

Final statement

Bi-Regional Conference on fostering the use of Alternative Measures to Imprisonment

Montevideo, 20 September 2019

The Ministers and representatives of ministries in charge of prison affairs, Presidents and representatives of the Judiciary and Supreme Courts of Justice, Public Defenders and representatives of the Public Defenders, representatives of National Drugs Agencies of Latin America, Caribbean and the European Union who participated at the Conference; as well as the Regional Cooperation Programmes: COPOLAD II, EL PACCTO and EUROsociAL+, Regional and International Organizations and Multilateral Agencies:

Aware of the complex situation in which the prison systems of Latin American and Caribbean countries find themselves, mainly due to the increase in the number of people deprived of their liberty over the past 15 years;

Considering the high levels of overcrowding reached in prisons in the region, which affect the human dignity of detainees and prevent or hamper the proper implementation of social reintegration programmes and the physical separation of dangerous individuals from others who are minor offenders or primary offenders;

Aware that this state of affairs affects the proper functioning of prison systems, promotes recidivism and impedes an adequate control and treatment of organized crime groups present in prisons in the region;

Convinced that deprivation of liberty puts those experiencing it in a vulnerable situation, and that, in addition, certain people or groups of people are particularly vulnerable and require additional care and protection (women, minors and youth, people with disabilities, people with problematic drug use, indigenous populations, LGBTI groups, among others):

Accepting that deprivation of liberty should be a last resort and that processes of social inclusion and abandonment of crime should be encouraged;

Noting that alternative measures to deprivation of liberty are conceived as a reorientation of the punishment logic and therefore constitute forms of enforcement of those sentences set out in trial, whether agreed by the sentencing court or by the institutions responsible for the enforcement of the sentence;

Assuming that, in the vast majority of Latin American and Caribbean countries, the increase in incarceration rates has not resulted in a reduction in crime and violence and has not had a deterrent effect decreasing criminal recidivism;

Emphasizing the economic and social cost to States of the functioning of prison systems that have failed to achieve the objectives of rehabilitation and social integration that favour public policies aimed at providing an effective response to the rehabilitation and social inclusion of the custodial sentence;

Determined to promote public policies that provide an effective response for the reduction of violence and ensure better living conditions for the citizens of the region by promoting social cohesion;

- We advocate for the development of a more systematic use of alternative measures to deprivation of liberty, for the less severe crimes and people who do not pose a danger to the community; and we make a prominent mention to women who have committed minor or non-violent offences, being a population group with factors of particular vulnerability and affected by discrimination and structural inequality;
- We believe that alternative measures are essential to decongest prison systems and thus focus attention on the most dangerous detainees, who can potentially recruit new offenders into prisons; therefore, those measures are an essential tool for the fight against organized crime;
- We underline the varied possibilities that exist in the implementation of alternative measures to deprivation of liberty, allowing each country to adapt them according to its national reality and reminding that the implementation of these measures has shown to have a positive impact on the reduction of criminal recidivism and violence in detention centres, by promoting a better climate of coexistence, as well as a lower cost to that of deprivation of liberty;
- We note that inter-agency coordination and collaboration of social actors involved in the integration and abandonment of crime would be desirable;
- We call for a mobilization or reorientation of public resources to invest more systematically in the development of alternative measures to deprivation of liberty;
- We recognize the cooperation effort of the European Union and its regional programmes COPOLAD II, EL PAcCTO and EUROsociAL+ to promote the exchange of experiences and good practices that contribute to the promotion of alternative measures to deprivation of liberty in an integrated manner in the public policies of individual countries;
- We encourage the European Union to continue to work together with countries in the region and other international actors to help implement public policies and working processes for a broader and more systematic use of alternative measures to deprivation of liberty in Latin America and the Caribbean;
- We advocate for concrete decision-making to promote effective development of alternatives to prison with the aim of rapidly reducing overcrowding rates, providing treatment adapted to people deprived of freedom and subsequently encouraging the insertion and abandonment of crime;
- We thank the Authorities of the Oriental Republic of Uruguay for hosting the Conference and for all the support brought for its organization.