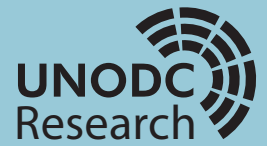




UNODC

United Nations Office on Drugs and Crime



UNODC
Research

1

DATA MATTERS

**Nearly twelve million
people imprisoned globally**

Nearly one-third unsentenced

**With prisons overcrowded in half
of all countries**



HiD

Acknowledgements

This report was prepared by the Data Development and Dissemination Section and the Crime Research Section of the Research and Trend Analysis Branch, United Nations Office on Drugs and Crime (UNODC).

General coordination and content overview:

Angela Me (Chief, Research and Trend Analysis Branch)

Enrico Bisogno (Chief, Data Development and Dissemination Section)

Analysis and drafting:

Maurice Dunaiski

Theodore Leggett

Data management and estimates production:

Natalia Ivanova

Camelia Abdelgelil

Cover design and infographics:

Suzanne Kunnen

Review and comments:

For helpful comments we thank our colleagues in the Justice Section of the Division for Operations: Philipp Meissner, Jee Aei Lee, and Christoph Capelle

Disclaimers

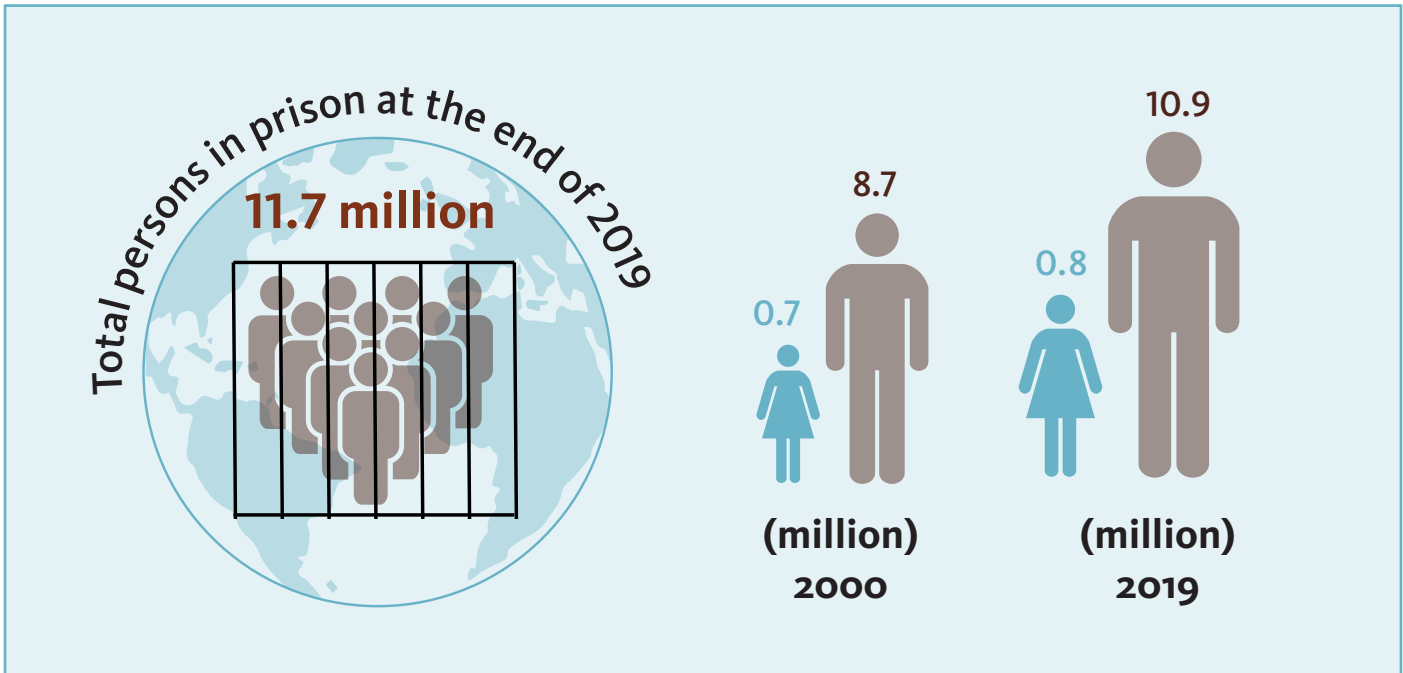
This report has not been formally edited. The contents of this publication can in no way reflect the views or policies of UNODC or contributory organizations, nor do they imply any endorsement. The designations employed and the presentation of material in this publication do not imply the expression of any opinion on the part of UNODC concerning the legal status of any country, territory or city or its authorities, or concerning the delimitation of its frontiers or boundaries. This publication may be reproduced in whole or in part and in any form for educational or non-profit purposes without special permission from the copyright holder, provided acknowledgement of the source is made. UNODC would appreciate a copy of any publication that uses this publication as a source.

Contact: UNODC, DDDS: unodc-ddds@un.org

Cover picture: Haidy Darwish

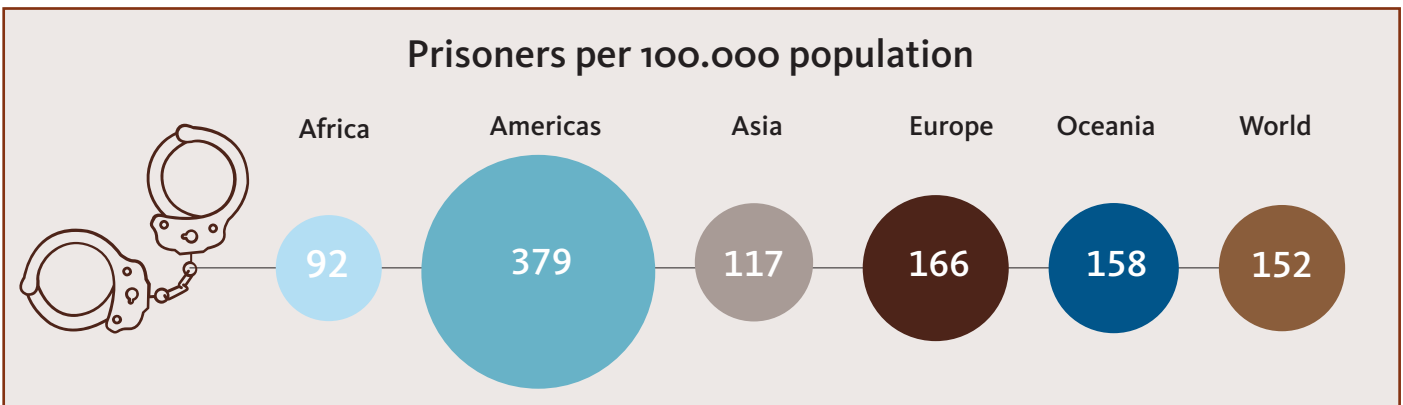
Copyright © 2021, United Nations Office on Drugs and Crime

KEY FINDINGS



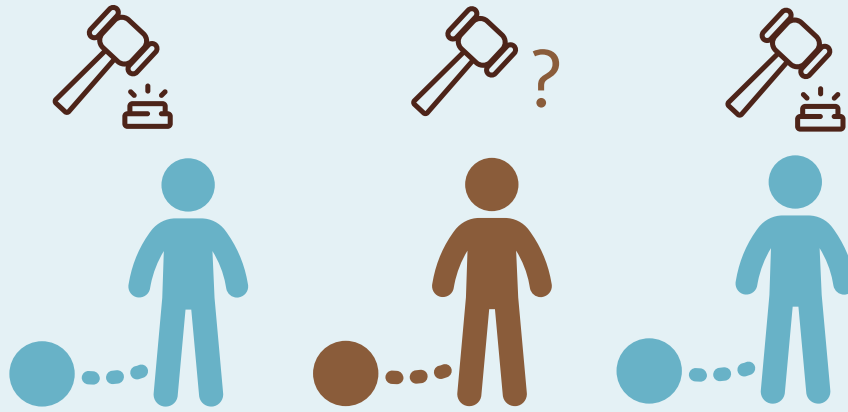
THE NUMBER OF PERSONS DETAINED IN PRISON GLOBALLY CONTINUES TO INCREASE, WITH THE NUMBER OF WOMEN GROWING FASTER THAN MEN

- At the end of 2019, an estimated 11.7 million persons were detained in prisons across the world. This is a population comparable in size to entire nations such as Bolivia, Burundi, Belgium, or Tunisia.
- Since 2000, the population held in prison has increased by more than 25%.
- Most persons detained in prison globally are men (93%) but - over the last 20 years - the number of women in prisons has increased at a faster pace (33% increase) than men (25% increase).



