a form of welfare for prisoners' daily life under the welfare project for prisoners' personal belongings.

#### **After Care Services**

Not only does the Department of Corrections provide welfare to prisoners in prison, but all prisons and correctional institutions have also provided courses for prisoners after release. This is to help the prisoners prepare themselves before they return back to society because some prisoners have been imprisoned for a long sentence; some do not have relatives; and some lack social skills. They often face difficulties when returning back to their communities. Moreover, they always have challenge in adjusting to new environment and new careers. This makes them lose their self-confidence to be accepted by the community. These factors could become their major stumbling blocks which cause ex-convicts to re-offend. The Department of Corrections has tried to help the ex-convicts to overcome these obstacles by co-operating with the Department of Probation and the foundations to provide the following After Care Services.

1. Entrepreneurship fund

The Department of Corrections has co-operated with the Pibulsongkroh Foundation to provide an interest-free loan for former prisoners to start their own business. They aim to support the former prisoners who cannot help themselves. The prisoners have to return the money without interest, and the officers will follow up on their business in order to provide assistance if necessary.

2. Transportation fee

When released, if the prisoners cannot afford to go back to their hometown, the prisons and the department of probation will co-operate with the Office of Social

Development and Personal Security in the prisoners' local area to withdraw money to sponsor the prisoners' journey.

3. Social welfare for elderly prisoners

This service focuses on the prisoners who are 60 years old or older if they have no one to take care of them after they get released. They can apply to receive the housing allowance from a public agency.

4. Social welfare for the prisoners' children

The Department of Corrections has joined hands with private and public agencies, including foundations, to assist the prisoners in many aspects. In particular, these agencies focus on the prisoners' children who have lost their breadwinners and find them approximately 30-40 scholarships per year.

5. Establishment of the welfare foundation for the prisoners

The Department of Corrections has created a policy which mandates a social welfare foundation providing welfare in prisons and correctional institutions in order to help the prisoners i.e. providing scholarships to their children, assisting the prisoners who do not have relatives, and providing After Care Services by co-operating with outside agencies.

Furthermore, in 1956 the Department of Corrections set up a foundation to help the prisoners, named "Pibulsongkroh Foundation". This foundation plays an important role in setting up a Half Way House named "Baan Sawaddee", which is a center in supporting ex-prisoners who face challenges after their release. Baan Sawaddee provides many services e.g. temporary resident, foods, transportation fees, clothes, career counseling, and a telephone counseling center. This is to help them adjust themselves to go back to the community and stop returning to recidivism.

### **Medical services and treatments**

All prisons have provided medical units to give basic treatments. When prisoners are sick, they can inform the prison officers to receive health checkups without charges. Also, in case of severe illness, those prisoners will be transferred to outside hospitals for specific treatments. For the prisoners who receive treatments before their incarceration and need to take medicine regularly, they must have permission from responsible officers in prior. Besides, the Department of Corrections provides health promotion session to improve the prisoners' standard of living. Not only does the department of corrections impart the knowledge of health promotion to prisoners, but the agency has also regularly imparted knowledge to the officers. This aims to enhance their understanding to prevent diseases, especially to take care of themselves. Each prison and correctional facility has usually hired physicians to check up the prisoners' health. In addition, the Department of Corrections has paid attention to the basic needs of prisoners, especially to improve the prisoners' lives. Food, sleeping environment, medical treatment and welfare must comply with the United Nations Standard Minimum Rules for the Treatment of prisoners.

### **Contact with the outside world (Visitation, Mail, Phone calls)**

Thai department of corrections allows the prisoners to be visited and contacted by the outsiders through many channels as follows:

1. Prison visitation: parents, siblings, husbands, wives, children, consular or representatives of the embassy and friends are allowed to visit the prisoners following the prison schedule, except when the prisoners are punished.

2. Legal visits: the prisoners can meet their lawyers to discuss their cases only on the weekdays.

3. Letters: prisoners are allowed to contact their relatives through letters. However, the officers have to check those letters before they are received or sent out. This is to prevent them from hiding and smuggling contraband and illegal items in the letters, including the improper contents. In the case of illiterate prisoners or those with no stationery, they can inform the prison officers to help them write the letters or provide the stationery for them.

4. Prisons allow the prisoners to receive parcels from outside. However, the prison officers have to check and open those parcels in front of the prisoners carefully. If the officers find any contraband in the parcel, the owner of the parcel as well as the accomplice need to be punished in accordance with the law.

5. Contact visit: prisoners who have shown good behavior and are qualified in accordance with the department of corrections regulations are granted a contact visit. This means the prisoners are allowed to have a meal with their families. The prisons will inform the prisoners' relatives in prior to register for the prisoner contact visits.

6. Visitation of prisoners with severe health problem: the prisoners' relatives are allowed to visit the prisoners within the prisons. However, this visitation shall abide by the prison regulations.

7. Some prisons provide telephones for visitation and distant visitation. However, the prisoners must abide by the prison regulations.

### **Prisoner complaints and grievances**

In case that the prisoners are dissatisfied with unfairness during incarceration, they can make a complaint or a grievance to the authorized officers orally or by letter. The oral complaints are recorded by the prison officers. In the case of complaints made by letter, the prisoners need to sign their name in order to send them to the prison director. Prisoners have right to conceal their complaints in an envelope. Moreover, the Thai department of corrections has provided a complaint box in each prison.

## **2. The treatment of specific prisoners**

### **Female prisoners**

Thailand has 8 female correctional institutions around the country. The Department of Corrections recognizes the special needs of female prisoners. This is because female offenders have to cope with various conditions as a result of the difference of their gender when they are imprisoned. This includes mental issues as they are more sensitive than male offenders; other differences such as health issues, bodily and psychological conditions; and other specific needs. The prison officers need to be educated about all these matters so as to treat female prisoners appropriately. The



officers need to know the basic background of female prisoners e.g. their age, education level, previous careers, income, marriage status, social status, and family relations. The Department of Corrections has supported and promoted the treatment of female prisoners in accordance with the United Nations Rules for the Treatment of Women Prisoners and Non-Custodial Measures for Women Offenders or “Bangkok Rules” in each prison. This is to improve the lives of female prisoners. Although the Bangkok Rules are unenforceable in law in Thailand, they are regarded as a benchmark for the treatment female prisoners..

### **Young prisoner / Young male prisoner**

Thai Department of Corrections provides specific correctional institutions for young offenders in its 3 young correctional institutions: Central Correctional Institution for Young Offenders, Phra Nakhon Sri Ayutthaya Correctional Institution for Young Offenders, and Nakhonsrithammarat Correctional Institution for Young Offenders. These correctional institutions are set to treat the young offenders who are aged between 18 and 25 years old. Their treatment is managed to comply with the Standard Minimum Rules for the Treatment of Prisoners. Particularly, the programs provided are designed specifically for young offenders whose needs are different from adult offenders. The Thai Department of Corrections has set guidelines for the treatment of young offenders, especially in rehabilitation. Basically, they are classified in order to make an appropriate treatment plan for individual prisoners. The prisoners must pass through the process of rehabilitation. The prison environment could be akin to a boarding school which aims to provide opportunity for education in many categories i.e. general education, vocational training, and religious education rather than only preparing them to become prisoner labors.

Moreover, the correctional institution emphasizes sporting activities and recreation because most young offenders would like to learn new things and have some leisure time during incarceration. Before they are released, young offenders will be assisted through a prisoner pre-release plan and a social work program in order to help them return to their communities.

The curriculum of pre-release programs in Central Correctional Institution for Young Offenders focuses on 5 aspects as follows:

1. Physical aspects: This focuses on physical activity to strengthen the body of the youth and improve their mentality so that they abide by the prison discipline. Activities like boy scouting, walk rally for life, military, and police courses are followed.
2. Mental aspects: This focuses on cultivating moral as well as mental and life skills to avoid reoffending.
3. Preparation: This aims to prepare the offenders to be specialized in working through career consultation and vocational training program.
4. Family activities: These activities focus on strengthening relationships in the family, enabling the prisoners and their families to recognize each other's needs.
5. Religious activities: These activities are conducted during the pre-release process. Prisoners will need to attend the pre-release program. Every day

they must complete the religious activity according to the individual's belief before other activities. This normally takes 30 minutes.

The Department of Corrections expects that these programs are helpful for young offenders in preparing themselves before release.

### **Disabled Prisoners**

A handful of disabled prisoners can be seen in every prison and correctional facility. The Department of Corrections has plans and programs in place to support those prisoners in many aspects. Generally, the prisons and correctional institutions collect data and the number of their disabled prisoners then report to the headquarters every 3 months. At headquarters, the Department has cooperated with health agencies e.g. public hospitals or hospitals appointed by the Ministry of Public Health to examine the disability condition of disabled prisoners and then to issue a disability certificate to verify the condition of such prisoners. Furthermore, the Department has cooperated with the Ministry of Social Development and Human Security to register disabled prisoners as a vulnerable group who needs specific assistance. At operational level, each prison and correctional institution also provide social welfare to disabled prisoners, which includes medical care, competency development, rehabilitation, vocational training, and social activities.

### **Elderly prisoners**

The Department of Corrections has paid special attention to elderly prisoners, especially as regards to their quality of life and welfare during incarceration. Accordingly, the guidelines to provide treatment for elderly prisoners are established to enhance their prison life. Projects and activities are carried out to support their morale and mental health. Regular health checkups, e.g. eyes examination, are provided. They also receive mental training and basic items needed for daily use e.g. walking sticks, eye glasses. In addition, accommodation are also offered after release.

Every 3 months the prisons and correctional facilities have to collect data of elderly prisoners (aged above 60 years old) and report to the headquarters. Also the prisons and correctional facilities co-operate with the Ministry of Social Development and Human Security of Thailand, foundations, and charities in order that the elderly prisoners get the same social welfare as general elderly persons in the society.

### **HIV Positive Prisoners**

The medical services division of the Department of Corrections is responsible for delivering HIV prevention tests in prisons. Since 2012, in some prisons, the budget for this program has been partly supported by the Global Fund. For some 109 prisons where outside supports are not available, of the budget used for HIV prevention is supported by the headquarters, approximately 1,700,000–2,000,000 Baht a year. The process of HIV tests in these prisons are equivalent to that in prisons with by the Global Fund's support. . The results are as follows:

1. As many as 32 prisons have gained experience to conduct the activity of controlling and preventing HIV following the formation of the Global Fund. In particular, prisons can improve staff's ability to run the HIV prevention program within prisons:

1) Professional nurses have attended training courses to become lecturers for the prisons and conduct activities to prevent HIV in the prisons.

2) Prison officers have attended training courses to adjust their attitudes regarding HIV prevention.

2. Interventions following the formation of the Global Fund are as follows:

1) Providing HIV training courses for prison officers

2) Providing HIV training courses for prisoners

3) Educating the prison officers regarding HIV in order to provide useful knowledge in managing HIV treatment in the prisons; inviting lecturers from outside agencies to run the courses; providing condoms in prisons

3. Improving materials regarding HIV in order to give specific guidelines in conducting activities in prisons

4. Providing condoms to prevent the spread of HIV within prisons

5. Providing advice regarding HIV/AIDS checking process to the prisoners as well as the treatment process following the recommendations from physicians; providing basic treatment for HIV positive prisoners by nurses

### **3. Treatment of offenders with non-custodial measures**

#### **Parole**

Parole is an administrative tool stipulated in the Prison Act (2479 B.E.) section 32(5) for prisoners who demonstrate good behavior, perseverance, and progress in education as well as assist the authorities in criminal investigations. These prisoners are eligible for parole under specific conditions. The probation officers will monitor parolees whether they comply with conditions until the completion of their sentence. This appears to be useful for long term prisoners in particular those committed crimes unintentionally as well as those who committed crime by recklessness. This early release scheme provides the prisoners a second chance to return to their family. In addition, the parole system helps solve the overcrowding in prisons and correctional institutions. In particular, this reduces the expenditures of prisoners in prison custody. However, parole is not provided to all prisoners. This depends on the decision of the parole board committees. They will consider the prisoners' backgrounds and other information during the conviction. Types of parole include paroles for special cases of Wiwat Pollamuang School and paroles for certain circumstances e.g. severe health problems, disabled prisoners, and elderly prisoners (aged above 70 years old).

#### **Good – conduct allowance**

Good-conduct allowance is the benefit granted to prisoners with good behaviors, according to section 32 of the Prison Act (2479 B.E.). This privilege is provided to convicted prisoners who have shown good behavior, perseverance, and

progress in education. In addition, prisoners who have helped the authorities, for example, by assisting staff in some prison works are also eligible for this benefit. This is considered as a mechanism to enhance the prisoners' good behaviors during incarceration.

