

**OPEN SOCIETY JUSTICE INITIATIVE
NATIONAL CRIMINAL JUSTICE REFORM PROGRAM
PORTFOLIO REVIEW PRESENTATION MEMORANDUM**

August 11, 2014

INTRODUCTION

This portfolio review formally focuses on three concepts and one fealty within the current strategy of the Open Society Justice Initiative (JI). They are: securing adoption and national-level implementation of international and regional pretrial justice standards, and, to a lesser extent, expanding the use and availability of relevant data to measure progress towards a more rational use of pretrial detention. The fealty component strives to position JI's NGO partners to take forward work on fostering pretrial justice in selected countries.

However, as they are all newly defined projects under our first post-transition strategy, we have defined the portfolio in broader terms to allow us to bring within the scope of review prior work that shares many of the same goals and addressed the same field. As a practical matter the portfolio under review stemmed from the decision to complement a pre-existing set of country-based demonstration projects with an international effort to focus attention on the problems of pretrial justice, which then set the parameters for our national criminal justice work as a whole. From 2009 until the advent of the 2014-17 strategy this comprised the *Global Campaign for Pretrial Justice*. Our review, therefore, examines what transpired in that effort, and in the successor concepts and fealty now in our strategy.

We believe this is a useful framing as it provides a broader experiential base for the review, and helps us better understand the origins of the current strategic elements, which are in turn the product of our reflecting on the experience of the Global Campaign.

OUR AMBITIONS

With its inception in 2002, JI's National Criminal Justice Reform (NCJR) program included three components: promotion of rational and rights-based pretrial detention laws and practices, state-provided legal aid, and law enforcement (i.e. police and prosecutorial) accountability. Our efforts were largely focused on national impact and were, as a result, somewhat atomized. Moreover, the investment of time and human resources needed for effective country-level work (NCJR had a full-time staff of four until mid-2006) meant that progress was slow and geographically focused on CEE / fSU and some country-level work in West Africa and Mexico where we had or could establish project staff presence. By 2007 our engagement on law enforcement accountability largely ended, save for substantial ethnic profiling work that we framed and executed within a separate program area.

In 2007, as our focus on legal aid shifted from trial representation to early access for detainees, we realized it made sense to address two linked issues – excessive and arbitrary pretrial detention, and greater access to legal aid for indigent detainees – together.

Over time, JI proposed reframing efforts on the problems of *pretrial justice* – defined as excesses of pretrial detention and the lack of legal assistance to detainees in the earliest stages after arrest – via research, policy advocacy, group consultations, and demonstration projects to convince donors, international agencies, governments, and civil society groups to give greater priority to these issues. We believed that rights-based pretrial justice reform was an under-served area globally, and to the extent it enjoyed donor and government support it was typically short-lived and erratic.

Moreover, as a program mandated to advance rights-based criminal justice reform, we concluded there are sound instrumental reasons for focusing on the early – or pretrial – stage of the criminal justice process. First, funnel-like, most criminal justice systems ensnare many people at their entry points, but generally succeed in convicting and imprisoning only a small proportion of these initial entrants. Working at the pretrial stage has the potential of protecting, and promoting the rights of, the greatest number of people in conflict with the law. Second, some of the worst abuses – torture and corruption by state officials – are both abetted by pretrial injustices and disproportionately prevalent at the pretrial stage of the criminal justice process. Combatting both must logically demand a focus at the entry point of the criminal justice system. Third, weaknesses in the pretrial phase of the criminal justice process are usually symptomatic of deficiencies further down the justice chain. Addressing pretrial injustices serves as a diagnostic for reformers of broader criminal justice ailments.

In late 2008, JI submitted a three-year funding proposal to the Department for International Development (DfID) for £1,435,000. The proposal sought to fund four JI staff positions and ensure JI’s “institutional learning, and geographic reach through OSI’s network of foundations, is leveraged to significantly increase the global pool of donors and implementers” working on pretrial justice reform. Even though senior DfID personnel encouraged us to submit the proposal, the global economic downturn and DfID staff changes resulted in the proposal ultimately being turned down.

The *Global Campaign for Pretrial Justice* became active in mid-2009. To leverage this effort with increased civil society activity, we had endorsed the suggestion by OSF’s then President, Aryeh Neier, to establish a Network grant making fund in this area. The resultant Special Initiatives Fund initially funded two new senior full-time JI staff positions to work on the Global Campaign. An expectation was also created – overstated at the time – that the Fund would serve as an important source of financing for Campaign-related activities.

The Campaign’s orientation rested on a number of assumptions. First, that meaningful change must occur at the systemic level and that the Campaign would not focus on individual cases of pretrial injustices – however egregious – unless they advanced systemic goals. Second, that we had to confront the challenge of distinguishing carefully between *excessive and arbitrary* use of pretrial detention – our target – and pretrial detention per se. Third, that legal aid is not only a means for ensuring that suspects and defendants can exercise their defense rights and procedural safeguards but also an instrument for reducing excessive and arbitrary pretrial detention and for raising the quality and fairness and improved administration of the criminal justice process prior to trial.

The Campaign was further premised on the belief the field needed to be built. Pretrial justice would improve only if criminal justice reform discourse could be expanded or refocused to give prominence to this issue. That would mean, we believed, generating knowledge and understanding about the extent of the problem and its harmful consequences among targeted actors; seeking echo of our message through collaboration with related fields and interest groups to counteract the relatively unfamiliar and potentially narrow rubric of pretrial justice; and, testing and promoting cost-effective alternatives to pretrial detention and traditional legal aid models.

The aforementioned hypotheses – essentially designed to build a sustainable field of pretrial justice advocates and implementers – led to the articulation of the Campaign’s four principal aims:

- demonstrating the scale and gravity of arbitrary and/or excessive pretrial detention and the dearth of effective legal aid and assistance;
- fostering exchanges among practitioners, researchers and policy makers, as a means of building awareness and capacity around pretrial justice in relevant communities;
- persuading governments and donors to support interventions, including replication or scale-up of demonstration projects by JI and its partners; and
- securing adoption or improvement of international and/or regional standards on pretrial justice (added in 2011).

By early 2013, we envisioned that JI’s leadership of the Campaign, which had focused geographically on Sub-Saharan Africa and Latin America (with complementary activities in Europe), would incrementally diminish over a four-year period. Program staff believed that they should help establish a viable infrastructure of regional hubs of practitioners able to move effective, rights-based pretrial justice reforms forward. Cognizant that such reforms are a long-term endeavor, sustained advocacy would need to take place at local and national levels, conducted by committed partners who can draw on regional / international resources.

However, as articulated in the 2014-17 strategy, “gradually wind[ing] down our operations under the banner of the Global Campaign” meant a halt to specific efforts to organize networks, and stepping up the transition to leadership by the partners through our engagement with them on particular collective projects.

Nonetheless, our earlier Campaign goals are substantially reflected in our current strategy:

- position NGO partners to take forward work on fostering pretrial justice in a number of countries, by providing technical assistance and/or helping to attract sustaining donors for ongoing projects;
- secure adoption of international and regional standards that define and provide practical guidance on pretrial justice, and amplify them, where relevant, by positive judgments on specific areas of law;
- implement international and regional standards and judgments fostering pretrial justice in a select number of countries; and

- promote pretrial justice by expanding the use and availability of relevant data based on a set of indicators designed to measure progress towards a more rational use of pretrial detention.

OUR PLACE

Some 3.3 million people are in pretrial detention on a typical day. Some five to ten times as many circulate through the world's pretrial detention systems during the course of an average year; even more if persons arrested – but not remanded to pretrial detention – are counted. Outside of a handful of countries, the vast majority of arrestees and pretrial detainees are not provided with state-funded legal aid or assistance. Where such assistance is given it is usually of questionable quality and provided only during the trial process.

At the time of the Global Campaign's commencement, outside of the US and a handful of Western countries, no notable groups existed which focused on "pretrial justice" in a sustained manner – particularly at the intersection of early access to legal aid and assistance, and the rational and rights-based use of pretrial detention. Many donors, implementers, and governments had dabbled in the field over the past decades, starting with Latin America in the 1960s. Their largely *ad hoc* efforts rarely brought about lasting change.

This *ad hoc* approach reflects a widely held misconception that pretrial justice – pretrial detention reform in particular – can be "accomplished" or "achieved" once the necessary laws and technical fixes are in place. Experience from countries with relatively plentiful resources, effective public administrations, and modest crime levels show this generally not to be the case. This misconception is fuelled, at least in part, by the fact that legislative and technical interventions can produce (typically unsustainable) short-term successes.

The pretrial justice environment is highly responsive to populist and political pressure. Public safety concerns, often abetted by moral panics around particular forms of insecurity (e.g. vehicle hijacking and sexual violence in South Africa, armed robbery in Nigeria, drug offenses in Mexico and Liberia, child defilement in East Africa, and non-compliance with pretrial release conditions in Canada) have resulted in the hardening of pretrial release policies and practices in many jurisdictions, often reversing hard-won pretrial justice gains. Discomfortingly – especially from an open society perspective – emerging democracies tend to be particularly prone to such panics and its draconian policy consequences.

The vagaries of pretrial justice reform have generated disillusionment and a jaundiced approach among erstwhile reform champions in government, and among donors and civil society groups. There are many (ex)reformers frustrated by the lack of progress, but whose premise of success is flawed: they posit that pretrial justice is about achieving an end state of "sufficient" justice, rather than a process whereby competing interests and rights, wide discretion afforded criminal justice officials, and extraneous factors such as corruption and the political environment, conspire to make the day-to-day application of pretrial justice in police stations, prosecutors' offices, and court rooms fiendishly difficult.

At the time JI launched the Global Campaign there existed a number of NGOs and “quangos” providing services to arrestees and pretrial detainees. These continue to exist and flourish in parts of the world. There were (largely non-governmental) organizations which engaged in occasional research, piloting and advocacy on pretrial justice issues, provided donor funding enticed them to do so. Their approach was often parochial and their research was rarely read outside of a narrow circle within the jurisdiction in which they worked. Finally, there were a handful of international organizations working on penal reform issues but with little attention devoted to systemic pretrial justice reform. Indeed, at the time, JI was the first global entity to initiate a strategy to promote international standards and national practices on early access rights across diverse jurisdictions.

Over the past few years, JI and OSF’s Human Rights Initiative (HRI) helped establish and support regional civil society-based pretrial justice networks in Latin America and Africa, and legal aid and procedural rights networks in the EU and Eastern Europe. A number of organizations, including the African Policing Civilian Oversight Forum (APCOF), Civil Society Prison Reform Initiative (CSPRI), Fair Trials International (FTI), the Hungarian Helsinki Committee (HHC), The *Justicia* Network, the Latin American Network for Pretrial Justice, and the Legal Aid Reformers’ Network (LARN), work in multiple countries using a variety of tools to promote pretrial justice reform. JI is an active partner of all. Moreover, both UNDP and UNODC are collaborating with JI on pretrial justice standard setting, implementation, and research.

A plethora of national-level NGOs in Africa, Latin America, CEE and the fSU now identify pretrial justice as a critically important part of their criminal justice reform efforts. In addition to their national work, some, especially in Latin America and Europe, but also increasingly in Africa, collaborate cross-nationally on pretrial justice issues around regional standard setting, advocacy, research, and the dissemination of information.

OUR WORK

Following below is a short review of the Global Campaign’s four principal aims, focusing on the impact of JI’s engagement, including successes, setbacks, lessons learnt, and unexpected developments.

Demonstrating the scale and gravity of the problem

Production of the problem statements was itself a tactic used to generate interest among advocacy constituencies who had not publicly connected pretrial justice problems to their core concerns in the fields of public health, torture / human rights, poverty and development, and anti-corruption. By commissioning “linking papers” among experts in those areas, the Campaign sought to broaden interest by promoting alliances with these advocates who we hoped would emphasize those connections in their work. These products complemented a wide range of empirical studies on both pretrial detention and the state of national legal aid practice, including but extending well beyond our own project sites.

