

Rehabilitation in Latin America: Could innovation be fostered in precarious conditions?¹

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Abstract

In Latin America, the prison crisis is evident. In most countries, criminal population has increased significantly in recent years, mainly due to augmented use of pre-trial detention and tougher punishment for drug related and property crimes. As a consequence, overcrowding, violence, human rights abuses and limited access to health and education services are elements that describe prison systems. Despite these problems, various initiatives have been implemented in search for rehabilitation but lack of adequate infrastructure as well as properly equipped and trained personnel are structural problems that limit positive results. This paper discusses the limitations that Latin American prison system faces in order to developed sound rehabilitation programs that would ensure long term financial and political support. Also highlights the need for evaluation of effectiveness and efficiency of most initiatives overcoming the gap of knowledge that nowadays describe the area of rehabilitation in the region.

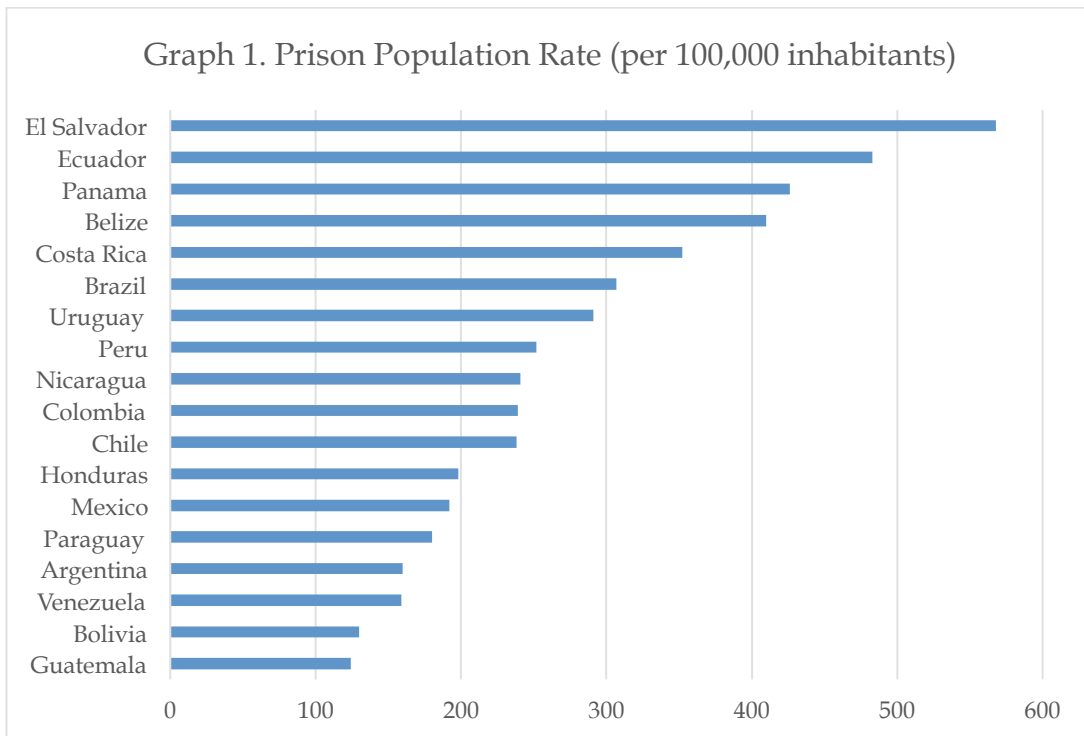
I. The prison system in Latin America

Latin America is the second most violent region in the world. The latest global report on homicides shows that 10 out of the 20 most violent countries in the world are located in Latin America, especially in Central America and the Caribbean (UNODC, 2011). Most of the violence is directly linked to criminal organizations related to the production, trafficking, and sale of drugs. In that context, the number of people incarcerated has increased steadily in most countries and the crisis of the system is now profound. Rates of prison population are growing strong in Latin America in the last three decades. Latest available data show that while in the United States of America the rate was 666 every 100 thousand inhabitants (the largest in the world)³, in Europe almost all countries have rates lower than 150. The following graph shows that most countries in the region have surpassed the rate of 180 people in prison every 100 thousand inhabitants.