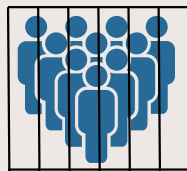
IMPRISONMENT RATES VARY SUBSTANTIALLY ACROSS REGIONS, FROM NEARLY 600 PRISONERS PER 100,000 POPULATION IN NORTHERN AMERICA, TO AROUND 50 IN SOUTHERN ASIA

- As of 2019, there were an estimated 152 prisoners for every 100,000 population globally.
- Northern America, Sub-Saharan Africa and Eastern Europe have experienced a long-term decrease in imprisonment rates (up to 27% decrease since 2000), while other regions, such as Latin America and Australia/New Zealand, have seen growth over the last two decades (up to 68% increase).



ONE IN EVERY THREE PRISONERS WORLDWIDE IS HELD WITHOUT HAVING BEEN FOUND GUILTY BY A COURT OF JUSTICE

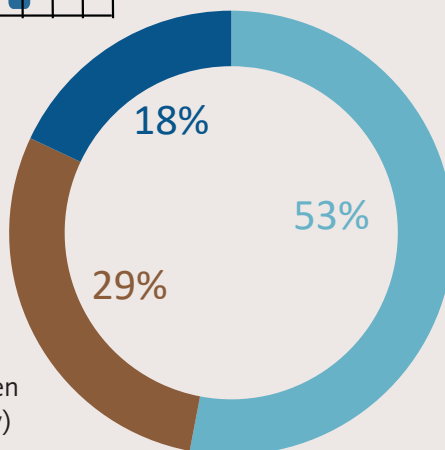
- While the retention of alleged offenders should be a measure of last resort, many prisoners are detained without a sentence.
- The global share of unsentenced detainees in the prison population has not changed much in the past 20 years, ranging between 29% and 31%. This suggests that little global progress has been made in achieving Sustainable Development Goal 16.3 on access to justice.



Countries where prisons are overcrowded (number of prisoners above 150% of prison capacity)



Countries where prisons are overcrowded (number of prisoners between 100-150% of prison capacity)



Countries where number of prisoners is lower than prison capacity

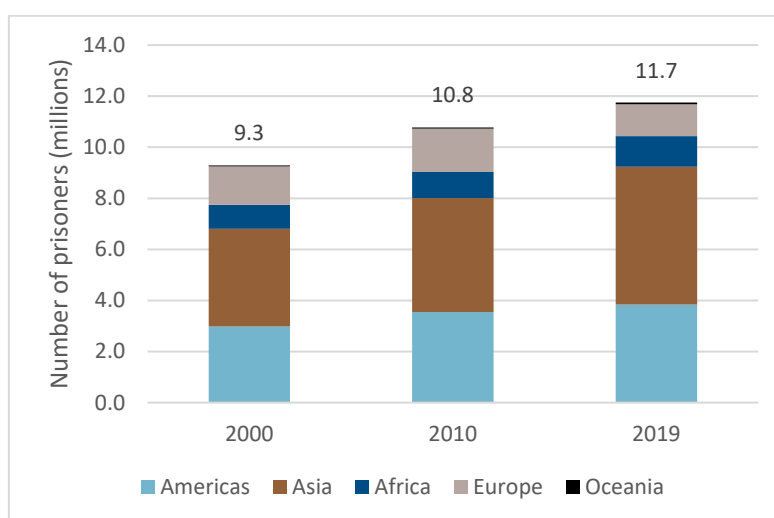
PRISONERS IN HALF OF ALL COUNTRIES ARE HELD IN OVERCROWDED PRISON SYSTEMS

- In roughly half of all countries with available data between 2014 and 2019, the prison systems were operating at more than 100% of intended capacity. In one out of five countries with available data, prisoners outnumbered the prison capacity by more than 150%.

1. Prison population, global trends

UNODC estimates that approximately 11.7 million people were detained globally in 2019, a population comparable in size to entire nations such as Bolivia, Burundi, Belgium, or Tunisia.¹ The current estimate represents an increase of more than 25% from the year 2000, when there were around 9.3 million people imprisoned globally (see Figure 1). This trend is slightly above global population growth, recorded at 21% between 2000 and 2019.² As of 2019, there were an estimated 10.9 million male prisoners and an estimated 0.8 million female prisoners globally. While women remain a small percentage of the prison population in most countries, the number of female prisoners has witnessed a larger rate of increase (33%) than male prisoners (25%) between 2000 and 2019.³ The yearly rates of change in the global male and female prison populations are shown in Figure 2. While trends in male and female prison populations generally move together, there is stronger year-on-year variability in the female trend, which is also due to the much smaller size of the female prison population.⁴ As a result of these gender-specific dynamics, the female share of the global prison population has increased, from 6.1% in 2000 to 7.2% in 2019 (see Figure 3). The increase in the female share of prisoners has, however, not been homogenous across regions. Europe has recorded the largest increase in the female share of prisoners from 4.2% in 2000 to 6.5% in 2019 – a trend driven by a faster decline of male prisoners relative to female prisoners, primarily in Eastern European countries.⁵ In contrast, Africa has recorded persistently low female prisoner shares of around 2.9% over the last two decades (see Figure 3).

Figure 1: Global prison population by regions (2000, 2010 & 2019)



Source: UN-CTS

¹ Global and regional estimates are based on data submitted to UNODC by Member States through the annual United Nations Surveys on Crime Trends and the Operations of Criminal Justice Systems (UN-CTS). Where applicable, the UN-CTS data are supplemented with external data sources. National statistics on prisons used in this brief are available at dataunodc.un.org. Regional and sub-regional groups are based on the UN M49 classification scheme.

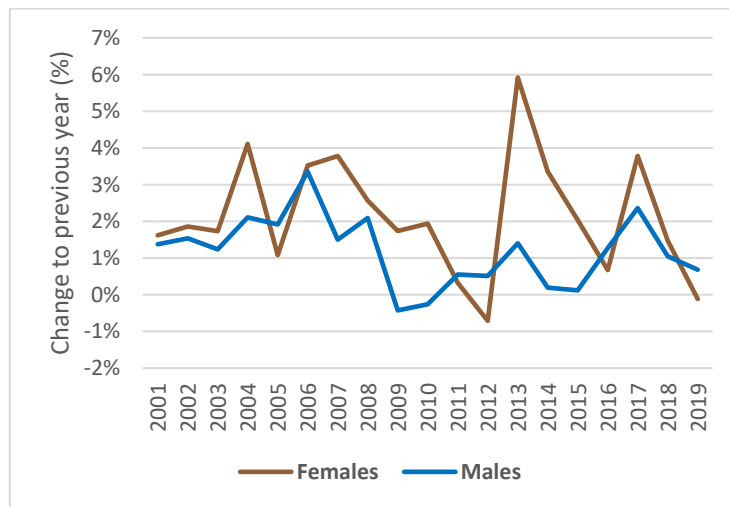
² According to the United Nations Population Division, the world population in 2000 was 6,143,494,000 and in 2020 it was 7,794,799,000, representing a growth of 21%.

³ In 2000, there were an estimated 0.6 million female prisoners and 8.7 million male prisoners globally.

⁴ Gender-disaggregated rates of change at the regional level are presented in the appendix (see Figures 17-21).

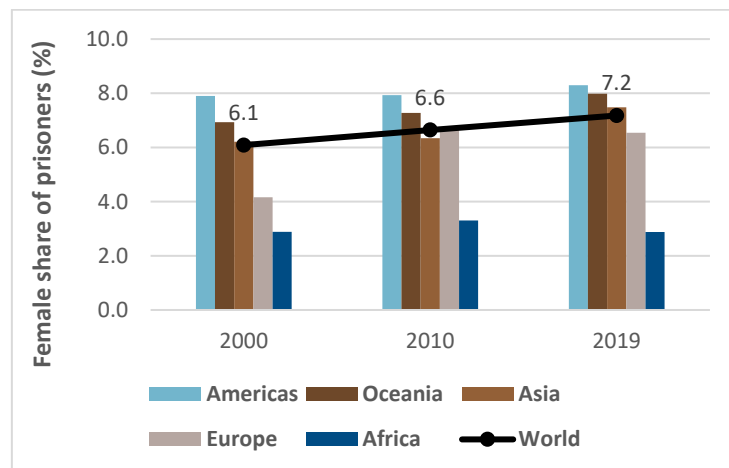
⁵ See Figure 20 in the appendix.