Good-conduct allowance system can be divided into 2 cases:

### **1. Good-conduct allowance which varies upon the class of the prisoners**

In this case the prisoners must be convicted prisoners imprisoned for not less than 6 months. In the case of prisoners serving life sentences, they must be imprisoned for at least 10 years. Depending on their class, convicted prisoners may be granted different days of good-conduct allowance. . Those in the excellent class receive 5 days/month; the very good class 4 days/month; and the good class 3 days/month.

### **2. Public Work Allowance**

Good-conduct allowance is connected with the number of days prisoners spend in carrying out public work. In fact, for the one day they work, the prisoners earn one day's remission.

### **Prisoner privileges**

Convicted prisoners who have shown good behavior and good progress in education or those assist in carrying out government agencies' works or those have good record with prison discipline may be given privileges as follows:

1. access to special benefits :
  - contact visits or more visitations from their relatives
  - personal meals
  - recreational activities e.g. playing music instruments or watching movies
  - appropriate personal clothes
2. class promotion
3. Appointment as staff's 'helpers', if he/she is in the Excellent Class and meet the set criteria

### **Royal Pardon**

Two types of Royal Pardon are granted in Thailand:

#### **1. Individual Royal Pardon**

- General cases: Convicted prisoners and relevant persons can submit a petition for Royal Pardon immediately after the case is finalized.
- Death Row cases: Convicted prisoners must submit the required documents within 60 days after the sentence is delivered.

Persons entitled to submit a petition for Royal Pardon include:

- (1) All convicted prisoners
- (2) Relevant persons e.g. parents, children, spouse
- (3) Diplomatic representatives (only in the case of foreign prisoners)

***(Note):** Lawyers are not regarded as relevant persons*

Documents required for Royal Pardon include:

- (1) Petition letters signed by petitioners
- (2) Relevant documents e.g. certification as a proof of decent behavior, diligent progress in education, a health certificate confirming mental or physical illness or disability
- (3) Certified copies of court verdicts (The prison officer shall issue certified copies when requested by prisoners' relatives.)
- (4) Additional documents e.g. petition letters, a copy of imprisonment warrant etc. are prepared by the prison officers.

Prison officers shall submit the required documents listed above to the headquarters and then it is the responsibility of the headquarters to submit those documents together with its recommendations to the Ministry of Justice. The Ministry shall then propose the petition to His Majesty the King through the Secretariat of the Cabinet and the Office of His Majesty Principal Private Secretary. The end result of the petition will be sent back to the Department of Corrections. Then the Department will carry the message to the petitioner.

## **2. Collective Royal Pardon**

Collective royal pardon is granted to the convicted prisoners as a group on special occasions, especially the auspicious national events e.g. HM the Kings birthday. All the procedures are taken by the authorities, with no actions required from the prisoners.

### **Prisoner Transfer**

Foreign prisoner transfer is a mechanism to assist foreign prisoners to serve their sentence in their home country. In return, Thai prisoners are transferred back to Thailand. The principal benefit is that it makes visitations more convenient. However, foreign prisoner transfer can only be made among the countries with reciprocal arrangements.

At present Thailand has made agreement of transfer with 35 countries: France, Spain, Canada, USA, Italy, Sweden, England, Germany, Portugal, Austria, Israel, Poland, Denmark, Hong Kong, Switzerland, Norway, Philippine, Estonia, Laos, Swaziland, Cambodia, Pakistan, Vietnam, Belgium, Japan, Iran, South Korea, China, and India. Turkey and Peru are two countries currently on the process of signing Prison Transfer Agreements with Thailand.

#### **Steps for Prisoner Transfer**

1. The transferee state submits a petition for the transfer of prisoners with all prescribed documents to the Ministry of Foreign Affairs through diplomatic channels.

2. When the petition arrives, the Ministry of Foreign Affairs shall forward the petition and aforementioned documents to the Department of Corrections.

3. The Department of Corrections examines the petition and documents before submitting to the Committee for consideration. It also arranges a meeting for the committee.

4. The meeting of the committee is held to consider the petition for prisoner transfer.

5. The Department of Corrections completes the minutes of meeting and drafts a committee order to be signed by the Chairman of the committee.

6. When the committee order has been signed, the Department of Corrections shall forward the committee order to the Ministry of Foreign Affairs.

7. The Ministry of Foreign Affairs informs the receiving state of the committee order through diplomatic channels.

8. The receiving state informs the transferring state of the prisoner receiving date.

9. The Department of Corrections holds a transfer ceremony to deliver the prisoner to the receiving state.

10. The receiving state shall govern the remainder sentence by the laws and procedures of its state

11. If the transferring state revise, modifies, and cancels the judgment or sentence, the receiving state shall be notified through diplomatic channels of the decision and shall comply in accordance with the revision.

### **Probation**

Probation service is under the administration of the Department of Probation. It is the treatment of offenders with non-custodial measures. This aims to help ex-offenders get a chance to return to society. Probation adopts the idea of rehabilitation rather than the imprisonment. Probationers serve the sentence outside the prisons. The probation officers, in co-operation with the communities, are responsible for helping probationers improve their behaviors. Obviously, the participation of community not only help rehabilitate offenders but also prevent further reoffending. This measure also reduces the economic and social loss of the country. Probation in Thailand emerged in 2495 B.E. (1936) with juvenile offenders.

Probation is an important part of the criminal justice system. Probation is the step taken before and after the court decision. The defendant is imprisoned only for a while then they have an opportunity to be paroled or receive a good conduct allowance. They will be monitored and controlled through probation system. In every step, the probation officers will be responsible for monitoring and providing rehabilitation for the offenders. The probation step relies on the Social Investigation and Supervision process. The role of the probation officer will be to provide useful advice and assist offenders by co-operating with communities. This mission is called 'community affairs', which aims This to help ex-offenders change their behavior and become decent citizens before returning to society. Three types of probationers are described as follows:

1. Adult offenders (above 18 years old) who are waiting for the final sentence or awaiting the sentence according to criminal law, section 56

2. Juvenile offenders who are to be on probation according to the court, divided into 4 categories:

2.1 Juvenile offenders who have been judged as not guilty of crime, but guilty of misconduct;

2.2 Juvenile offenders who committed offences but are given an opportunity from the court to improve themselves while their punishment is suspended;

2.3 Juvenile offenders who are punished and sent to juvenile institutions to attend training courses for the certain duration and may receive early release under the conditional probation;

2.4 Juvenile offenders who are sent to juvenile institutions and complete their sentence. The court, however, might post further probation order for them;

3. Convicted prisoners who has served their sentence following section 32 the Prison Act 2479 B.E. and receive early release early before completing their sentences on parole or on good time allowance with probation conditions.

## 4. Organization management

### Mission

The Department of Corrections has a mission of providing custody and rehabilitation of offenders. It also aims to be an organization with competent staff who are able to help prisoners become decent citizens as well as to prevent recidivism. The duties and responsibility of the Department of Corrections are:

1. Taking into custody prisoners under the court sentence and relevant laws;
2. Providing treatment to prisoners with according to the laws, regulations, rules, and policies, including criminology and penology principles and the Standard Minimum Rules for the Treatment of Prisoners;
3. Providing social welfare for prisoners;
4. Abiding by laws which are related to the Department of Corrections and responsible to the Ministry's and cabinet's order

### Vision

The Department of Corrections is an efficient organization to keep in custody and rehabilitate prisoners in order to return them as decent citizens to the community.

The Department of Corrections is one of the agencies in the criminal justice system under the Ministry of Justice. Its main mission focuses on prisoner custody and rehabilitation:

- Keeping in custody offenders under the court's judgments;
- Preventing prisoners from committing further offenses during custody;
- Treating prisoners by considering the principles of humanity; providing basic needs and items; preparing treatment programs for prisoners;
- Providing treatment programs for prisoner rehabilitation e.g. physical treatment, education development, and mental health;
- Developing life skills.

### **Organization Management**

The Department of Corrections organization is divided into two main branches:

1. Central Administration:
  - Penology Bureau
  - Rehabilitation Bureau
  - Penological Operation Bureau
  - Office of the Secretary
  - Office of the Inspectors
  - Correctional Staff Training Institution
  - Planning Division
  - Financial Division
  - Personnel Division
  - Medical Services Division
  - Legal Affairs Division
  - Social Work Division
  - Office of Ethics Protection
  - Office of Administration Development
  - Office of the Internal Audit
  - Office of Drug Suppression and Prevention
  - Central Prison (33)
  - Remand Prison (4)
  - Correctional Institution (24)
  - Detention House (1)
  - House of Relegation (5)
  
2. Provincial Administration:
  - Provincial prison (50)
  - District Prison (26)



# Organization Chart

## Director General

Office of Inspectors

Senior Expert in Penology

Internal Audit Unit

Deputy Director General  
(operation)

Deputy Director General  
(Rehabilitation)

Deputy Director General  
(Administration)

Deputy Director General  
(Academic)

Penology Bureau

Penological Operation Bureau

Narcotics Prevention and

Suppression Center

Financial Division

Rehabilitation Bureau

Social Work Division

Planning Division

Medical Service Division

Office of the Secretary

Personnel Division

Office of Ethics Protection

Office of Adm Source:

Planning Division

Legal Affair Division

Correctional Staff

Training Institute

ราชการบริหารส่วนกลาง

Central Prison (33)

Remand Prison (4)

Correctional Institution (24)

Detention House (1)

Correctional House (5)

ราชการบริหารส่วนภูมิภาค

Provincial Prison (50)

District Prison (26)

### **Prison management**

Prison management can be divided into many aspects including general administration, prisoner custody, penological operation, prisoner social welfare, prisoner development, and vocational training controlled by the superintendent, or the director of correctional institutions. The directors of the divisions in each prison will also get involved. Generally, the correctional officers works for 8 hours per day and are assigned as guards after the office hours. Technically, they work 16 hours per day, including on some weekends. Due to a lack of manpower, officers are rotated while working in the prisons. Currently, the ratio between staff and prisoners is 1 r per 28. This results from prison overcrowding.

### **Personnel Administration**

The number of correctional officers in the Department of Corrections is 10,645. This number can be divided into 2 groups which are the correctional officers at the headquarters, accounting for 510 and correctional officers at prisons or the correctional institutions, accounting for 10,135. For the recruitment of correctional officers, the agencies involved are the Office of The Civil Service Commission and the Department of Corrections. Recruitment focuses on individuals with required competency and appropriate qualifications. Additional recruitment channel is the transfer of government officers from other agencies. As regards to the application process, when the candidates pass the written exam, they then have to pass the interview test as the department needs those who have both good knowledge and competency, especially in the corrections field. Applicants have to understand the laws, rules, and regulations related to corrections. Promotion of the correctional officers is based on an evaluation of the competency determined by written examination and interview.

### **Human Resource Development**

The Department of Corrections has developed various human resource development tools such as short-term and long-term training courses.

As for the activities promoting government officials' knowledge and capability, the Department of Corrections sets up a responsible division called the Correctional Staff Training Institute. It manages regional training centers for correctional staff in the north, northeast and south. The Institute has regularly provided training courses, seminars and other activities to improve the correctional staff's performance in order that they can perform their duties professionally at the better working standards and with full understanding in their missions and duties. The core training courses are as follows:

#### **1. New Correctional Staff Training Program (New Staff Program)**

This program educates new correctional staff of rules, regulations, and laws relating to working in prison; morality and ethics; practice of correctional tactics; and real practice in prison. The course takes 13 weeks.

#### **2. Basic Knowledge Training Program for Correctional Government Employees.**

This program educates new correctional government employees about the government work by focusing on rules and regulations relating to authority and duties of government employees relating to correctional affairs as prescribed by laws.

### 3. Training Program for Correctional Superior Officers (Chief of Custody Officers)

This program aims at developing officers' attitudes, values, and behavior to work in prison administration by placing emphasis on morality, ethics, and work achievement as well as better understanding applied in prison administration.

### 4. Training Program for High-Level Correctional Administrators

This program aims to develop and prepare correctional officers for the Director of Prison or the Director of Correctional Institution positions.

## 5. Best Practice

### **Restoratives Justice**

The Department of Corrections encourages prisons and correctional intuitions to adopt restorative justice concept and practices. The key players are victims and offenders. This aims to help offenders understand the feelings of their victims after an offence. This will create a chance for the victims to forgive the offenders. Restorative justice cover such activities as apologizing, vowing to become a good person and making peace with the victim family through religious ceremony and making merit.

### **Pre-release project**

The Department of Corrections is responsible for prisoner custody under the sentence of the court. Moreover, the Department of Corrections also focuses on prisoner rehabilitation. Therefore, many activities are carried out to adjust prisoners' attitudes and behaviors. There are many programs for rehabilitation, such as a program for sexual offenders, programs for drug users, and programs for thieves. Furthermore, the Department of Corrections has policies for prisons and correctional institutions to set the pre-release programs. This is because living in the prisons will affect prisoners after they return to their families. Ex-offenders might not be able to adjust their attitudes towards their families and new environments. This can lead them to reoffend. Therefore, the pre-release program will help prisoners improve their mindset, attitudes, and behaviors, including providing them with vocational training. This will help ex-prisoners adjust themselves and become decent citizens, including preventing recidivism.