In retrospect, our assumption that we needed to link to other issues and constituencies appears to have been well founded, and moreover, critical to our ability to broadly put the issue “on the map” among international actors. Our greatest impact in terms of the “linking”

issues was with organizations which had a preexisting interest in penal issues, such as the UN Subcommittee on the Prevention of Torture (SPT), the Ludwig Boltzmann Institute, and the World Health Organization. The link to poverty and development, generated much interest – our report on the socioeconomic impact of pretrial detention is still the most widely distributed report by JI. It remains to be seen whether the broad audiences were sufficiently engaged with pretrial justice to practically link their efforts to our concerns, particularly as many developing countries detain relatively small numbers and face much broader development challenges. Finding a suitable interlocutor for corruption proved more difficult than anticipated and we ultimately generated less advocacy on that than hoped for, though we found that the link was readily understood by interlocutors at each level.

In retrospect, we probably attempted to cover too many issues with four linking themes. Where action regarding the linking issues was not “self-executing” – such as with socioeconomic issues and corruption – we generally lacked the capacity to engage much further and may have failed to reap rewards for that reason more than an inherently flawed approach.

Jl, often acting in tandem with HRI and relevant OSF geographic entities used the Campaign to promote a more methodical and evidence-based approach to pretrial justice reform. With our partners and HRI’s grantees we generated and collated evidence of the pernicious consequences of pretrial injustices. This more methodical approach has provided a solid evidence base on which future reformers can build.

The challenge has been to convert empirically-based research into sound policy. Even where research findings are channeled directly to decision makers, politicians and bureaucrats pay a low price for ignoring and circumventing these if the alternative is public and media condemnation for appearing soft on crime. The alternative is to disseminate research results directly to the public and the media. The Campaign lacked the resources and time to engage in such a strategy but encouraged its partners to do so. Where this was tried some positive impact was achieved in influencing public and media opinion but the long-term impact remains unclear.

Fostering exchanges / building capacity

The communicative and collaborative space nurtured by JI – typically through the Campaign – promoted the emergence of coalitions on three continents, all designed to increase the depth and breadth of reforms to reduce pretrial injustices at national and regional levels.

In Latin America, a variety of newly-inspired research, demonstration projects, and regional initiatives are underway through the *Latin America Network for Pretrial Justice*. In Europe, a renewed center of energy has focused attention on defense rights – through the “*Justicia*” coalition established in 2012 which focuses on procedural safeguards in the EU (www.eujusticia.net), and the *Legal Aid Reformers’ Network* established in 2009 by JI jointly with OSF entities in Bulgaria, Georgia, Lithuania, Moldova and Ukraine for collaboration in supporting implementation of legal aid reforms and sharing experiences with the other parts of the OSF network globally (<http://www.legalaidreform.org/>). In Africa, with the collaboration of HRI and OSF’s regional foundations, interested actors and partners collaborated on the drafting of regional standards on policing and pretrial detention within

the African Union; adoption of legal aid bills to include paralegals; and exchanges on best practices through a *Promoting Pre-Trial Justice in Africa* web-portal with dedicated research support (<http://www.ppja.org/>).

Developing regional networks and coalitions takes time. To foster sustainable networks we worked cautiously with our partners and HRI and its grantees to avoid drawing civil society groups into the ambit of JI's Campaign ambitions on the expectation of funding. Moreover, outside of academia, inter-national networks are rarely sustainable on the basis of knowledge-sharing alone. Pretrial justice reform remains a largely national experience, best understood and remedied with local context foremost in mind. The aforementioned regional and sub-regional networks have been at their strongest when tangible, national benefits would accrue through cross-border collaboration.

In retrospect, it was too ambitious and impractical to have hoped for a global network of closely collaborating organizations under the rubric of a Global Campaign. Virtually all of the Campaign's civil society partners understandably focus on the national and even sub-national – their area of expertise and relative advantage. Even the facilitation of knowledge and information exchanges entails rapidly diminishing returns as geographies expand. JI's decision to focus its efforts at the regional and sub-regional levels was sound, albeit after some failed attempts to engender a sustainable global conversation on pretrial justice by civil society groups.

JI was intimately engaged in establishing the aforementioned networks. JI's ability to operate internationally, its longer term commitment to the issue of pretrial justice and concomitant accumulated expertise in this area, and its ability to work with HRI and OSF's national and regional foundations and their grantees, contributed to the capacity of the mentioned networks and a number of their constituent parts. What remains to be seen is whether, once some of the regional issues binding the coalitions together and/or funding for regional pretrial justice work diminishes, individual organizations have internalized sufficient interest and expertise to pursue pretrial justice work and funding – including some inter-national work – independent of JI and OSF support.

Building national practices and persuading governments and donors

In furtherance of this objective, JI supported the testing of innovative interventions in Africa, Europe and Latin America that included technical support to governments, and which often leveraged substantial third party funding:

- In Bulgaria, Georgia, Lithuania, Moldova, Mongolia, and Ukraine our efforts resulted in persuading these governments to introduce new legal aid laws and policies which resulted in expanding access to quality free legal aid for indigent criminal defendants, significant increases in public financing for legal aid, and creation of independent and accountable legal aid management and delivery mechanisms.
- In Moldova and Ukraine, JI collaborated with local partners (including national OSF entities) to help establish, respectively, a national emergency legal aid scheme, and a 24-hour national call-in center for appointing duty lawyers.
- In Sierra Leone, JI in collaboration with Timap for Justice developed a successful pilot pretrial paralegal assistance scheme, which was incorporated into national legal aid

legislation in 2012. DFID and GIZ have supported the Timap pilot since JI ended funding for the demonstration project.

- In Malawi, JI launched a paralegal pilot program in partnership with the Paralegal Advisory Service Institute (PASI) focusing on early access to paralegals by adult defendants at police stations. In collaboration with HRI and OSISA, JI helped PASI win a five-year £3.2m DFID grant to allow it to expand its operations nationally.
- In Mexico, JI helped nurture a coalition of state level officials, academics and opinion makers focused on pretrial justice as part of the problem and a key locus of change. JI helped develop one potential model of pretrial supervision in partnership with a state government, and convinced several other state governments and one donor to replicate it elsewhere in Mexico. Through the use of study tours and a “how to manual”, this effort has generated new interest across the region in pretrial justice.
- In Nigeria, a duty solicitor project initiated by JI and administered by the NGO REPLACE, created police station duty solicitor teams staffed by young law graduate apprentices and experienced counsel from the governmental Legal Aid Council.

The development of UN and regional standards, a process in which the Campaign actively collaborated, has led to funding for the field. For example, on the back of the UN Principles and Guidelines on Access to Legal Aid (see below), UNODC is, for the first time, funding legal aid programs in a number of pilot countries. At our initiative and with our significant input, UNODC produced a practical handbook on early access to legal aid in criminal justice processes. Similarly, the EU and UNDP are providing funding for implementation of, respectively, EU and African standards on pretrial justice.

Garnering strategic (as opposed to project level) support from donors was challenging. Particularly for large aid agencies, “pretrial justice” often cut too narrow a policy swath to serve as the rationale for a significant shift in priorities. Our experience has shown that donors instinctively opt for incremental increases to allow for replication of tested interventions, individual research projects, and joint advocacy efforts.

In some places the successes of our country-level work remain precarious. Behavior driven by entrenched criminal justice “culture”, if left unresolved, limits the impact of our engagement. Thus, where criminal justice officials’ rights-negating behavior is rational from their point of view (e.g. income-generating corruption, or procedural shortcuts through coerced confessions) and/or where a rights-conscious culture has never taken hold in the criminal justice system and where reforms meet opposition not because of rational argument or conscious decisions but bureaucratic and cultural inertia, sustained change remains a fraught enterprise. This is a real challenge, especially for an organization such as JI whose staff are typically far removed from the day-to-day activities of criminal justice operators, and whose influence over corrupt behavior, remuneration and disciplinary policy, and popular belief systems among criminal justice officials – to name just a few – is limited.

Our experience working on legal aid reforms in several countries is that success is possible by maintaining long-term engagement with the flexibility and capacity to respond to changing political circumstances. It has generally taken 3-8 years between the initial advocacy push and coalition building to the promulgation of legal aid legislation. It is only at that point that the real work of implementation takes place – to ensure the new laws impact

positively on the day-to-day experiences of arrestees and defendants. This typically implies the establishment of new legal aid management institutions with the resources and capacities to implement evidence-based legal aid policies, improve cost-efficiencies and ensure quality and accountability in legal aid delivery.

Adoption / improvement of standards

Years of advocacy and technical assistance by JI to generate momentum and buy-in resulted in the first-ever *UN Principles and Guidelines on Access to Legal Aid in Criminal Justice Systems*, adopted by the UN General Assembly in 2012. The Principles and Guidelines give explicit endorsement to paralegals as essential components of an effective legal advice system, including during the pretrial stage of criminal proceedings and recognition of a right to legal assistance and legal aid from the moment of arrest.

Following advocacy efforts by JI and HRI and its partners, the African and Inter-American regional human rights systems have drawn attention to the problems of excessive, lengthy, and arbitrary pretrial detention across their respective regions. In response, the African Commission on Human and Peoples' Rights adopted *Guidelines on the Conditions of Arrest, Police Custody and Pretrial Detention in Africa* in 2014, and the Inter-American Commission on Human Rights published a thematic report on pretrial detention in 2013.

Since 2007, JI, in collaboration with other organizations, has been instrumental in securing commitment by the EU to develop a series of directives on procedural defense rights that are legally binding in all 28 member states. Three directives have been adopted on a Right to Interpretation and Translation; Right to Information on Rights, and Charges and Access to the Case-File; and Right of Access to a Lawyer.

JI provided a significant body of evidence on the state of procedural rights in Europe as a result of a study on Effective Criminal Defence in Europe and engaged in direct negotiations and advocacy to secure adoption of strong directives. The latest directive, adopted in 2013 after an intense negotiation process over two years, during which JI together with others managed to counter attempts by a number of EU member states to weaken the directive, must be implemented by late 2016. It guarantees that a lawyer is provided prior and during the first and any subsequent questioning by police.

GOING FORWARD & QUESTIONS

The Global Campaign generated a number of legacies. These include strong regional and sub-regional networks and partnerships; a growing knowledge base about the dynamics and characteristics of pretrial justice, its varied negative consequences where it is lacking, and successful documented interventions; and, stronger regional and international pretrial justice standards. JI's present strategy seeks to build on this legacy by providing discrete technical assistance for country-level programming, and furthering the adoption and country-level implementation of pretrial justice standards and norms. Moreover, to promote the development and application of pretrial justice indicators.

An important component of JI's 2014-17 criminal justice strategy is to use the interest and momentum it has built on pretrial issues through the Global Campaign and related activities,

and successes around regional and international norm adoption, to focus on country-level implementation of such norms. This will serve to further strengthen the work of our partners and engage them in regional efforts to further their shared aims.

Jl engages in “implementation” activities with a healthy dose of realism, realizing that pretrial justice reform is as much (if not more) about political and bureaucratic choices and commitment as it is about legal and technical fixes. The latter are a necessary but insufficient prerequisite to bring about effective systemic change. In many places an additional factor undermining implementation is inadequate state capacity to translate policy decisions into bureaucratic routines. Where, as in Malawi, police often lack fuel to transport detainees to court for bail hearings, custody time limit laws and case management efforts are undermined. It is this realism, or rather the desire to balance realism with ambition and some idealism that leads to the first question below.

- Jl’s present *modus operandi* is based on the assumption that its relative advantage is its ability to learn from, and contribute to, pretrial justice reform efforts in a wide variety of places. It does so by leveraging the knowledge and national-level access of OSF’s country-based staff and its many criminal justice grantees, and trying to draw on the experience of reform interventions across a variety of system types. When it comes to *implementation* work, Jl therefore engages in a number of jurisdictions simultaneously. But, given the context-specific nature of criminal justice systems and their politics, do we need to dig deeper in fewer places in order to build *sustainable* reforms?
- While we feel confident that challenges of improving pretrial justice are, objectively speaking, priorities, national and local criminal justice debates often address other issues. Does (and will) a focus on pretrial justice pose a substantial risk of “ghettoizing” our work and making us less relevant on the issues that naturally rise to the fore of public debate? Or, have we found bridges between “our” and other pressing issues that permit us to engage more frequently and with greater potential for traction?
- Our indicators concept, which focuses on piloting pretrial detention indicators, represents the newest aspect of the portfolio, but stems from the challenges we encountered trying to define and demonstrate what “excessive” pretrial detention looked like. We found significant interest in our efforts to describe the dimensions of the problem globally, but the scarcity of available data on pretrial detention made it difficult to show which countries had a particularly bad problem or accurately diagnose its principle contributing factors. We believe this is a promising area for further engagement but are concerned to avoid any unhelpfully technical narrowing of our focus?