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³ Data gathered from <http://www.prisonstudies.org>



Source: <http://www.prisonstudies.org/>

The problems that jails are facing throughout Latin America are manifold. Inhumane conditions are the norm of prison systems in most countries. In Brazil, where the fourth-largest prison population in the world is located, the inmate population rose from 90 thousand to 515 thousand inmates in less than 3 decades. Overcrowding, limited health or educational services and continuous exposure to violence define everyday life in most prisons. Not to mention that almost half of the entire population has not been found guilty of any crime, in fact many inmates are awaiting trials for their sentencing for many years. Furthermore, in some countries inmates have to pay in order to get food, a place to sleep and even security. Also, multiple international agencies have highlighted routine beatings and even torture by guards and punishments that includes prisoners locked up without daylight for months.

To make matters worse, gangs are in control of internal security and even administration of multiple facilities. In fact, in countries such as El Salvador, Brazil, Honduras and Venezuela, jails are refuges where gangs plot outside crimes⁴. Corruption of state officials is rampant and allows the gangs to operate and drugs to be openly exchanged within prison walls.

⁴ <http://www.insightcrime.org/investigations/the-prison-dilemma-in-the-americas>

Responding to this crisis requires strong and continuous political will to define and implement policies that could increase the number of prisons, improve living conditions, and focus on the most efficient ways to punish criminals. Unfortunately, in the short and medium term, there is no sign that any political party or leader intends to take this crisis seriously by addressing the underlying causes of the problem⁵.

II. Rehabilitation in time of crisis

Rehabilitation is a long-term objective that most countries have not even started to tackle. Although some countries have redesigned their institutional mission to include a clear objective of rehabilitation and social reintegration, it is only the first step towards a more humane and integrated prison system. In fact, narrative changes are related more to symbolic processes than structural modifications.

Care and supervision of prisoners is one of the main objectives of correctional services. For this, it is necessary, as indicated by UN on Art 10, 3 of the International Covenant on Civil and Political Rights, "*the penitentiary system shall comprise treatment of prisoners the essential aim of which shall be their reformation and social rehabilitation*" (1976). For this reason, it is necessary that, once immersed in the prison experience, prison inmates receive adequate prison and post-prison programs and tools, allowing them to benefit from rehabilitation and reintegration into society.

Though it is assumed that one of the tasks of prison management is to use the time of deprivation of liberty in providing the prison population with the skills to increase the possibility of finding work, accommodation and establishing support mechanisms that can be used in the community once released, the suggestion that imprisonment alone can make a direct contribution to reducing crime in civil society has not yet been demonstrated. However, many professionals and scholars still doubt whether reducing recidivism rates should be a main objective of penitentiary systems (Coyle, 2002). In any case, budgets for rehabilitation programs face constant challenges and limitations.

In the last decade, some countries have raised their expectations regarding the contribution that prisons can have on crime reduction strategies. In fact, increasing numbers of inmates and high levels of recidivism have become part of the vicious circle of increasing levels of societal violence. For instance, existing research show high percentages of recidivism, fluctuating between 10,4% in El Salvador and 68,7% in Chile⁶ (PNUD 2013). Public policy response has been the design of specific programs and educational activities⁷ with the perception that they could make a difference in inmates' lives.

⁵ <http://www.insightcrime.org/investigations/prison-dilemma-latin-america-incubators-organized-crime>

⁶ It should be noted that there is not a standardized criterion for measuring recidivism.

⁷ Crafts learning, educational leveling, religious programs, recreational activities, among others.

Unfortunately, reality crashes with proposed institutional missions of Latin American prison systems. Prison is still considered as a place and space of punishment, leaving rehabilitation and social reintegration in a diminished position (Denyer Willis , 2016). Existing data reveals precarious, vulnerable and violent institutions that contradict themselves with their institutional missions. Notwithstanding the precariousness described previously, prisons do have rehabilitation and reintegration programs, though there is yet little evidence of their effectiveness.

Despite the structural problems that the system faces in Latin America, there are multiple cases of innovation regarding programs dedicated to rehabilitate inmates. Most programs lack institutional funding, have limited scope or are in the early stages of evaluation but show the possibility to develop sound initiatives even in the most appalling conditions. The objective of this paper is the present those initiatives with the aim to further the debate for the use of the prisons as an effective crime control policy.