Figure 2: Yearly rate of change in global male and female prison populations (2001-2019)



Source: UN-CTS

Figure 3: Female share of the prison population (2000, 2010 & 2019)

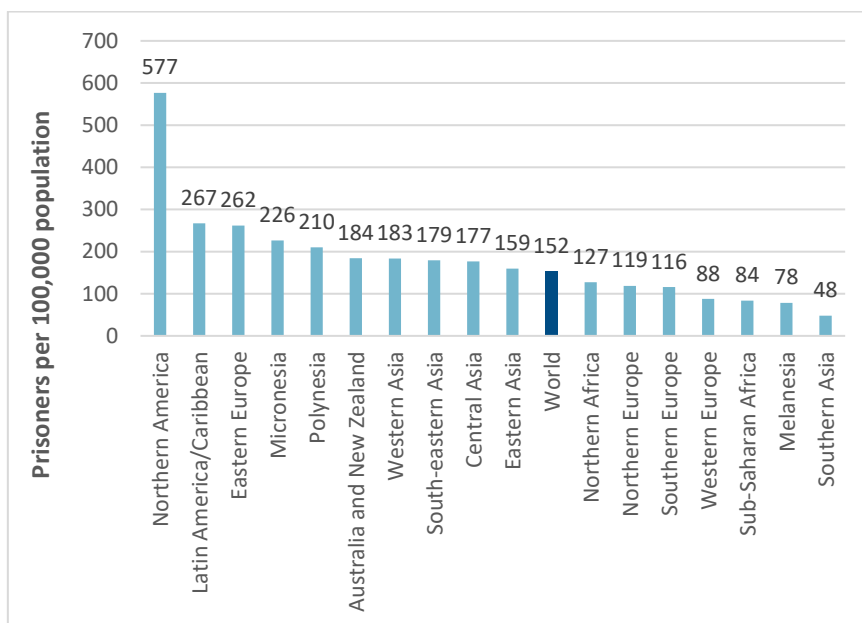


Source: UN-CTS

From a comparative perspective, it is informative to look at the number of prisoners per 100,000 population, as this accounts for different population sizes and growth rates. As of 2019, there were an estimated 152 prisoners for every 100,000 population globally. This global rate has not changed much over the last two decades – it stood at 151 prisoners in 2000. There is, however, considerable sub-regional variation: as of 2019, a much larger share of the population was imprisoned in Northern America (577 per 100,000 population), Latin America and the Caribbean (267) and Eastern Europe (262), than in Sub-Saharan Africa (84), Melanesia (78), or Southern Asia (48) (see Figure 4). Furthermore, gender-specific rates also vary substantially across sub-regions (see Figure 5). The high male imprisonment rate in the Northern American sub-region (1,048 male prisoners per 100,000 male population) is particularly noteworthy. Globally, men are approximately 13 times more likely to be held in prison than women, but gender disparities are less marked in Northern America and Central Asia (where men are around 9 times more likely to be imprisoned than females) and much more marked in Northern Africa (45 times more likely) and Southern Asia (24 times more likely). Looking at trends over time, some sub-regions, such as Northern America, Sub-Saharan Africa and Eastern Europe, have experienced a long-term decrease in the number of prisoners relative to their

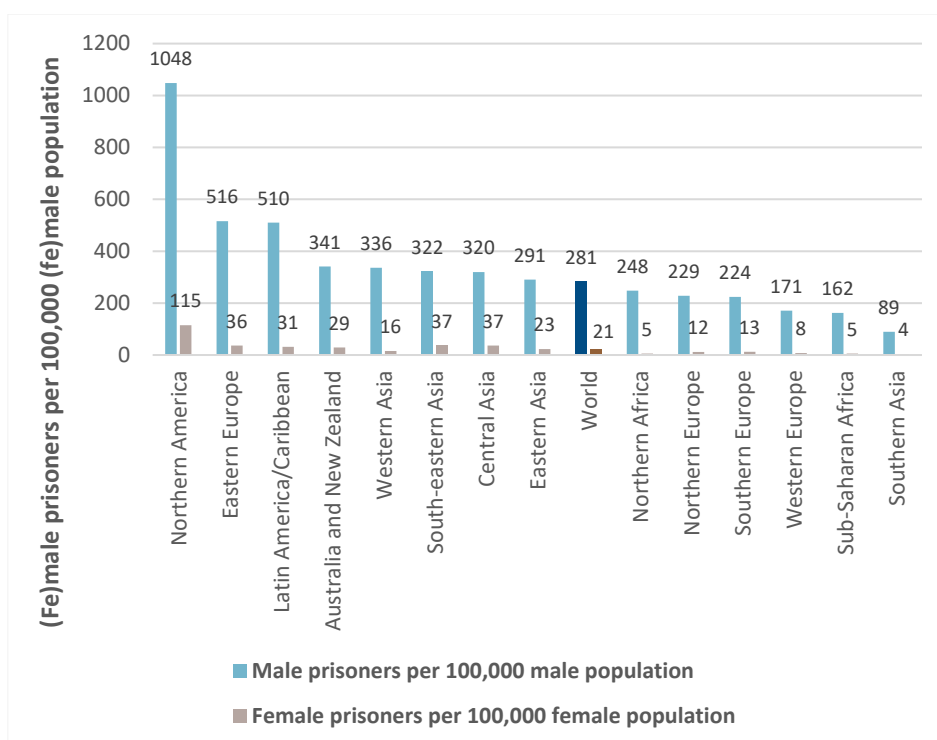
populations, while other regions, such as Latin America and Australia/New Zealand, have seen growth over the last two decades (see Figure 6). In the appendix, time trends for all remaining sub-regions (Figure 10 and Figure 11) as well as for male and female prison populations (Figure 12 and Figure 13) are presented.

Figure 4: Number of prisoners per 100,000 population, by sub-region (2019)



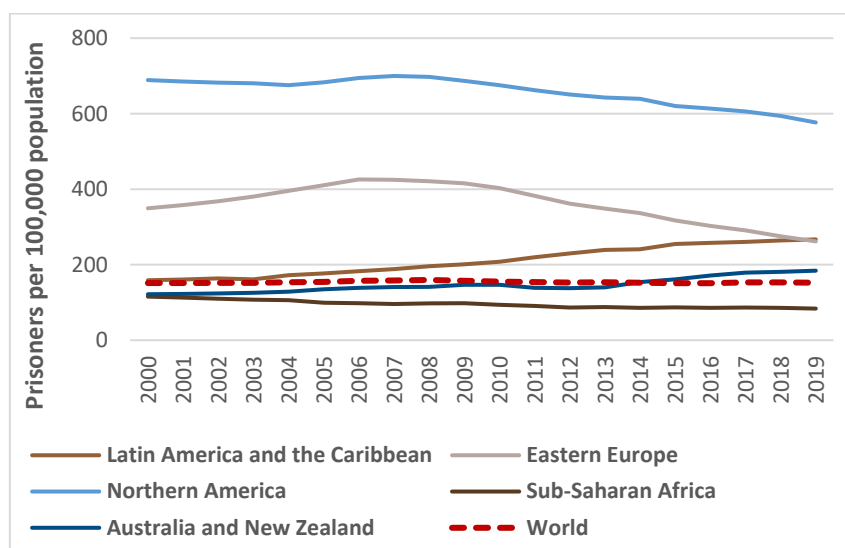
Source: UN-CTS.

Figure 5: Number of prisoners per 100,000 population, by sex and sub-region (2019)



Source: UN-CTS. Polynesia, Melanesia and Micronesia are excluded due to limited data coverage on gender disaggregation.

Figure 6: Number of prisoners per 100,000 population, by selected sub-regions (2000-2019)



Source: UN-CTS.

