

Rome Conference Afghan Prison Update

**Prepared by International Secretariat of the Prison Working Group and the Central Prisons Department
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Need for Prison Reform

A fully functioning corrections system is an essential component of any justice system, especially in a post-conflict nation where the government is trying to re-establish the rule of law. Past experiences in peacekeeping operations have repeatedly shown that failure to support the strengthening of the corrections system has been detrimental to the reform of both the police and justice systems. An insufficient Prison system also encourages an environment for gross human rights violations. Examples of which are unlawful and arbitrary confinement, physical and sexual abuse, corruption, torture, and marginalization of vulnerable groups such as women and children. Systemic abuses often occur because of inadequate facilities and services to include poor physical infrastructure, staff pay, health services and food and water supplies.

The contributions that a fully functioning corrections system makes to public safety and protection of human rights only becomes apparent to most people when one does not exist or when noticeable examples of corruption become public knowledge and garner media attention. The absence of such a system also results in gross violations of human rights, mass escapes, and major disturbances..

Current Conditions of Prisons and Detention Centers

The Central Prisons Department (CPD) was transferred from the Ministry of the Interior to the Ministry of Justice in March 2003. This positive step, taken by the Afghan authorities, led to the loss of funding that is currently provided to the security sector by the international community. However, CPD services are critical to both security as well as a modern justice system implementing rule of law within Afghanistan. The GOA supported by the international community must ensure a fully functional correctional system. Without an effective corrections system Afghanistan will not have security, rule of law or human rights. To paraphrase Henry David Thoreau, *to know the morals of society you must go into its prisons and jails.*

There are currently 34 provincial prisons, one located in each province. However, one- half of these facilities are located in properties that do not belong to the Ministry of Justice. Most CPD prisons require urgent and substantial physical improvements in order to bring them up to basic human living conditions. Adequate, separate housing for female prisoners with children remains an issue as most prisons do not have the capacity to care for their specific needs as mandated in the Law of Prisons and Detention Centers.

There is one large detention center in Kabul. Out of 374 districts there are only 242 district detention centers, each one with very limited capacity. The majority of the centers are unable to provide for even the most basic needs, let alone meet international standards. The conditions in most of these sites are considered unacceptable, even though no formal survey or assessment has been conducted. Most of the centers do not have facilities for women who therefore, are reportedly kept in private homes of districts officials, which allows for their abuse. The percentage of detainees compared to sentenced prisoners has also grown to over 50%, as the courts have been unable to keep up with the arrest rates. Many detainees are being held illegally as the legal timeframe for the processing of their cases is often exceeded. According to CPD officials, it is estimated that out of 3,000 inmates at Pol-i-Charkhi alone, over 1,800 have not been processed within the legal timeframes.

As the rule of law steadily improves in some areas of the country, the prisoner population is increasing at an alarming rate. In 2001 there were only 600 prisoners countrywide. By March 2005 there were 5,500 prisoners and the numbers grew to over 10,400 by March of 2007. Of these 10,400, slightly over 300 were female. Most imprisoned females also have dependent children living with them. The number of children living with their imprisoned mothers almost equals the total number of women in prison.

In November 2006, CPD reported that they were unable to provide indoor sleeping accommodations for nearly 1,000 prisoners in eleven of their facilities. The prisoner population is increasing by nearly 300 prisoners per month. Do we know the break down of detention and imprisonment?

Unfortunately, government funding and international donor support has not matched even the most critical needs identified throughout the prison system in Afghanistan. The CPD has not received an equitable level of national or international support and resources compared to MCN, MOI, AGO and the Supreme Court. The national government and international donors have primarily focused their attention and resources on other branches of the justice system. As a result, prisoners continue to be housed in inhumane, deplorable conditions. The population long ago exceeded the system's ability to provide accommodations or basic services that are required by Afghan law and international standards. MOJ will not be able to meet the ANDS goals of having basic fully functioning provincial prisons, juvenile rehabilitation centers and detention centers throughout the country within the five-year timeframe identified in the Afghanistan Compact without greater international assistance.

Strategic Prison Reform Activities

In support of a system-wide reform the Government of Afghanistan (GOA), supported by UNAMA, UNODC, USA (CSSP), UK, Italy and other UN and international agencies, has adopted a strategic approach to the issue of prison reconstruction and reform in the country.

Chaired by the Minister of Justice, prison reform activities are now taking place under the Prisons Reforms Sub Working Group. Established in 2006, the Working Group has now been formalized under the Afghan Compact/ANDS Consultative Working Group on Rule of Law. This structure will provide strategic coordination of the Afghanistan Compact and ANDS on a sector-by-sector basis.