PRETRIAL JUSTICE PORTFOLIO REVIEW

July 10, 2014

Elements of the Portfolio¹

1. Demonstrating the scale and gravity of the global pretrial (in)justice problem

a. Public communications²:

- i. Report: *Justice Initiatives Special Edition on Pretrial Detention* (2008) issued in [English](#) and [Spanish](#).
- ii. Fact sheet: [Why we Need a Global Campaign for Pretrial Justice](#) (2009) – available in English, Arabic, Bahasa, French, Portuguese, Russian, Spanish.
- iii. Research monograph: [Myths of Pretrial Detention in Mexico](#) (2010) – published with partners – available in English and Spanish.
- iv. Research: [Effective Criminal Defence in Europe](#) (2010) – Intersentia Publishing House, with financial support from the European Commission and OSI. The Executive Summary and Recommendations are available on the [OSF webpage](#).
- v. Research report: [Costly Confinement](#) (2010) – published with partners – available in English and Spanish.
- vi. Study on measuring access to legal aid in the criminal justice system in Jordan (2011) – produced by the Justice Center for Legal Aid (Jordan) with research advice and co-funding from OSJI.
- vii. *Justice Denied* videos: [Deize & Indaiá](#), [The Polinters](#) – Portuguese with English subtitles, [Benson's Story](#), [Vinthenqa's Story](#) (2012).
- viii. Research report: [Effective Criminal Defence in Eastern Europe](#) (2012) – published by the Soros Foundation Moldova, on behalf of the Legal Aid

¹ The portfolio falls under OSJI's Criminal Justice Cluster. It formally covers three concepts: (i) Adoption, and (ii) Implementation of international and regional pretrial justice norms, and (iii) measurement of pretrial justice. The portfolio also covers part of a fealty: Strengthening Legal Remedies for Torture and Pretrial Justice – Building the Field. Prior work, under the Rubric of the Global Campaign for Pretrial Justice, carried overlapping aims and is also included here. For clarity, this “elements” document is organized first as to broad aims / activity areas and within each of those, according to tools utilized.

² Public communications listed under *Fostering exchanges among practitioners, researchers and policy makers for building a field, fostering coalitions and creating opportunities for reform* may also be included in this category of work since the publications were designed to serve multiple purposes as tools to: (i) demonstrate the scale and gravity of the problem, and (ii) supplement direct and indirect advocacy.

Reformers' Network – with OSJI's methodological advice, and jointly funded by HRI and OSJI.

- ix. Report: [Promoting the Reform of Pre-Trial Detention in CEE-FSU Countries - Introducing Good Practices](#) (2013) – publication of the Hungarian Helsinki Committee – developed with OSJI's methodological guidance and support of HRI.
- x. Electronic newsletter: *Pretrial Justice Update* – Monthly issues since October 2011 disseminated to over 1,000 subscribers.
- xi. Blogs: 30 posts on various [Pretrial Justice issues](#).
- xii. Forthcoming OSJI research report: *Presumption of Guilt: The Global Overuse of Pretrial Detention* (September 2014).
- xiii. Upcoming publication on *Effective Criminal Defence in Latin America* (November, 2014).

2. Documenting innovative solutions

a. Public communications:

- i. Monograph: [Managing Pretrial Release: Balancing the Presumption of Innocence with Public Safety](#) (2010) – published with partners (Spanish only).
- ii. Research report: [The Use of Pretrial Detention in Nuevo Leon](#) (2010) – published with partners (Spanish only).
- iii. Fact sheet: [Improving Pretrial Justice: The Role of Lawyers and Paralegals](#) (2010).
- iv. Fact sheet: [Impact Evaluation of a Criminal Justice Paralegal Program in Sierra Leone](#) conducted by the Center for the Study of Africa Economies, Oxford University (2010).
- v. Report: [Improving Pretrial Justice: The Role of Lawyers and Paralegals](#) (2012).
- vi. Fact sheets on Improving Pretrial Justice in: [Malawi](#), [Sierra Leone](#), [Nigeria](#) and [Mexico](#) (2013).
- vii. Fact sheet: [Improving Pretrial Justice in Africa – regional map](#) (2013).
- viii. Fact sheet: [Improving Pretrial Justice in Latin America – regional map](#) (2013).
- ix. [Early access to legal aid in criminal justice processes: a handbook for policymakers and practitioners](#) (2014) United Nations – developed in consultation with OSJI.

3. Demonstrating and documenting effective, innovative, low-cost solutions

a. Organizational grants³:

- i. **Malawi:** Paralegal Advisory Service Institute (PASI) early access pilot providing cost-effective legal services and practical support to arrestees and defendants. Paralegals provide legal assistance at the early (police station) level of the criminal justice process for adult arrestees and defendants. (Six grants awarded since 2008 for USD 329,787.) PASI is working to expand its services across Malawi, to assist more people at police stations and broaden the use of mediation to divert minor cases away from the criminal justice system. The project received joint funding from DFID, now fully funded by them through a 5-year grant.
- ii. **Sierra Leone:** Timap for Justice Pilot – paralegals provide frontline legal assistance at police stations and prisons to suspects and defendants immediately after their arrest and during the early stages of the criminal justice process. (Nine grants awarded since 2008 for USD 519,504.) In 2012 the Sierra Leonean government adopted the country’s first law on legal aid, one of the most progressive legal aid laws in Africa. The law expressly recognizes the role of paralegals and the benefit of government / civil society partnerships.
- iii. **Mexico:** Pretrial Services Pilots (for juveniles and adults) to promote greater use of alternatives to pretrial detention. OSJI established these cost-effective programs to help manage pretrial release housed within the Public Security agency of the pilot state (Morelos) and entirely financed by public funds. Six grants awarded during the past 6 years for USD 319,083.) Pretrial Services has been incorporated into the new federal Criminal Procedure Code and significant steps have been made towards the institutionalization of pretrial services in a number of states.
- iv. **Nigeria:** Police Duty Solicitor Scheme (PDSS) to provide basic legal assistance to suspects at police stations and in prisons. The project works with duty solicitors – recent law graduates who work under the supervision of a lawyer from the Legal Aid Council, a publicly funded body. (Three grants awarded over the past 6 years for USD 695,495.) The PDSS was taken over by the Legal Aid Council, currently operates in six states, each with four duty solicitors and one supervising lawyer from the Legal Aid Council.
- v. **Ukraine:** Piloting public defender models in three locations to develop and demonstrate standards and practices for organizing and delivering

³ Detailed list of grants awarded by the program from 2008 to present can be found in Annex 1.

quality indigent criminal defense, and for benchmarking cost and quality in policy reforms for legal aid. These pilots also served to experiment with providing early access to a lawyer. OSJI mainly provided training and other capacity building support by placing a resident fellow in Ukraine for a year while funds for running the pilots came from the IRF.

- vi. **Bulgaria:** Piloting a public defender model to develop and demonstrate standards and practices for organizing and delivering indigent criminal defense, and for benchmarking cost and quality in policy reforms for legal aid. This pilot also experimented with emergency legal aid scheme at two police stations. OSJI provided USD 100,000 to the pilot over 3 years though allocation to OSF Sofia.
- vii. **Georgia:** Piloting two public defender offices as models to develop and demonstrate standards and practices for organizing and delivering indigent criminal defense, and for benchmarking cost and quality in policy reforms for legal aid. OSJI mainly provided training and other capacity building support while funds for running the pilots came from the OSGF.

4. Fostering exchanges among practitioners, researchers and policy makers to build coalitions and create opportunities for reform

a. (In)direct advocacy⁴:

- i. Conference: [*Towards a New Consensus on Access to Justice*](#) (2008) with bilateral and multilateral donors in Brussels to formulate practical steps for establishing a ‘community of practice’ around pretrial justice reform for donor collaboration, identification of best practices, and lessons learned in the field of justice assistance.
- ii. Establishment of the [*Legal Aid Reformers’ Network*](#) in 2009 as a collaborative effort between OSJI and national foundations in Bulgaria, Georgia, Lithuania, Moldova and Ukraine. A key objective of is to support implementation of newly adopted legal aid reforms and capacity building for newly created legal aid management and delivery institutions. A series of workshops have been organized in support of newly established legal aid institutions: *Establishing and Managing Early Access Schemes* (2009, Sofia), *Ensuring Quality in Criminal Defense and Monitoring, and Research and Funding of Legal Aid* (2010 and 2011, Tbilisi).
- iii. Training series on pretrial release and supervision in Morelos, Mexico on juvenile issues for police, NGOs, juvenile justice actors (judges, public

⁴ Some of the entries under this heading supported indirect advocacy efforts through research and coalition building.

prosecutors, public defenders and pretrial release “providers”) and the development of a network of social service providers who can assist with pretrial release supervision for adolescents in the State of Morelos (2009-2010).

- iv. Study visit of Mexican officials (prosecutors, defenders, and judges) involved in setting up pretrial services in Mexico, and academics from Latin America researching pretrial services (2010), in collaboration with the Washington DC-based Pretrial Justice Institute.
- v. Side events at the Commission on Crime Prevention and Criminal Justice in Vienna since 2011 to promote adoption of the UN Principles and Guidelines on Access to Legal Aid in Criminal Justice Systems (adopted in 2012) and advancing its implementation.
- vi. [JUSTICIA Network](#) formalized in 2012 to promote the observance of EU standards in relation to procedural and defense rights, and the rights of victims of crime – joined by 17 organizations.
- vii. Numerous joint advocacy statements with civil society organizations to secure adoption of strong EU directives on access to a lawyer and other defense rights:
 1. Joint Statement: [Open letter regarding the Proposal for a Directive of the European Parliament and of the Council on the rights of access to a lawyer and of notification of custody to a third person in criminal proceedings](#) (2011) – signed by 7 organizations.
 2. [Submission to the Public Consultation on the Green Paper](#) – Application of EU Criminal Justice Legislation in the Field of Detention (2011) – signed by 6 organizations.
 3. Joint statement: [to the Council of the European Union on the Directive on the Right of Access to a Lawyer and to Communicate Upon Arrest](#) (2012) – signed by 9 organizations.
 4. [Joint statement and comprehensive recommendations to the Council of the European Union on the Directive on the Right of Access to a Lawyer and to Communicate Upon Arrest](#) (2012) – signed by 13 organizations.
 5. Joint statement: [2014–2019 – Strengthening Defense Rights in the European Union](#) (2013) – signed by 4 organizations and the JUSTICIA Network.
 6. [Joint statement on Pretrial Detention in the EU](#) (2013) – signed by 22 organizations.

7. Joint statement: [On the rights of suspects and accused persons within the EU](#) (2013) – signed by 5 organizations.
- viii. Global Campaign Latin America Retreat (2011, Mexico). Some 30 organizations established the [Latin American Network for Pretrial Justice](#) (the Network) to promote respect for the principle of the presumption of innocence, the use of alternatives to pretrial detention, and expanding access of vulnerable groups to legal assistance, particularly during the pretrial phase. The Network has been actively involved in research and advocacy efforts in close collaboration with the Inter-American Commission on Human Rights on rationalizing the use of pretrial detention and promoting the implementation of national and regional pretrial justice standards and norms.
- ix. [Global Campaign Meeting](#) (2012, Budapest) on early access to legal assistance; effective alternatives to pretrial detention; and accessible, fair and transparent justice systems. The meeting brought together 23 organizations from Africa, Europe, Latin America and Asia, and a number of international and regional organizations. The meeting sought to: (i) foster connectivity and support for common challenges; (ii) exchange experiences, best practice and analysis of research findings; (iii) facilitate coordination between national, regional and global actions; and (iv) outline priorities the Global Campaign should respond to.
- x. Expert consultations on the Effective Criminal Defense in Latin America research study in Bogota, Mexico City and Lima (2012-2014) – funded by HRI.
- xi. Expert meeting to develop an outline for a handbook and training curriculum for policymakers and practitioners on early access to legal aid (2012, Budapest).
- xii. Study: [The Socioeconomic Impact of Pretrial Detention in Ghana](#) (2013) – published by OSJI, local partners and UNDP.
- xiii. Study: [The Socioeconomic Impact of Pretrial Detention in Guinea - Conakry](#) (2013) in English and French – published by OSJI, local partners and UNDP.
- xiv. Study: [The Socioeconomic Impact of Pretrial Detention in Sierra Leone](#) (2013) – published by OSJI, local partners and UNDP.
- xv. Workshops on Pretrial Justice Indicators in Bogota (2013) and Mexico (2013 and 2014) to develop a coherent set of pretrial justice indicators and guidelines for their use by governments and civil society.

