

Privatization of Prison in Iran Legal System

Morteza Jalilzadeh^{*}, Mohammad Javad Abdollahi^{**}, Saleh Yamrali^{***}

^{*}Attorney at Law, PhD Student in Criminal Law and Criminology, University of Tehran Judicial Sciences

^{**}Attorney at law, PhD student in private law, Tehran University, Qom Campus, Iran

^{***}Attorney at Law, PhD Student in Private Law, Mofid University

ABSTRACT

Private prisons have been formed in the early 80s and are expanding gradually from this time. These prisons are growing in countries such as America, England, France, New Zealand, Australia, Korea and Russia. Iran is one of the countries that have used these prisons. Generally private prisons arrived to prison system with two claims. Firstly, they spend less cost than the public sector and cause savings to government. Secondly, they have a higher performance compared with the public sector. However private prisons have come under essential criticisms. These criticisms were so severe that advocates of Prison privatization could not reply most of them. The causes of Iran's tendency to prison privatization were the large number of prison and the increasing in government allowance. Iran started to private prisons from Vakil Abad and Adel Abad prisons; but this plan failed to halt the privatization of Adel Abad prison. Privatization Adel Abad Prison plan to the private sector was studied for one year. Based on contract, 90% of current tasks Adel Abad were moved to prison private sector. When the private sector was arrived in prison, some riots were occurred one teenager was killed by five villains and one prisoner was killed by four other inmates because they place dangerous criminals in the same cell with other criminal. Privatization in the Adel Abad was not in accordance with current legislation. Because both law and regulations of the prison, regard the administration of Prison as one of the government tasks.

KEYWORDS: Private prisons, Privatization, Private companies, Adel Abad prison, Iran legal system.

INTRODUCTION

There are prisons in all of human life. They were sometimes the original penalty and sometime as the whereabouts of offenders until run other penalty. In all times prisons are in local of fear and terror. And only in the last century, with the formation of the human rights of prisoners, efforts exist to protect them. Prisons Run by government, since the inception of public power. Attendance of private section in prison relate to two or three centuries ago. But appearance modern private prisons relate to 30 years ago. To presence of this section in Prison, Challenges and concerns have also been arisen. If states are going to maintain with the entry of private sector in seeking to protect improve to appliance and if it is actually more efficient than the public sector. Human rights of prisoners what extent will be maintained by the private sector. These concerns challenge attendance of private section in prison. Goals of paper are clarifying of privatization prison in Iran. If private prisons were Successful in Vakilabad prison Mashhad and Adel Abad prison in Shiraz, if prisoners have satisfied from private sector.

1-privatization

Privatization is process by which the duties and public facilities each surface is transferred to the private sector. Broader definition of Privatization is "Limiting the role of government and provide policies and procedures for Strengthen the economy and the free market.

It should be noted, non-governmental and privatization is often confused with each other. In fact, non-governmental is a model for privatization. This means that non-governmental is one of the forms of privatization. (Rahimi, 2006). The term of privatization indicates to changes in the balance between state and market in favor of market.

2-Prison privatization

Prison privatization is a process during which the duties of the public sector in prison will be transferred to the private sector. Activities of the private sector could be Management and services in prison. Prison privatization, depending on the level of activities private sector in prison divided to Model of American -English, French of model and interstitial model. Model of American-English is known to full privatization, Management and security of the prison and therefore all services are provided by private sector. French of model which is known as the partial privatization, Management will remain state and only internal prison service was provided by private sector. The interstitial model, which is a combination of the above two models, management will be in the private sector and security of the prison will remain to hand of government.

3-History of prison in Iran

Although documents isn't available about the state of prisons in ancient times, But it is clear that in castle, prisons were build and Kings were imprisoned his opponents to there, then they were killed. In the first of imprisonment was not Punishment, it was tool to eliminate the Supreme People that existence of these persons was danger to nation or the king. (Mnshdavy, 2000)

For the first time in Iranian prisons was prevalent widely in age of Khosro Parvis. It wasn't as a punishment, but an act which are kept offenders in prison so that to repent because it, otherwise it would have imposed major penalty .Including prisons, was in strong fortress on the East Shoushtar of Khuzestan .Its name was" The Gil gerd or Andohshen" and also It called "Anvoshbrd or forgotten castle". Because nobody should be told about the name of this place and prisoners .(Razi, 1997)

In period of the ghajre, Iranian legal system, especially the criminal and prison has growth through a dramatic transformation. So in this period, passed by law Legislative and institutional jail. Then in 1929, the first Prison of (ghasr) was built to hold 600 convicted people. (Mansorabadi, 2007)

4-Formation of the modern private prisons in Iran

After the revolution, prisons were subset the Interior Ministry .Since the police was subset the Interior Ministry, Maintenance and protection of prisoner was duty of police .In the second decade of revolution, prisons were subset the judiciary .Judiciary allowed entering private sector in two prisons (Hoffman,2004). These were Adel Abad Prison in Mashhad and Vakil Abad prison in Shiraz .Each of these prisons will be discussed.

