

Submission | 11 April 2024

Input to the Special Rapporteur on contemporary forms of slavery on contemporary forms of slavery as affecting currently and formerly incarcerated people

Penal Reform International (PRI) welcomes the initiative of the Special Rapporteur on contemporary forms of slavery to inform the report of the Special Rapporteur on contemporary forms of slavery, including its causes and consequences, to the 57th session of the Human Rights Council.

Introduction

The issue of contemporary forms of slavery affecting currently and formerly imprisoned people¹ is a multifaceted and complex problem that intersects with various aspects of human rights, criminal justice, racism/colonisation, and labour exploitation. This analysis aims to delve into the situation of prison labour, the payment received by imprisoned workers, the prevalence of forced labour, and the impact of such practices on human rights.

While PRI recognises the rehabilitative potential of prison work, we remain concerned at the challenges to identify, analyse, and address the issue of forced prison labour in many countries worldwide and emphasise the need for careful consideration of their impact on human rights. PRI draws upon relevant research, reports, and international human rights standards to provide a comprehensive understanding of the issue.

¹ Language is constantly evolving, and certain terms used to describe people in prison can be disempowering, divisive, or offensive; therefore, PRI recommends the use of “people in prison” or “formerly imprisoned people” instead of derogatory terms such as inmates or incarcerated people.

The UN Nelson Mandela Rules specify that prison work/labour should not be oppressive, people in prison should not be subjected to slavery or servitude, and they should not be compelled to work for the personal gain of prison staff, according to Rule 97.

Global trends in prison work/labour

Findings from PRI's [2023 Global Prison Trends](#) show that the availability and quality of prison rehabilitation programmes can vary greatly within countries, and in some jurisdictions the concept of rehabilitation is limited and may involve little more than work programmes for people in prison. These may have little value for long-term rehabilitation and are, in some instances, found to be abusive. In the US, according to a [report](#) by the American Civil Liberties Union and the University of Chicago Law School's Human Rights Clinic, 'despite the potential for prison labor to facilitate rehabilitation, the existing system very often offers nothing beyond coercion and exploitation.' The report evidences that the work done by people in US prisons produce more than USD \$2 billion a year in goods and commodities and over \$9 billion a year in services for the maintenance of the prisons.

Many people in prison engage in some form of work during their time spent in prison, ranging from menial tasks to larger-scale projects. However, concerns persist regarding exploitation, coercion, and the nature of the work provided. [Research](#) by the International Centre for Prison Studies (ICPS) for example indicates that much of the work in prisons is unskilled and primarily serves to sustain the operations of the prison itself, rather than providing meaningful employment opportunities for people in prison. Their study highlights the [limited rehabilitative nature of prison work](#), which often fails to equip people with marketable skills upon release. This is also highlighted in the [report on current issues and good practices in prison management of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment](#). This raises questions about the effectiveness of prison labour programmes in facilitating successful reintegration into society (a primary purpose of imprisonment, per the UN Nelson Mandela Rules).

- ➔ **Recommendations should be made around the rehabilitative purpose of work programmes or work schemes in prisons, to ensure that work does not constitute slavery.**

Compulsory or forced labour in prisons, particularly for the benefit of private individuals or companies, is a violation of international law, and can constitute a contemporary form of slavery. Such exploitation persists, often with connections to global supply chains. For example, investigations have revealed cases where [people in prison in Cambodia, particularly women, were forced to produce goods for export under coercive conditions](#). In the United States, [agricultural products produced by people in prison under coerced conditions have been found in the supply chains of major food companies](#). These examples underscore the need for robust safeguards and oversight mechanisms to prevent forced labour and exploitation within prison settings.

- ➔ **PRI recommends advocating for fair wages and equitable compensation for prison work, addressing the systemic disparities and exploitative practices that undermine the dignity and financial stability of people in prison, thus promoting economic justice within prison systems.**
- ➔ **PRI recommends strengthening international regulations and oversight mechanisms to prevent forced labour and exploitation within prison settings, holding both public and private entities accountable for adhering to fundamental human rights standards and ensuring fair compensation for people in prison.**

Challenges faced by people in prison in terms of wages and work conditions

Forced labour remains a pervasive issue in both public and private prisons across various regions. One of the key issues surrounding prison labour is the inadequate payment received by people in prison.