- xvi. [Training series with the UN Subcommittee on the Prevention of Torture on strategic approaches to pretrial detention](#) (2013-2014) with the objective to: (i) support the UN Sub-Committee for the Prevention of Torture (SPT) develop its preventive approach to pretrial detention resulting in a report to the Human Rights Council on torture and pretrial detention; and (ii) analyze practices around the implementation of international and regional standards on pretrial justice and build a joint research and advocacy agenda ahead of the UN Congress on Crime Prevention and Criminal Justice in Doha in 2015.
- xvii. Roundtable to discuss the challenges with respect of the core provisions of the EU proposed legislation on legal aid with an aim to identify possible solutions that respond to the problems that afflict legal aid systems in many EU member states (Brussels, 2014).
- xviii. [Inter-American Commission -150th Session](#) (Washington, DC, 2014) – launch of the Commission report on the [Use of Pretrial Detention in the Americas](#). (OSJI and its Latin America Network partners provided significant input to the report.) Network partners met with OAS Member State representatives to propose the adoption of an OAS resolution on pretrial detention.
- xix. Conference: African Commission on Human and Peoples’ Rights 55th Ordinary session (Angola, 2014) – [Guidelines on the Use and Conditions of Police Custody and Pretrial Detention in Africa](#) adopted (combined effort of OSJI, HRI, and CSO partners in Africa).

b. Public communications:

- i. Fact sheet: [Awaiting Care: Health Risks, Human Rights Abuses, and the Need to Reform Pretrial Detention](#) (2010) available in English, Arabic, French, Portuguese, Russian, Spanish.
- ii. Report: [Pretrial Detention and Torture: Why Pretrial Detainees Face the Greatest Risk](#) (2011).
- iii. Report: [Pretrial Detention and Health: Unintended Consequences, Deadly Results](#) (2011).
- iv. Report: [The Socioeconomic Impact of Pretrial Detention](#) (2011) available in English and French.
- v. Fact sheet: [Women and Pretrial Detention](#) (2012) available in English, Spanish and Portuguese.
- vi. Fact sheet: [Pretrial Detention and Corruption: Unable to Pay Bribes, Millions Languish in Detention](#) (2013) available in English, Bahasa, French, Spanish.

- vii. Fact sheet: [Pretrial Detention and Public Health: Unintended Consequences, Deadly Results](#) (2013) available in English, Bahasa, French, Spanish.
- viii. Fact sheet: [Pretrial Detention and Torture: Why Pretrial Detainees Face the Greatest Risk](#) (2013) available in English, Bahasa, French, Spanish.
- ix. Fact Sheet: [Collateral Consequences: How Pretrial Detention Stunts Socioeconomic Development](#) (2013) available in English, French, Spanish.

5. Secure adoption and implementation, of international and/or regional and national standards on pretrial justice through:

a. Litigation:

- i. Poland: [Lipowitz – Polish Constitutional Court case](#) on access to a lawyer - challenging the legality of Article 4 of the *Petty Offences Procedure Code*. Amicus brief filed in 2011. In June 2014, Constitutional Court decision was adopted in favor of our amicus brief, recognizing that it was unconstitutional to restrict access to a lawyer during the investigation stage in petty or minor offences.
- ii. Russia: [Magnitzky case](#) on death in custody – European Court of Human Rights – filed in 2012. Magnitzky spent 11 months in pretrial detention. Authorities placed him in worsening conditions and repeatedly denied him access to medical treatment for pancreatitis that he developed while in custody. Nearly one year after his arrest, Magnitsky died in pretrial detention.
- iii. Nigeria: [Alade case](#) – filed claim with the Economic Community of West African States (ECOWAS) Court of Justice in June 2011. Alade spent almost a decade in pretrial detention. His case exposed a system in which police routinely charge suspects in order to have them detained, but make no effort to investigate or prosecute the case. In October 2012 Alade was released after [the ECOWAS court ruled on an application filed on his behalf by OSJI](#).
- iv. [Salduz vs Turkey](#) case: OSJI submitted a memo to the Committee of Ministers of the Council of Europe regarding the failure of the Turkish government to implement the European Court of Human Rights (ECtHR) 2008 decision in the Salduz case, where the Court ruled that denying legal assistance to Salduz while he was held and interrogated in police custody was a violation of his right to a fair trial.

b. Public communications in the form of capacity support or advice:

We have produced template briefs and a fact sheet on arrest rights, and provided support by using these documents in Hungarian and Irish cases. Briefing Papers include:

- i. [Legal Tools: Arrest Rights and Right to Information](#) (2012) available in English, Spanish, German, French, Hungarian, Italian, Dutch, Russian, Polish and Ukrainian.
- ii. [Legal Tools: Early Access to Justice in Europe](#) (2012) available in English, Spanish, German, French, Hungarian, Italian, Dutch, Russian, Polish and Ukrainian.
- iii. [Legal Tools: European Standards on Criminal Defense Rights](#) (2013).
- iv. [Legal Tools: International Standards on Criminal Defense Rights](#) (2013).
- v. [Legal Tools: Right to Legal Aid](#) (2013) available in English, Spanish, German, French, Hungarian, Italian, Dutch, Russian, Polish and Ukrainian.
- vi. Fact sheet: [What is Pretrial Justice?](#) (2013).

Annex I. to the Pretrial Justice Elements of the Portfolio document
Table of Pretrial Justice grants from 2008 to present

Number of grants	Project focus	Grantee - Organization Name	Proposal Name	Purpose	Grant Number	Grant amount (in USD)	Total amount of program support (in USD)	Joint collaboration
1	Comparative research on pretrial detention in CEE -FSU	Hungarian Helsinki Committee	Promoting the Reform of Pre-trial Detention in CEE-FSU Countries	To undertake a regional capacity- and network-building initiative on pre-trial detention in order to produce advocacy efforts to challenge pre-trial detention in three-to-five countries in the CEE-FSU region, to produce comparative research on pre-trial detention in 15 countries in the region, and to facilitate an exchange of experiences among the NGOs from the 15 countries who undertake the project	OR2011-34808	\$20,000	\$20,000	*Joint project and support with HRI
2	Effective Criminal Defence in Europe	University of Maastricht, Faculty of Law	Critical accounts of the national criminal justice system	To cover the costs of the launching of the Critical accounts of the national criminal justice system research. Maastricht University will organize the final launching event in Brussels 2010.	OR2009-16255	\$29,000	\$73,260	
3		University of Maastricht, Faculty of Law	Effective Defense Rights in the EU /3rd Amendment to GC# 40012553	To provide support to University of Maastricht, Faculty of Law for developing of a research methodology and assisting in implementation of national case studies in the United Kingdom, Italy, France, Spain and Bulgaria, under the joint Promoting Effective Exercise of Right to Defense for Indigent Criminal Defendants Project.	OR2008-14217	\$8,000		
4		Hungarian Helsinki Committee	Effective Defense in Hungary	To provide support for the following activities of Hungarian Helsinki Committee: a) Development of a questionnaire for the purposes of assessing the quality of defense counsels' performance; b) Development of an analysis of 150 case files based on the questionnaire; c) Translation of the study prepared in the framework of the Effective Defense Rights in the EU Project; d) Writing a study on the findings of the questionnaire-based analysis and possible ways to reform quality assurance in the criminal legal aid system; e) Organizing a professional workshop with the aim of presenting and discussing the two studies and come up with recommendations for (i) the improvement of the legal framework for effective defense; (ii) remedying the deficiencies in the legal practice hindering the proper enforcement of effective defense; and (iii) the method for assessing the quality of defense work.	OR2008-14124	\$15,620		
5		University of Maastricht, Faculty of Law	Justice Initiative project for legal aid with Maastricht University/Effective Criminal	The Effective Criminal Defense Rights in Europe publication is being translated to Chinese with the financial support of the NY based China Program. An event will be organized regarding this book with the participation of Taru Spronken, editor of the EDR publication and professor of the Maastricht University. Our contribution will cover Taru Spronken's fee and travel expenses to China. The total amount of the grant is: EUR 9,705.	OR2012-22225	\$13,005		*Activity co-funded by the China Program
6		Helsinki Foundation for Human Rights, Poland	Amendment to GC#40019494/ Effective Criminal Defense in Europe Event in Warsaw	To provide support to the Helsinki Foundation for Human Rights, Poland by covering the printing cost of the Polish report as well as the Belarussian translation, preparation for the event, renting translation equipments. The additional fund amounts to EUR1,673.	OR2011-21025	\$2,292		
7		Helsinki Foundation for Human Rights, Poland	Effective Criminal Defense in Europe Event in Warsaw	To provide support to the Helsinki Foundation for Human Rights, Poland for covering the cost of simultaneous interpretation and translation of the Poland country chapter of the Effective Criminal Defence in Europe publication from English into Polish and the travel expenses of the member of the Council of Europe for the event to be held in Warsaw on 4th April, 2011.	OR2011-19494	\$5,343		
8		Effective Criminal Defence Rights in Eastern Europe	OSI/OSJI Events	Supplementary Grant to GC#40022218 / Effective Criminal Defence Rights in Eastern Eur	Travel grant to support partners' participation in the launch of the Effective Criminal Defence Rights in Eastern Europe publication, organized in Brussels (Belgium), on June 7, 2012, by covering accommodation and catering expenses, which is in accordance with the aims of the OSI-Zug as stated within the Deed of the Foundation.	OR2012-22555		\$10,408
9	OSI/OSJI Events		3rd Supplementary Grant to GC#40022218 / Effective Criminal Defence Rights in Eastern	Travel grant to support partners' participation in the launch of the Effective Criminal Defence Rights in Eastern Europe publication, organized in Brussels (Belgium), on June 7, 2012, by covering accommodation and catering expenses, which is in accordance with the aims of the OSI-Zug as stated within the Deed of the Foundation.	OR2012-22793	\$5,338		
10	OSI/OSJI Events		Effective Criminal Defence Rights in Eastern Europe	Travel grant to support partners' participation in the launch of the Effective Criminal Defence Rights in Eastern Europe publication, organized in Brussels (Belgium), on June 7, 2012, by covering accommodation and catering expenses, which is in accordance with the aims of the OSI-Zug as stated within the Deed of the Foundation.	OR2012-22218	\$24,516		
11	OSI/OSJI Events		2nd Supplementary Grant to GC#40022218 / Effective Criminal Defence Rights in Eastern	Travel grant to support partners' participation in the launch of the Effective Criminal Defence Rights in Eastern Europe publication, organized in Brussels (Belgium), on June 7, 2012, by covering accommodation and catering expenses, which is in accordance with the aims of the OSI-Zug as stated within the Deed of the Foundation.	OR2012-22749	\$5,897		
12	Soros Foundation - Moldova		Amendment to GC#40022517/ Publishing the Effective Criminal Defence in Eastern Europe	Legal Aid Reformers' Network (LARN) member countries: Bulgaria, Georgia, Lithuania, Moldova and Ukraine agreed to carry out a research project in each country which relies on the methodology developed within the project Effective Defense Rights in the EU and Access to Justice: investigating and promoting best practices. The EDR research is a comparative study of the criminal defence systems of nine European countries funded by the European Union and the Open Society Institute. This supplementary grant will cover the packaging cost of the ECDEE publication as well as the remaining cost of the proofing and layout.	OR2012-22803	\$2,727		
13		Danish Institute for Human Rights - Rwanda	Access to Justice and Legal Aid Conference/Rwanda/2008	The purpose of the grant is to support the attendance of three conference participants (1 from Ethiopia and 2 from Nigeria who represent 3 different organizations that are active in the justice and legal aid field) at the Access to Justice and Legal Aid Conference, which will be organized by Danish Institute for Human Rights (DIHR) during the 1st week of December 2008 in Rwanda.	OR2008-14317	\$6,500		