2. Prison overcrowding, a long-standing and universal challenge

The criminal justice system is typically divided into three distinct parts: the police, the judiciary and prosecution service, and the prison or correctional service. These three parts are interconnected. Whenever the police make an arrest, it has implications for the courts. Every time the courts remand an accused person to custody, or impose a sentence of imprisonment, it has implications for the prison or correctional service. Every person sentenced to prison must be housed, but if prison sentences increase at a rapid rate, prison capacity cannot follow at the same speed, because it can take years and large amounts of financial resources to build and staff a new prison. Prisons can therefore become overcrowded.

Moreover, both the volumes of accused people entering the criminal justice system and potential time delays associated with processing these volumes can put an additional burden on the corrections system. In particular, the volume of people who have been accused of, but not yet convicted for a criminal offence – the “unsentenced” prisoners⁶ - can swell when the courts themselves are overburdened and cannot process cases efficiently.

Prison overcrowding is widespread around the world. Of the 100 countries and territories for which UNODC has data on both prison capacity and prison occupancy between 2014 and 2019, 47% are operating at more than 100% of intended capacity.⁷ A smaller share of countries and territories (18%) operate at more than 150% of the intended capacity (see Figure 7).

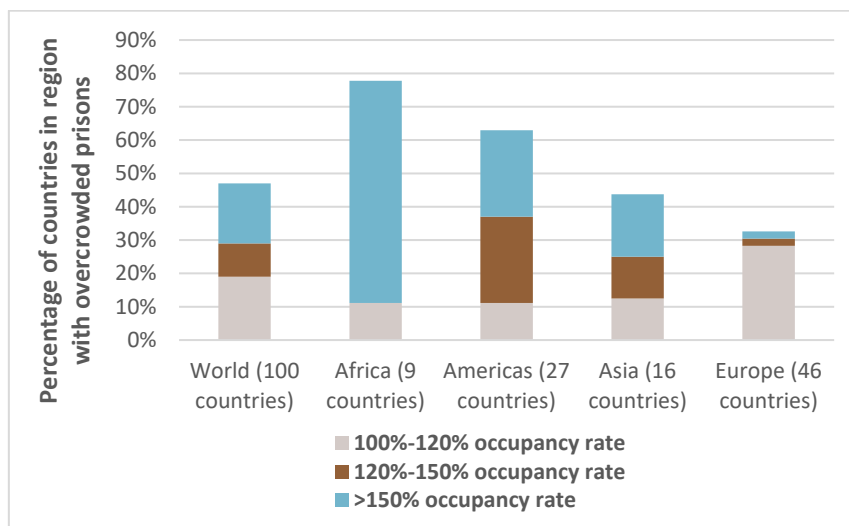
International comparison of overcrowding can be complicated because there is no universal standard on the amount of prison space appropriate for each prisoner. Prison capacities are determined locally. Countries that are more generous in the space allocated to each prisoner may appear to be more overcrowded than those where higher prisoner densities are accepted in determining official prison capacity. For this reason, direct comparisons are difficult. With this caveat in mind, the available data

⁶ For statistical purposes unsentenced prisoners are “persons held in prisons, penal institutions or correctional institutions who are untried, pre-trial or awaiting a first instance decision on their case from a competent authority regarding their conviction or acquittal.” Persons held who have been convicted but who have not received a sentence yet are considered “sentenced” (UN-CTS).

⁷ For each country, the latest available year (between 2014 and 2019) with data points for both adult prison capacity and adult prison occupancy were used to calculate the prison occupancy rate. A country’s occupancy rate is equal to the ratio of the adult prison population over the reported adult prison capacity multiplied by 100. Countries with an occupancy rate exceeding 100% are overcrowded.

show strong regional variation in overcrowding levels. Countries in Africa and the Americas have on average high numbers of prisoners compared to their available space, but in every world region there are countries where prison capacity is insufficient (see Figure 7).

Figure 7: Percentage of countries in each region where prisoners outnumber the official prison capacity (2014-2019)



Source: UN-CTS, 2014-2019 data. Oceania is excluded due to limited data coverage on prison capacity and occupancy.

The problem of prison overcrowding rose in prominence recently due to the coronavirus pandemic.⁸ COVID-19 prevention measures that are currently implemented in the community, such as physical distancing and tight hygiene protocols, are often difficult to implement in prisons, especially when they are overcrowded.⁹ According to a global analysis of official and media sources, as of May 2021, it was estimated that nearly 550,000 prisoners in 122 countries have become infected with COVID-19, with close to 4,000 fatalities in prisons in 47 countries.¹⁰ In response to the pandemic, some prisons limited recreation, work opportunities, and visitation rights, all essential components of rehabilitation programmes.¹¹ Some countries opted to release, at least temporarily, large numbers of people in custody, particularly remand prisoners and those convicted of non-violent offences. Since March 2020, at least 700,000 persons around the globe – or roughly 6% of the estimated global prison population – have been authorized or considered eligible for release through emergency release mechanisms adopted by 119 Member States.¹²

⁸ For UNODC policy guidance on coping with the pandemic, see: <https://www.unodc.org/unodc/en/covid-19-policy-documents.html>

⁹ UNODC.2021. COVID-19 Guidance Note - Emergency release mechanisms for detainees and prisoners during Covid-19: Findings and recommendations, p.1

¹⁰ Justice Project Pakistan, COVID-19 and Prisoners, Infected prisoners and deaths across the world. Available at www.jpp.org.pk/covid19-prisoners

¹¹ UNODC. 2021. Covid-19 guidance note - Core principles on mitigating a disruptive impact of infection prevention and control (IPC) measures in prison settings.

¹² UNODC.2021. COVID-19 Guidance Note - Emergency release mechanisms for detainees and prisoners during Covid-19: Findings and recommendations, p.2

Even without the coronavirus pandemic, prison overcrowding has serious implications for rehabilitation,¹³ and can rise to the level of a human rights violation,¹⁴ especially when teamed with long remand periods. According to Rule 12 of the United Nations Standard Minimum Rules for the Treatment of Prisoners:

Where sleeping accommodation is in individual cells or rooms, each prisoner shall occupy by night a cell or room by himself or herself. If for special reasons, such as temporary overcrowding, it becomes necessary for the central prison administration to make an exception to this rule, it is not desirable to have two prisoners in a cell or room.

Rule 13 goes on to state:

All accommodation provided for the use of prisoners and in particular all sleeping accommodation shall meet all requirements of health, due regard being paid to climatic conditions and particularly to cubic content of air, minimum floor space, lighting, heating and ventilation.

Many prisons, especially when overcrowded, fall short of these standards.¹⁵ Forcing prisoners into sub-standard conditions interferes with the primary purpose of what incarceration should aim for according to Rule 4, which is “primarily to protect society against crime and to reduce recidivism”. Reducing recidivism becomes difficult when resources are stretched.¹⁶

3. Pre-trial detention, a challenge for access to justice

Prison overcrowding and delays in the justice process are closely related.¹⁷ Many people currently incarcerated globally have not yet been convicted of any crime. The retention of some suspects is inevitable because some may pose a danger to society (such as those accused of mass shootings or serial killings) or because they pose a flight risk (such as those accused of large-scale drug trafficking). Nonetheless, under United Nations Standards and Norms, they are presumed innocent until proven guilty at trial.¹⁸ The retention of the unsentenced detainees is problematic for corrections, because according to the Nelson Mandela Rules they should be kept segregated.¹⁹ The deprivation of liberty of innocent citizens represents a procedural injustice, and long periods of detention due to delays in adjudication may represent a violation of human rights.²⁰

¹³ UNODC. 2013. Handbook on Strategies to Reduce Overcrowding in Prisons, pp. iii, 14, 32, 141, 149; UNODC. 2018. Roadmap for the Development of Prison-Based Rehabilitation Programmes, p. 14; UNODC. 2018. Introductory Handbook on The Prevention of Recidivism and the Social Reintegration of Offenders, p. 7

¹⁴ United Nations High Commissioner for Human Rights. 10 August 2015. Human rights implications of overincarceration and overcrowding. A/HRC/30/19.

¹⁵ UNHCHR. 2015. Human rights implications of overincarceration and overcrowding Report of the United Nations High Commissioner for Human Rights. A/HRC/30/19

¹⁶ See UNODC’s *Roadmap for the Development of Prison-based Rehabilitation Programmes and Handbook on the Prevention of Recidivism and the Social Reintegration of Offenders*

https://www.unodc.org/documents/justice-and-prison-reform/17-05452_ebook.pdf

https://www.unodc.org/documents/justice-and-prison-reform/18-02303_ebook.pdf

¹⁷ At the country-level (using the latest available year), there is a positive and statistically significant correlation between the occupancy rate and the share of prisoners who are unsentenced ($N = 132$, $r = 0.21$, $p = 0.01$).