Prisoner pre-released practices are as follows:

1. Prisons and correctional institutions survey the number of prisoners who will get released and are qualified in accordance with the prison regulations.
2. Conducting prisoner classification before release, prisoners will be interviewed in order to know about their goal after release.
3. A 30-100-hour course is provided to the prisoners in order to support them in many aspects e.g. their physical and mental health, including their quality of life and supportive family relationships. There are also family activities. This program educates them on the impact of violence in the family, and they are given short courses of vocational training. This includes providing

counseling groups by inviting outside lecturers from many agencies, both private and public agencies.

4. Inviting prisoners' families who live near the prisons/correctional institutions to participate in the pre-release programs. This will bring the prisoners and their family to join and help each other. This is because family plays an important role in the institution of rehabilitating the prisoners' behaviors to stop recidivism.

## 6. Statistics

Prison populations over a 5 year period (2010-2014) have constantly grown, except in 2012, accounting for 247,764 in 2012, which was less than the prison population in 2011, with 251,812 prisoners. In 2014, the number of prisoners increased more than other years at 317,271. (Figure1). The optimum capacity of the prisons was 113,817 prisoners, and the full capacity was 232,344 prisoners. However, currently, there are 271, 222 male prisoners and 46,049 female prisoners. (Figure2).

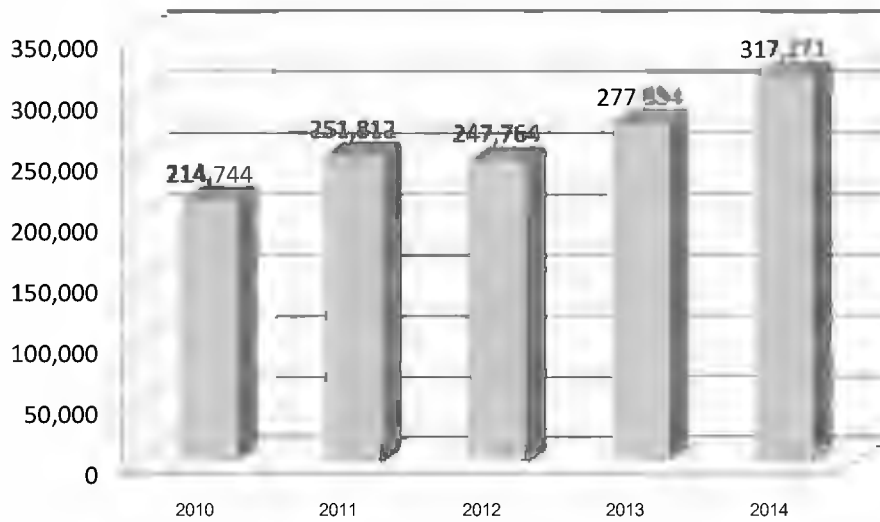
In 2014, the number of convicts was 242,204, accounting for 76.34 percent and 71,419 remand prisoners, standing at 22.51 percent. Most remand prisoners are pending appeal prisoners, standing at 11.66 percent. Moreover, the Department of Corrections has to be responsible for caring for other offenders such as juveniles, detainees, entrusted persons numbering 3,648 and accounting for 1.15 percent of the prison population. Most offenders are detainees, numbering 3,368 prisoners, accounting for 1.06 percent of the prison population. (Figure2).

Convicted prisoners are most commonly jailed for crimes related to Narcotics Act numbering 156,133 people, accounting for 69.37 percent of the prison population. Offences against property are the second most common offence standing at 24,911 offenders, accounting for 11.07 percent of the prison population and those guilty of causing bodily harm and offences against life constitute 9.03 percent and respectively (Figure3) Also, the recidivism rates account for 21.75 percent. (Figure 4).

Offences against Narcotics Laws constitute the largest number of offences, especially the case of possession with intent to sell which constitutes 61,004 offenders, with 42.64 percent of cases. The second most common offence is selling drugs which constitutes 48,656 offenders or 34.01 percent of the total and the third highest number of offenders are drug users, accounting for 28,433 offenders, at 19.87 percent (Figure 5)

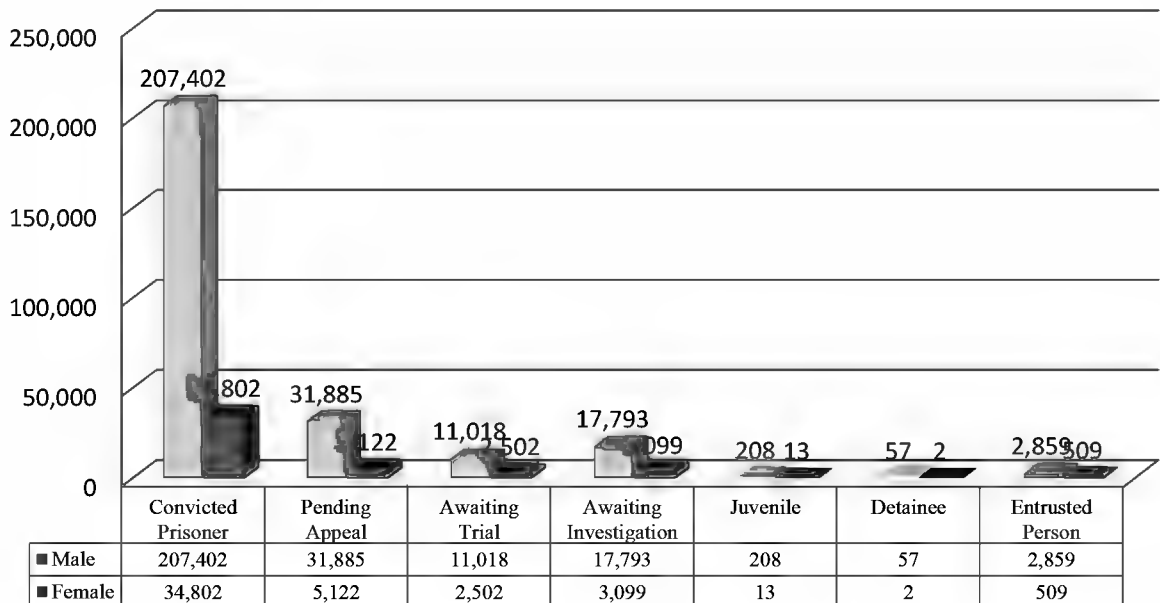
In the case of foreign prisoners, most offences are related to offences against Narcotics Laws with 6,279 offenders, accounting for 59.41 percent of offenders. The second highest number of foreign prisoners has breached the immigration Act. There are 1,364 offenders, which is 12.92 percent of the total. Offences against the person, Grievous Bodily Harm and Attempted Murder constitute 8.14 percent and 5.70 percent, respectively, of the total (Figure6). Also, most prisoners are from Myanmar which total 3,122 offenders, Cambodia, which totals 2,435 offenders, and Laos which totals 2,482 offenders respectively. (Figure7)

**Figure 1: Number of Prisoners between 2010 - 2014**



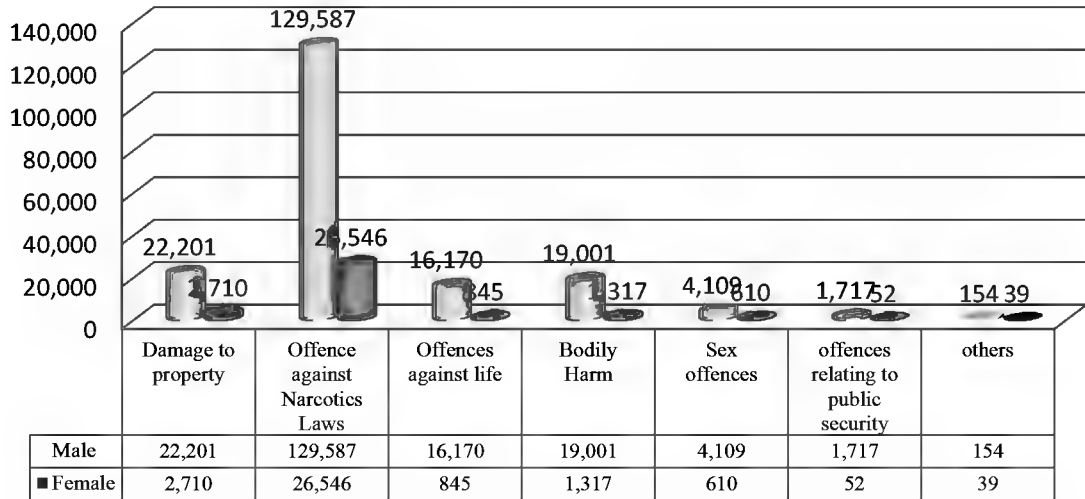
Source: Planning Division October 2, 2014

**Figure 2: The number of Prisoners in 2014**



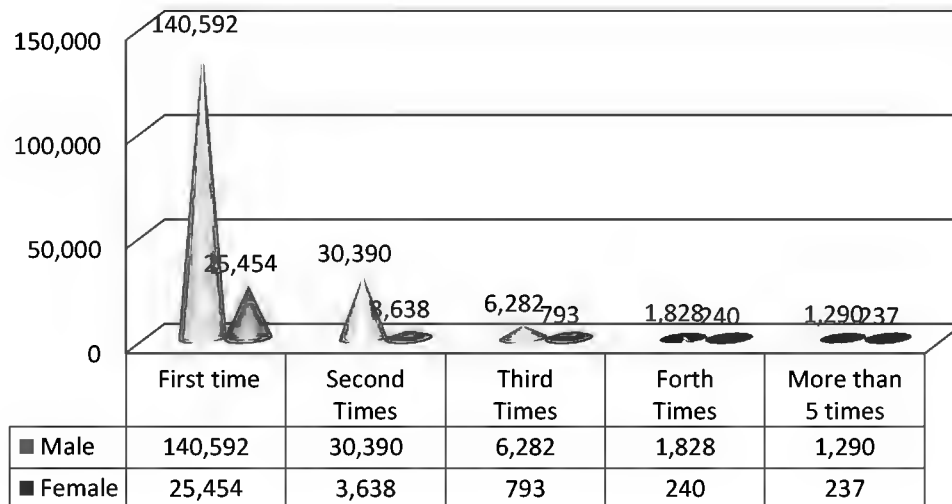
Source: Planning Division October 2, 2014

