

QUAKER WORK INTERNATIONALLY ON CRIMINAL JUSTICE REFORM AND HUMAN RIGHTS

Friends have been involved internationally in recent years on criminal justice issues at two levels. One is European, through the registration of the Quaker Council for European Affairs as a non-governmental organisation at the Council of Europe, the other is world-wide through Friends World Committee for Consultation's recognition as a non-governmental organisation at the United Nations.

Richard Broughton, a Canadian barrister (and a member of Quakers In Criminal Justice), has been attending the UN Congresses on the Prevention of Crime and Treatment of Offenders since at least 1975. In 1985, my wife and I joined him to become the Quaker delegation at the Congress in Milan.

Mediation and conciliation between victims and offenders was a developing theme at that Congress, but until recently progress was slow in getting such ideas into the formal UN programme.

In 1989 the QCEA office in Brussels had a visit from Hans Tulkens, Director of the Dutch Prison Service, and Vivien Stern, Director of National Association for the Care and Resettlement of Offenders. They were considering setting up Penal Reform International and wanted Quaker support. This was given and as a consequence the founding ex-

ecutive committee included a QCEA representative, David Forbes. PRI is a very successful organisation, now registered with the UN and working throughout the world to raise standards for prisoners and reduce the use of imprisonment.

The studies undertaken for the Quaker Council for European Affairs in the 1980 and 1990s have fed into and influenced UN criminal justice activities.

This was due initially to the presence of an Austrian Friend, Greta Scherer. She attended diligently the meetings of the NGO Alliance to the UN in Vienna and put forward "Crowd Control" and "Waiting for Justice", two European-wide studies undertaken by QCEA on policing mass demonstrations (requested initially by German YM) and on conditions in remand prisons in Western Europe (requested by the Council of QCEA).

As a consequence, the UN Criminal Justice Branch requested QCEA to comment on the initial draft of a code on the use of firearms by law enforcement officers and to send a representative to a week's long workshop on drafting its text. The outcome was a code, adopted at the 1990 Congress, that severely restricted the use of firearms. Governments now have to ensure that special

attention is given to alternatives to force and firearms. These alternatives include the peaceful settlement of conflicts, understanding crowd behaviour, methods of persuasion, negotiation and mediation, as well as technical means, with a view to limiting the use of force and firearms*.(see annex)

At the 1990 Congress, Friends World Committee Consultation initiated three out of the fifteen ancillary meetings. They dealt with community participation in corrections, pre-trial custody issues and restorative justice. The Quaker delegation issued a statement on restorative justice which was circulated to all delegations. (See appendix A)

Steve Angell, the founder of Alternatives to Violence Programme, was a member of a six-strong Quaker team. He presented an informal workshop on AVP. The team also included Richard Broughton, Ruth Morris and Rob McMeechen, from Canada, from the USA, Heredio Santos from Cuba, and myself.

This Congress changed the arrangements for the UN to consider criminal justice issues by making future Congresses advisory, not policy making, and established the Commission on Crime Prevention and Criminal Justice as the policy making body. This Commission meets annually in Vienna. There has been regular Quaker representation by Kimmett Edgar, Marian Liebmann and myself on behalf of Friends World Committee for Consultation.

At the same Congress, the UN staff had used the QCEA report "Waiting for Justice" to encourage the Austrian Government to put forward a resolution on re-

mand conditions and minimum standards. This was done and the resolution was passed.

Further action at the Congress was concerned with life imprisonment. In 1987 the Northern Ireland Committee of Quaker Peace and Service of London Yearly meeting requested QCEA to undertake a study of national systems for the assessment and release of life-sentence prisoners. As I was working for QCEA at the time, it was agreed that I should do the study because of my experience of working as a principal psychologist in the English Prison Service. The study "A Fair Deal for Lifers" was completed in early 1990. It formed the basis of a resolution which the Quaker delegation promoted at the UN Congress in Cuba in the same year. The final text requested the UN to produce a report on the issue of assessment for release procedures and to examine whether life imprisonment was necessary.

As a consequence, in 1991, with the support of UN staff in Vienna, Sean Eratt, a young Friend with a law degree, became an intern in the UN Vienna offices to write the report on life imprisonment. He was funded jointly by Quaker Social Responsibility and Education and Quaker Peace and Service, the first person to receive such funding. The report was officially published and circulated by the United Nations in English, French, Spanish and Arabic.