Consistent with the Afghanistan Compact and the Afghanistan National Development Strategy, the overall objective of the reforms being carried out by the working group is to have functioning prisons, including separate facilities for women and juvenile offenders, in each of the 34 provinces. Activities of the Sub Working Group have been, and continue to be, carried out within the three following pillars:

- Reconstruction and Rehabilitation of Prisons
- Training
- Administrative Reforms

Reconstruction and Rehabilitation of Prisons

Beginning in 2003, the international community began to fund some construction activities. The construction activities have increased over time and the following projects have been completed or are in progress..

- Rehabilitation of the Kabul Detention Center, (male and female)
- Refurbishment at Pol-e-Charki Prison
 - Block One, Kitchen, Visiting Area, Health Clinic and Water Supply
 - High Security Facility for High Risk Drug Offenders
 - Central Training Facility
- Counter Narcotics Detention Center (CNJC)
- Kabul Women's Detention Center and Prison
- Closed Juvenile Rehabilitation Center
- Paktya Provincial Detention Center and Prison
- Balkh Provincial Detention Center and Prison

- Wardak Provincial Detention Center and Prison
- National Corrections Academy (in Wardak)
- Helmand Provincial Detention Center and Prison
- Gereshk Detention Center
- Country-wide small projects focused on plumbing and water

The MOJ/CPD, with strong support from the international secretariat of the Prisons Working Group, has created an Infrastructure and Engineering Office. This office, that includes Afghan technical staff with international advisors, is building capacity in planning, design, and contracting services for physical infrastructure needs.

The MOJ/CPD has identified 10 prisons in need of urgent replacement. The CPD was allocated two million USD for prison construction in the current fiscal year and they had planned on building 10 prisons with this amount. However, the CPD engineering group with support of the international technical assistance, has determined that each prison will probably cost more than a million dollars. Obviously, the two million dollar allocation will not even be sufficient to build two prisons that meet basic international standards. In addition, many prisons continue to urgently require basic accommodations, drinking water supplies, kitchens, toilets and waste water disposal systems.

Training

To develop a new corrections system that supports establishment of rule of law throughout the nation, the MOJ/CPD staff must be trained to meet professional corrections standards. The training program has been developed, step-by-step, to promote respect for human rights and meet the new laws of Afghanistan.

International training assistance began in 2003 with basic legal and human rights subjects, and has progressed to a formalized national corrections training program throughout the nation. The MOJ/CPD and international corrections experts developed a combined Afghan-International curricula. This was followed by the training of MOJ/CPD trainers in modern training methodologies with the intent to establish a sustainable training program for and by Afghans.

The new National Corrections Training Program was started at the Central Training Facility in Pol-e-Charki and has expanded to four additional provinces.

Despite the progress made to-date, there remain many challenges to overcome. For example, there are a very limited number of MOJ/CPD staff to meet the current needs around the nation, much less the future needs as evidenced by the rapid escalation of the prisoner population. In addition, more staff will be required in order to improve the MOJ/CPD operational practices and to meet modern correctional standards.

There is an urgent need to increase the number of female corrections staff around the nation in order to meet the specific needs of female prisoners as defined by the laws of Afghanistan.

The serious lack of operations equipment and dilapidated facilities throughout the nation undermines the modern training programs. When staff return to their local facilities it is difficult to practice modern methodologies learned without appropriate equipment / facilities.

Administrative Reform

The status of the MOJ/CPD staff is controversial and consequently the Civil Service Commission's Priority Restructuring Reform (PRR) has not been instituted. In particular, the salaries for the staff are not included in

either LOFTA (Law Enforcement Trust Fund) or the Afghan Reconstruction Trust Fund (ARTF). The budget allocated by the Ministry of Finance to MOJ/CPD can hardly support the basic operational needs.

The salary of the corrections staff is much below those of the police and military, which undermines the recruitment and retention of qualified staff. The MOJ/CPD maintain the original military structure and status but do not receive the same benefits. For example, the entry level corrections soldier receives \$40 per month as compared to the same level of police receiving \$70 per month.

The MOJ/CPD is undergoing restructuring now as a military-civilian organization to build a modern corrections structure able to meet all organizational needs to include the care, custody and rehabilitation of the inmates.

The MOJ/CPD must be financially supported to develop and set up a fully functional corrections system that supports public safety, rule of law and human rights throughout the nation. Otherwise, an imbalance in the justice system occurs and it fails.

