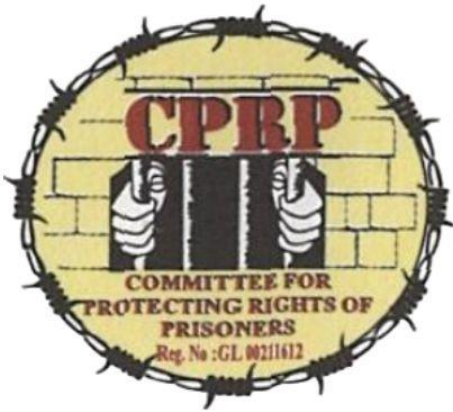




IMPROVING SRI LANKA'S PRISONS SYSTEM

REDUCING OVERCROWDING AND HELPING INMATES
REBUILD THEIR LIVES
(Brief Report)

Prepared By :

**Commitee for Protecting Rights
of Prisners**

Presented to:

Hon. Harshanna Nanayakkara, Minister of Justice and
National Integration

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011-2672787
cprp@gmail.com

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Executive Summary

The Sri Lankan prison system is in urgent need of comprehensive reform. Long neglected and marginalized, the system has deteriorated significantly, leading to severe challenges that undermine both the rights and dignity of prisoners. Despite the principle that "Prisoners are Human Beings," the reality within Sri Lanka's prisons tells a different story one of immense suffering and systemic failure. With the prison system on the verge of collapse, the Committee for Protecting Rights of Prisoners, a civil society organization dedicated to advocating for prisoners' rights, presents this brief report to propose actionable reforms aimed at addressing these critical issues.

This brief report highlights the pressing need to tackle prison overcrowding, improve living conditions, and promote inmate rehabilitation. It also emphasizes the importance of addressing the rights and working conditions of prison officers, as their well-being is integral to the overall improvement of the prison system. Without prioritizing the rights of both prisoners and officers, sustainable reform cannot be achieved.

Key areas of focus include:

- Reducing overcrowding through immediate and long-term measures.
- Enhancing rehabilitation programs, including vocational training and mental health support.
- Strengthening accountability mechanisms and improving working conditions for prison officers.
- Aligning Sri Lanka's prison policies with international standards, such as the UN Nelson Mandela Rules and Bangkok Rules.

The Committee for Protecting Rights of Prisoners respectfully invites feedback, comments, and suggestions on this brief report. We believe that collaborative efforts between civil society, government authorities, and other stakeholders are essential to transforming Sri Lanka's prison system into one that upholds human rights, ensures justice, and fosters rehabilitation.

Together, we can work towards a prison system that truly reflects the principle that "Prisoners are Human Beings" and create a more just and humane society for all.

1.Introduction

Prison reform has emerged as a critical concern in various jurisdictions across Sri Lanka. While the need for reform has been acknowledged in principle and efforts have been ongoing for many years, progress has been slow due to numerous challenges. Addressing these issues within the prison system requires the identification of priority areas for reform and alignment with existing international laws and standards.

To facilitate meaningful reform, it is essential to consider formalizing the Department of Prisons by establishing a dedicated service, such as the Sri Lanka Correctional Service. This initiative would ensure compliance with international norms and enhance the administration of prisons.

Key international regulations and standards for prison administration include:

- The UN Standard Minimum Rules for the Treatment of Prisoners (Nelson Mandela Rules)
- The UN Rules for the Treatment of Women Prisoners and Non-Custodial Measures for Women Offenders (Bangkok Rules)
- The UN Standard Minimum Rules for the Administration of Juvenile Justice (Beijing Rules)

By adopting and adhering to these frameworks, Sri Lanka can promote a more humane, effective, and modern correctional system. This report will explore the priority areas for prison reform in Sri Lanka, emphasizing the importance of aligning national policies with these international standards.

2. Priority Areas for Prison Reforms in Sri Lanka

Prison overcrowding remains a severe issue within Sri Lanka's prison system. Overcrowded wards force many new remandees to stand all night due to a lack of space to sleep. Some are even compelled to sleep near or inside toilet areas, highlighting the dire conditions. According to the 2023 Annual Report of the Department of Prisons, the overcrowding rate in 2022 was identified at 111%. Furthermore, the UN Special Rapporteur on Torture, Inhumane, Degrading Treatment, and Punishment reported during a 2016 mission to Sri Lanka that overcrowding levels in some prisons, such as the Vavuniya Remand Prison, exceeded capacity by 200% to 300%. This extreme overcrowding has contributed to severe consequences, including increased death rates, riots, and significant health problems among inmates.

