Changing society's view of prison: A Human rights intervention

Mudando a visão da sociedade sobre a prisão: Uma intervenção em direitos humanos

Cambiar la visión de la sociedad sobre la prisión: una intervención de derechos humanos

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Good morning colleagues. I am grateful for the invitation to participate in this conference. From a decolonial perspective, I wish to make a few suggestions to disrupt our thinking around prisons and to imagine radical strategies.

First, the assumption that punishment must be a necessary response to all law violations is problematic. Many offences may be better addressed through non-punitive measures. Offences like sex work or homosexuality should never be criminalised. Society is stuck on the tradition of retribution, the biblical 'an eye for an eye', offenders must be punishment. It is a faulty premise and many people support it out of a sense of despair, not from firm conviction that it works. It satisfies society's sense of justice and prevents victims from seeking private revenge. They believe that punishment is a deterrent and will also discourage both the individual offender and others from committing crimes. The assumption is that prison is a preventive goal, where offenders are removed from society to prevent them from committing further crimes. It is also ironic that society still believes that prison reforms the offender so that they can reintegrate into society.

Angela Davis notes that "criminality" is a convenient political rationale for the warehousing of large numbers of poor, disenfranchised, and displaced non-white people. Activists refer to imprisonment as a new form of slavery, reconstructing enslavement as punishment, mass containment, the effective elimination of large numbers of subaltern people from society. A new human warehousing strategy.

The second premise that needs to be **disrupt**ed **is the words we use, the epistemologies of prisons**. Often prisoners are referred to in derogatory language with terms such as 'garbage' or 'filth'. Politicians critique prison reform during election time and view it as the state being weak on crime. In order to imagine a social landscape no longer dominated by the prison - a new vocabulary should replace the current language, which articulates crime and punishment in such a way that we cannot think about a society without criminals in prison.

Punishment is linked to poverty, racism, sexism, homophobia, migration and other modes of dominance. We need critical thinking, starting at school level, about the role of punishment, militarisation of the justice system and violence against prisoners. Community organizations can also play a role in demanding better schools, supportive welfare and wellness programmes, housing justice, social grants instead of increased prison spending. We need to disrupt not only the vocabulary but also the ideological structures around criminal justice.

The third suggestion is the need to develop the kind of analyses that **explains why people of colour predominate in prison populations** throughout the world, and how this structural racism is linked to the globalization of capital. Fay Honey Knopp's volume *Instead of Prison: A Handbook for Prison Abolitionists*, published in 1976, points out the contradictory relationship between imprisonment and an "enlightened, free society."

Without a radical position towards the prison system, we will not succeed. Prison architecture, prison surveillance, prison corporatization, prison culture, with all its racist and totalitarian implications, is getting stronger globally and ever-increasing numbers of people of colour are being imprisoned. A key question that we should ask is: Why are some lives considered more disposable than others?

Prison populations are virtually always dominated by uneducated and unemployed young men, often from minority groups. Indigenous groups are also over-represented in prison populations. For example, in New Zealand 45 per cent of prison inmates are Maori, although they comprise only 14 per cent of the population. African-Americans form 13 per cent of the population but make up 50% of the prison population.

There is a strong **correlation between socio-economic conditions and crime rates**. Poor people suffer human rights violations, including a lack of food and other basic necessities such as water. If they can't find work, or a home, or help, they are much more likely to commit crime and return to prison. Prisoners re-entry initiatives are needed to expand job-training and

placement services, to provide transitional housing, and to help newly released prisoners get mentoring. Poverty and inequality create conditions in which individuals may feel compelled to engage in criminal activity as a means of survival or social mobility. When individuals are unable to achieve culturally valued goals through legitimate means, they may resort to deviant behaviour. Areas with high levels of deprivation, particularly in informal settlements, ghettos and shantytowns or even in parts of inner-city Europe, consistently report higher incidences of property crime and violence.

Inequality exacerbates feelings of relative deprivation, where individuals compare their circumstances to those of others, fostering resentment and frustration. Impoverished neighbourhoods often lack the social cohesion and resources to prevent crime, leading to environments where criminal behaviour becomes normalised. Addressing poverty and inequality must form the foundation of any effective crime reduction strategy.

The link between prison reform and prison development - referred to by Foucault in his analysis of prison history - has created a situation in which progress in prison reform has tended to render the prison more difficult to change and has resulted in bigger, and "better," prisons.

Fourth suggestion is to **break the silence on prison culture** and shift the focus to rehabilitation and reintegration. It is extremely difficult to get information on rehabilitation programmes, because access to prisons and information about them is difficult to obtain in many countries. Because human rights abuses are common, there is a desire to keep malpractices out of the public domain. What is needed is sophisticated media resources, vigilant civil societies, Human rights organisations devoted to prison oversight, and political activists to address problems. Multiple factors cause this silence: the public's indifference, deliberate attempts to conceal what happens in prison, and limited media scrutiny. In many countries civil society is weak and media scrutiny is limited, therefore prison issues are not publicised.

The fifth suggestion is to **change society's sentiment towards prisoners**, 'lock them up and throw away the key' mentality, which often reflects an

indifference about violations. How do we change public opinion on prisons? Almost every society in the world defends prisons as a necessary societal mechanism. Punishment has become harsher over the last few years which represents an increase in a retributionist philosophy. Basically, it means revenge must be taken against prisoners. There is an increase in 'get tough' stances by governments to appease the public. The majority of people in Africa (69%) and Asia (60%) support incarceration. The move towards more draconian prison policies is attributed to public pressure – a reaction to growing crime rates – particularly in developing countries.