Rehabilitation, in the criminal context, refers to the idea of the offender as a 'socially diseased' individual who should be rehabilitated. The term has been part of an extensive debate, dating from the early 1970s. As aforesaid, there is great skepticism by criminologists as to the effectiveness of reforming offenders through penal policy. In those years, rehabilitative impact studies indicated that few interventions had minimum effect on subsequent criminal behavior, so this period was called *Nothing Works* (CESC, 2008).

A paradigm shift associated with the movement *What Works*, based on studies that demonstrated the effectiveness of rehabilitation in prisons process emerged in the early 80's, understanding that social adaptation is the most effective strategy of post-penitentiary prevention. This stream of thought suggested that rehabilitation tends to focus on three factors, wherein:

- (1) The intervention is planned or undertaken explicitly, it is not just an accidental occurrence;
- (2) The objectives are focused on changing behavioral aspects of the offender, believed to cause their criminality, such as attitudes, cognitive processes, personality or mental health processes, social relations, educational skills, vocational training and employment;
- (3) It is expected that the offender will decrease their likelihood of criminal offending in the future (Cullen & Gendreau, 2000, p. 112).

This shift raises the question on how sufficient are social support measures for the successful resocialization of convicts. The factors above mentioned or criminogenic needs, such as criminal attitudes and employment skills, are expected to have a positive effect on offenders. Thus, the *What Works* shift comes with the assumption that eliminating the underlying causes of criminal activity is crucial for a successful resocialization program. This achievement requires the

implementation of complex measures such as evaluation of risk and implementation of special individualized intervention programmes directed towards the elimination of criminogenic factors.

What Works focuses on at least five areas which are crucial for rehabilitation:

- a. Assessment
- b. Treatment
- c. Monitoring and drug testing (for drug treatments)
- d. Co-occurring disorders
- e. Relapse prevention

Considering these elements, system level interventions may be directed to: the entire population within a community (population based and community focused); the systems that affect those populations; and/or the individuals and families. The first intervention changes rules, attitudes, awareness, practices, and behaviors among the community. A system change has often a more effective and long-lasting impact, than a personal change.

In Latin America, considering the ability of typical punishment of prisons, it is necessary that the rehabilitation exercise becomes a central hub for a change in criminal behavior, influencing personal skills and capabilities of the offender (Duff, 2001, quoted in Vermeulen & Deuree, 2014). In addition, prison service duties do not end with the delivery of rehabilitative tools during confinement, but should include post penitentiary programs. That is, the support given to offenders during their re-entry to society (UNODC, 2006), seeking to position offenders in productive sectors.

The ultimate goal underlying this process is that the person deprived of freedom can integrate into society and avoid recidivism through various forms of intervention and individual programs (UNODC, 2013). At the same time, it seeks to create the feeling of owning the means to restore social ties. A successful transit from prison to home, is crucial not only for individuals directly involved, but ensures the welfare of their families and their community (CESC, 2010).

It should be a priority to have public policies capable of closing the circle and not to wager imprisonment as its main function: to ensure better opportunities to those deprived of liberty (Espinoza, 2014). In turn, successful reintegration policies should restrain violence and crime levels offering new prospects to convicted persons, impacting convictions in a pedagogical way properly placing the offender in society (EUROsociAL, 2013).

The rehabilitation and social reintegration provisions should be slated to be provided by correctional systems, aiming at the prevention of recidivism and giving the offender the ability to reintegrate into society upon release. Such programs will be successful to the extent that a detailed design is performed, taking into account specific elements of both the individual and his/her environment and ensuring proper implementation intervention to impact positively on reducing recidivism and improve the conditions of the community's safety.

In most Latin American countries, investment is low, even in some cases nonexistent. Experience indicates that prison is not the end of the road of a criminal career, but often its entry. This is reflected in the high recidivism rates in the region, which have been led by Brazil and Chile, reaching 47.4% and 68.7%, respectively, based on their total prison population (UNDP, 2013).