14	International advocacy on legal aid	Legal Aid Service of the Ministry of Corrections and Legal Assistance of Georgia	Crime Congress side event in Vienna	The purpose of the grant is to support the participation of your representative at the United Nation's Crime Commission meeting in Vienna on 13th April, 2011.	OR2011-19671	\$2,178	\$14,928	
15		Simeon Koroma	Measuring Benefits of Legal Aid Intervention Meeting/London/2008	The purpose of the grant is to support Simeon Koroma's participation at the Development of an Empirical Methodology for Measuring Benefits of Legal Aid Interventions Meeting, organized in London (UK), on October 28-31, by covering travel, accommodation and living expenses.	IN2008-14773	\$2,900		
16		The Advocacy Forum	Measuring Benefits of Legal Aid Intervention Meeting/London/2008	The purpose of the grant is to support the participation of Advocacy Forum's representative at the Development of an Empirical Methodology for Measuring Benefits of Legal Aid Interventions Meeting, organized in London (UK), on October 28-31, by covering travel, accommodation, visa and living expenses.	OR2008-14066	\$3,350		
17	Legal aid research in Jordan	Justice Center for Legal Aid	Conducting an assesment on the legal aid system in Jordan	To provide support for conducting an assessment study that will examine and document different aspects and parameters governing the administration and provision of legal assistance in Jordan. To be able to devise strategies to reduce the number of people held in pretrial detention, the Justice Centre for Legal Aid will design and conduct a survey study to identify the status quo. Given the size of the sample needed to successfully conduct the study the JCLA intends to outsource the study implementation part to a specialized research entity that has the technical expertise and capacity to implement a nationwide closed case study. The JCLA has approached Accurate Opinion Co. (AOC), based on the recommendation of the Center for Strategic Studies, to submit a proposal for conducting the following: field work, research audits, sample test, data entry and data tabulation.	OR2010-18652	\$14,795	\$14,795	
18	Legal Aid Network meetings	Public Institution - OSFL Projectai	Legal Aid Networking Meeting in Sofia	To cover travel related expenses of representatives of the organization to attend the Legal Aid Networking Meeting held in Sofia on 29-30, 2009.	OR2009-16155	\$2,401	\$5,001	
19		Public Institution - OSFL Projectai	Legal Aid Networking Meeting in Tbilisi	To cover travel related expenses of representatives of the organization to attend the Legal Aid Networking Meeting held in Tbilisi on 16-18 of September, 2010. This grant is for an activity to be carried out as part of a collaborative set of activities with Justice Initiative	OR2010-18014	\$2,600		
20	Malawi pilot	Paralegal Advisory Service Institute (PASI)	3rd amendment to GC#40018059 / Criminal Justice Pilot year 2	The purpose of the grant is to cover direct costs that are involved in the administration of a further 5 months of the pilot in two locations in Malawi, with a head office in Lilongwe. The funds should be spent according to the budget structure attached to the grant contract. This grant is for an activity to be carried out as part of a collaborative set of activities with Justice Initiative.	OR2012-22336	\$68,706	\$345,787	
21		Paralegal Advisory Service Institute (PASI)	Amendment to GC#40018059 / Criminal Justice Pilot year 2	The purpose of the grant is to cover direct costs that are involved in the administration of a further 16 months of the pilot (the funding for 4 months is provided as a part of this grant-amendment) in two locations in Malawi, with a head office in Lilongwe. The grant is to cover the pilot activities and expenses of criminal justice paralegals who were recruited through Paralegal Advisory Service Institute (PASI).	OR2011-20458	\$50,000		
22		Paralegal Advisory Service Institute (PASI)	Criminal Justice Pilot year 2	The purpose of the grant is to cover direct costs that are involved in the administration of a 16 months long pilot (year 2 of the pilot) in two locations in Malawi, with a head office in Lilongwe. The grant is to cover the pilot activities and expenses of criminal justice paralegals who were recruited through Paralegal Advisory Service Institute (PASI).	OR2010-18059	\$60,000		
23		Paralegal Advisory Service Institute (PASI)	Criminal Justice Paralegals Pilot Project; amendment to GC#40015653	The purpose of the grant is to cover direct costs that are involved in the set-up and administration of an 11 months long pilot in two locations in Malawi, with a head office in Lilongwe. The grant is to cover the pilot activities and expenses of criminal justice paralegals who were recruited through Paralegal Advisory Service Institute (PASI), and a set up of hosting a study-tour for the government and TIMAP representatives from Sierra Leone.	OR2009-16104	\$87,114		
24		Paralegal Advisory Service Institute (PASI)	2nd amendment to GC#40018059 / Criminal Justice Pilot year 2	The purpose of the grant amendment is to cover direct costs that are involved in the administration of a further 8 months of the pilot (the funding for 2 months is provided as a part of this grant-amendment; funds covering the expenses of further 6 months will be provided in 2012 with another grant-amendment) in two locations in Malawi, with a head office in Lilongwe. The funds should be spent according to the budget structure attached to the grant-amendment contract.	OR2011-21030	\$23,107		
25		Paralegal Advisory Service Institute (PASI)	Criminal Justice Paralegals Pilot Project	The purpose of the grant is to cover direct costs that are involved in the set-up and administration of a three months long pilot project in two locations in Malawi, with a head office in Lilongwe. The grant is to cover the activities and expenses of criminal justice paralegals who will be recruited through Paralegal Advisory Service Institute (PASI).	OR2009-15653	\$40,860		
26		Open Society Initiative for Southern Africa (OSISA)	Malawi Research	To provide technical assistance to the Paralegal Advisory Service Institute including development of a 5-year funding proposal within the framework of Dfid-Malawi's new Safety, Security, and Access to Justice program	OR2011-33979	\$16,000		

27	Sierra Leone research	University of Oxford, Centre for Socio-Legal Studies	Amendment to GC #40015614/Sierra Leone Paralegals Research	To cover additional costs that are directly related to the administration of the research 'the impact of the criminal justice paralegals' in Sierra Leone which is managed by Open Society Justice Initiative's partners, CSAE (Oxford, UK) and TIMAP (Freetown, SL). Additional costs of the final stage of the research are specified accordingly in the budget (attached at the end of this grant) and should be reported on accordingly. This grant is for an activity to be carried out as part of a collaborative set of activities with Justice Initiative.	OR2011-19317	\$10,000	\$94,204
28		University of Oxford, Centre for Socio-Legal Studies	Sierra Leone Paralegals Research	To cover the costs that are directly related to the set-up and administration of the pilot 'the impact of the criminal justice paralegals' in Sierra Leone which will be managed by Justice Initiative's partners, CSAE (Oxford, UK) and TIMAP (Freetown, SL). This grant is for an activity to be carried out as part of a collaborative set of activities with Justice Initiative.	OR2009-15614	\$77,710	
29		OSI/OSJI Events	Sierra Leone Research and Piloting Meeting/Budapest/2009	The purpose of the grant is to support your participation at Sierra Leone Research and Piloting Meeting, organized in Budapest (Hungary) on April 6-8, 2009, by covering your accommodation and travel expenses.	OR2009-14956	\$6,494	
30	Sierra Leone pilot	Timap for Justice NGO	Criminal Justice Pilot /Year 2/Phase 1	To fund management and running costs of the 2nd year of the criminal justice pilot in Sierra Leone which is a part of the Global Campaign for Pretrial Justice efforts.	OR2010-17574	\$40,014	\$519,504
31		Timap for Justice NGO	Amendment to GC #40017574/Criminal Justice Pilot /Year 2/Phase 1	To fund management and running costs of the 2nd year of the criminal justice pilot in Sierra Leone which is a part of the Global Campaign for Pretrial Justice efforts.	OR2010-18811	\$30,900	
32		Timap for Justice NGO	Amendment to GC#40019458 / Criminal Justice Pilot	To provide funding for the purchase of 3 new motorbikes to be used by criminal justice paralegals who are employed under the pilot project.	OR2011-20339	\$9,900	
33		Timap for Justice NGO	Criminal Justice Pilot 2011	to continue funding of the management and running costs of the criminal justice pilot in Sierra Leone which is a part of the Global Campaign for Pretrial Justice efforts and which was launched in June 2009. The funding is to cover the costs until the end of 2011 with a possibility of extension.	OR2011-19458	\$135,600	
34		Timap for Justice NGO	Amendment to GC#40021180 / Criminal Justice Pilot 2012	To provide support for the Timap for Justice NGO for the management and running of the criminal justice pilot in Sierra Leone, which is a part of the Global Campaign for Pretrial Justice efforts launched in June 2009. The amount is to cover staff salaries (the administrator's, the coordinator's and nine paralegals') and the costs incurred for monthly outreach meetings, media coverage of the pilot activities and goals, as well as training sessions for the paralegals for the period of 9 months. This grant is for an activity to be carried out as part of a collaborative set of activities with Justice Initiative.	OR2012-21993	\$38,975	
35		Timap for Justice NGO	Criminal Justice Pilot 2012	The purpose of the grant is to provide support for the Timap for Justice NGO for the management and running of the criminal justice pilot in Sierra Leone, which is a part of the Global Campaign for Pretrial Justice efforts launched in June 2009. The amount is to cover staff salaries (the administrator's, the coordinator's and nine paralegals') and the costs incurred for monthly outreach meetings, media coverage of the pilot activities and goals, as well as training sessions for the paralegals. This grant is for an activity to be carried out as part of a collaborative set of activities with Justice Initiative.	OR2011-21180	\$48,090	
36		Timap for Justice NGO	Criminal Justice Pilot	To provide support for the management and operation of the criminal justice pilot in Sierra Leone, which is a part of the Global Campaign for Pretrial Justice efforts launched in June 2009	OR2012-35925	\$116,025	
37		Timap for Justice NGO	Criminal Justice Pilot- 2013 stage	The criminal justice pilot project was launched in Sierra Leone in July 2009 (the preparation for the launch began in May 2009). Justice Initiative committed to funding the pilot from its launch time until the middle of 2013 in order to be able to evaluate its impact on the criminal justice system over a scientifically/statistically significant period of time. Justice Initiative has encouraged, and can offer assistance to Timap, if needed, to develop a funding strategy for the future in order to attract other donors active on the ground to not only sustain the current scale of the pilot but also potentially scale up nationwide if the proposed pilot model is approved by the Sierra Leonean government (i.e. Ministry of Justice). The pilot is a part of the Global Campaign for Pretrial Justice activities and advocacy efforts. The funding under this amendment is to cover the costs for the period of 6 months, including staff salaries (the administrator's, the coordinator's and nine paralegals'), the costs incurred for monthly outreach meetings, media coverage of the pilot activities and goals, as well as training sessions for the paralegals. This grant will be carried out as part of a collaborative set of activities with the Justice Initiative.	OR2012-01887	\$80,000	
38	Timap for Justice NGO	Criminal Justice Pilot- 2013 stage - Phase II	The criminal justice pilot project was launched in Sierra Leone in July 2009. Justice Initiative committed to funding the pilot from its launch time until the end of August of 2013 in order to be able to evaluate its impact on the criminal justice system over a scientifically/statistically significant period of time. Justice Initiative has encouraged, and can offer assistance to Timap, if needed, to develop a funding strategy for the future in order to attract other donors active on the ground to not only sustain the current scale of the pilot but also potentially scale up nationwide if the proposed pilot model is approved by the Sierra Leonean government (i.e. Ministry of Justice). The pilot is a part of the Global Campaign for Pretrial Justice's activities and advocacy efforts. The funding under this grant is to cover the costs for the period of 2 months (July-August), including staff salaries (the administrator's, the coordinator's and eleven paralegals'), the costs incurred for monthly outreach meetings, office maintenance costs, etc.	OR2013-06445	\$20,000		