2.1 Immediate actions to Be Taken to Reduce Prison Overcrowding

Establish Separate Centers for Convicted Narcotics Offenders

There has been a gradual increase in convictions for narcotic drug offenses. In 2019, 51.9% of convicted prisoners were incarcerated for dangerous drug offenses. Among these, 40.6% were first time offenders, 33.3% were repeat offenders, and 26.1% were recidivists. Additionally, around 77% of narcotic offenders in 2019 were imprisoned for periods ranging from less than one month to six months, which is insufficient for conducting proper drug rehabilitation programs. The delays by the Government Analyst Department in furnishing reports, particularly drug related reports, also contribute to the growing prison population. As a result, prison overcrowding is significantly exacerbated by the number of inmates convicted of drug related offenses. To address this issue, it is essential to establish separate rehabilitation centers specifically for drug offenders. Creating dedicated facilities for these individuals would not only provide better rehabilitation opportunities but also serve as an effective solution to reduce prison overcrowding. Immediate action must be taken to implement this initiative.

Strengthen the Four-Year Review Mechanism

The Prison Ordinance Act includes a four-year review mechanism that can be enhanced to address the needs of inmates serving long term sentences. This mechanism is particularly relevant for individuals serving life sentences, long-term punishments, or even those sentenced to death. By prioritizing such cases, this system allows for the possibility of early release, typically around 13.5 years, based on an inmate's behavior and rehabilitation progress during incarceration.

Strengthening this mechanism would incentivize good behavior among inmates and serve as an effective strategy to reduce prison overcrowding. By assessing the rehabilitation and positive changes demonstrated by inmates, the system can ensure that deserving individuals are granted a second chance, thereby reducing the strain on the prison system. The home leave process should also be reinforced as part of this initiative. Additionally, it is crucial to review and revise the rules governing other exceptional pardoning mechanisms to ensure they are accessible, consistently applied, and implemented fairly. A holistic approach to these reforms would further enhance the fairness and efficiency of the system.

Alternative punishment methods should also be explored to address prison overcrowding. For instance, introducing house arrest for prisoners with shorter sentences and selected offenses could be a practical solution. This approach has been used effectively in cases like Aung San Suu Kyi's house arrest. Moreover, prisoners could be engaged in community service projects as a form of alternative punishment, contributing to society while serving their sentences.

Prisoners granted bail to be released on the same day and Effective use of Remand Prisoners Released Act

The effective implementation of the **Remand Prisoners Release Act** is crucial for reducing the prison population. Prison superintendents play a key role in enforcing this act, but they often lack the necessary information to carry out their duties effectively. For instance, essential details such as the charges and the quantities of items apprehended are not consistently included in remand warrants, making it difficult to implement the provisions of the act.

If judges ensure that the required information is clearly stated on remand warrants, prison superintendents will be better equipped to proceed in accordance with the law. Delays in granting bail, late submission of analyst reports, delays in advice from the Attorney General, and the lack of translators are common factors that prolong the imprisonment of remand prisoners unnecessarily. To address this, it is vital to expedite these processes and ensure smooth coordination among all stakeholders. Prompt action and increased attention to these issues will contribute significantly to reducing prison overcrowding and improving the efficiency of the justice system.

Including Appeal Time in Sentence Calculation to Reduce Prison Congestion

Another critical reform is to incorporate the time spent during the appeals process into the calculation of the sentence. Under the current system, the time spent on appeals is often disregarded when determining the final sentence duration. By deducting the duration of the appeals process from the overall sentence, the total time spent in prison can be effectively reduced. This adjustment not only shortens the incarceration period for eligible inmates but also contributes significantly to alleviating overcrowding within the prison system. Streamlining the appeals process and ensuring its duration is accounted for can improve the efficiency of the justice system while maintaining fairness.

2.2 Long term actions to Be Taken to Reduce Prison Overcrowding

Education, Vocational Training & Mental wellbeing

The primary purpose of imprisonment is twofold: to ensure public safety by isolating offenders and to rehabilitate them for reintegration into society as responsible citizens. Rehabilitation focuses on reforming inmates' behavior and equipping them with the skills necessary for a productive life. To achieve this, inmates should spend a significant portion of their time participating in programs that promote personal and spiritual development. For prisoners dealing with drug addiction, it is essential to provide specialized counseling and treatment programs. Locating treatment centers near their homes is crucial to support their mental well-being and strengthen family ties, which are important for rehabilitation and reintegration.