MOJ/CPD Financial Situation

The MOJ/CPD was provided with 10 million USD in the previous budget year. This year they were allocated 9 million USD. At the start of the previous budget year they housed 7,500 prisoners. As mentioned above, the MOJ/CPD is housing 10,400 prisoners and the number increases by nearly 300 per month, yet they were allocated 1 million USD less than last year. With this budget, the MOJ/CPD cannot provide food, bedding, clothing, medicine, health assistance, etc., for the inmates (to include the women and children).

Prison directors report that they do not receive adequate funding for food, medicine, equipment and transportation costs. Most prisons do not have vehicles and this not only impacts their operations and security, but it impacts the ability to get prisoners to court in a timely manner. The staff often go for months without salary and this encourages, if not necessitates, corruption.

To ensure that prisoners go to court or medical appointments, staff around the nation have to use taxis and private vehicles, and there are even reported cases of staff escorting prisoners on foot.

Even though approximately 70% of the MOJ budget is allocated to the CPD, it is still unable to meet the basic needs of prisoners or staff or provide the basic infrastructure to meet those needs.

Below is a list of practical objectives that must be accomplished to meet the ANDS Strategy, 2006-2010.

Benchmark 2.7.2 By end of 2010, functioning institutions of justice will be fully operational in each province of Afghanistan and the average time to resolve contract disputes will be reduced.

In order to meet Benchmark 2.7.2, a comprehensive strategy is required. This means that all sectors described above must be developed parallel to one another or the system as a whole will fail. This includes, recruitment, training, staff salaries, equipment and transportation, operational costs, etc.

Staff salaries for CPD staff remain below subsistence level while other government departments have been supplemented, especially the MOI. There are currently estimated to be 3,800 staff employed with CPD. Given the rising prison population and administrative reforms that are currently being developed, we believe a staff complement of seven-thousand (7000) will be required in the near future with further expansion predicted if the inmate population continues to rise at the current rate. The CPD is currently undergoing the PRR process and combined national and international technical teams are developing a new military-civilian structure for the CPD. In addition, properly designed and managed facilities will require additional staff in order to meet professional operating standards. Using the current MOI (police) pay scale the estimated costs of supplementing staff salaries will be approximately \$9,048,540.00 annually.

Beyond just the material needs it is necessary to ensure the laws are followed, then regulations and policies must be developed and implemented to support a modern corrections system.

Benchmark 2.7.4 - By 2010 Justice Infrastructures will be rehabilitated and prisons will have separate facilities for women and juveniles.

In order to reform the corrections system it is necessary to refurbish or replace the 31 provincial detention centers/prisons that are rented and/or severely dilapidated. The estimated cost of 31 new prisons is approximately 37.2 million USD.

While two surveys have been completed on the provincial prisons, there is very little information available on the 350 district detention centres. A nation wide survey of these facilities is urgently required before any design/construction/staffing decisions can be made. While these centers are extremely important, the first priority is to establish adequate provincial detention centers/prisons.

This estimate does not include the juvenile justice rehabilitation centers, which are a separate responsibility under the MOJ Juvenile Justice Administration. Juvenile Centers currently do meet any basic international standards and/or Afghan laws, which call for the confinement of juveniles as only a last resort for a minimum period of time. Current practices are in conflict with the law. There are now 28 juvenile facilities, of which 25 are in rented houses and three are within the boundaries of adult prisons and can mix with adult prisoners. There are 434 juveniles detained in these centers and an unknown number are housed in adult detention centers and prisons.

CPD headquarters is located in two rented buildings in Kabul. CPD requires one MOJ owned headquarters building. The estimated cost will be 900,000 USD.

Recommendations

All parties interested in public safety, rule of law and human rights in Afghanistan must ensure that the corrections system is well supported, otherwise any one or all of these sectors will be seriously compromised.

The MOJ/CPD and the PRWG recommend that the CPD receive an amount of funding equitable to the other components of the Afghanistan justice system. We estimate the total cost of bringing the CPD up to basic international standards and meeting the ANDS commitments is approximately \$111,000,000.00.

Salary costs amount to \$9,048,540.00 on a yearly basis. We recommend that these costs be covered for 3 years.

Operational shortfalls for the CPD currently are estimated at \$9,173,382.00 per year. We recommend this amount be proved for a minimum of 3 years.

The CPD is committed to meeting the ANDS objectives while adhering to international standards. They urgently require international assistance in meeting their goals.