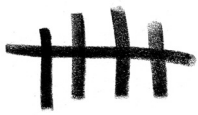
39	Mexico pilot	Pretrial Justice Institute	Pretrial Detention in Mexico Project	To support study visits of Mexican officials (prosecutors, defenders, and judges) involved in setting up pretrial services in Mexico, and academics from Latin America researching pretrial services for other countries	OR2010-30893	\$66,000	\$538,958		
40		Instituto para la Seguridad y Democracia, A.C. (INSYDE)	Pretrial Detention in Mexico	To ensure the promotion and application of rights-based pretrial detention practices and to reduce and rationalize the use of pretrial detention in Mexico.	OR2008-24610	\$110,000			
41		A.C. (INSYDE)	Pretrial Detention in Mexico	To support staffing costs associated with the Pretrial Detention Reform Project in Mexico	OR2010-28465	\$9,333			
42		Instituto para la Seguridad y Democracia, A.C. (INSYDE)	Pretrial Detention in Mexico	to ensure the promotion and application of rights-based pretrial detention practices and to reduce and rationalize the use of pretrial detention in Mexico	OR2010-30810	\$42,000			*Joint project with the HRI
43		Instituto para la Seguridad y Democracia, A.C. (INSYDE)	Pretrial Detention in Mexico Project	To ensure the promotion and application of rights-based pretrial detention practices and to reduce and rationalize the use of pretrial detention in Mexico	OR2011-31506	\$112,500			
44		Instituto de Justicia Procesal Penal	Pretrial Detention in Mexico Project	To continue support for the Presumption of Innocence in Mexico project	OR2011-32849	\$15,250			
45		Instituto de Justicia Procesal Penal	Mexico Pretrial Detention Project	To provide continued support for the Presumption of Innocence Project in Mexico project	OR2012-35040	\$30,000			
46		Instituto de Justicia Procesal Penal	Latin America Reform Support -Technical Assistance	Support for, and technical assistance of, the rationalization of pretrial detention in the Latin America region. This grant will provide the IJPP with the ability to strengthen its as yet nascent institutional base, focus on generating funding from third parties, and provide much needed day-to-day advice and guidance to the governments of Morelos and Baja California in the establishment of pretrial services agencies for adult defendants. Moreover, the grant will allow the IJPP to network with relevant NGOs and governments in the Latin America region seeking to develop rights-based pretrial service mechanisms of their own.	OR2012-35988	\$35,000			
47		Renace-Abp	Pretrial Detention in Mexico	to ensure the promotion and application of rights-based pretrial detention practices and to reduce and rationalize the use of pretrial detention in Mexico.	OR2008-24217	\$41,250			
48		Renace-Abp	Pretrial Detention in Mexico	to support the creation of pretrial service agency in Morelos, help disseminate the publications, and help promote pretrial services at the federal level	OR2011-31338	\$29,500			
49		Renace-Abp	Pretrial Justice Advocacy in Latin America	to complete fact sheets related to victim rights and print for use at the Global Campaign for Pretrial Justice's meetings	OR2011-32619	\$8,075			
50		Fundación Mexicana de Reintegración Social, REINTEGRA A.C.	Presumption of Innocence in Mexico	to lead trainings on pretrial release and supervision in Morelos, Mexico on juvenile issues for police, NGOs, juvenile justice actors (judges, public prosecutors, public defenders and pretrial release "providers") and to assist in the development of a network of social service providers who can assist with pretrial release supervision for adolescents in the State of Morelos	OR2009-26520	\$20,000			
51		Fundación Mexicana de Reintegración Social, REINTEGRA A.C.	Mexico Pretrial Detention Project	to develop and provide six trainings on supervision of non-custodial measures for adolescents in the pretrial detention project, and to help develop a social service network to provide supervision to adolescent defendants	OR2011-33556	\$14,500			
52		Fundación Mexicana de Reintegración Social, REINTEGRA A.C.	Mexico PTD follow-up	to provide funding for the travel and conference call expenses of Doug Keillor, placed at Reintegra, who is conducting a comparative research on PTD and juvenile justice in Latin America.	OR2012-36212	\$5,550			
53	Latin American Network meeting	Instituto de Justicia Procesal Penal	Global Campaign Latin America Retreat	To cover travel and hotel expenses for 30 people to attend the Latin America Pretrial Justice Advocacy regional meeting in Cuernavaca, Morelos, Mexico, the cost of a translator, and other meeting related costs.	OR2011-33199	\$55,000	\$66,000		
54		Instituto de Justicia Procesal Penal	Global Campaign Latin America Retreat	To cover unanticipated expenses that will be incurred by the extended Latin America Retreat agenda. An additional half a day litigation session was included as requested by the Rights Initiative, and to provide financial support for web and communications services.	OR2011-33984	\$11,000		*Jointly funded with HRI	
55	Latin America advocacy	Centro de Estudios de Justicia de las Americas (CEJA)	Conference on Pretrial Detention and Prison Policy	To work with the Justice Initiative to convene key stakeholders from 8 Latin American/Caribbean countries facing challenges regarding pretrial detention and assess opportunities for advocacy that might assist reformers	OR2008-22878	\$35,000	\$118,800		
56		Oficina de Defensoria de los Derechos de la Infancia	Mexico PTD follow-up	To support the social awareness and mobilization campaign on the criminal justice reform which recently took place in Mexico.	OR2012-36247	\$10,000		*Jointly funded by the MacArthur Foundation and OSJI	
57		Asociacion Instituto de Estudios Comparados en Ciencias Penales (ICCPG)	Latin America Regional Consultations	To support the seminar on Public Security and Pretrial Justice which will bring together regional experts and practitioners (including some representatives of the law enforcement community) to launch a discussion of the relationship between flawed pretrial justice practices and public security, and to review extant research findings. These deliberations will provide guidance to the Network and to the Global Campaign as they craft advocacy messages and identify strategic opportunities for collaboration with law enforcement (such as police protocols, incentives for prosecutors and courts) and with victims' rights groups.	OR2013-04806	\$17,000			
58		Asistencia Legal por los Derechos Humanos	Pretrial Detention and Indigenous Groups in Latin America	To support a meeting on pretrial detention and indigenous groups in Latin America	OR2013-07016	\$35,000			
59		East West Management Institute Inc.	Latin America Pretrial Justice Advocacy	to cover travel and hotel expenses for 15 people to attend the Latin America Pretrial Justice Advocacy regional preparatory meeting in Ecuador, the cost of a translator, and the cost of a meeting coordinator.	OR2011-32841	\$21,800			

60	Advocacy and training with the UN	University of Bristol	Training with the SPT on strategic approaches to PTD	To provide financial support to the Human Rights Implementation Centre in organising a half-day training session with the SPT members to consider issues raised by pre-trial detention within the context of the SPT's mandate.	OR2012-37710	\$10,000	\$33,320		
61		University of Bristol	Implementation of Pretrial Justice Standards	The purpose of the grant is to conduct two projects, to i) support the UN Sub-Committee for the Prevention of Torture as it develops its preventive approach to pretrial detention, resulting in a report to the Human Rights Council on torture and pretrial detention; and ii) analyze current practices around the implementation of international and regional standards on pretrial justice, and build a joint research and advocacy agenda ahead of the 13th UN Congress on Crime Prevention and Criminal Justice in Doha in April 2015.	OR2013-09980	\$23,320			
62	Argentina cost study	Centro de Implementacion de Politicas Publicas para la Equidad y el Crecimiento (CIPPEC)	Argentina: Measuring the Costs of PTD	To support additional comparative research in Argentina to define and calculate the costs of pretrial detention.	OR2008-22453	\$25,000	\$55,000		
63		Centro de Implementacion de Politicas Publicas para la Equidad y el Crecimiento (CIPPEC)	Advocating informed policymaking on pretrial detention in Argentina	To disseminate evidence-based information and facilitate a reform-oriented debate on the social and economic costs and implications of preventive prison among policymakers and the media.	OR2009-25923	\$10,000			
64		Centro de Implementacion de Politicas Publicas para la Equidad y el Crecimiento (CIPPEC)	Advocating informed policymaking on pretrial detention in Argentina	To disseminate evidence-based information and facilitate a reform-oriented debate on the social and economic costs and implications of pretrial detention among policymakers and the media.	OR2009-26478	\$20,000			
65	Chile pretrial evaluation	Fundacion Paz Ciudadana	Pretrial Evaluation in Chile	To help develop and publish studies of pretrial costs; to develop a risk assessment tool, and a strategy for utilizing it at the pretrial stage of the criminal justice process; and to train pretrial officers in the use of this tool to help determine release or remand before trial	OR2007-21855	\$30,000	\$70,000		
66		Fundacion Paz Ciudadana	Promoting Pretrial Evaluation Reform in Chile	To promote and entrench rational pretrial detention policy and practices in Chile.	OR2009-25920	\$25,000			
67		Fundacion Paz Ciudadana	Promoting Pretrial Evaluation Reform in Chile	to study the judicial criteria regarding decisions on the application of pretrial detention, and to conduct an in-depth review of the characteristics of people held pretrial in Chilean prisons. This research is a part of the Justice Initiative's efforts to promote rational pretrial detention policy and practices in Latin America.	OR2009-26492	\$15,000			
68	Africa pretrial justice advocacy	Citizens United for the Rehabilitation of Errants (CURE)	Pretrial Justice Advocacy	To co-host a multi-regional panel on pretrial justice at International CURE's 5th international conference in Abuja, Nigeria, February 21-24, 2011	OR2010-30799	\$10,500	\$24,500		
69		University of the Western Cape	Pretrial Justice Advocacy in Africa	To raise awareness and quality of the level of discourse around pretrial justice issues among relevant African audiences	OR2010-30885	\$14,000			
70	Nigeria pilot and related activities	Rights Enforcement and Public Law Centre	Pre-trial Detention Project, Nigeria	To respond to the failures of performance and coordination in the institutions of criminal administration in Nigeria, i.e. the Police, Directorate of Public Prosecution (DPPs) & the Judiciary, which results in prolonged and unlawful detention of suspects and accused persons and institutional disregard of constitutional safeguards that prohibit such abuses.	OR2008-22881	\$141,844	\$755,495		
71		Rights Enforcement and Public Law Centre	Pre-trial Detention Project, Nigeria Year 3	To provide resources for three workshops - training workshops for police officers and magistrates as well as a review of the Police Duty Solicitors Scheme across six project states.	OR2009-27448	\$271,178			
72		Rights Enforcement and Public Law Centre	Pre-Trial Detention and Reform of Legal Aid Services Project	to implement effective strategies for managing the crisis of pretrial detention in Nigeria	OR2010-30939	\$282,473		*Joint project with HRI	
73		Network of University Legal Aid Institutions (NULAI Nigeria)	Nigeria Pre-Trial Detention Clinics	to support the creation and improve the capacity of law-school based legal clinics in Nigeria and Africa that would specialize in pre-trial detention.	OR2013-02962	\$60,000			
74	PTD Indicators research in Latin America	Centro de Estudios para la Justicia y la Seguridad Ciudadana (CERJUSC)	Pretrial Justice - Implementation of International and Regional Standards in Latin America	To present an Inter-American Commission on Human Rights report on Pretrial Detention in 3 Latin American countries, including side events and drafting action plans for the implementation of report recommendations with NGO partners, and to support coordination of the Latin American Network for Pretrial Justice.	OR2013-10664	\$59,000	\$120,500		
75		Instituto de Justicia Procesal Penal	Pretrial Detention Indicators and UMECA follow-up	To cover the cost of the: i.) revision of the UMECA operational handbook, ii.) technical assistance to UMECA iii.) drafting of the "UMECAs Diagnostic" and iv.) follow-up consultation (with about 30 participants) to the Pretrial Detention (PTD) Indicators meeting to review the structure of the Guidelines and the Matrix on PTD (the 3-day meeting is scheduled for December 11-13, 2013 in Cuernavaca, Morelos, Mexico) and v.) the launch of the From Rights to Remedies publication in Mexico City	OR2013-03097	\$39,500			
76		Documenta, analisis y accion para la justicia social, A.C.	Guidelines on Pretrial Justice Indicators	To jointly organize with Documenta a working session with international consultants and experts from the Inter-American Commission on Human Rights, Latin America and Africa to validate the draft General Guidelines on Pretrial Justice Indicators before the document is published. The working session is scheduled for the first quarter for 2014 and will take place in Mexico City, Mexico	OR2013-09740	\$22,000			
77	PTD research in Bangladesh	Bangladesh Legal Aid and Services Trust (BLAST)	Human Rights Impact of Pretrial Detention	To research and collect data on the human rights consequences of pretrial detention practices in Bangladesh	OR2010-30892	\$2,000	\$2,000	*Joint project with the HRI	
TOTAL amount allocated to grants							\$2,920,938		

INDEX

Global Campaign partners' logos and regional maps.....	2
Selection of Global Campaign publications since 2008.....	5
Graphics from <i>Presumption of Guilt: The Global Overuse of Pretrial Detention</i> (to be published in September 2014).....	8
Blog Post: Exposing Mexico's Poisoned Justice System (July 2010).....	10
Facebook page of the <i>Latin American Network for Pretrial Justice</i>	11





IMPROVING PRETRIAL JUSTICE IN AFRICA

Organizations across the region are working on a Global Campaign for Pretrial Justice aimed at ensuring:

- ▶ Early Access to Legal Assistance
- ▶ Effective Alternatives to Pretrial Detention
- ▶ Accessible, Fair and Transparent Justice Systems

Different approaches are being piloted, supported by research and advocacy.