1-4Vakilabad prison in Mashhad

In this prison, prison privatization began in 1994, in less than 3 years, Khorasan Office prison accepted to arrival private sector. Prison hospital administration ,Office of Justice Prison Sentences, cook food for prisoners, recorded data from the computer ,Cultural services, education of incarceration, counseling psychologists, and social working, unarmed guarding services at the local of shell Were given to private sector.

Prison officials opposed initially the entry of the private sector, yet the private sector was arrived. According to statistics, the private sector has done better than the public sector. Thus in the execution of orders, it cause the significant reduction of administrative personnel, Improved speed and accuracy in work and increased the number of social workers. So statistics abuse of prisoners reduced. When the successes achieved, even talk of a transfer of prison management to private sector. But in practice, the management of prison remained for public sector. Private sector acted good in four domains of administrative services, health care, protection physical as well as sector studies .(Shams, 2002)

1-1-4-Administrative Services

In branch of computers, to the divestiture of the non-governmental sector .Only in 1997, Full details of 120 thousand stagnant cases of prisoners were arrived in computer .While the official forces managed to fit25 thousand in 4 years .The branch of guard, private prison absorbed of 21 officers guards and removed problem of Shortage guard. Private sector would provide7 male so that care prisoners that worked outside prison.

2-1-4-Department of Health in prison

When private sector was arrived in health services caused financial savings and improved quality of Services .For example, in the prison (Vakil abad), 18 general practitioners and specialists were in the private sector compared with three doctors before transferring . So the 10 nurses were working with compared one nurse. Referring prisoner's system change from quota system to free system and in conclusion, unnecessary referrals reduced. In state prison, studies official experts were very little but when private sector was arrived established Center of Criminology Research and Khorasan prisons was aided with specialized services and expert university .Effective Scientific research was provided by private sector.

3-1-4-Studies and research Department

There are few official experts in state prison and so studies were very little but when private sector was arrived in prison, this sector could do very many studies because it used professional and university service.

4-1-4-physical protection sector

Participation of non-governmental firms in the design and maintenance of electronic systems caused to upgrade physical protection factor in Vakil abad Prison .Using such system reduced labor costs in the physical protection. (Ibid)

2-4-Adel Abad prison in Shiraz

Privatization of prison plan in Adel abad prison was studied for one year. According to the contract between Private Corporation and state was established for one year managerial duties Adel abad prison transferred to private sector except computer parts and parts of ordinances which were related to the rights of prisoners. According to the contract with the private sector, mechanisms to evaluate the services were provided so that according to them, the Bureau of Prisons measured performance of private sector. Protection of prisoners were this way interguard was for private sector and Outer guard was for state .The subject was, if privatization of Adel abad Shiraz was successful all the prisons be left to the private sector but the plan failed. Failure of privatization initiatives in the Adel Abad will be analyzed later.

5-Major reasons for the privatization of prisons in Iran

In general, three factors include population growth and lack of prison space in the prison and reducing service levels can be mentioned among the causes privatization of prison.

1-5-Increasing population of prison

Per 100 thousand people in 1979, there have been 29 people arrested and in 2007 this figure had risen to 204 persons per 100 thousand people . Since the beginning of 1979 to end of 2007, Prisoners per capita growth has averaged 9 percent .Now; the criminal prison population is estimated at about 125 thousand. While the average growth in the population of about is 1/3%, Prison population growth is 9 %.(ibid)

Since the beginning of the Revolution, about eight million people have entered in prisons . Prison population growth was low at the beginning of the Revolution but now it has increased. Major cause of prison population growth is drug-related so that 70% of prisoners are drug offenders (Shhydzadh, 2007). According to the 2002 statistics a total of 102 thousand people were imprisoned for drug crimes.These cultivars are increasing. For example, in the first six months of 2006,340 thousand were entering in Prison that compared to the previous year it 17 percent have grown .With the increase in population, Organization of prison face constraints of bud get .For increasing the level of service must resort to the way things were firstly services increased . Second, the budget should spend less . These goals were obtained met by using private sector. .(Assyrian,2007)

2-5-Lack of prison space

The standard storage space for per prisoner is 17/5 square meters .While in Iran have been reported 4/5 square meters . In addition, many prisons have rented in Iran. Meanwhile the age of some of the country's prisons reach to safavie period . Some buildings have 250 to 400 old years. (Assyrian,2003)

3-5-Lack of care officer and social worker

Based on international standards, for 2/5 prisoner must was exist one watch Officer But in Iran per 147 prisoner is one career .According to international standards, there is a social worker for per 90 prisoners is existing but in Iran per 2145 prisoner is one social worker that are working in prison.