¹⁸ United Nations Standards and Norms in Crime Prevention and Criminal Justice, Rule 111 (2).

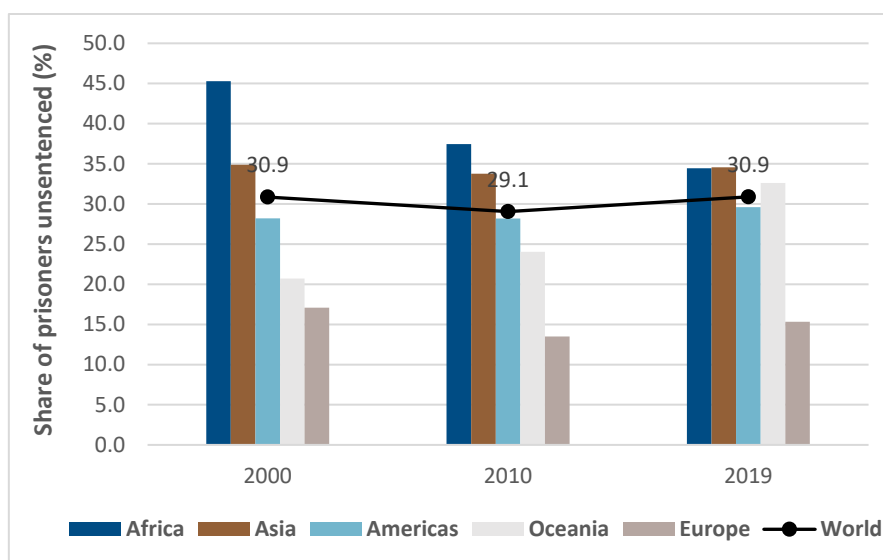
¹⁹ Rule 11 of the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules), and Principle 8 of the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment adopted by General Assembly resolution 43/173 of 9 December 1988.

²⁰ International Covenant on Civil and Political Rights, Articles 9(3) and 14(3)(c)

The share of prisoners who have not been sentenced is used as an indicator to monitor the target on access to justice under the United Nations Sustainable Development Goals (SDGs).²¹ The global share of unsentenced detainees in the prison population has not changed much in the past 20 years, holding true between 29% and 31% between 2000 and 2019 (see Figure 14 in the appendix for the rate of change since 2000). This suggests little global progress in achieving SDG target 16.3 to “ensure equal access to justice for all.” However, there has been substantial regional and sub-regional variation in both the share of unsentenced prisoners in the prison population and in trends in this share over time, with some regions making substantial improvements in reducing the share of unsentenced prisoners, while others have recorded an increase.

As of 2019, Asia and Africa had the highest share of unsentenced prisoners (both at 34%), while Europe had the lowest share (15%). Over the last two decades, Africa has seen the sharpest decline in the share of prisoners who are unsentenced, from 45% in 2000 to 34% in 2019. In contrast, Oceania (including Australia and New Zealand) recorded a sharp increase over the same time period, from 20% in 2000 to 32% in 2019 (see Figure 8). The variation in the share of unsentenced detainees is even more evident at the sub-regional level. For example, while in Southern Asia more than two thirds (67%) of all prisoners were unsentenced as of 2019, in Eastern Europe, Central Asia and Polynesia only around 10% of prisoners were unsentenced (see Figure 9). Trends over time in the unsentenced prisoner share also vary significantly at the sub-regional level (see Figure 15 and Figure 16 in the appendix).

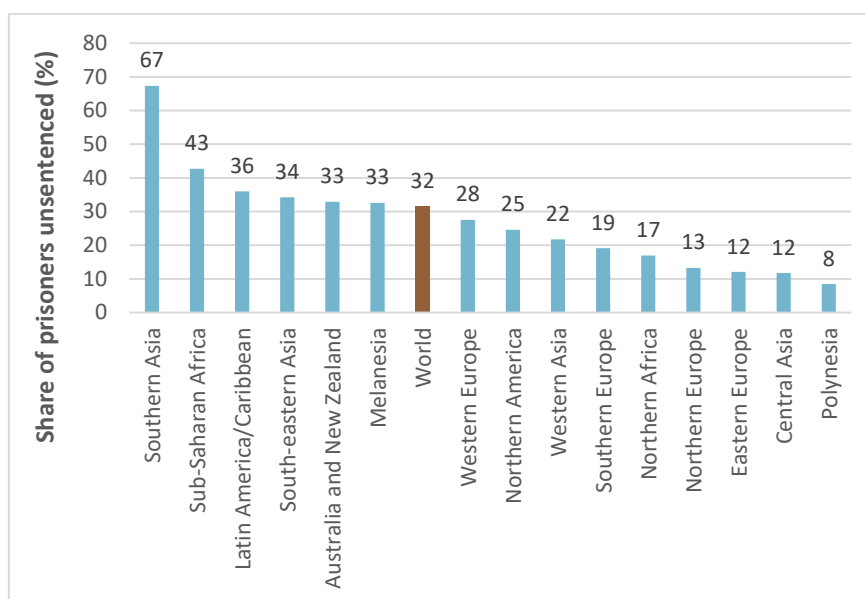
Figure 8: Share of prisoners unsentenced, by region (2000, 2010 & 2019)



Source: UN-CTS.

²¹ Sustainable Development Goal 16 is to “Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels.” Beneath this goal is Target 16.3, which is to, “Promote the rule of law at the national and international levels and ensure equal access to justice for all.” One of the indicators UNODC is monitoring to measure progress towards this target is 16.3.2: “Unsentenced detainees as a proportion of overall prison population.”

Figure 9: Share of prisoners unsentenced, by sub-region (2019)



Source: UN-CTS. Eastern Asia and Micronesia are excluded due to limited data coverage on unsentenced detainees.

4. Policy Implications

The following measures can contribute to curbing the excessive use of pre-trial detention and imprisonment, and alleviate the adverse consequences of prison overcrowding:

- Ensuring that a wide range of alternatives to imprisonment are available and sustainable in law, policy and in practice at every stage of the criminal justice process, so as to enable individualized and proportionate sentencing in line with the *United Nations Standard Minimum Rules on Non-Custodial Measures* (the Tokyo Rules).²²
- Replacing excessively punitive approaches that aim at ensuring public safety with evidence-based criminal justice policies that include a strong component on crime prevention.
- Widening timely and effective access to justice, in particular for those in pre-trial detention, by, inter alia, providing access to legal aid to all those accused of a criminal offence, in line with the *United Nations Principles and Guidelines on Access to Legal Aid in Criminal Justice Systems*.²³
- Addressing procedural bottlenecks in criminal justice systems, improving case management and the capacity of prosecution services and the judiciary, and reviewing criminal legislation that has been found to contribute to over-incarceration (e.g. mandatory minimum sentencing) or which criminalizes acts protected by international human rights law.

Furthermore, measures can be taken to counteract the relative increase in the female prison population, including:

- the development and implementation of gender-specific options for diversion and non-custodial measures at every stage of the criminal justice process. Such measures should take into account the history of victimization of many women offenders and their caretaking responsibilities, as well as mitigating factors, such as lack of a criminal history and the nature

²² Available at: https://www.unodc.org/pdf/criminal_justice/UN_Standard_Minimum_Rules_for_Non-custodial_Measures_Tokyo_Rules.pdf

²³ Available at: https://www.unodc.org/documents/justice-and-prison-reform/UN_principles_and_guidelines_on_access_to_legal_aid.pdf

and severity of the offence, in line with the *United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders* (the Bangkok Rules).²⁴

For more on this topic, see UNODC's *Handbook on Strategies to Reduce Overcrowding in Prisons*²⁵ and the *United Nations System Common Position on Incarceration*.²⁶