**Figure 3: Convicted prisoner by type of offence in 2014**



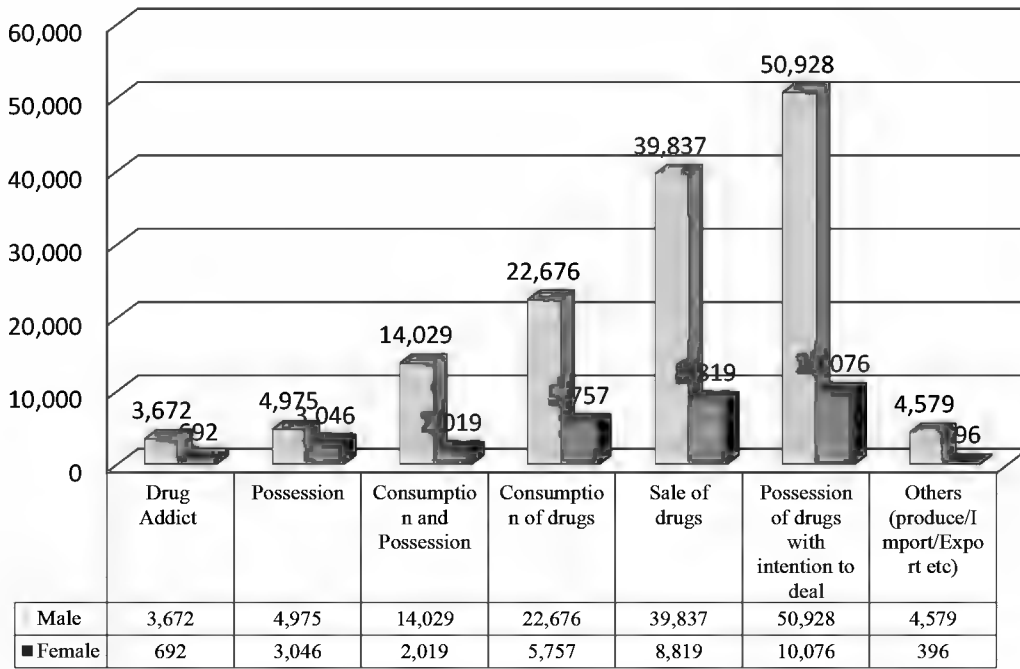
Source: Planning Division, May 1, 2014

**Figure 4: Conviction by the duration of sentence**



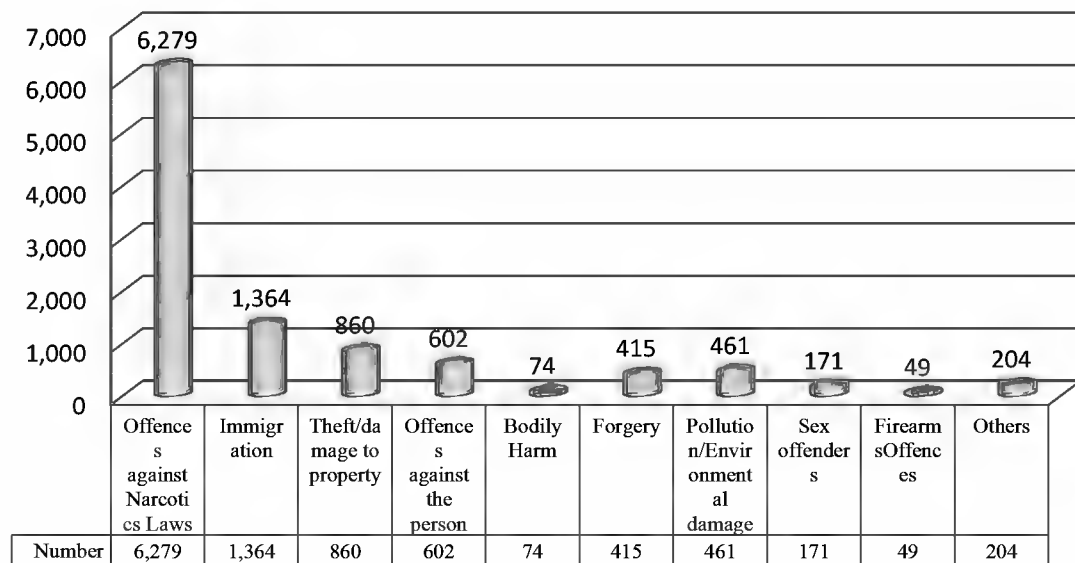
Source: Planning Division, May 1, 2014

**Figure 5: Conviction by Type of offence**



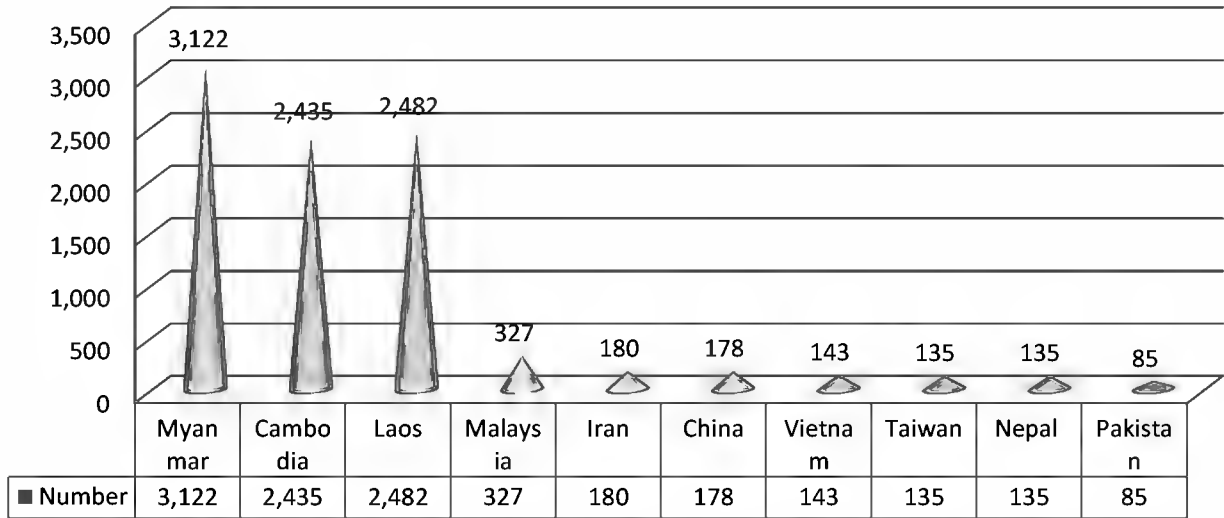
Source: Planning Division, May 1, 2014

**Figure 6: Number of Foreign Prisoners by type of offence**

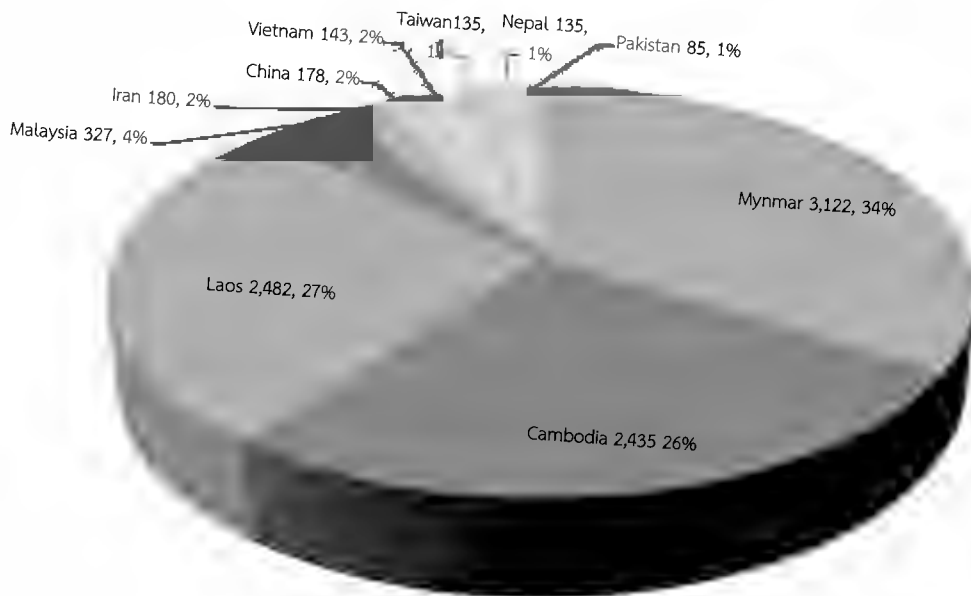


Source: Planning Division, May 1, 2014

**Figure 7: The top 10 countries with the highest number of foreign prisoners**



Source: Planning Division, May 1, 2013





## **Bibliography**

Thai Department of Corrections. (2013). *Annual Report*. Nonthaburi, Thailand (Original work published work 2013)

Penology Bureau Thai Department of Corrections. (2005). *Prisoner Handbook*. Nonthaburi, Thailand (Original work published 2005)

# 10 Vietnam



*Source: CIA, 2014*

## Introduction

Vietnam or the Socialist Republic of Vietnam is located in Southeastern Asia. The country lies in an S shape along the Gulf of Tonkin, South China Sea and the Gulf of Thailand. The total area of the country is around 331,210 sq. km with a population of approximately 91,519,289 (as of July 2012). The majority of the population is Kinh (Viet) 85.7% (1999 census). The internal administration of the country is divided into 8 regions namely the northeast, northwest, red river delta, north central coast, south central coast, central highland, southwest and Mekong river delta. There are 59 provinces which are divided into a town, districts and 5 municipalities where having Hanoi as a capital city of the country.

The country is governed by the Communist Party of Vietnam or CVP which is authorized by the Constitution 1992 to have the ultimate political power in the country. The country uses the civil law system with French, Chinese and socialist administration system influences. The inquisitorial style of criminal investigation and court trial reflects French influences in criminal justice system. Confucianism which the Vietnamese inherited from Chinese is fundamental to crime and punishment since the definition of crime, the determination of serious crime and severe punishment was made under the Confucian principles on hierarchical social relationship (Bui H.N., 2010 pp. 287). In the urban area, the People's Security Force (or the People's Police – Cong An Nhan Dan) works in general law enforcement. They are responsible for crime investigation as well as traffic control, residential registration, immigration and border control. In the rural area, the People's Security Force (Luc Luong Anh Ninh Nhan Dan) works in both law enforcement and national security. Village administrative committees also have security sections which work on the surveillance and detection of suspects by collecting information from the locals. Villages also have their own staff responsible for guard and patrol.

The Vietnamese prosecutorial system is relatively unique and having various responsibilities. The Procurator General or Supreme People's Procuracy (SPP) is independent organization reporting directly to the National Assembly. Their functions are prosecuting the law by investigating and adjudicating criminal cases, supervising the law in the execution of judgments and decision of the courts, temporary detention, preventative detention, management of prisoner education. They may directly conduct an investigation in a specific case against judicial activities (Hoang C.K., 2012). The court system consists of three courts. The judicial system starts with the court of first instance. The second level of the judicial system is the provincial or district level courts. The highest court is called the Supreme People's court which is responsible for reviewing appeals of the lower courts' decision. The higher courts will use issues such as the protection of people's democracy re-issuing guidance to the lower court on legal matters such as the application of the law, the trial conduct. The Supreme People's Court also develops new laws and policies as well as drafts bills for submission to the National Assembly.

Types of punishment in Vietnam range from non-custodial measures such as warning, fines, house arrest, probation, compulsory treatment, confiscation of property and custodial measures such as imprisonment and the death penalty. Also the deprivation of certain civil rights such as prohibition of employment in specific

occupations or the holding of governmental positions, and residential restrictions could be ordered by the court as criminal punishments as well. Due to the increase of crime as the growing economic and political circumstances, the effort to suppress crime and severe punishment is currently deployed in concurrent with the rehabilitation through labor.

The Vietnam Department of Prison Management is under the supervision of Ministry of Public Security. According to the Law on Execution of Criminal Judgments and Hoan B. (2010), there are at least 150 detention facilities including prisons, detention centers and re-education camps in Vietnam. Each province and city has at least one prison; each major city has at least one detention center for prisoners awaiting trial. In addition, there are prisoners of war as well as political prisoners detained in Vietnam.

## **1. Treatment of prisoners**

### **Prisoner Classification**

For the benefit of incarceration and participation in activities such as training, learning and working, the warden shall classify prisoners in the appropriate categories and transfer between prison sectors. Article 27 of the Law on the Execution of Criminal Judgments establishes type of prisoners which are required to be kept separated.

1. Female Inmates
2. Minor Inmates
3. Foreign Inmates
4. Inmates with extremely dangerous infectious diseases
5. Inmates showing signs of suffering from mental illnesses or another disease that deprives them of their proper judgment or to be non-compos mentis
6. Inmates who repeatedly violate detention regulation

### **Vocational training / work**

As mentioned in the introduction section, Vietnam has adopted labor as its prominent rehabilitation method. Inmates shall be assigned for work which is suitable for their age, health condition, and educational level in order to serve the management purpose and encourage community reintegration. They are required to work on weekdays and have holidays on weekends. Saturday will be allocated for education and vocational training while Sunday and other public holidays are left for recreation. The inmates shall work for 8 hours per day with some occasional overtime, under the discretion of the warden, for no more than 2 hours per day. Working overtime or on holidays will be entitled the prisoners to offsetting days off or allowances in cash or any similar benefits.

Prisoners who suffered illness or have physical or mental deficiencies will be allowed to work for less than 8 hours or exempted from working, depending on their conditions.

Inmate may send monies received from their working overtime or good working rewards to their relatives or deposit them with the prison for their personal use or receive such lump sum after released.

### **Education in prison**

Inmates shall be obligated to learn. Normally, they must study law and civil education as well as literacy and working skills. For illiterate inmates should be educated in order that they will be able to read and write. Foreign national prisoners are encouraged to learn Vietnamese. The management of education should be designed under the terms of imprisonment, and under the discretion of the criminal justice agency.

### **Welfare / Social work**

#### Accommodation

Prison in Vietnam uses communal prison cells. The minimum spacing area is 2 sq. M. per inmate. Inmates with small children shall be given 3 Sq. M. sleeping area.

#### Clothing

Inmate shall be provided with uniforms, face towels, blanket, mats, mosquito nets, hat and soap. Female prisoners will be provided with additional women hygiene items such as sanitary pads. Inmates working in heavy or hazardous work will also be given the protective clothing and additional tools as necessary under the details specified by the law.

#### Diet

Cooking shall be done by inmates themselves under the supervision and examination of officers. They shall be provided with hygienic food in the portions prescribed. Prisoner food shall include rice, green vegetables, meat, fish, sugar, salt, fish sauce and seasoning, fuel. The portions of food for inmates who work in heavy or hazardous work shall be added. In consideration of the prisoner's health, the portion of food shall be fixed to the economic and budget conditions and market price fluctuations. The warden may decide to alter portions of food to the circumstances in order to make sure that the inmate finish the food they are given. Inmates may also use their presents or money to buy more food but they are not entitled to be apportioned food more than three times of the monthly portion provided by the prison.

