

Building People not Building Prisons

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In the popular point of view, prisons are thought of as crime fighting-devices. Hence, in the 18th century, exile, execution and exposing offenders to various forms of corporal punishment were the most common penalties for criminal acts. Although jails were commonplace, imprisonment was viewed as a temporary restriction rather than the prescribed penalty for crime. Retribution was considered as the prime motivation for official punishment.

Under the influence of the Enlightenment however, deterrence rather than retribution became the leading principle for imprisonment. It was thought that fitting the severity of the punishment to the severity of the crime would act as a deterrent. Towards the end of the 19th century, belief in punishment and deterrence as the main objects of imprisonment came increasingly under question. The idea of the prison as a reformatory process came up in the 20th century. This rehabilitation model treats the offender as a unit of analysis. Under this model, the walls of the prison stand symbolically as a black box into which citizens disappear for a time to emerge later, changed.

Nevertheless, this perspective suffers from at least two main

drawbacks. The first is that it ignores the potential impact of incarceration upon families, communities, and economies. Second, it looks only at the tip of the iceberg, by addressing the offence itself and overlooking the causes that triggered it.

Indeed, the incarceration of a parent is often a predicament that the child will have difficulties. The direct material effects include problems that result from the loss of care and financial support. The emotional consequences of having an imprisoned parent are less obvious but potentially more significant. Children may feel shame, humiliation, and a loss of social status. The future criminality by children of incarcerated parents is evident in some cases. The case of women prisoners stands out even more strongly. The articles presented in this issue of *Al-Raida* show the great sufferings that families of women prisoners endure. Those families may even break down as a result of imprisonment, especially when the mother, who is sometimes the family's bread winner is the one at stake. The imprisonment of the mother causes psychological damage to the whole family, as the latter is treated with contempt by the community and may be ostracized. The negative impact on

children of having an imprisoned parent is strongly evidenced by experts who estimate that by the next decade, one half of all prisoners in the US will be from a family which had a parent in prison. Other statistics indicate that children with parents in prison are five times more likely than the average child to commit crimes and be imprisoned.

On the other hand, some would argue that expanding the prison system aggravates socio-economic inequalities because imprisonment narrows the life chances of persons exposed to it. Each prisoner represents an economic asset that has been removed from that community and placed elsewhere, hence causing an economic loss.

Inquiries into the reasons that lead offenders to commit their acts represent the first step of the so-called human rights perspective to prisons and prisoners. Indeed, the basic criterion of the human rights based approach is to look at the structural causes of a phenomenon. In this specific context, it means situating the individual offender within their societies and adopting a more holistic perception of the potential offender as a person who lives in places, interacts with fellow citizens, and responds to various life circumstances which choices

based on a grounded understanding of the consequences of those choices. If the numbers of prisoners are continue to grow, and as a consequence, conditions of detention are deteriorating, then action needs to be made to limit the number of prisoners. This can be made only by addressing the reasons that lead individuals to commit offences, and by preventing the presence of such conditions. It also means that dealing with offences needs to be done by involving the perpetrators and the victims and by restoring an order that was disrupt. This can be done only within a community setting and not within an artificial context like that of prisons. Alternatives to the deprivation of liberty consist mostly of restorative measures at the level of the community; those alternatives need to be seriously considered as a means of dealing with many offences. They embody the belief in the worthiness of human beings and in their right to participate in setting their fate; they are also a humanitarian way of dealing with offenders and offences; and they will definitely lead to lower recidivism levels.

A human rights based approach means also that particular attention be given to discrimination, equality, equity and to vulnerable groups, among them women, minorities, indigenous peoples, prisoners and others. The human rights based approaches focus on raising levels of accountability by identifying claim-holders (and their entitlements) and corresponding duty-holders (and their obligations).

This special issue of *Al-Raida* is devoted to the theme of incarcerated women. The articles presented promote a human rights based approach to imprisonment. In short, our driving motto in this issue is building people, not building prisons.

