



▶ Early Access to Legal Assistance

▶ Effective Alternatives to Pretrial Detention

▶ Accessible, Fair and Transparent Justice Systems

TACKLING THE ENTRY POINT TO THE CRIMINAL JUSTICE SYSTEM

Every day, an estimated **3.2 million** people around the world are behind bars awaiting trial. Many will spend months, or even years in detention before they appear in court and are often kept in worse conditions than sentenced

prisoners. The consequences for detainees are severe including exposure to torture, disease and corruption; but repercussions are felt far beyond the holding cells and many poor families slip deeper into poverty.

In Sub-Saharan Africa the picture is characterised by relatively low imprisonment rates but high percentages awaiting trial, lengthy remand periods, high overcrowding and widespread detention for minor crimes. Statistics are available for 45 countries in the region: in 32 countries more than 30% of the prison population is in pretrial detention; in 19 countries the figure is over 50%; and in 8 countries over 70%. Overcrowding is severe with occupancy rates as high as 200-400% in some prisons.

Corrections Bear the Brunt

Prisons are bound by, and affected by all the decisions upstream in the criminal justice system. Thus correctional services bear the brunt of the overcrowding, the

consequent social and health problems and the real or perceived unfairness of the system.

Effective Solutions

Projects are being piloted across the region targeting the pretrial stage and building mutually reinforcing relations between prisons and civil society organisations. Initiatives include:

- **Early access to legal assistance:** paralegals play a pivotal role through the provision of basic legal information and advice. They are stationed in prisons and at police stations and help detainees navigate the criminal justice system. They are able to weed out unfounded cases, assist with bail applications and help trace sureties.
- **Chain-linked initiatives:** ensure that there is a regular, coordinated approach amongst all the actors in the criminal justice system.

- **Diversion programs:** minor offences can often be efficiently tackled through diversion programs especially where cases involve young people.
- **Effective alternatives to pretrial detention:** can be promoted including supervision programs and the use of non-monetary bail.

Organizations are working together to pilot these initiatives, in collaboration with justice sector institutions and supported by research and advocacy. This forms part of a global effort to reduce unnecessary and arbitrary pretrial detention, to promote effective alternatives and ensure early access to legal assistance.

Information and Contacts

Information can be found on the regional resource portal Pretrial Justice in Africa www.ppja.org and for information on the Global Campaign for Pretrial Justice contact Kersty McCourt kmccourt@justiceinitiative.org.

For country specific information please contact any of the organizations present at the ACSA conference and active on pretrial justice reform: **Kenya:** Independent Medico Legal Unit (IMLU), Muslims for Human Rights (MUHURI), RODI, **Malawi:** Paralegal Advisory Service Institute (PASI),

Uganda: Foundation for Human Rights Initiative Paralegal Advisory Service, **South Africa:** African Policing and Civilian Oversight Forum and Community Prison Reform Initiative and **Zambia:** PRISCCA and the Paralegal Alliance Network.