#### Recreation

There are physical exercises, sporting, cultural and art activities, books, music on radio or television provided. Inmates may select the recreational activities as they wish provided that the chosen activities the conditions of their sentence. There should be a library, sport grounds in prison.

### **Medical Services and Treatment**

There are various medical programs which have been launched in the prison. Preventative measures are employed to prevent disease. By working with district-level health centers, the prison organizes health check for inmates.

Treatment for ill prisoners is also important sick or injured prisoners shall be examined and treated at health stations in prison and the seriously ill prisoner will be transferred to provincial medical treatment centers. The staff shall notify prisoner relatives if such prisoner are too sick to join in treatment or taking care of prisoners.

As regards to prisoners with mental diseases or other mental conditions, the department shall request for their medical assessment. If it appears that the prisoners have mental diseases, the court shall order them to be sent to specialized clinics or other given appropriate medical treatment. However, drugs addicts are detoxified and treated in prison.

### **Contacts (visits / letter / telephone)**

#### Visit

Prisoners are entitled to be visited by their relatives once a month, no more than one hour per visit. Except for special cases, the visits can last for 3 hours. A private visit with spouse may be allowed for a prisoner who shows good conduct. In addition, a visit may be allowed for representatives of agencies, organizations, and individuals.

The procedure for visiting foreign inmates is slightly different. The application for visits must be written in Vietnamese and it must be certified by the consular office of which the applicant is the citizen, or the Vietnam-based representative office of the international organization in which the applicant works. In case that the relative of the foreign prisoner is Vietnamese, the application must be certified by the Commune-Level People's Committee where the relatives reside.

#### Letter and present

On the visit or by post, the inmate may receive a letter, cash or other items except for contraband items. Cash must be deposit with the prison; the use of cash and items must be under the prison rules. Prisoners can receive cash and items from relatives twice a month. Inmates are allowed to be sent 2 letters a month and can be sent a message through the Telex system in the case of an emergency. Letters and telegrams sent by prisoners are subjected to censor from the wardens.

#### Telephone

Inmates may be allowed to make domestic phone calls with their relatives once a month; each call must not exceed 5 minutes. Permission to make telephone conversation issued is under the discretion of the wardens of the prison.

## **3. Treatment of specific prisoners**

### **Female prisoners**

Generally, the relevant law in Vietnam assures the basic rights of female prisoners to be protected. Although there are no specific correctional facilities for woman prisoners, each correctional facility has separate units for woman prisoners. In the assignment of work or labor, the authorities need to take the conditions of women into the account. Therefore, woman prisoners cannot be assigned hard labor work. In

addition, Vietnam has worked with UNODC in promoting gender equality in society, and issued in 2006 a Law on Gender Equality. Women who are specially affected by of the law include those who are accused of crime or women prisoners who are regarded in the project. The continuity and success under this project can assure that the situation and treatment of female offenders will comply with international standards in the future.

#### Pregnant prisoners

According to the law, pregnant prisoners may be allowed to postpone their imprisonment. In case that permission to postpone the imprisonment is not granted, the prison shall provide them with the maternity checks and medical care as well as sufficient food which are appropriate to the pregnant women. However, it is reported that the implementation of such law does not in current practice (UNODC, 2013 pp. 42).

Pregnant prisoners are entitled to maternity leave before and after child labor under the Labor Code (they will not have to work in the prison for some period after child delivery). The prison shall provide the mother and child with the necessary items and food in the portion which prescribed by the medical officer. Female inmates with children under 36 months old shall be given adequate time to raise her child. After 36 months, the child should be sent out of the prison and be raised by the prisoner's relatives. If there is not a relative available, the relevant organization shall arrange for such children to be raised by the social relief center. The prisoner is entitled to receive her child back from the center after her release.

#### **Minor Offenders**

The law referred to minors to as pupils who should be sent off to the Reformatory to be reformed. They shall be divided into groups based on their age, gender, education, the nature of their offense, having teachers assigned directly to supervise them. The Reformatory shall arrange for the general education, vocational education and job training as approved by the authorized agencies. General education is compulsory for every pupil who has not completed the required level of education (primary or secondary level). After classes, pupils are required to work in the suitable assignment by the reformatory. Each day, pupils will attend classes not exceeding 7 hours and work not exceeding 2 hours.

After the completion of their education, the certificates from the reformatory will be granted to pupils and such certificates shall be valid in the same way as a certificate granted by the Ministry of Education and Training is valid.

For welfare and social work support, the pupils can access the welfare and social work service in the same way as adult inmates. However, diet, clothes and other welfare provided for pupils have been taken into the account for their special needs as minors.

#### **HIV Positive Prisoners**

The number of prisoners with HIV and AIDs are relatively high in Vietnamese prisons (Ministry of Public Security, 2013) and has become one of the major challenges to the Vietnamese authorities. Vietnam has committed to work with UNODC on the project HIV prevention, care, treatment and support in prison including pretrial

detention centers in Vietnam (VNM/K16). The objectives of the program for the prevention, treatment, reintegration and alternative development for HIV/AIDS prisoners in prison or detention centers. The project included the operations in 39 provinces in order to introduce and assess adult antiretroviral therapy (ART) as well as provide appropriate treatment and services for people living with HIV (PLHIV). The project works in the creation of long term co-operation between the prisons and health facilities in the commune for continuous treatment. In addition, the project aims to increase skills and knowledge for prison staff by the training of HIV prevention, services and treatment of HIV and TB. This is to reduce the transmission of HIV as well as other infectious diseases such as TB among prisoners and staff.

### **3. Treatment of prisoners with non-custodial measures**

#### **Probation**

Probation could be ordered by the court as an additional penalty to imprisonment. Upon the completion of imprisonment, the sentenced persons will then be transferred to local authorities. The commune-level People's Committee is responsible for the control and supervision of the sentenced person and shall be authorized to assign, design, establish conditions, monitor and assess the probation of such sentenced person. The sentenced persons will be able to continue live with their families and work in any employment (except certain specific occupations which are prohibited by law), and freely transport within the designated commune. By the discretion of the commune-level People's Committee, they may request to the court to consider exempting the probation sentence for the sentenced person. However, failure to comply with the conditions of probation will result in administrative sanction or penalties.

#### **Amnesty**

In order to be recommended for special amnesty, the prisoners must possess conditions stipulated in the law which include: good behavior, prisoners suffering from dangerous diseases or chronic ailments, being over 70 years old, etc. The prisoners who are recommended special amnesty are required to submit a special amnesty application under the requirements of the law. The application includes the commitment not to violate the law and to continue to completely serve any additional sentence under the court judgment (such as fines or pay any damages). The application shall be submitted through the superintendent of the prison and Ministry of Public Security and it shall be considered and granted by the President.

Amnesty grantees are entitled to be granted special amnesty guarantees and enjoy rights in the same way as persons who complete their sentences. They shall receive the assistance from local administration or concerned agencies in their successful reintegration. They are also obligated to fulfill the committed obligation as stated in the application and strictly observe the law and policy of the state.



### **Non-Custodial Reform**

Under the 1999 Penal Code, non-custodial reform in categories such as punishment for less serious crime and under the Law on Execution of Criminal Judgments; the commune-level People's Committees are responsible for supervision and education of non-custodial reforms to sentenced person. In collaboration with family, assigned agencies or organizations, local authorities will supervise and educate non-custodial reforms. The duration of the non-custodial reform sentence shall be from six months to three years with or without additional penalties.

After the court has granted non-custodial reforms, the judgment will be sent to the sentenced person (the offender) and the concerned local governmental agencies, such as the criminal judgment execution agency of the district-level police, which will be responsible for the supervision and education of such persons. The local criminal judgment agency will cooperate with sentenced persons and the commune-level People's Committee who will supervise and educate the sentenced person under court order.

The commune-level People's Committee is responsible for the supervision and education of the sentenced person. Their work include assigning them the appropriate education, giving recommendations and intervention in cases that there is risk of reoffending, requesting the sentenced person to fulfill a court judgment and preventative measures as well ensuring they refrain from violating the law. The commune-level People's committee will co-operate with the civil judgment execution agency for the repayment of fines or compensation and for the reduction of the sentenced person's income to the state budget. In addition, the sentenced person's family and relevant person/organization such as the employer or educational institutions will be requested to help assisting the sentenced person supervision and education. The sentenced persons are also obligated to strictly comply with and commit to the relevant law, fulfill obligation stated under the terms of non-custodial reforms as determined by the authorities, report to the relevant authorities at a time specified or requested, request for permission to travel outside of the place of residence, and submit to self-assessment of the serving supervisor every 3 months.

Under this non-custodial reform scheme, some of the sentenced persons are allowed to continue their work or study outside the correctional institution. In other cases, the commune-level People's Committee will assist the sentenced person into suitable employment.

In addition, various non-custodial methods under the Penal Code are established in order to allow reeducation outside the correctional facilities. The suspension of imprisonment could be ordered for offenders who are sentenced for no more than 5 years imprisonment.

### **Suspension of sentence**

In the case that the court sentences the offender for no longer than 3 years imprisonment term and it is, based on the offender's background such as his/her personal identification, and if there are any extenuating circumstance, the suspended sentence for the period of one to five years can be granted. The court will assign the

offenders to the agencies or organization such as their employers or the local authorities to supervise and educate the offenders.

## 4. Organizational Management

The execution of the criminal judgments of the Socialist Republic of Vietnam is managed by two governmental agencies, namely the Ministry of Public Security and Ministry of National Defense (Article 10 of the Law on execution of criminal judgment 2010). The Ministry of Public Security supervises both prisons and detention camps. According to Article 16, Sub Article 1(a) prisons shall have the main tasks of admitting inmates and managing their incarceration, education and the reformation of inmates.

Prisons shall organize as determined in Article 16, Sub Article 4, prison department, incarceration sectors and prison cells, facilities serving incarceration management, daily living, health care, education and reformation of inmates, working and relaxing area designated for officers and any persons working in prison. The management of a prison consists of wardens, deputy of wardens, heads and deputy heads of prison department, team leader's deputy team leaders and officers.

### Personnel Management

The wardens, deputy wardens, heads and deputy heads of prison departments, team leaders and deputy leaders must possess university or higher degrees in public security, security or law as well as satisfying criteria set out by the government.

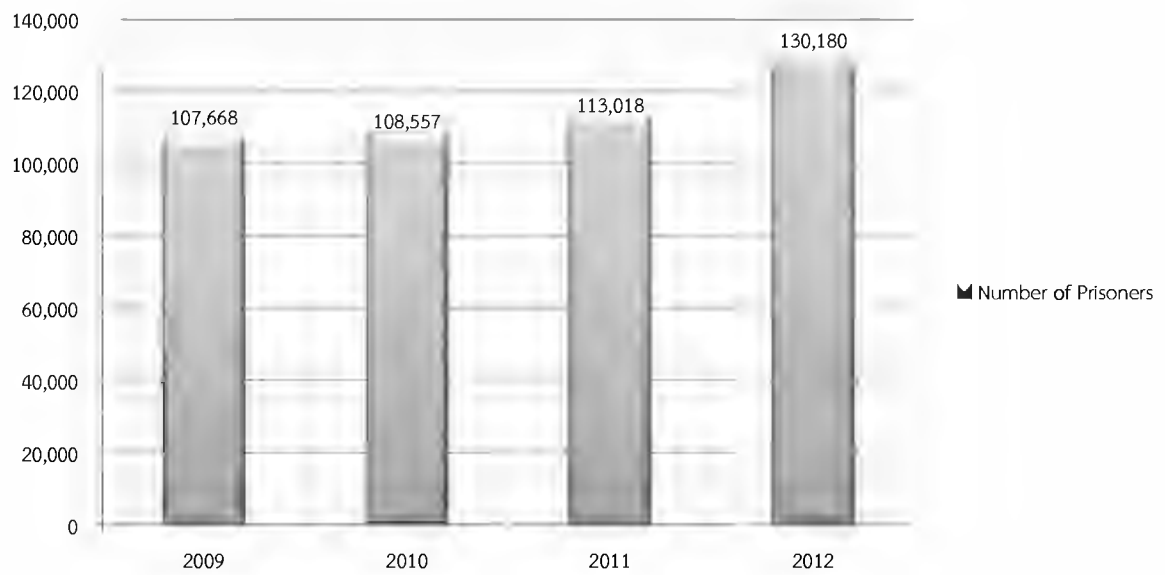
### Relevant Law

The management of prisons in Vietnam is mainly regulated under the Law on the Execution of Criminal Judgments No. 53/2010/QH12, 29<sup>th</sup> June 2010 and Decree on the Regulations for the Management of Prisoners and Diet, Clothing, Housing, Living, Health Care for Prisoners.