- Paralegal assistance at police stations and in prisons
- University legal clinic
- Research / advocacy on regional standard setting
- Legal assistance to victims of torture
- Mediation / diversion away from the criminal justice system
- Public interest litigation

For more information contact:

Pretrial Justice in Africa www.ppja.net
Kersty McCourt, Kersty.McCourt@opensocietyfoundations.org
Stanley Ibe, Stanley.Ibe@opensocietyfoundations.org



IMPROVING PRETRIAL JUSTICE IN LATIN AMERICA

Organizations are working together as part of a regional network to ensure:

- ▶ Early Access to Legal Assistance
- ▶ Effective Alternatives to Pretrial Detention
- ▶ Accessible, Fair and Transparent Justice Systems



- Research & Advocacy
- Legal Aid
- Public Interest Litigation
- Pretrial Services

For more information contact:

Ina Zoon, Ina.Zoon@opensocietyfoundations.org
Kersty McCourt, Kersty.McCourt@opensocietyfoundations.org

JUSTICE FACT SHEET

Why We Need a Global Campaign for Pretrial Justice

ON ANY GIVEN DAY, an estimated three million people around the world are behind bars awaiting trial. Many will spend months and even years in detention—without being tried or found guilty—lingering under worse conditions than people convicted of crimes and sentenced to prison.

Many pretrial detainees are exposed to torture, violence, and disease. They are subject to the arbitrary actions of corrupt officials. Throughout their ordeal, most never see a lawyer or legal advisor and often lack information on their basic rights. When they eventually reach a courtroom—without representation and likely beaten down by months of mistreatment—the odds are stacked against them. The longer a detainee is held before trial, the more likely he or she is to be found guilty.

Excessive and arbitrary pretrial detention, compounded by inadequate representation, leads to egregious rights abuses. Pretrial detainees may lose their jobs and homes; contract disease; and suffer physical and psychological damage that lasts long after their detention ends.

Pretrial Detainees Suffer Tragic Consequences

Exposure to inhumane violence, initiation rituals, and gang violence. Both homicide and suicide rates are significantly higher among pretrial detainees compared to sentenced prisoners.

The spread of infectious diseases due to overcrowded and unsanitary conditions. When detainees are released, they carry these diseases back to their home communities.

Social stigmatization, including ostracism from family and community and difficulty finding and retaining employment.

Increased propensity for crime. Those who experience

prolonged pretrial detention are more likely to commit a criminal offense after release and their children are also more likely to commit a criminal offense later in life.

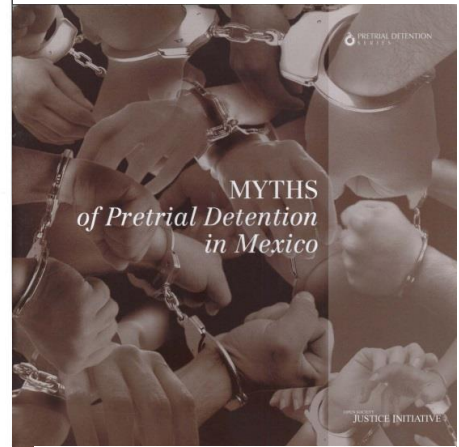
Pretrial Detention Also Affects Families and Communities

The repercussions of prolonged detention are felt far beyond holding cells. The problem disproportionately affects poor and marginalized communities, whose members are more likely to be arbitrarily arrested and unable to afford legal assistance, are most vulnerable to spending prolonged periods in pretrial detention. When individuals are detained for excessive periods and lose their employment, their families slip deeper into poverty, facing hunger and homelessness.

Marco Lara Klahr
ECONOMORPHI
Prisión sin condena
Patricia Aridjis, Alida Piñón, Humberto Ríos Navarrete
Alejandro Suverza, Juan Veledíaz



DEBATE



نشرة العدد 11

لماذا نحتاج إلى حملة عالمية لعدالة ما قبل المحاكمة

أكثر من 3 ملايين شخص حول العالم وراء القضبان بانتظار المحاكمة. يقضي العديد منهم شهوراً بل حتى سنوات في السجون - دون محاكمة أو إدانة - تتهكم برفق أكثر فخرًا من ذلك الذي يربطنا من أبنائنا بجرارتهم وبمكث عليهم بالسجن. يعاني الكثير من المعتقلين بانتظار المحاكمة التعب والمرض والافتقار إلى الرعاية الطبية الأساسية. الموقوفين المائمين يوافقون مطالب محتجزين، لا يحل معهم بمرحلة الاتهام بدماء أو مشتاق الأهل، وغالباً ما يفتقدون إلى المعلومات المتعلقة بظروف وأساليب، وقد يوزعون في البداية إلى قاعة المحكمة - دون تمثيل قانوني وبعد أن يتكلمون شعور من سوء المعاملة - تكون الضمانات قد تكاثرت لديهم. كما قالت مدة الاعتقال الممتد في المحاكمة، كما أن احتمال إدانة.

إن الاعتقال ما قبل المحاكمة التعسفي والظلمة والتأجيل الممتد يهدد الحقوق الأساسية للإنسان. إن انتهاكات حقوق الإنسان في الاعتقال الممتد والمعتقلين في فترة ما قبل المحاكمة والقانون والمثل والمبادئ الإنسانية للإعتقال في التظلم الأخرى، وبمقتضى من المعتز الجسدي والنفسي الذي لا يزال حتى بعد فترة طويلة من انتهاء مجرمهم.

دعوات المعتقلين في فترة ما قبل المحاكمة من عوالم ما قبل المحاكمة أيضًا على الأسر والمجتمعات

- يتجاوز أثر معتقل الاعتقال فترة اعتقاله، فهو يواجه صعوبات اقتصادية واجتماعية وصحية بعد الإفراج عنه.
- أكثر عوالم الاعتقال والحرمان من حقوق الإنسان على حد سواء، حيث يكون الاعتقال في المعتقلات، ومن يتجاوز لفترة طويلة دون فهم واضح للقانون والظلمة والظلمة.
- ظروف الاعتقال الممتد حيث توجد أوضاع غير مستقرة.

- الاعتقال ما قبل المحاكمة مشكلة عالمية.
- من سوء فهم معتقل الاعتقال الممتد، حيث يكون أكثر من معتقل معتقل، فحضر معتقل ما قبل المحاكمة.

Retos de la Reforma Penal: Equilibrando la Presunción de Inocencia y la Seguridad Pública

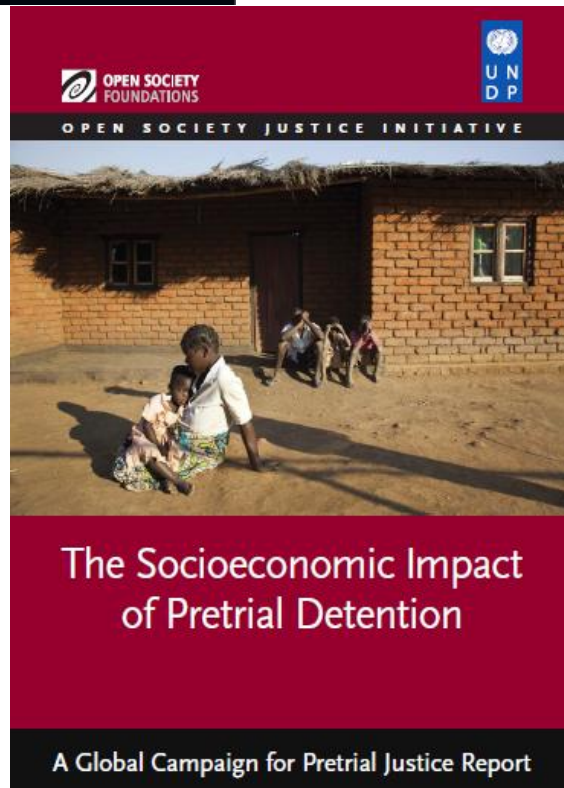
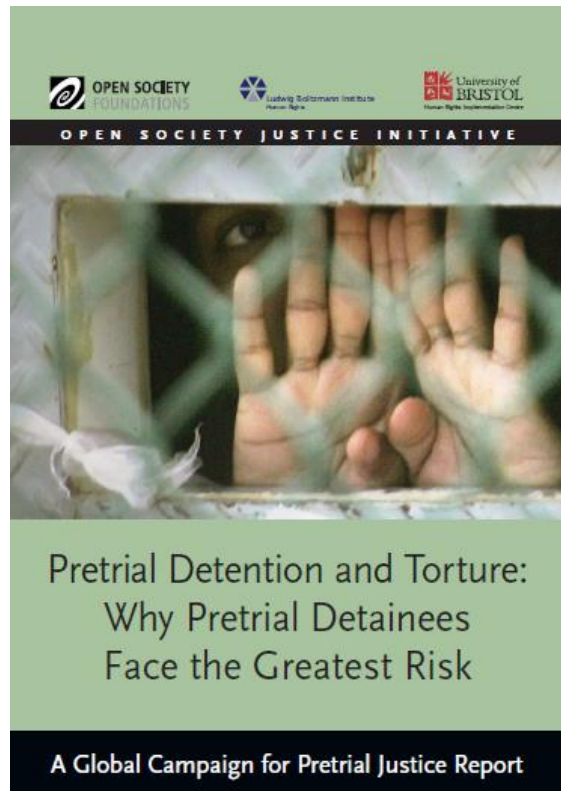
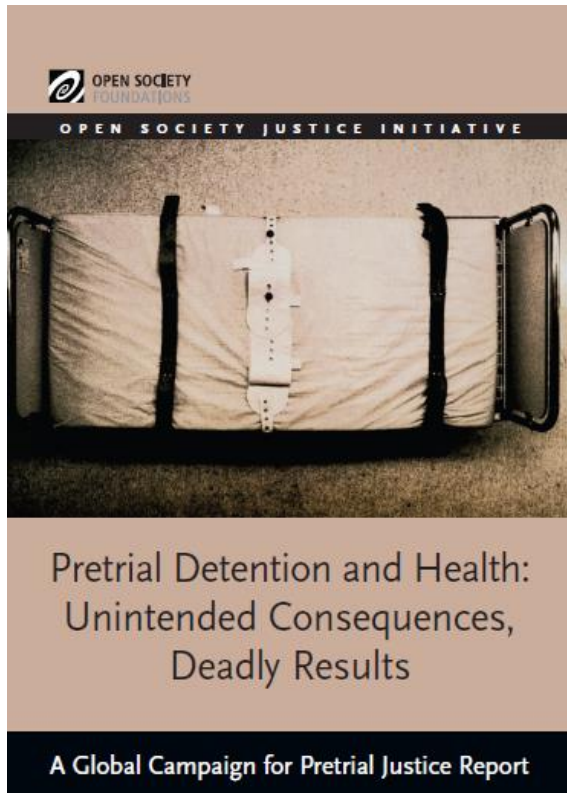
Renace EGAP CÁTEDRA


Justice Initiatives
A publication of the Open Society Justice Initiative, Spring 2012

Contents


Foreword	1	Pretrial Detention	
Mark Shaw			
Overview	3		
Grand Ambitions, Modest Scale	4		
Field Footing			
The Scale and Consequences of Pretrial Detention around the World	11		
Martin Schirmer			
Case Studies			
Reforming Seeking to Reform Pretrial Detention Practices in Chile	44		
Viviana Sotomayor and Luis Val			
Colours for Change: The Effect of Prison Visits on Pretrial Detention in India	57		
J.K. Iyengar			
On the Front Lines: Insights from Malawi's Strategic Advisory Service	70		
Clifford Akhala			
Building and Sustaining Change: Pretrial Detention Reform in Argentina	85		
Anthony Messer			
Elle Udo: The Business Reform of Fees and Their Removal	103		
Olga Schwartz			
Frontier Potential: The Short and Long Term Impact of Pretrial Services in South Africa	121		
Laura Klein			
Pathways to Justice: Juvenile Detention Reform in the United States	141		
D. Alan Preyer			
Studies in Reform: Pretrial Detention Interventions in Mexico, Ukraine, and Latvia	153		
Bogdana Ristoiu-Roman, Martin Schirmer, and Denise Zemanova Jankó			
Reflection			
Mining Politics, Ethics, and Detention: Reflections on Reform in El Salvador	177		
Robert O. Stevens			


OPEN SOCIETY JUSTICE INITIATIVE




 THE GLOBAL CAMPAIGN FOR PRETRIAL JUSTICE
IMPROVING PRETRIAL JUSTICE IN GHANA


**The Socioeconomic Impact of Pretrial Detention in
GHANA**


 Commonwealth Human Rights Initiative


 UNDP
Empowered lives.
Resilient nations.