As a result of the QCEA publication "Waiting for Justice", QCEA received an invitation to a seminar in Poland in 1991 on remand conditions, run by the Council of Europe, I attended and a paper I presented was published in a report of the seminar.

At the same seminar was the deputy director of the Czechoslovak Institute for State and Law. She invited Nicholas to Prague to talk to prison psychologists, which he did in 1992.

The Congress in 1995 was held in Cairo, with seven Friends - Steve Angell and Ben Norris, (USA), Kimmett Edgar and myself (UK), Helen Haughton (Ireland), Eliane Dyer (New Zealand).

The FWCC group again arranged three ancillary workshops, on alternatives to violence, life imprisonment and community involvement in corrections. A major achievement was the incorporation of AVP as part of the one-day workshop on violence which formed part of the formal programme of the Congress.

A major effort during the Congress had to be made to stop the UN Codes, Conventions and Standards in criminal justice and human rights becoming optional, with Governments being able to decide whether or not to implement them.

Amnesty International, Prison Reform International, International Jurists and FWCC worked together and produced a joint statement which helped to sway the argument and have the offending words removed.

At the European level, QCEA has taken a continuing interest in human rights and criminal justice issues. Asylum seekers, migrants, the effect of reports of the Council of Europe's committee on the prevention of torture, violence and conflict resolution in schools, as well as crowd control have been the subjects of reports.

The report on violence and conflict resolution in schools, prepared by the QCEA, was published in 1990 as an official document of the Council of Europe. It became their most requested publication and led to the formation of ENCORE, European Network for Conflict Resolution in Education. ENCORE was initiated by Jamie Walker, a Quaker living in Germany and a teacher, who wrote the report. ENCORE administration was undertaken by QPS and is now run by ENCORE supporters throughout Europe.

In 1997 QCEA published a booklet "The Threat to Human Rights and Criminal Justice", which was circulated by the Human Rights Division of the Council of Europe to 100 reference libraries throughout Europe.

FWCC was represented at the UN Conference in Rome in 1998 to establish the International Criminal Court. Two areas of particular concern to Friends were to promote restorative justice and to oppose the death penalty becoming a possible sentence and to ensure that life imprisonment without the possibility of release was also not included. Although the role of victims in the trial process was recognised, no clear statement about restorative justice was included. The death penalty cannot be used and people sentenced to life imprisonment will have their sentences reviewed after 25 years, with the possibility of release. A statement from the Quakers on the need for reconciliation and restorative justice was issued at the Conference. (See appendix B).

FWCC is also a member of the International Scientific and Professional Advisory Council to the UN Criminal Justice

Programme and representatives attend its annual meetings and conferences in Italy. FWCC was represented on ISPAC's working party on restorative justice in preparation for the tenth UN Congress on the Prevention of Crime and the Treatment of Offenders in Vienna in 2000.

At the 1999 meeting of the UN Commission on Criminal Justice, Quakers were instrumental in expanding an Italian resolution on mediation and reparation

to cover restorative justice, and helped to ensure that restorative justice to be a major topic at the UN Congress in 2000.

The Congress supported further work on restorative justice. Guidelines on implementing restorative justice were published by the UN Commission on Criminal Justice and Crime Prevention in 2002.

Annex:

This Part of Code on the Use of Firearms by Law Enforcement Officers concerning conflict resolution and mediation skills training should be of particular interest to Friends.

“19. Governments and law enforcement agencies shall ensure that all law enforcement officials are provided with training and are tested in accordance with appropriate proficiency standards in the use of force. Those law enforcement officials who are required to carry firearms should be authorized to do so only upon completion of special training in their use.

20. In the training of law enforcement officials, Governments and law enforcement agencies shall give special attention to issues of police ethics and human rights, especially in the investigative process, to alternatives to the use of force and firearms, including the peaceful settlement of conflicts, the understanding of crowd behaviour, and the methods of persuasions negotiation and mediation, as well as to technical means, with a view to limiting the use of force and firearms. Law enforcement agencies should review their training programmes and operational procedures in the light of particular incidents.

21. Governments and law enforcement agencies shall make stress counselling available to law enforcement officials who are involved in situations where force and firearms are used.”

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