## 6. Statistics and figures

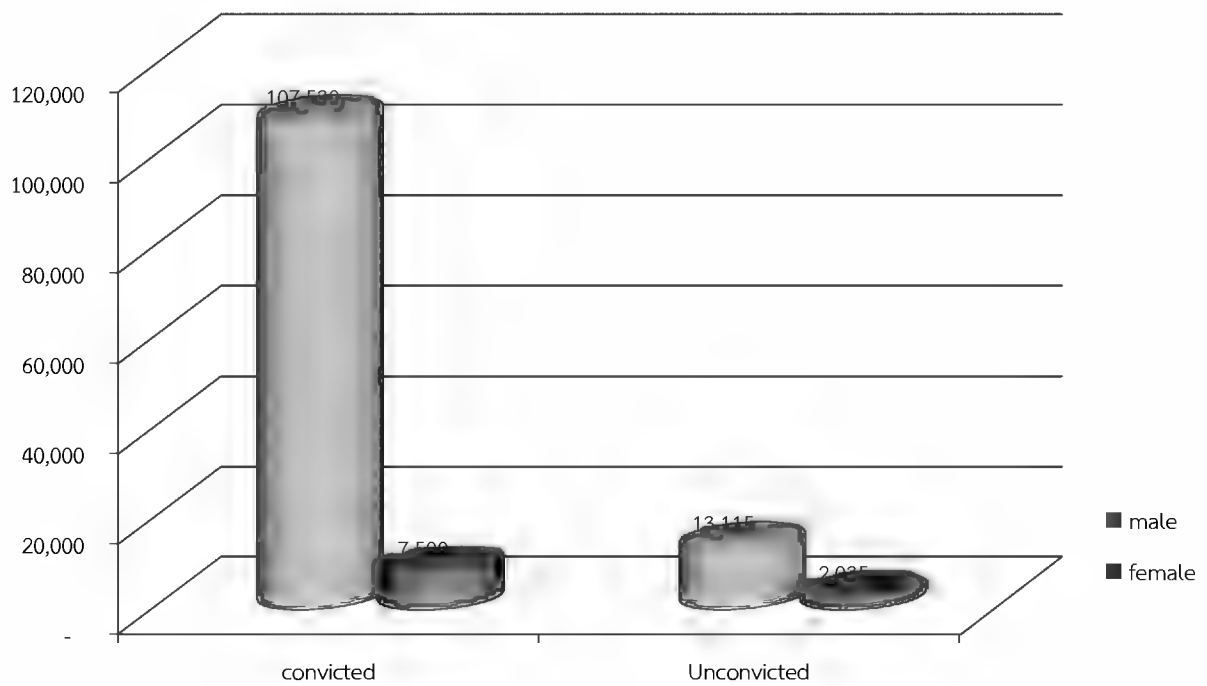
There are 130,180 prisoners in Vietnam (as of mid-2012). The prison population rate is 145 per 100,000 of the national population (information as of 13 October 2013) (International Center for Prison Studies – ICPS, 2013). The proportion of foreign national prisoners is 0.3%.

**Figure 1: Trend of Imprisonment (2010-2013)**



Source: ICPS, 2009 and APCCA, (2010-2012)

**Figure 2: Types of Inmates**



Source: APCCA, 2012

## Bibliography

### Books

Probation measures under Vietnamese Law (2013). In ASEAN Plus Three Conferences on Probation and Non-custodial Measures 2013. Bangkok, Wednesday 3<sup>rd</sup> –Friday 5<sup>th</sup> April 2013.

UNITED NATIONS OFFICE ON DRUGS AND CRIME (2014a) Prison Systems and Management in Southeast Asia: An Overview. Bangkok: UNODC.

### Online Articles

ASIAN AND PACIFIC CONFERENCE OF CORRECTIONAL ADMINISTRATORS (2012) Official Website of APCCA Conference Reports [Online] Available from: [http://www.apcca.org/uploads/APCCA\\_Report\\_2012\\_Brunei.pdf](http://www.apcca.org/uploads/APCCA_Report_2012_Brunei.pdf) [Accessed 11 June 2014]. Criminal Procedure Code (No. 19/2003/QH11 of November 26, 2003)

CENTRAL INTELLIGENCE AGENCY (2014) Official Website of CIA [Online] Available from: <https://www.cia.gov/library/publications/the-world-factbook/geos/rp.html> [Accessed 10 June 2014] Decree Detailing the Implementation of a Number of Articles of the Law on Special Amnesty (No. 76/2008/ND-CP) Decree Promulgating the Regulation on Prisons (No. 113/2008/ND-CP) Decree Regulations for Management of Prisoners and Diet, Clothing, Housing, Living, Health Care for Prisoners (No. 117/2011/ND-CP)

HOAN, N. B. (2010). Vietnam. In: NEWMAN G. R. and CHU D. R. (eds.) Crime and Punishment around the world. Volume 3 Asia and Pacific. Oxford : ABC-CLIO, pp. 268-298. [Online] Available from

HOANG, C.K. (2012). Overview of the tasks and functions of the Vietnamese People's Procuracy in prevention of and fight against corruption. In 5<sup>th</sup> Regional Seminar on Good Governance for South East Asian Countries "Preventing Corruption Effective Administrative and Criminal Justice Measures" UNAFEI publication, pp. 130-136. [Online] Available from [http://www.unafei.or.jp/english/pages/Fifth\\_GGSeminar\\_Report.htm](http://www.unafei.or.jp/english/pages/Fifth_GGSeminar_Report.htm) [Accessed 12 June 2014]

INTERNATIONAL CENTRE FOR PRISON STUDIES (2014) World Prison Brief: Brunei. [Online] Available from: <http://www.prisonstudies.org/country/brunei> [Accessed: 11 June 2014] Law on Execution of Criminal Judgment (No. 53/2010/QH12)

MINISTRY OF PUBLIC SECURITY (2013). Challenges and Initiatives in Corrections. In 33<sup>rd</sup> Asian & Pacific Conference of Correctional Administrators. New Delhi, Sunday 22<sup>nd</sup> – Saturday 27<sup>th</sup> September 2013. APCCA. [Online] Available from <http://apccaindia2013.gov.in> [Accessed 11 June 2014].

UNITED NATIONS OFFICE ON DRUGS AND CRIME (2012) Vietnam Country Programme 2012-2017

UNITED NATIONS OFFICE ON DRUGS AND CRIME (2013). Assessment of the situation of women in the criminal justice system in Vietnam: In support of the government's efforts towards effective gender equality in the criminal justice system. Hanoi : UNODC.[Online] Available from [https://www.unodc.org/documents/southeastasiaandpacific//vietnam/publication/2014/Women\\_in\\_Justice.\\_English.pdf](https://www.unodc.org/documents/southeastasiaandpacific//vietnam/publication/2014/Women_in_Justice._English.pdf) [Accessed 15 June 2014]

UNITED NATIONS OFFICE ON DRUGS AND CRIME (2014b). VNM/K16- HIV prevention, care, treatment and support in prison including pre-trial detention centers in Vietnam. [Online] Available from [https://www.unodc.org/southeastasiaandpacific/en/Projects/2010\\_08/hiv.html](https://www.unodc.org/southeastasiaandpacific/en/Projects/2010_08/hiv.html) [Accessed 15 July 2014]

# 11

## **A Comparison of Treatment of Prisoners and Non- Custodial Measures in ASEAN**

## Comparative Summary

The term similarity with uniqueness can be used to describe the correctional system in ASEAN. Political system and historical background play an important role in shaping the system. Countries colonized by Britain, i.e. Singapore, Malaysia and Brunei, demonstrate the British philosophy in managing prisons. That is, prisons are administered by a superintendent with delegated authority from the headquarters. Prison buildings are with reference to that of the British. Meanwhile, Indonesian prisons are influenced by the Dutch and the Philippines' by the Spanish and American. Prisons in Vietnam and Laos, on the other hand, reflect the philosophy of communism.

When looking at the operational aspect, all countries adhere to the fundamental ideology of prisons, which include prison buildings, staff, prisoners and regime. The extent of practice, however, creates the uniqueness of each country. While some focus heavily on prison control and order, many actively encourage prisoner rehabilitation.

In addition, the findings indicate the shared challenges among ASEAN countries, in particular HIV infected prisoners and prison overcrowding. Most countries, i.e. Thailand, Indonesia and Philippines, opted for early release as an administrative mechanism to relieve overcrowding prisons. Singapore, on the other hand, develops successful preventive tools, SCORE and CARE network, to deter people from reoffending and coming back to prisons. Having said that, there is no right or wrong answer. Strategies used depend very much on the context on the countries as demonstrated in previous chapters.

Following tables are to compare and contrast the correctional system of ASEAN countries in 5 aspects: fundamental operations; treatment of specific prisoners; treatment of prisoners with non-custodial measures; organization management; and best practices.

**Table 1: Fundamental operations**

Treatment of Offender	Brunei	Cambodia	Indonesia	Laos	Malaysia
<b>1. Classification / Type of Prisoners</b>	<p>4 types of prisoners in Brunei:</p> <p>1) Young Prisoners Class: convicts who are under 17 years old. They are marked with “Y.P.” on their uniforms.</p> <p>2) Star Class: first-time and well-behaved convicts with no vicious tendencies or habits. They are marked with a red spot on uniforms.</p> <p>3) Ordinary Class: all other convicted prisoners. They are marked with a black spot on uniforms.</p> <p>4) Unconvicted Class: all debtors, remandees, awaiting trials, vagrants, and</p>	<p>There are two main categories of prisoners in Cambodia: Convicted and Remand prisoners.</p>	<p>- Class I prisons : with capacity of more than 500 inmates - Class I prisons have maximum security areas, and prisoners with long sentences or death sentences are sent here.</p> <p>- Class II prisons : with a capacity of 250-500 inmates; and</p> <p>- Class III prisons : with a capacity of up to 250 inmates.</p>	<p>A background check, which will be recorded on prison records.</p> <p>No classification process is performed. Or at least the data are not available. Prisoners are incarcerated in the same cell regardless of their offense and background.</p>	<p>Progressive Stage System;</p> <p>1) Convicted: prisoners</p> <p>2) Unconvicted: debtors, remandees or persons awaiting trial, person detained for safe custody or person who have not been convicted.</p> <p>3) Young prisoners: below 21 years old</p> <p>4) First time offenders</p> <p>5) Reoffenders</p> <p>6) Escapees: include all former escapees from prison or other authorities</p>



Treatment of Offender	Brunei	Cambodia	Indonesia	Laos	Malaysia
	persons detained for safe custody or for warranty.				
<b>2. Programs/ Vocational Trainings</b>	<p>Every prisoner is required to work on a useful task, except prisoners deemed by medical staff unfit to work.</p> <p>Grade A Being highly skilled at trade and showing excellent conduct (Highest Grade)</p> <p>Grade B Being skilled at a trade but have not reached a degree of (Intermediate Grade) proficiency to be Grade A</p> <p>Grade C All other prisoners who are eligible to the Earning Scheme (Normal Grade)</p>	<p>There are various programs such as sewing, technical courses, carpentry courses, agricultural courses, cultivation courses, art courses.</p> <p>Education</p>	Vocational training/Education	handicraft training, especially wood handicraft/ Education	<p>Convicted prisoners are required to do any type of labor.</p> <p>The prisoners' skill are classified into four grades namely grade A, B, C and D. Grade 'A' prisoners are highly skilled, while grade 'D' prisoners are basic grade</p> <p>The self-sufficiency and large scale production program</p> <p>Education in prison</p>

Treatment of Offender	Brunei	Cambodia	Indonesia	Laos	Malaysia
<b>3. Welfare/Medical Treatment</b>	<p>Accommodation / food /diet</p> <p>In Brunei's prisons, both medical and dental officers work inside prisons daily.</p>	<p>Food/Water</p> <p>Each prison has doctors, nurses and medical staff who take care of all prisoners within the prison and there are also medical units.</p>	<p>The Department of Corrections announces that 2013 is the year of a good healthcare service for prisoners. This service cover the following activities:</p> <ul style="list-style-type: none"> <li>• Standardization of medical treatment;</li> <li>• Facilities and infrastructure for the treatment of prisoners;</li> <li>• Healthcare services; and</li> <li>• Sanitary and environmental health.</li> </ul>	<p>food and water as well as , including medical services</p> <p>a sundry shop where prisoners can purchase supplements for their meals</p> <p>in cases where the prisoner is seriously ill, they will be sent to get treatment at an outside</p>	<p>Accommodation /Clothing/Diet</p> <p>If possible, each prison shall have a resident medical officer who shall attend the prison daily.</p>
<b>4. Visit</b>	<p>Normal Visits / Legal Visits / Police Visits/ Consular Visits / Special Visits/ letter / telephone</p>	<p>visits / letter / telephone</p> <p>payment for special visit privileges</p>	<p>Family visit/ letter/legal visit</p>	<p>Political prisoners are only allowed visit from members of their family.. NGOs and humanitarian organizations are</p>	<p>visits / letter / telephone/video-conference visit</p> <p>Normal visit/</p>