One of the difficulties faced by the rehabilitation and reintegration programs, is to measure their effectiveness in terms of reducing recidivism. First, there is no agreement on how recidivism is measured or defined; also, different characteristics of individuals distort program results (Williamson, 2004). Experts in the field, indicate that rehabilitation and social reintegration should be thought of as an inter-sectoral and interagency policy. It should also include business associations, universities and community in general. This subject matter cannot be thought exclusively from a justice point of view, much less by the prison system itself.

Apparently, from a strategic perspective, rehabilitation and reintegration programs in Latin America are not meeting their objectives. They are developed with a statement and rehabilitating purpose; however, they lack a strategic logic, evidence, and clear allocation of resources to ensure social reintegration (Espinoza, 2014). In this sense, it is necessary that Latin American states make an effective use of their ability to punish and to design programs for rehabilitation and post-prison reintegration. Although there have been initiatives and programs related to the private sector, their impact is still low and their repercussion is limited (PNUD, 2013, p. 126). Church experiences, particularly evangelic ones, have generated a vision of altruism on this institution but it is necessary that this type of partnership be more regulated (Morales, 2014).

In sum, there are models and experiences of developed countries that have managed to penetrate the barrier of recidivism, transforming years of literary tradition on criminological studies and impact assessments into effective rehabilitation and social reintegration with optimistic outcomes. However, Latin American experiences of rehabilitation and reintegration have been sporadic, small and lack evaluation. Despite all the problems mentioned before, some institutions have managed to implement promising practices in partnerships with NGOs, governmental institutions and the private sector.

IV. Promising practices

The general recognition that police and even military personnel working on prison facilities were part of the problem has led to the reform initiative in 2003 in Dominican Republic that started by recruiting civilian staff with better salaries. In most areas of the country literacy was compulsory for prisoners. Other countries have followed the path by increasing investment on infrastructure (Chile, Honduras, Costa Rica, Panama, El Salvador and Peru). But those initiatives are still limited and do not have the scope to fully tackle the challenges that the prison system are facing.

Despite the aforesaid, it is possible to find a number of positive experiences in Latin America. Most of these initiatives are developed precariously, without material resources and improvised spaces. In addition, they lack referral mechanisms to treatment centers outside the prisons, in order to provide continuity after release. The post-prison programs, even when they are prescribed by law, are hardly held (EUROsociAL, 2012). Promising practices are of interest because they allow the analysis of potential replication to fight criminal risk factors in Latin America. Certainly the idea to have inmates working or participating on multiples activities is based on the general perception that such activities would allow them to keep out of trouble while in the prison; but does not imply success in post penitentiary rehabilitation. Formal programs are needed, with clear design, projection, and evaluation criteria and monitoring.

Several initiatives have been developed in some countries in Latin America that would be depicted briefly in the following pages. Although these can be considered an important step towards a new paradigm of prison rehabilitation, in most cases the initiatives did not last enough time to further develop a new way to deal with the crisis that prison systems are facing region-wide.

In Medellin, Colombia, considering a history of violence and high homicide rates during the 80's and 90's, it was decided to promote multiple attention projects and programs, both managed by the state and the private sector to battle the causes and effects of the violent context. Over the years, Medellin Development Plan 2008- 2011 emerged, in which the Young Strength program has among its objectives, the social reintegration of the prison population.

Table 1. Young Strength Program - Colombia.

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|----------------------------|----------------------------------------------------------------------------------------------------------------------------------------|
| Country | Colombia |
| Name of the Project | Young Strength Program |
| Subject Area | Prevention, rehabilitation and reintegration. |
| | Municipality of Medellin. |
| | Contributors: |
| | -Peace and Reconciliation Program, Ministry of Government. |
| | -UNICEF. |
| Executor | -National Army Battalion Pedro Nel Ospina. |
| | -National Police. |
| | -Community Action Committees and 276 Local Educational Institutions. |
| Objectives | To prevent the commission of offenses by young people between the ages of 14 and 29, giving them alternatives to violence and crime. |
| | To support the social and economic reintegration of demobilized armed groups that have signed agreements with the National Government. |

| | |
|-------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| | To promote the social reintegration of the prison population, former prison and post post prison population through psychosocial support, in order to contribute to decreased crime rates. |
| Beneficiaries Coverage | 1.500 young people. |
| Territorial coverage | Municipal. |
| Source of Funding | Municipal. |
| Evaluation and Results | The evaluation addresses the level of results, expressed in the number of activities undertaken and achieved coverage. It stands out with the development of feedback processes through periodic and permanent dynamics, based on communication between the coordinating team, professional equipment programs and other institutions involved in the execution. |