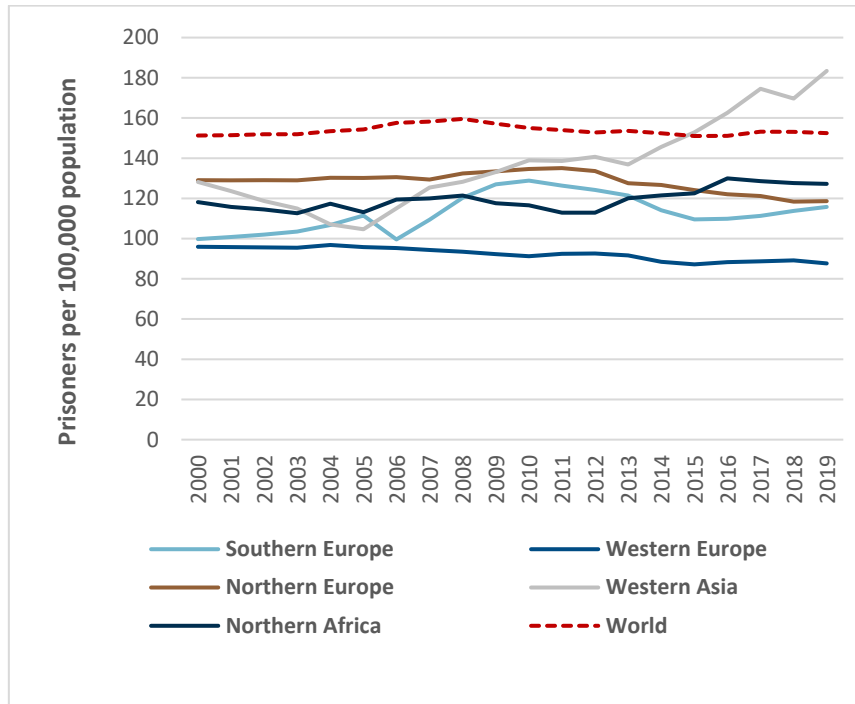
²⁴ Available at: https://www.unodc.org/documents/justice-and-prison-reform/Bangkok_Rules_ENG_22032015.pdf

²⁵ Available at: https://www.unodc.org/documents/justice-and-prison-reform/Overcrowding_in_prisons_Ebook.pdf

²⁶ Available at: https://www.unodc.org/res/justice-and-prison-reform/nelsonmandelarules-GoF/UN_System_Common_Position_on_Incarceration.pdf

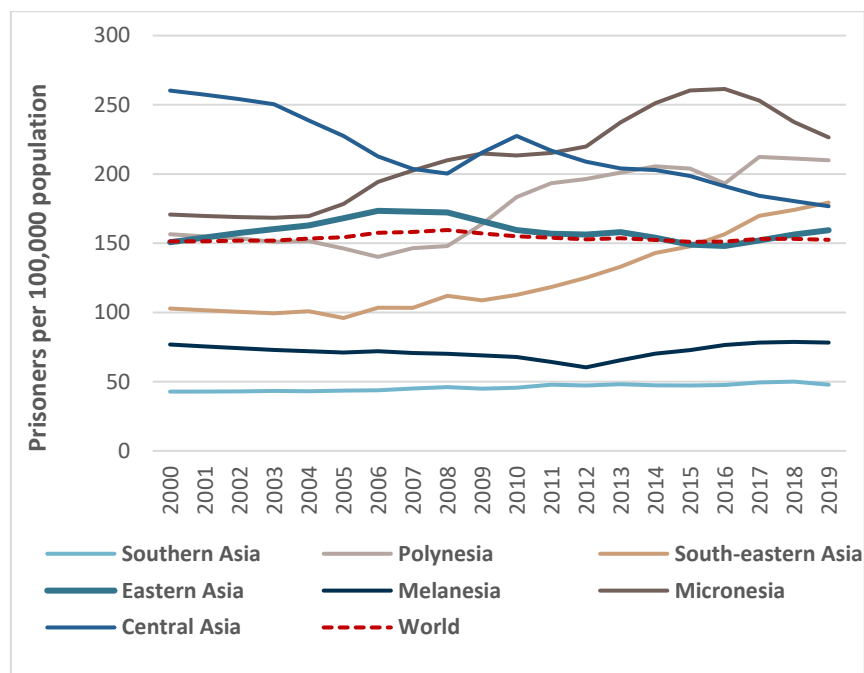
APPENDIX

Figure 10: Number of prisoners per 100,000 population, by selected sub-regions in Europe, Africa and Western Asia, 2000-2019



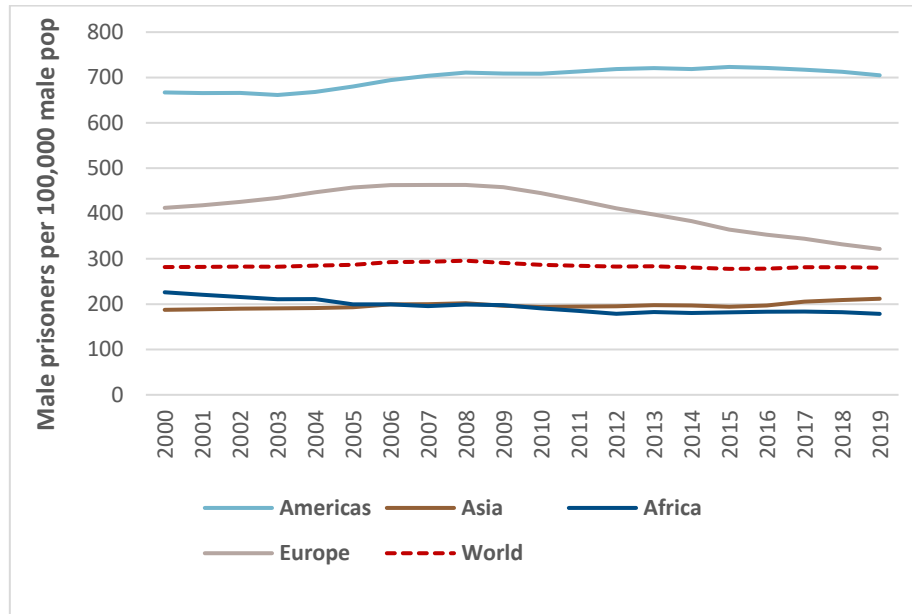
Source: UN-CTS.

Figure 11: Number of prisoners per 100,000 population, by selected sub-regions in Asia and Oceania, 2000-2019



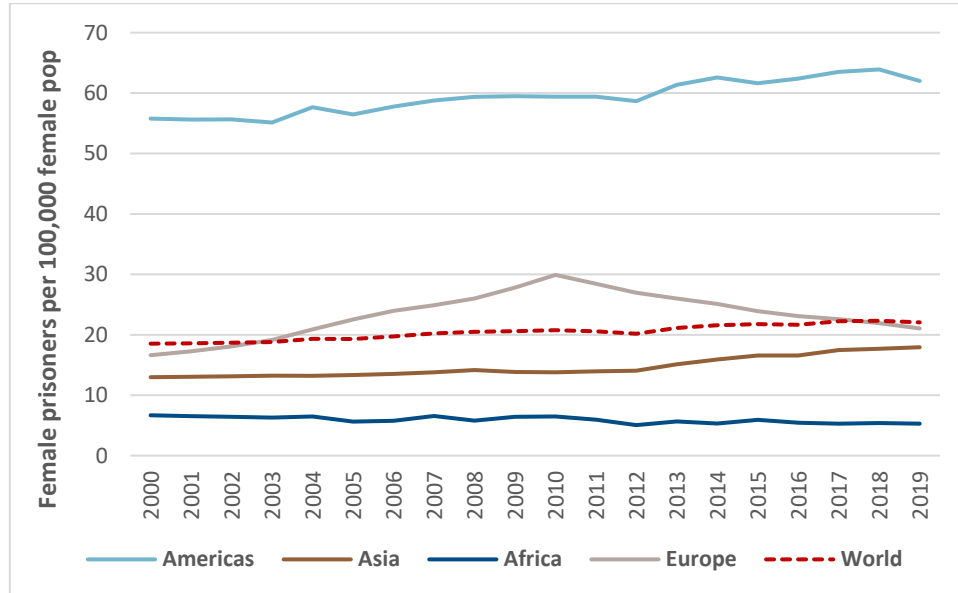
Source: UN-CTS.