Most human rights organisations in African countries also have limited resources, inhibiting their ability to expose and address maltreatment. Nelson Mandela aptly wrote, 'No one truly knows a nation until one has been inside its jails. A nation should not be judged by how it treats its highest citizens, but its lowest ones' (1994: 187). Prisons don't work.

The subject of **women in prisons** has traditionally been overlooked in the academic discourse. Facilities lack appropriate provisions to allow women who are mothers to remain with their babies. Or provide the necessary physical arrangements for preventing the abuse of women (and children) by other prisoners or prison officials. Large numbers of **children** are in prison in Africa. This is troubling, because it is their developmental years. Children are being imprisoned for minor offences, including not carrying proper identification, vagrancy, begging, loitering, and truancy. Indifference to educational and developmental needs, and their emotional and physical development will impact on their lives forever.

The **conditions of prisons** and prisoners in many countries are afflicted by severe inadequacies, including high congestion, poor physical, health, and sanitary conditions, inadequate recreational, vocational and rehabilitation programmes, restricted contact with the outside world, and nearly a third of the global prison population is in pre-trial detention. In Mozambique 75% of prisoners are awaiting trial. Prisons in Equatorial Guinea are notorious for torture; food is so scarce in Zambia's jails that gangs wield it as an instrument

of power; Congo's prisons have children as young as 8; and Kenyan prisoners perish from easily curable disease like gastroenteritis. Rape is common, and given the high HIV infections, gangs use the virus as a means of control. Most prisons suffer from massive overcrowding, decaying infrastructure, guard-on-prisoner abuse, corruption and prisoner-on-prisoner violence. Malnutrition and a lack of hygiene and medical care cause many deaths. Latin American prisons hold the distinction of witnessing the worst overall and most lethal violence. The increase in suicides is directly linked to overcrowding. Repeat offences are alarmingly high, with nearly half of released prisoners reoffending within a year, for example in the United Kingdom. This suggests that incarceration often fails to rehabilitate individuals or address the underlying factors driving their behaviour. It can exacerbate socio-economic disadvantage, creating a vicious cycle of criminality. Incarceration disrupts family structures, limits employment opportunities, and stigmatises individuals, making reintegration into society challenging.

Alternatives to imprisonment—such as restorative justice initiatives and community-based interventions—have shown promise in addressing the root causes of crime while fostering rehabilitation rather than punishment. By prioritizing rehabilitation over retribution, society can work towards creating a more just system that acknowledges the complex interplay of social factors contributing to criminal behaviour.

The **ethical implications** of prisons have received little consideration, hence this conference is extremely important to explore the alignment between prisons and human rights. At the heart of the debate over prisons lies the tension between punitive measures and the dignity of individuals. Every person, whether a criminal or not, possesses inalienable rights, including the right to liberty and protection from cruel, inhuman, or degrading treatment. There are enormous benefits to a society when there is adherence to human rights in prisons. Such compliance is more likely to result in a person being reformed upon release together with benefits to public safety.

A more effective strategy would involve **tackling structural conditions** that contribute to crime. Increasing access to education, affordable housing, and employment opportunities, have been shown to lower crime rates. For example, longitudinal studies in Scandinavian countries, where social welfare systems are robust, demonstrate a correlation between reduced inequality and lower incarceration rates. While the context in postcolonial countries differs, implementing similar initiatives could yield positive results. Community-based programmes that provide support for at-risk youth, such as mentoring or vocational training, address crime before it occurs.

Restorative justice approaches, which focus on repairing harm rather than punishing offenders, could serve as an alternative to imprisonment in less severe cases. It can reduce reoffending rates by fostering accountability and dialogue between offenders and victims. Such approaches, however, require investment in infrastructure and training, which again points to the need for a reallocation of resources away from incarceration and towards systemic reform. Ultimately, prioritising these alternatives would signal a societal commitment to addressing the root causes of crime rather than merely its symptoms.

Provide psycho-social support. The psychological toll of incarceration cannot be understated. There is a marked increase in severe mental health deterioration, including anxiety, depression, and psychosis. Prisoners with mental health conditions are often forced to endure trauma and inadequate treatment when, instead, treatment in community settings could offer a better alternative. They could be safely diverted to places with clinical support, rather than be locked up. These conditions position incarceration as a form of state-sanctioned cruelty rather than a means of justice. Studies show that prisoners carry over the violent behaviour learned in prisons into society upon their release. It gives credence to public perceptions that prisons are 'universities of crime'.

Incarceration functions as a terrible solution to problems associated with drug use. In drug ridden spaces, like the cape flats in south Africa, the state has responded with punitive drug laws and increased incarceration, but

has not made enough investment in treatment, health care, employment, and housing.

Given the proper support and opportunities, all people are capable of growth and change. Incarcerated people who participate in **education programs**, for example, have 48 percent lower odds of returning to prison than those who do not.

Retrained staff focus on restorative processes that help people repair harm and realize their potential through education, mentorship, accountability, and family engagement.

The big lie is that the worse we make prisons, the less prisoners we'll have, because they won't want to end up there. They think people won't want to go there if we make them like a hellhole. The problem with that is, it doesn't work. Options that aid rather than punish are often cheaper and more effective

Finally, the **romanticisation of the prison system** is a major challenge globally and it is reinforced by a whole genre of prison movies, for example, the Oz series based on a New York prison, countless documentaries on the world's worse prisons, and Hollywood's churning out of B-grade films on prisoners featuring explicit content and violence. For the general public, the romanticisation of prisons in social media justifies human rights violations against prisoners. By focusing on idealized narratives, romanticisation creates a false impression of life within prisons, undermining efforts to uphold the fundamental rights of inmates. Idealising punitive measures or the idea of tough justice can justify harsh treatment, emphasize punishment and diminish the inherent human rights of inmates and the need for them to be treated with dignity.