Source: (CESC, 2013)

In September 2012, within the framework of the Third Meeting of Officials Responsible for Penitentiary and Prison Policies held in Washington, DC, the prison program "Homes for Jails" was presented and implemented in the province of Buenos Aires, Argentina. This program aims to rehabilitate and socially reintegrate the prison population, through the construction of houses that - unlike traditional prisons- simulate life in a house built on the free world concept.

Table 3. Houses for Prisons Program- Argentina.

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|-------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Country | Argentina |
| Name of the project | Houses for Prisons Programs |
| Subject Area | Rehabilitation and social reintegration of adults. |
| Executor | Ministry of Justice and Security. |
| Objectives | To provide, within prison habitat, a model of free world life, with treatment conditions to ensure effective social inclusion based on three main areas: -Work –Education -Family-Community bond |
| Beneficiaries Coverage | 158 homes were implemented, which housed 13.332 people in 28 buildings, representing 5% of the prison population. |
| Territorial coverage | Buenos Aires, Argentina. |
| Source of Funding | State |

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| Evaluation and Results | <p>Evaluation was based on the measurement cost/results showed:</p> <ul style="list-style-type: none"> -A cost decreased in the construction of houses, when compared to traditional prison construction. -The people deprived of freedom show a favorable behavior regarding their peers and correctional staff. -Progressive membership increase to spontaneous and/or planned activities regarding education, culture, work, sport and recreation. -A growing interest of beneficiaries in coordination and participation in improving their habitat. |
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Source: (Ministerio de Justicia y Seguridad, 2012)

In Chile, under Act 20.191⁸ of Adolescent Criminal Responsibility, in force since June 2007, a criminal justice system is set for minors older than 14 and younger than 18. Thus, along enforcing the sanctions imposed by courts, the system has the mission to carry out and account for the necessary programs for social reintegration of teenagers in order to complete their formal education. This mission takes as a starting point, the hypothesis that this reduces the likelihood of recidivism. Under this analysis arises Reschooling Juveniles Deprived of Liberty Project.

Table 4. Reschooling Juveniles Deprived of Liberty Project – Chile.

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| Country | Chile |
| Name of the project | Reschooling Juveniles Deprived of Liberty Project |
| Subject Area | Rehabilitation and social reintegration of young people and adults. |
| Executor | Chilean Association pro United Nations (ACHNU) - national NGO. |
| Objectives | Deliver a relevant educational provision for adolescents between the ages of 18 and 29, who are in a temporary deprivation of liberty or serving a sentence. |
| Beneficiaries Coverage | 170 young people and adults (between the ages of 18 and 29). |
| Territorial coverage | Local: San Bernardo (Maipo Province, Region Metropolitan), Closed Enclosure Compound CRC San Bernardo, SENAME. |

⁸ The Act states that one should "ensure continuity of basic, medium and specialized studies, including school reintegration, in the case of having deserted the formal school system, and participation in activities of socio-educational, training, preparation for occupational and personal development "life (CESC, 2013) Draft reschooling Deprived of Liberty Youth - Chile.

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|-------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Source of Funding | State Institutions |
| Evaluation and Results | <p>Process evaluation through:</p> <ul style="list-style-type: none"> -Educational support; psycho educational intervention with young people; socio-educational work; support strategies for school reintegration of young people; networking; participation; subject of rights; advocacy; and knowledge generation. <p>On results level, the following stand out:</p> <ul style="list-style-type: none"> - Achieving high levels of schooling strategies of the students. - Increased social skills of adolescents served. - Multiple acknowledgments of public and private institutions. - Incorporation of the institution into the national authority of the Ministry of Education in order to design educational model for young people deprived of freedom. |

Source: (CESC, 2013)

In Peru, CREO Treatment Program searches for increasing levels of social reintegration from within and outside the prison. It aims to guide the psychological treatment and social assistance, strengthening the social skills of offenders.