Despite the workforce provided by people in prison, many individuals receive minimal or no compensation for their work. [In the United States, for instance, hourly wages for prison labour can be as low as 13 to 52 cents, with some states offering no compensation at all.](#) This stands in stark contrast to the [profits generated by prison labour, which amount to billions of dollars annually.](#) Similar disparities exist in other countries, where [prison wages are disproportionately lower than free-market wages.](#)

Moreover, deductions for prison-related costs further diminish the already meagre earnings of people in prison, especially as [they are not subject to cost-of-living adjustments while facing commissary price increases due to inflation.](#) [In Canada, mandatory deductions result in a net pay of approximately \\$2.78 per day, despite the minimum wage being significantly higher.](#) These deductions exacerbate the financial vulnerability of people in prison and limit their ability to save or accumulate wealth, for example, to financially help their families or pay for court fees. Additionally, [disparities in pay based on race or ethnicity further compound the injustice within prison labour systems.](#)

- ➔ **PRI recommends implementing policies to foster cost-of-living adjustments, eliminate mandatory deductions from prison wages, and address racial and ethnic disparities in terms of compensation, thus promoting greater equity and financial security for all people engaged in work programmes in prison settings.**

The [Global Slavery Index](#) has identified cases of forced labour in countries such as Brazil, China, North Korea, and Russia. In the United States, [unpaid or poorly paid prison labour has been characterised as a contemporary form of slavery.](#) [People in prison are often compelled to work under threat of punishment, including solitary confinement or loss of family visits.](#) These coercive practices not only violate international law but also perpetuate cycles of exploitation and abuse within the criminal justice system.

In France, overcrowding has led to a decrease in the availability of work opportunities for people in prison, with [many jobs offered being low-skilled and less relevant to the job market.](#) Similar challenges are reported in [Italy](#), where some prisons lack adequate space for work opportunities. Moreover, [work programmes for women often reinforce gender stereotypes and limit opportunities for meaningful employment.](#)

- ➔ **PRI recommends prioritising efforts to eradicate forced labour and coercive practices within prison systems globally, including bolstering existing accountability mechanisms. This could include:**
 - **ensuring transparent, publicly available information on the work that prisoners are offered, the wages they can receive, the rules and regulations around what wages can be spent on, etc.**
 - **reforming law and policies so that working conditions are in line with relevant international standards (ILO, etc) and national labour standards.**
 - **ensuring that prisoners' ability or wish to work, or not to work, is not punishable or subject to disciplinary measures. Furthermore, that non-participation does not impact release dates or eligibility for early release/ parole, etc.**

The benefits of rehabilitative prison work

Despite the challenges and shortcomings associated with prison labour, there are potential benefits for people in prison when appropriate systems and protections are in place. [Engaging in productive work can alleviate boredom, reduce stress, and improve the chances of successful reintegration into society.](#) [Many people in prison express a desire to be productive during their imprisonment, earn](#)

[money, and acquire skills that will be valuable upon release](#). Work programmes can also provide opportunities for vocational training and personal development, which are essential for preparing people in prison for successful, stable employment upon release.

- ➔ **PRI recommends investing in infrastructure and resources to expand meaningful work opportunities for people in prison, addressing issues such as overcrowding and gender disparities, and ensuring that all individuals have access to diverse and relevant vocational training and employment prospects.**

Furthermore, initiatives that foster collaboration between prisons, community-based organisations, and potential employers may enhance the prospects of people upon release. Programmes that facilitate employment opportunities for formerly imprisoned persons, such as those implemented in [Mexico](#), [Malaysia](#), and [Singapore](#), contribute to reducing recidivism and promoting social inclusion. By establishing partnerships with the private sector and promoting the hiring of formerly imprisoned persons, these initiatives support the rehabilitation and reintegration of individuals into society.

- ➔ **PRI recommends fostering collaboration between prisons, community-based organisations, and potential employers to facilitate smooth reintegration pathways for people in prison, promoting initiatives that support employment opportunities and social inclusion upon release, ultimately reducing recidivism rates and promoting rehabilitation.**

Conclusion and recommendations

International human rights obligations, which unequivocally proscribe forced or compulsory labour, bind States to safeguard the rights and dignity of all individuals within their jurisdictions. Despite the potential benefits of prison work, numerous challenges persist, including overcrowding, poor prison conditions, and limited access to work programmes. The issue of contemporary forms of slavery affecting currently and formerly imprisoned persons is a complex and pressing human rights concern. By addressing systemic flaws in prison labour systems, promoting rehabilitation and reintegration, and protecting the rights and dignity of people in prison, governments can work towards a more just and equitable society for all.

In addition to specific recommendations made above, **PRI recommends:**

- **To strengthen oversight mechanisms and regulatory frameworks to prevent forced labour, exploitation, and unfair compensation within prison systems. This includes robust monitoring of prison conditions, enforcement of labour standards, and accountability for violations.**
- **To ensure fair and equitable compensation for the labour provided by people in prison, commensurate with prevailing wage rates and without excessive deductions. Governments should review and reform existing payment schemes to ensure that prison wages reflect the value of the work performed and adjust to inflation.**
- **To promote prioritise rehabilitation and reintegration by providing meaningful employment opportunities, vocational training, and educational resources. Collaboration with community-based organisations and potential employers is crucial for facilitating successful transitions from imprisonment to employment.**
- **To address systemic inequities, including racial or gender disparities in pay and opportunities. Governments should implement policies and initiatives aimed at eliminating discrimination and promoting equality within the criminal justice system.**
- **To encourage governments to expand vocational training opportunities, ensuring equitable distribution of work opportunities across all prison facilities.**

Penal Reform International Submission

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