Vocational training should play a central role in prison rehabilitation programs, offering inmates practical skills in trades that are both useful and income-generating, aligned with current market demands. A wide range of training programs should be made available, allowing inmates to choose fields that match their interests and aptitudes. Upon completing their training, inmates should be given opportunities to contribute to development projects and receive fair compensation for their work. To further support this effort, mechanisms should be introduced to market and sell products made by inmates during their training, especially to state entities. Given Sri Lanka's rich agricultural heritage, modern and sustainable farming techniques can be incorporated into vocational training. Inmates could cultivate crops within prison premises, learning valuable agricultural skills while contributing to the prison system's self-sustainability.

Programs such as yoga, meditation, and mindfulness, tailored to Sri Lanka's cultural context, should be implemented to enhance inmates' mental and emotional well-being. These programs can help transform their mindset, instill positive thinking, and encourage personal growth. Building mental resilience and fostering a sense of responsibility will better prepare inmates to lead crime-free lives after their release, reducing the likelihood of reoffending. It is also important to effectively engage prisoners in national development-related projects, ensuring they contribute meaningfully to society.

Finally, establishing a follow-up system for released prisoners is essential. This system would monitor their progress and provide necessary support to prevent them from re-entering the prison system. Such a mechanism is a vital step toward reducing recidivism and fostering successful reintegration into society.

Building an Accountability System and Enhancing Working Conditions for Prison Officers

Establishing a robust accountability system within the prison framework is critical, as the absence of proper oversight can lead to inefficiencies, conflicts between prisoners and officers, and delays in prisoner release. These delays contribute to overcrowding, exacerbating the challenges faced by the prison system. To address this, periodic training for prison officers on rules, regulations, and best practices must be instituted. Such training ensures officers act consistently, fairly, and professionally, reducing tensions and fostering a more efficient prison environment. Additionally, this will promote trust and cooperation between officers and inmates, helping to maintain order and discipline.

Furthermore, revising and increasing the salaries of prison officers is essential, as highlighted in discussions on grievance mechanisms and challenges faced by the prison administration. Competitive compensation will create a more conducive working environment, boosting morale and reducing job related stress. A well supported workforce is better equipped to manage the complex task of rehabilitating inmates. Incorporating motivational strategies for prison officers is also crucial. These strategies can help reduce stress, improve job satisfaction, and create a smoother workflow, ultimately minimizing conflicts between officers and inmates. By fostering a supportive environment, the system can enhance the efficiency of prisoner release processes, thereby addressing overcrowding more effectively.

2.3 Other options to reduce prison overcrowding

Efficient Implementation of Remand prisoners release ACT

The Remand Prisoners Release Act should be implemented efficiently to reduce the prolonged detention of individuals awaiting trial. This reform would ensure that remand prisoners are not unnecessarily held for extended periods, easing the burden on the prison system. Streamlining the processes involved in this act, including improved coordination between law enforcement, courts, and prisons, is critical to its success.

Address delay in Analyst Report

A significant bottleneck in the judicial process is the delay in obtaining analyst reports, which are often required for court proceedings. These delays result in prisoners spending excessive time in remand custody. To address this, a policy must be implemented to expedite the preparation and submission of analyst reports to the courts. Introducing modern technology and increasing staffing in forensic and analytical services can reduce backlogs and improve the overall efficiency of the justice system.

Resolve Language Barriers in the Judicial Process

The lack of translators, particularly for Tamil-speaking prisoners, significantly slows the judicial process. This issue delays the preparation of court documents and the presentation of evidence, leading to extended periods of incarceration for prisoners. A robust system must be established to ensure adequate availability of translators in all relevant languages. This would ensure that linguistic barriers do not impede justice and would promote equality and fairness in the legal system.

Establish a mechanism to listen to prisoners' concerns

A formal mechanism should be established to hear and address the concerns of prisoners. This system would allow inmates to report grievances related to their treatment, conditions of confinement, or delays in judicial processes. Such a mechanism could involve regular inspections, independent review panels, and a confidential reporting system to ensure transparency and accountability. By addressing these concerns, the prison system can improve inmate welfare and foster a rehabilitative environment.

Thank you.

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Committee for Protecting Rights of Prisoners

No. 188, Hulftsdorp Street, Colombo 12, Sri Lanka.

Tel : +9471 445 3890 / +9471 425 3518 / 011 2672 787

Email : cprporg@gmail.com

Web : www.cprp.lk