Treatment of Offender	Brunei	Cambodia	Indonesia	Laos	Malaysia
		Foreigners can communicate with their families through embassies and consulates		given limited visitation right access to political prisoners in Laos.	Legal adviser visit/Police officer visit/Sick prisoners
<b>5. Other benefits</b>	Rehabilitation programs include psychological rehabilitation; moral rehabilitation; Civic Rehabilitation by organizations both governmental agencies and private sector; and social rehabilitation.	Exercise/ sport activities  Pre-release preparation		religious activities	Comprehensive Prisoner Development Program (CPDP)  Halfway Houses

Treatment of Offender	Myanmar	Phillipines	Singapore	Thailand	Vietnam
<b>1. Classification / Type of Prisoners</b>	<ul style="list-style-type: none"> <li>• Special Class – who are to be given precisely the same privileges and treatment as A-Class and B-Class convicted prisoners (e.g. The same meals shall be received as the B-Class convicted prisoners)</li> <li>• Ordinary Class - who shall be given precisely the same privileges and treatment as B-Class and C-Class convicted prisoners (e.g. the same meals shall give as C-Class</li> </ul>	<p>Prisoner classification is conducted by an independent, the Reception and Diagnostic Center (RDC).</p> <p>The newly received prisoners are classified according to the security status: Maximum/Medium/Minimum</p> <p>After that, there are various criteria to determine their status.</p>	<p>Class A – Prisoners who are in the low risk category and require low maintenance, who are unlikely to reoffend.</p> <p>Class B - Prisoners with moderate risk and require moderate maintenance, who tend to reoffend.</p> <p>These prisoners should be put on rehabilitation programs.</p> <p>Class C – Prisoners who are at high risk and need high maintenance. This group tends to reoffend although they are provided</p>	<p>- The convicted prisoners can be classified into 6 classes:</p> <ol style="list-style-type: none"> <li>1. Excellent</li> <li>2. Very Good</li> <li>3. Good</li> <li>4. Moderate</li> <li>5. Bad</li> <li>6. Very Bad</li> </ol> <p>- Class promotion</p> <p>- Class retrogression</p>	<p>-Female Inmates</p> <p>-Minor Inmates</p> <p>-Foreign Inmates</p> <p>-Inmates with extremely dangerous infectious diseases</p> <p>-Inmates showing signs of suffering from mental illnesses or another disease that deprives them of their proper judgment or to be non-compos mentis</p> <p>-Inmates who repeatedly violate detention regulation</p>

Treatment of Offender	Myanmar	Phillipines	Singapore	Thailand	Vietnam
	convicted prisoners receive)  • Special civil prisoner  •Ordinary civil prisoner		rehabilitation programs.		
<b>2. Programs/ Vocational Trainings</b>	All sentenced prisoners under sentence are required to work.  Education	six major reformation programs/Education	Religious Counseling / Social Counseling / Education/ Life Skills Program / Specialized Treatment Program / Family Involvement Program / Peer Support Group / Singapore Cooperation of Rehabilitation Enterprise (SCORE)	Training and Vocational Training/ Education / Prisoner Work	They are required to work on weekdays and have holidays on weekends./ 8 hours per day
<b>3. Welfare/Medical Treatment</b>	The Myanmar Correctional Department has	Pre-release and post-release assistance	Prisoner Accommodation/ Medical Services	the Requisite Development Project for Prisoners	Accommodation/clothing/ various medical programs /diet/recreation/

Treatment of Offender	Myanmar	Phillipines	Singapore	Thailand	Vietnam
	put effort into the prevention and cure of HIV/AIDS and severe Tuberculosis with the assistance of INGOs and NGOs.	Examined by medical and mental specialists at the Reception and Diagnostic Center (RDC)  The medical facilities in prison settings are a 500-bed hospital located at New Bilibid Prisons (NBP); and 6 mini-hospitals (clinics) located at 6 other prisons and penal farms.	and Hygiene/ Food / Clothes and bedding / Recreation and activities/ Prisoner welfare shop	(5 standards) Entrepreneurship fund; Transportation fee ; Social welfare for elderly prisoners ; Social welfare for the prisoners' children ; Establishment of the welfare foundation for the prisoners ; Correctional Hospital	
<b>4. Visit</b>	visits / letter / telephone	- Visitor lists - Sundays to Thursdays from 9:00 a.m. to 3:00 p.m - Conjugal visits - Visit by legal counsel - internet freedom	All prisoners are allowed to contact their families, including relatives and friends through many channels such as by letter, phone and prison visits./	Visitation, Mail, Phone calls	visits / letter / telephone/ The procedure for visiting foreign inmates is slightly different. The application for visits must be written in Vietnamese and it must be certified by the consular office.

Treatment of Offender	Myanmar	Phillipines	Singapore	Thailand	Vietnam
			Internet Home Tele-Visit		
<b>5. Other benefits</b>		Inmate Complaints and Information and Assistance Center (ICIAAC)	Community Action for the Rehabilitation (CARL); Yellow Ribbon Project; Grievances through the committees of Visiting Justice . Pre- release Preparation		

**Table 2: Treatment of Specific Prisoners**

<b>Treatment of Specific Prisoners</b>	<b>Brunei</b>	<b>Cambodia</b>	<b>Indonesia</b>	<b>Laos</b>	<b>Malaysia</b>
<b>1. Female Prisoners</b>	<p>Matrons are assigned to supervise female prisoners in women prisons.</p> <p>Generally, the mothers are allowed to raise their babies in designated cells/blocks for a period of no more than 2 years.</p>	<p>Female prisoners are separated from male prisoners. They are sent to Correctional Center 2. This place is specifically used for female prisoners in custody and juvenile offenders.</p> <p>Pregnant prisoners are provided treatment whilst living in prisons, and separated from other female prisoners.</p>	<p>The model prison for women, Tangerang, built in 1980 outside Jakarta, has a capacity of 250 female prisoners.</p>	<p>A separate section in prison</p> <p>Provided with specific needs items during incarceration such as sanitary napkins.</p> <p>Pregnant prisoners are allowed to remain outside to give birth and taking care of their infants.</p>	<p>As of 2012 only in Kota Kinabalu was the women's prison building separated from male building.</p> <p>Children under three years old may be admitted to the prison with his/her mother under the approval of the director general.</p>
<b>2. Young Prisoners</b>		<p>Cambodia currently has no special justice system for juveniles. Therefore, juvenile offenders have to be tried in adult courts and there are no</p>	<p>The Indonesian prison regulations, the incarceration of segregate juveniles offenders are separated from adult.</p>	<p>conditional release of children when requested by re-education centers or found good behaviors found.</p>	



Treatment of Specific Prisoners	Brunei	Cambodia	Indonesia	Laos	Malaysia
<b>3. Sick Prisoners</b>	<p>Medical officers shall see every prisoner weekly and visit those in close confinement daily.</p> <p>Medical officers shall report to responsible authority when there is a prisoner suffered or likely to suffer from a mental injury, or those with mental disorder are present.</p>	<p>alternatives for juvenile offenders.</p> <p>Ministry of Health. In the case of HIV positive and prisoners who have TB, the Ministry of Interior and Ministry of Health is working together to set a Standard of Operating Procedure for HIV, STI and TB and HIV Prevention, Care, Treatment and Support in prisons (And Correctional Centers).</p>	<p>A survey study which looked at HIV and syphilis from a biological and behavioral perspective was piloted on random samples of 900 male and 402 female prisoners in 2010 from 18 general prisons and detention centers in Indonesia.</p>	<p>separated from other prisoners</p>	
<b>4. Death Row Prisoners/Violent Prisoners</b>	n/a	n/a	<p>The Indonesian law retains the death penalty. In addition to political subversion, murder, narcotics dealing, hijacking and numerous other</p>		

Treatment of Specific Prisoners	Brunei	Cambodia	Indonesia	Laos	Malaysia
			offenses are punishable by death.		
<b>5. Others (i.e. Muslim Prisoners, Political Prisoners)</b>	Pusat Al-Islah Drug Rehabilitation Center was transferred from Brunei Prisons Department to Narcotics Control Bureau in 2008. This center adopts Therapeutic Community (TC) as the rehabilitation method, mainly for the treatment of Amphetamine and other related substances.	n/a	In Indonesia, only the Class I prisons such as the Cipinang Prison, the Malang Prison and the Kalisosok Prison take in custody political prisoners.  In some areas such as Kalisosok and Wirogunan, religious education is required.	The Somsanga Treatment and Rehabilitation Center provided basic treatment services for drug prisoners. Vocational trainings and occupational therapy activities are managed.	Rehabilitation modules i.e. modules for sex offenders, drugs trafficking offenders, general criminal offenders and white collar crime offenders.  Elderly prisoners: the term “elderly” prisoner’s means prisoners who are over 60 years old.

Treatment of Specific Prisoners	Myanmar	Philippines	Singapore	Thailand	Vietnam
<b>1. Female Prisoners</b>	Strictly no female prisoners shall be liable to punishment with handcuffs, or fetters, or to whipping.	Correctional Institutions for Women (CIW)  Special accommodation for pregnant inmates	Female prisoners in Singapore are a small group compared to male prisoners. Changi Women's prison (CWP) is the only female prison in Singapore.	Bangkok Rules	No specific correctional facilities for woman prisoners, each correctional facility has separate units for woman prisoners. pregnant prisoners may be allowed to postpone their imprisonment.
<b>2. Young Prisoners</b>	Male prisoners under the age of 21 years old shall be contained separate from adult prisoners.  Female juvenile prisoners may be contained in the female ward allotted to casual prisoners.	Sent to youth rehabilitation centers  The Department of Social Welfare and Development (DSWD) supervises the regional rehabilitation centers for youth offenders through the Bureau of Child and Youth Welfare.	This group of offenders is out of not under the responsibility of control from the Singapore Prison Service. Singapore Prison Service takes in control offenders that are above 21 years old.	3 young correctional institutions	The law referred to minors to as pupils who should be sent off to the Reformatory to be reformed.
<b>3. Sick Prisoners</b>	Ministry of Home Affairs takes part in the HIV Myanmar National Strategic	zero prevalence of HIV cases in prison settings	If they prisoners need to get specific treatment from outside, the prison	HIV prevention tests within prisons	The number of prisoners with HIV and AIDs are

Treatment of Specific Prisoners	Myanmar	Philippines	Singapore	Thailand	Vietnam
	Plan and Operational Plan on HIV and AIDS 2011-2015.		administrators may make an order for their removal to government hospitals.		relatively high in Vietnamese prisons
<b>4. Death Row Prisoners/Violent Prisoners</b>	n/a	n/a	n/a	Maximum Super Maximum security	n/a
<b>5. Others (i.e. Muslim Prisoners, Political Prisoners)</b>	n/a	228 political prisoners held with the general inmate population in the maximum-security area	In case of prisoners who are addicted to drugs, they are provided specific treatment for drug addiction in 4 main steps.	plans and programs for disabled prisoners: Elderly prisoners	

**Table 3: Treatment of prisoners with non-custodial measures**

<b>Treatment of prisoners with non-custodial measures</b>	<b>Brunei</b>	<b>Cambodia</b>	<b>Indonesia</b>	<b>Laos</b>	<b>Malaysia</b>
<b>1. Parole</b>	<p>Parole system is about to be used in the correctional system.</p> <p>Remission may be granted to prisoners who have imprisonment sentences of more than one month. The maximum remission received is one third of the sentence.</p>	<p>Normally, each prison has a committee chaired by the warden, which monitors and reviews prisoners' behavior and performance. This committee can propose a sentence reduction or abolition.</p>	<p>The Indonesian correctional system has closely been connected with probation service and parole system thorough the Probation and Parole Board.</p>	<p>conducted by the court</p>	<p>Prisoners serving a minimum of one year imprisonment will be eligible for parole.</p>
<b>2. Pardon/ Grievance</b>	<p>Grievances to the King/ Visiting Justices</p>	<p>Detainees have the right to file a complaint addressed to a prison director or the General Department of Prisons, a prosecutor, General Prosecutor attached to Court of Appeal on cases of</p>	<p>the President may grant clemency and rehabilitation under the recommendation of the Supreme Court.</p> <p>In Article 14, Correctional Law No. 12, 1995 on</p>	<p>Royal Pardon in Laos is conducted once per a year on the national day.</p> <p>Requests are sent to appropriate authority without checking</p>	<p>Prisoners may make the complaint to the visiting justice, director general or officer-in-charge.</p> <p>Malaysian Federal Constitution, the Yang di-Pertuan</p>