Figure 12: Male prisoners per 100,000 male population, by region (2000-2019)



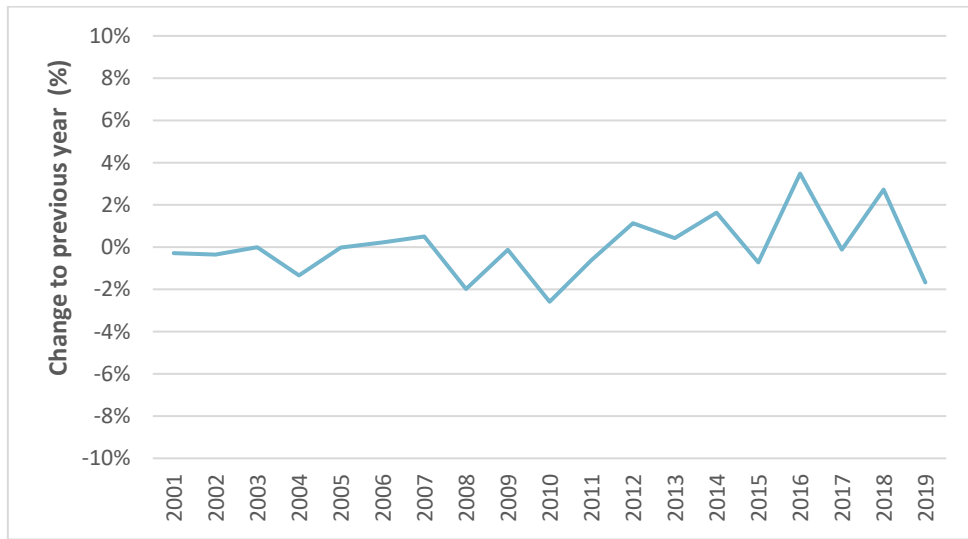
Source: UN-CTS. Oceania is excluded due to limited data coverage on gender disaggregation.

Figure 13: Female prisoners per 100,000 female population, by region (2000-2019)



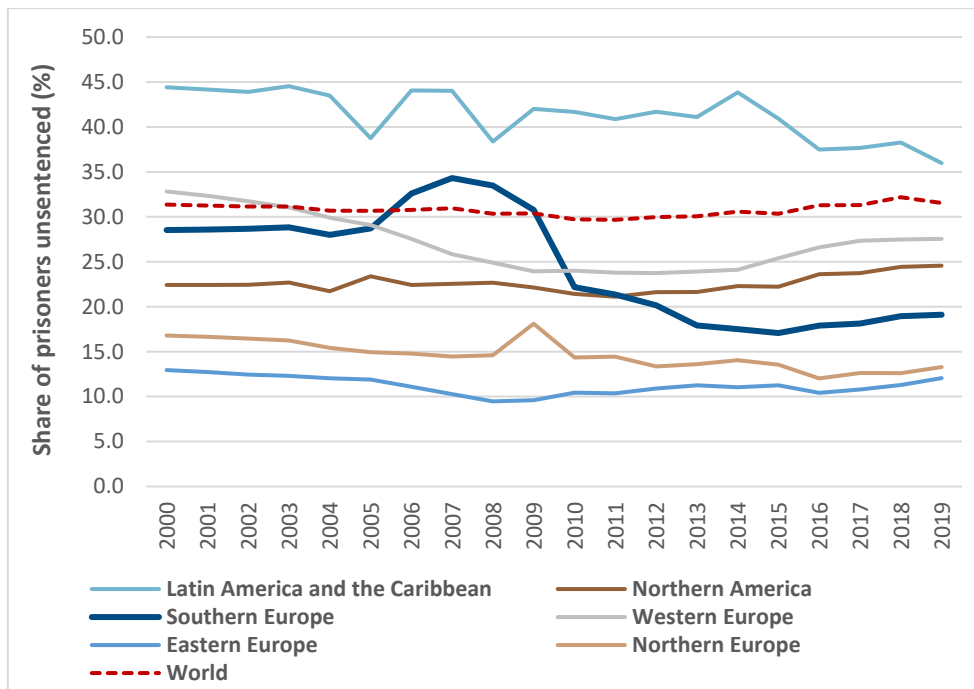
Source: UN-CTS. Oceania is excluded due to limited data coverage on gender disaggregation.

Figure 14: Rate of change in the global share of unsentenced prisoners, 2001-2019



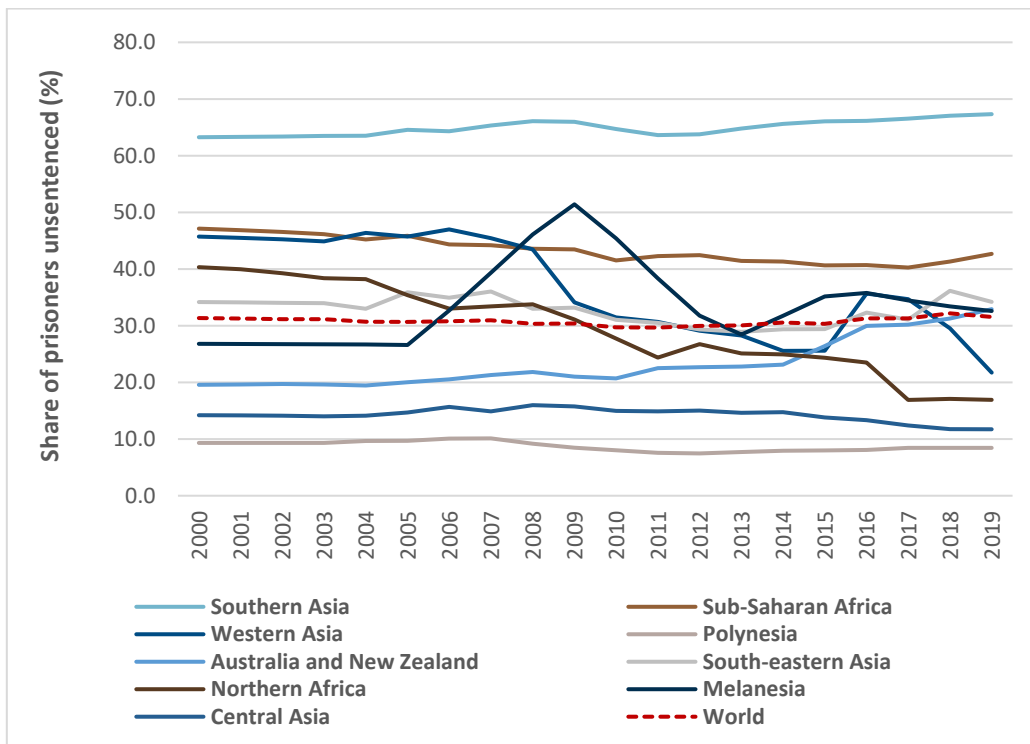
Source: UN-CTS. Note: This figure displays the yearly rate of change (in percent) in the share of the estimated global prison population that is unsentenced. The baseline year is 2000, when unsentenced prisoners made up an estimated 30.9% of the global prison population.

Figure 15: Share of prisoners unsentenced, by sub-regions in the Americas and Europe (2000-2019)



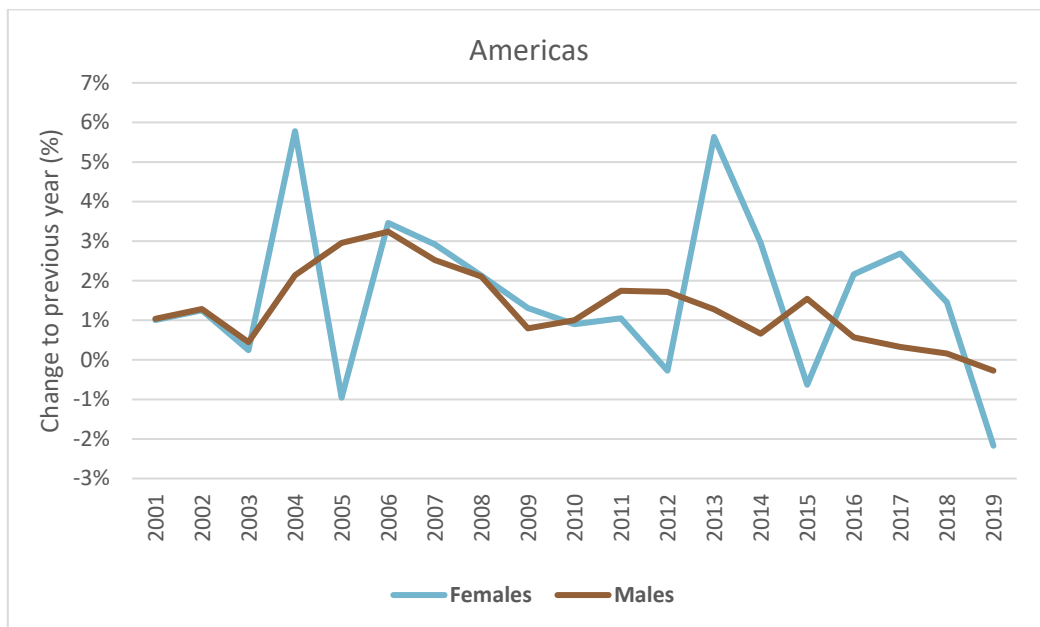
Source: UN-CTS.