 THE GLOBAL CAMPAIGN FOR PRETRIAL JUSTICE
IMPROVING PRETRIAL JUSTICE IN GUINEA


**L'impact socio-économique de la détention provisoire en
GUINÉE CONAKRY**


 MDT


 UNDP
Empowered lives.
Resilient nations.

 THE GLOBAL CAMPAIGN FOR PRETRIAL JUSTICE
IMPROVING PRETRIAL JUSTICE IN SIERRA LEONE

**The Socioeconomic Impact of Pretrial Detention in
SIERRA LEONE**

 Timap
FOR JUSTICE

 PRISON WATCH
SIERRA LEONE
Behind Bars but not Beyond Justice

 UNDP
Empowered lives.
Resilient nations.

Annex II. to the Pretrial Justice Elements of the Portfolio document



FIGURE 3:
European expenditure on pretrial detention compared to selected global humanitarian, health and governance expenditures (US\$)

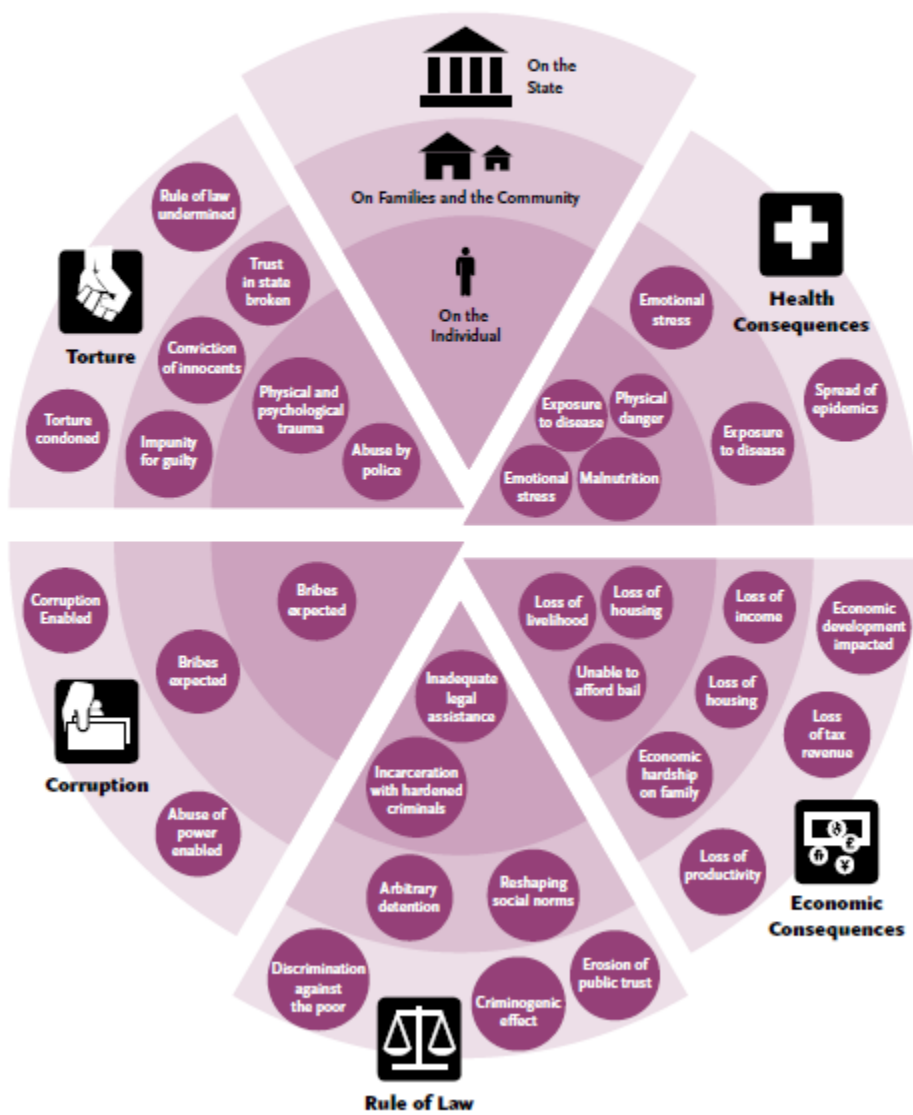


Annual PTD costs to European states 2010



Sources: UNICEF; WHO; Global Fund to Fight AIDS, Tuberculosis and Malaria; Worldwatch Institute.

Consequences of Pretrial Detention



VOICES

Exposing Mexico's Poisoned Justice System

July 13, 2010 | by Denise Tomasini-Joshi | Open Society Justice Initiative | 8 comments



How can a system work when there are no incentives for it to do so? That is the basic dilemma confronting reformers of the Mexican justice system. For years, police, prosecutors and judges in Mexico have known that they don't have to find and punish people who have actually committed crimes to create an illusion of law and order; just filling the jails will do.

The award-winning documentary *Presumed Guilty*, which airs on PBS on July 27, 2010, exposes the disturbing contradictions of the Mexican justice system. It follows two



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LEARN ABOUT THE AUTHORS



Denise Tomasini-Joshi

Denise Tomasini-Joshi is deputy director of the International Harm Reduction Development Program at the Open Society Foundations.

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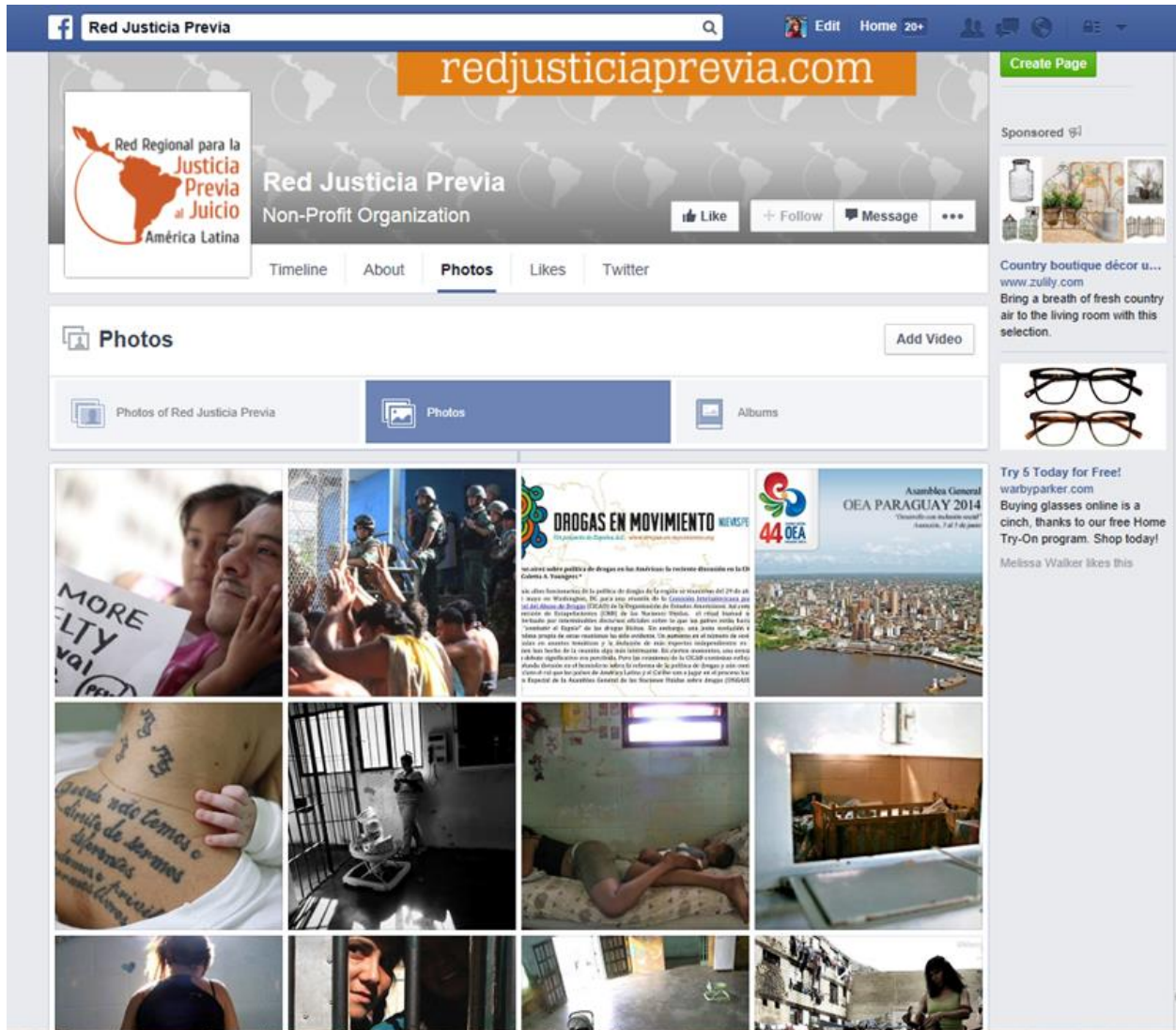
Moving Forwards a Global Vision for Legal Aid

July 11, 2014 | by Marina Ilminska, Zaza Namoradze

The UN has recognized the vital role legal aid plays in delivering access to justice for all. Now it needs to monitor implementation of its Principles and Guidelines.

PUBLICATION

Effective Prosecution: Guatemala's Public Ministry in an International Context



The image shows a screenshot of a Facebook page for 'Red Justicia Previa'. The page header includes the Facebook logo, the name 'Red Justicia Previa', a search bar, and navigation options like 'Edit', 'Home', and '29+'. Below the header is a banner with the website 'redjusticiaprevia.com' and the organization's logo, which features a map of Latin America and the text 'Red Regional para la Justicia Previa al Juicio América Latina'. The page is categorized as a 'Non-Profit Organization' and has options to 'Like', 'Follow', and 'Message'. The main content area is titled 'Photos' and contains a grid of 12 images. The top-left photo shows a man holding a sign that says 'MORE ELTY'. The top-middle photo shows a group of people, some in uniform. The top-right photo is a news article titled 'DROGAS EN MOVIMIENTO' with a sub-headline 'NUEVAS' and a logo for '44 OEA'. Below the article is a large photo of a city skyline. The other photos in the grid show various scenes, including a person with a tattoo, a person in a prison cell, and a person lying on a bed. On the right side of the page, there are sponsored ads for 'Country boutique décor u...' and 'Try 5 Today for Free! warbyparker.com'. At the bottom right, it says 'Melissa Walker likes this'.