Treatment of prisoners with non-custodial measures	Brunei	Cambodia	Indonesia	Laos	Malaysia
		<p>abuse by prison staff or by other detainees.</p> <p>Sentence Reduction and Amnesty on national occasions such as Khmer New Year, Visakabochea Day and Water Festival, including Pchum Ben ceremony (religious day)</p>	<p>Corrections explicitly mentioned a number of rights of prisoners; one of them is the right to file a complaint.</p>	<p>Direct complaints to inspectors</p>	<p>Agong has power to grant pardons.</p>
<b>3. Transfer</b>	<p>International Transfer of Prisoners Order 2011 has come into effect in 2011 allowing prisoners to be transferred between Brunei and prospective countries.</p>	<p>Cambodia has signed the agreement with Thailand, China, Laos, Australia</p>	<p>Australia, Hong Kong, Iran and Brazil have approached the Justice and Human Rights Minister, Patrialis Akbar on prisoner-transfer agreements.</p>	<p>When prisoners request a transfers to another prison, prisoners need to spend their money on relevant expenditure.</p>	<p>The International Transfer of Prisoner Act 2012 was published in the Malaysian government gazette on the 21st February 2013. The government plans to complete ratifying relevant treaties with interested countries in 2014.</p>

Treatment of prisoners with non-custodial measures	Brunei	Cambodia	Indonesia	Laos	Malaysia
<p><b>4. Other alternative measures i.e. probation and community corrections</b></p>	<p>There are two pieces of legislations on probation for adult and young offenders namely the Offenders The probation system is a collaboration between the Police Department, Narcotics Control Bureau, Attorney General's Chambers, The Magistrate's Court, Department of Community Development, Ministry of Culture, Youth and Sport and Probation and Community Service Unit.</p>	<p>There is no probation system or imprisonment in the community corrections.</p>	<p>The probation period for crimes and misdemeanors described in articles 492, 504, 505, 506 and 536 is at most three years, for other misdemeanors it is at most 2 years.</p> <p>Community based corrections</p>	<p>no full system of probation in Laos</p>	<p>Correctional volunteers club was established to help rehabilitation of inmates in prisons.</p> <p>A Compulsory Attendance Order is an alternative to imprisonment which the court may issue to offenders. Under the order, the offenders are required to undergo compulsory work for 4 hours a day of no more than 3 months duration. The location of the work will be determined by the Compulsory Attendance Officer.</p>

Treatment of prisoners with non-custodial measures	Myanmar	Philippines	Singapore	Thailand	Vietnam
<b>1. Parole</b>	To date, information regarding parole and the conception of parole is very new to Myanmar correctional system. There is no reference of parole in any publication or law.	Parole and Probation Administration (PPA).	Conditional Remission System (CRS)/ Mandatory Aftercare Scheme (MAS)	Parole is an administrative tool a legal right initiated stipulated in by the Prison Act (2479 B.E.) section 32(5)	
<b>2. Pardon/ Grievance</b>	It is important that every complaint made by a prisoner should be heard carefully.  High Court may recommend a pardon for any prisoner.	The Board of Pardons and Parole recommends parole and pardon privileges to the President of the Republic of Philippines.	the committees of Visiting Justice	- a complaint or a grievance to the authorized officers orally or by letter - Individual Royal Pardon - Collective Royal Pardon	Amnesty
<b>3. Transfer</b>	The Inspector-General may order the removal of prisoners from one prison to another prison within the country; also regulate all details regarding	Conducted upon the recommendation of Chief Executive Officer (CEO)	There is no treaty for prisoners to transfer between Singapore and Thailand.	At present Thailand has made treaties agreement of for prisoner transfer with 35 countries.	n/a



Treatment of prisoners with non-custodial measures	Myanmar	Philippines	Singapore	Thailand	Vietnam
	the prisoner transfer to transportation				
<b>4. Other alternative measures i.e. probation and community corrections</b>	n/a	Supervised by the probation administration  Volunteer Probation Aide (VPA) Program	Probation of Prisoners Act. Probation in Singapore is supervised by the Probation Service / Community Court	Good conduct allowance; Probation Probation service is under the administration of conducted through the Department of Probation.	Probation / Non-Custodial Reform Suspension of sentence

**Table 4: Organization Management**

<b>Organization Management</b>	<b>Brunei</b>	<b>Cambodia</b>	<b>Indonesia</b>	<b>Laos</b>	<b>Malaysia</b>
<b>1. Vision/Mission</b>	<p>Mission To protect society with safe humane custody and ideal rehabilitation of offenders to become useful and responsible members of society</p> <p>Vision To be an excellent rehabilitation institution</p>	<p><b>Mission &amp; Vision</b> “To try to change the prison from just a place where a prisoners is incarcerated to a place where a prisoner is rehabilitated”</p>	<p><b>Vision</b> The Indonesian correctional system is an institution with social accountability and transparency for the delivery of correctional works by professional staff under related laws and regulations.</p> <p><b>Mission</b> Their principal mission is to transform offenders to become better human beings and to help them realize their mistakes, reform themselves and not to reoffend.</p>		<p>Vision “To be a world class correctional organization by 2020”</p> <p>Mission “We protect the community by providing a secure attachment and effective rehabilitation programs.”</p>
<b>2. General Director’s authority and responsibility</b>		<p>The head of the General Department of Prisons is the Director General. There are 6 Deputy Directors General.</p>	<p>Directorate General of Corrections is the executive position and is responsible to the Minister of Justice and Human Rights. Directorate General</p>	<p>The leader head of the Department of Prison police is the Director General. There are the Deputy Directors</p>	

Organization Management	Brunei	Cambodia	Indonesia	Laos	Malaysia
			of Corrections has the task of formulating and implementing policies and technical standardization in the correctional field.	who work as the assistants for the administration.	
<b>3. Personnel Management</b>	<p>Brunei Prisons Department has approximately 600 staff (Brunei Prisons Department, 2013). There are two categories of staff, uniform and civilian who support multi-functioned tasks of the department such as administration, securities, ounseling, or instructing.</p> <p>Brunei Prisons Department divides its career path into two main levels namely operational</p>	<p>Nowadays there are 2,316 officials who are working in the prison system throughout the country. 2,056 officials are working directly in the centers or prisons. The ratio between officers and prisoners is 1 to 6.</p> <ul style="list-style-type: none"> <li>• Premier class officers who will attend the training course in Police Academy.</li> <li>• The medium class which will attend a course in Vietnam.</li> </ul>	<p>At the national level, there are 10,270 custodial officers working in prisons. In general, prison officers and their families are given special rice allotments, as a supplement or welfare to their salary.</p>	<p>Training courses are provided for correctional officers. The correctional officers work as police officers which is another function of the officers.</p> <p>Cooperation between Lao PDR authorities and Vietnamese authorities under a Cooperative Agreement on Training.</p>	<p>3 levels of entry position, namely:</p> <p>(1) Warden (Perlantikan sebagai wader - KX17) - for Malaysia certificate of education holders</p> <p>(2) Inspector of Prisons (Perlantikan sebagai Inspektor Penjara -KX27) - for higher school certificate or diploma in public administration</p> <p>(3) Deputy Superintendent of Prisons (Perlantikan sebagai Timbalan Penjara - KX41) - for degree holders</p>

Organization Management	Brunei	Cambodia	Indonesia	Laos	Malaysia
	and administrative levels.	<ul style="list-style-type: none"> <li>• GDP officers will be given a training course at law school.</li> </ul>			
<b>4. Relevant Legislations</b>	Prison Act (1979) amended twice in 1985 and 1989  Penal Codes  Criminal Procedure Act	<ul style="list-style-type: none"> <li>• The Constitution of Kingdom of Cambodia</li> <li>• The Criminal Code of Kingdom of Cambodia</li> <li>• The Criminal Procedure Code of Kingdom of Cambodia</li> <li>• The Law on Prisons</li> <li>• The administration of prisons in Cambodia was based on Parkas No. 217 on the Administration of Prisons and Prison Procedures dated July 31, 1998 of Ministry of Interior</li> </ul>	<ul style="list-style-type: none"> <li>• Corrections Act No. 12/1995</li> <li>• Juvenile Act No. 11/2012</li> <li>• Government Ordinance No. 31/1999 Treatment of Offenders</li> <li>• Government Ordinance No. 99/2012</li> </ul>		Prison Act 1995

<b>Organization Management</b>	<b>Myanmar</b>	<b>Philippines</b>	<b>Singapore</b>	<b>Thailand</b>	<b>Vietnam</b>
<b>1. Vision/Mission</b>	<p>Mission</p> <p>The mission of the Myanmar Correctional Department is to protect society from crimes. Officially, the mission was defined in the Prison Act (1894), a prison is any jail or place used permanently or temporarily under the general or special orders of the Governor for the detention of prisoners.</p>	<p>Vision</p> <p>The Philippine correctional system vision is to promote a safer community, it adheres to international standards and represents public order.</p> <p>Mission</p> <p>Their main mission is to protect the public and prevent crimes in partnership with stakeholders by providing persons under custody with opportunities for reformation and a decent environment.</p>	<p>Vision</p> <p>“Captains of Lives in inspiring everyone, at every chance, towards a society without re-offending” /</p> <p>The mission of the Singapore Prison Service is to be a key partner in criminal justice and to protect society by ensuring the safe custody of offenders and their rehabilitation. Moreover the Prison Service works on projects to prevent crime and on the aftercare of ex-convicts.</p>	<p>Vision</p> <p>The Department of Corrections is an efficient organization to keep in custody and rehabilitate prisoners in order to return them as decent citizens to the community.</p> <p>Mission</p> <p>The Department of Corrections has a mission for providing custody and rehabilitation of offenders.</p>	n/a
<b>2. General Director’s authority and responsibility</b>				n/a	n/a
<b>3. Personnel Management</b>	For every prison there shall be some	Headed by a Director, the BuCor	HEART Value	2 groups which are the correctional	The wardens, deputy wardens, heads and

<b>Organization Management</b>	<b>Myanmar</b>	<b>Philippines</b>	<b>Singapore</b>	<b>Thailand</b>	<b>Vietnam</b>
	certain officers i.e. a Superintendent, a Medical Officer or at least there may be the Superintendent, a Medical Subordinate, a prison officer, and such other officers as the Governor thinks necessary.	has an authorized strength of 2,362 employees, 61% of whom are custodial officers, 33% are administrative personnel and 6% are members of the medical staff. As of August 2012, there were 1,711 custodial positions working in a ratio of 1:23 prisoners in each of the 3 shift duty schedule.		officers at the headquarters, accounting for 510 officers and correctional officers at prisons or the correctional institutions, accounting for 10,135.  Correctional Staff Training Institute	deputy heads of prison departments, team leaders and deputy leaders must possess university or higher degrees in public security, security or law as well as satisfying criteria set out by the government.
<b>4. Relevant Legislations</b>	<ul style="list-style-type: none"> <li>• The Prisons Act 1894</li> <li>• The Prisons Act (Act III of 1900)</li> <li>• The Identification of Prisoners Act (Act XXXIII of 1920)</li> <li>• Manual of Rules for the Superintendence and Management of Jails in Burma Part I</li> </ul>	Bureau of Corrections Act of 2013			Law on the Execution of Criminal Judgments No. 53/2010/QH12, 29th June 2010 and Decree on the Regulations for the Management of Prisoners and Diet, Clothing, Housing,

Organization Management	Myanmar	Philippines	Singapore	Thailand	Vietnam
	<ul style="list-style-type: none"> <li>• Appendix of Burma Jail Manual Part II</li> <li>• Orders, Directives and other existing laws</li> </ul>				Living, Health Care for Prisoners

Table 5: Best Practices

Best Practices	Brunel	Cambodia	Indonesia	Laos	Malaysia
<b>1. Custody and Control</b>		n/a	Good governance		
<b>2. Rehabilitation</b>	Rehabilitation framework "INVESTS"; classification and orientation	n/a		Mediation program	Community Rehabilitation Center
<b>3. Others</b>	Care Network as part of Aftercare framework.	Legal Research Department			

Best Practices	Myanmar	Philippines	Singapore	Thailand	Vietnam
<b>1. Custody and Control</b>	n/a				n/a
<b>2. Rehabilitation</b>	n/a	SHEPHERDS for young offenders  Open Prison Programs	Yellow Ribbon Project	Pre-release project	n/a
<b>3. Others</b>	n/a	Village Justice System  Halfway House  After Care Services	Human Resource Management Singapore Quality Award with Special Commendation (SQASC)	Restorative Justice	n/a



## **Research Team**

Dr.	Thitiya	Petmunee
Miss	Uruya	Krissanajinda
Miss	Chartrapee	Kanthason
Miss	Aekkamol	Luadlai