Table 5. Treatment Program C.R.E.O. (Building Pathways of Hope and Opportunity) – FO.CO.S. (Strengthening Social Skills for no recidivism)

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|-------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Country | Peru |
| Name of the project | Treatment Program C.R.E.O. y FO.CO.S. |
| Subject Area | Rehabilitation and social reintegration of young people and adults. |
| Executor | National Penitentiary Institute - Public Institution, Central State level. |
| Objectives | To develop and strengthen psychosocial skills in young people and adults with criminal behavior, since their admission to prison. |
| Beneficiaries Coverage | Men in prison, between the ages of 18 and 39. Direct beneficiaries: 878 adult men. |
| Territorial coverage | National, Peru. |
| Source of Funding | Own Resources. |
| Evaluation and Results | <p>Process evaluation system focused on cases and is divided into four stages:</p> <ul style="list-style-type: none"> - Admission - Process - Departure - Impact <p>At results level, the following stand out:</p> |

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| | <ul style="list-style-type: none"> - CREO intramural intervention allowed the creation of groups and their spaces within prisons, focused on structured activities. - The professional work has been guided by the unification of intervention criteria of FO.CO.S. advancing into a positive social reintegration of users. - They have a focused estimate impact on recidivism. Available information shows a percentage close to 10%, which is considered successful. |
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Source: (CESC, 2013).

In Uruguay, the project "Support the Reform of Institutions for Persons Deprived of Liberty" was created with the aim of contributing to the processes of reform of institutions for people deprived of liberty, providing coordinated quality technical assistance, in order to increase the chances of full reinsertion of the prison population.

Table 6. Support the Reform of Institutions for Persons Deprived of Liberty

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| Country | Uruguay |
| Name of the project | Support the Reform of Institutions for Persons Deprived of Liberty |
| Subject Area | Work reintegration. |
| Executor | Multiple Uruguayan government bodies and agencies, UN funds and programs. |
| Objectives | <ul style="list-style-type: none"> - Support institutional strengthening. - Collaborate with the implementation of alternative programs to deprivation of liberty. - Develop pilot projects in health, drugs, education and work. |
| Beneficiaries Coverage | Person deprived of liberty population. |
| Territorial coverage | National, Uruguay. |
| Source of Funding | Intermediated financing. Executing Agencies: ILO, UNDP, UNIFEM and UNOPS. Administrative Agent: UNDP |
| Evaluation and Results | <p>The evaluation addresses the level of results.</p> <p>The project called for responsible government agents, private sector and civil society, promoting decisions that are currently being implemented.</p> <p>Both the Government and the United Nations are supporting Uruguay in their commitment to achieve the goals set in the Millennium Development Goals (MDGs) by 2015 and more specifically target 1.B: "achieving full employment and decent work for all, including women and young people."</p> |

Source: (ILO, 2011)

Final words

Latin American prisons are in a state of increasing deterioration and crisis at all levels. The investment in infrastructure is insufficient, overcrowding is an increasing trend, and rehabilitation programs form part of public policies but lack sufficient budgetary allocations and practical implementation. Overall, the quality of life of inmates is in a state of emergency. Furthermore, alternative sentencing programs that house a significant number of offenders have not brought about clear results and face the shared problem of institutional weaknesses that exists within the prison system.

Treatment programs are limited. In addition, prisons are overcrowded and lack the capacity to separate inmates based on their previous criminal history. One area where greater emphasis should be placed including women's prisons, which also face serious problems in terms of living conditions. Because it is mostly women involved in non-violent drug-related crimes that inhabit these prisons, they are ideal places to implement mechanisms and practices to help inmates receive education and job training in order for them to become productive members of society. The solutions are not simple.

However, innovation in rehabilitation is possible and requires strong partnerships with a wide array of actors. Rehabilitation is not considered a key part of the prison system in Latin America, however, there is an increasing awareness that there is vicious circle that has direct impact on public security and is linked to precarious prison conditions. Although most of the promising practices that were analyzed in this paper face multiple challenges and difficulties, there are small signs that rehabilitation is possible even in the worst possible conditions imaginable. Latin America can become an excellent field to further debate the importance of prison systems where justice, punishment, human rights and reintegration are equally important. The task is enormous but inevitable.

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