Figure 16: Share of prisoners unsentenced, by sub-regions in Africa, Asia and Oceania (2000-2019)



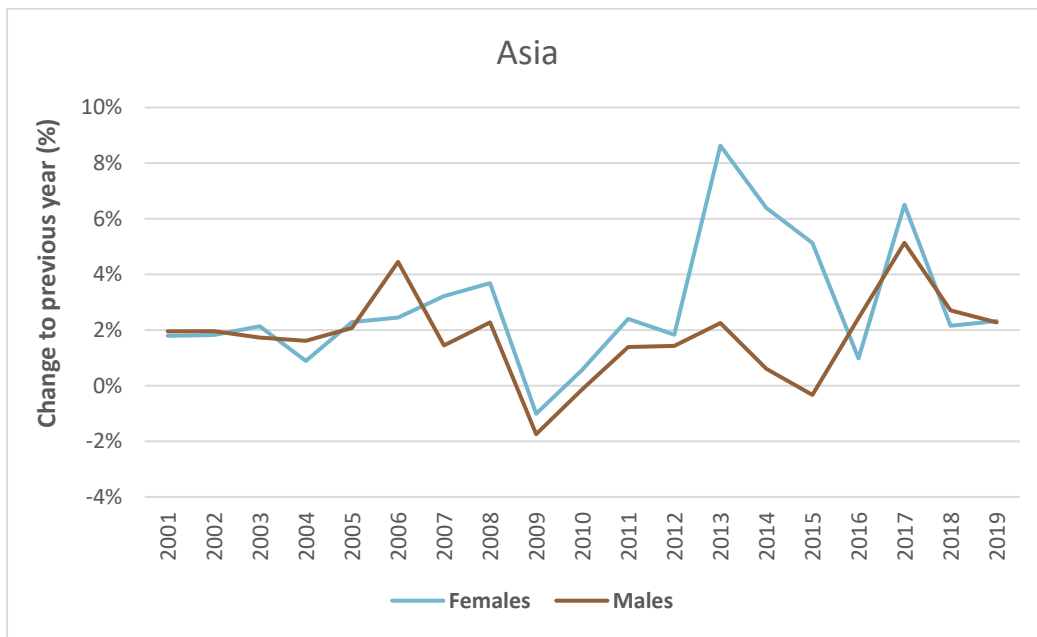
Source: UN-CTS. Eastern Asia and Micronesia are excluded due to limited data coverage on unsentenced detainees.

Figure 17: Yearly rate of change in male and female prison populations in the Americas, 2001-2019



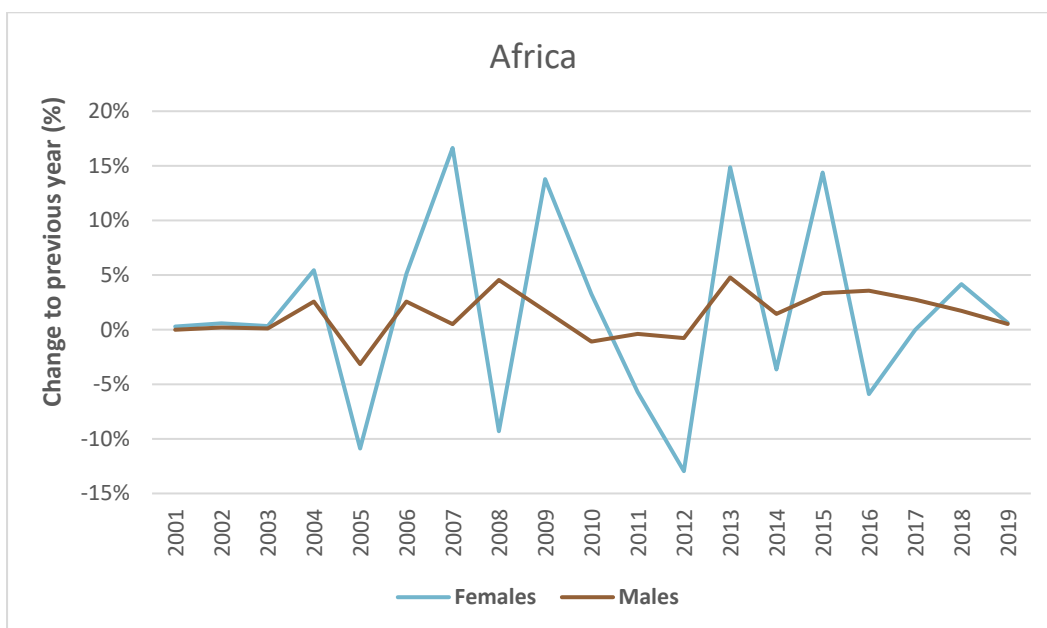
Source: UN-CTS

Figure 18: Yearly rate of change in male and female prison populations in Asia, 2001-2019



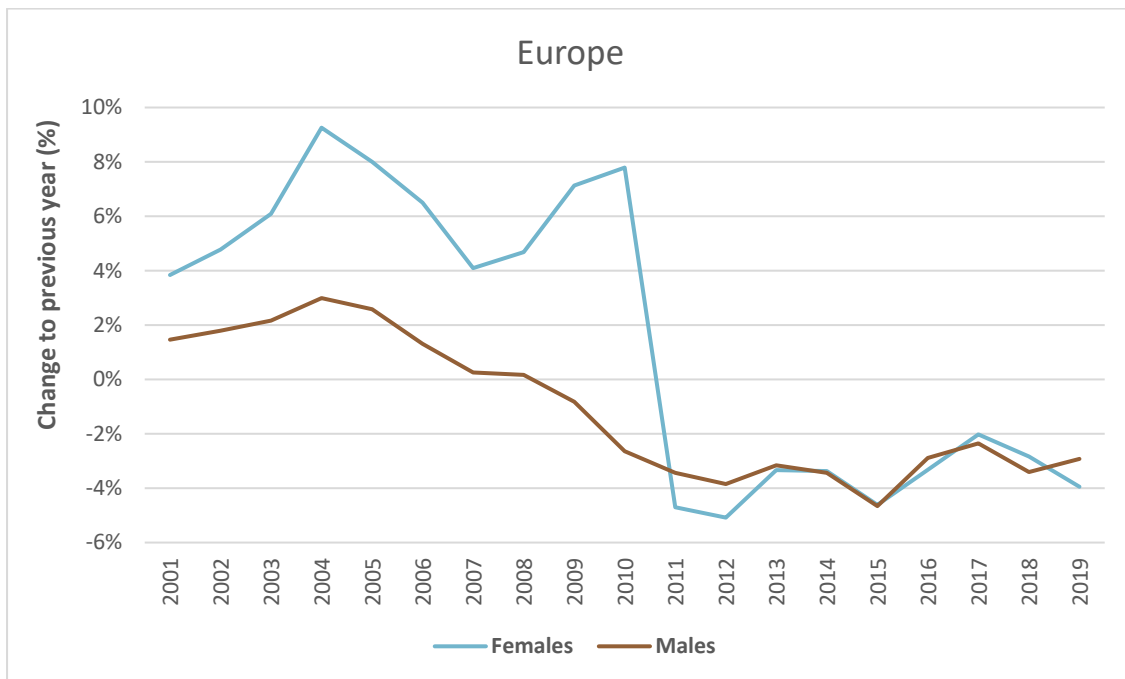
Source: UN-CTS

Figure 19: Yearly rate of change in male and female prison populations in Africa, 2001-2019



Source: UN-CTS

Figure 20: Yearly rate of change in male and female prison populations in Europe, 2001-2019



Source: UN-CTS