4-5 shortage budgets of capita food and health

In 1998 for three meals , officers of orison paid 180 to 200 Rs and in 1999 it amounted to 280 Rs and in 2000 it had amounted to 450 Rs .The amount of low-level reduced services to prisoners .Problems forced authorities to increase the level of service .On the other hand, there were budget constraints. Therefore, finding ways that were first, to increase the services provided .Second, the budget should spend less. Officers of orison decided to use private sector so that these problem removed. (Mohammadi, 2005)

6-Problems of private prisons

With regard to only Adel Abad prison give the management of prison to the private sector, we examine this prison.

1-6-Outline Adel Abad prison

Privatization Adel Abad Prison plan to the private sector was studied for one year. Based on contract, 90% of current tasks Adel Abad were moved to prison private sector. Except of the computer Section, ordinances and Section financial other sectors were moved to private sector. Protection of Prison was duty of private sector in internal section and it was duty of state in out section. It would be if privatization in prison of adel abad became successful All of the prisons to be transferred to private sector.

Private contracor under took four major: a) Responsible management: To manage and coordinate the services were entrusted to the private sector .b) Office of General Services: to run administrative services, official, computer support (Prepare and cook food and other distributions paid overcome of prisoners, transport services, storage facilities, buildings and green space, and public service jail ...).

c) Services administration of rehabilitation : for offering Counseling services , vocational training , employment, cultural , social workers, prison classification . d) Access Management and Control: for preliminary tests of compliance services for prisoners and prisoner control services, private sector engagement, output tests and disease management services and health care of prisoners and prison conditions .(Mohammadi,2005)

2-6- Accidents within Adel Abad prison

When the private sector was arrived in prison, one riot occurred in Prison. Authorities Saied the cause of the accident was the prisoners who have uncertainty protested their condition. The riot had occurred Adel Abad prison in section 10 and 11 Adel Abad prison that they had 1100 to 1200 prisoners. One prisoner was killed by four other inmates One month later in this prison. The cause of the accident was carelessness management of prison because they place dangerous criminals in the same cell with other criminal. In the event, four prisoners that one of them was charged with armed robbery Killed one of their cell. Distinguish was not between dangerous criminals and ordinary criminals in prison.

Another riots was occurred, the real actors were 60 and 70 people that they were convicted to death they were held in common clauses with other offenders. In another incident in the prison, five villains killed Teenager. The cause of the accident was simple. Juvenile place at dangerous offenders in prison .private sector was going to repair and refurbish of the adolescents section. Due to space limitations, the Juveniles were placed in villains section.

Following the above events, state decided the private sector had not ability to run of prison. Private section was forced to remove its equipment in prison. First experience in privatization of prison management was faced with defeat. (Shams, 2000)

Conclusion

Private prisons entered the field of prison because of two claims; firstly, they have high-performance. Secondly , in addition to higher performance, they need lower cost. Although the formation of these prisons was determined that almost two claims is false.

According to statistics, in Vakil abad prison in Mashhad, the private sector has done better than the public sector .Thus in the execution of orders, it cause the significant reduction of administrative personnel , Improved speed and accuracy in work and increased the number of social workers . So statistics abuse of prisoners reduced. But in Adel Abad prison, privatization of prison management was faced with defeat because some problem occurred in Prison.

Now privatization of prisons is not consistent with the mission of the prison. Privatization of prison causes that education of inmates reform from prison. Training programs are costly and the private sector is not willing to spend this money .But in every country including Iran, partial privatization of prisons will enhance condition of prison. In fact, it consistent with the philosophy of prison. This is evidenced by the experience of Iran and other countries .Also scientific papers and books of Scientists on this subject can verify this topic.

REFERENCES

- 1-Assyrian, Muhammad (2007) , “strategies of reduction criminal prison population “, Tehran, the criminal prison population decrease rate.
- 2-Assyrian, Muhammad (2003) ,'replacements intermediate punishment , Tehran, mohajer publication.
- 3-Hoffman, Dennis(2004) , "The American judge ," Mohammad Hossein EmadBaghi, Tehran,the abode Press, first edition
- 4-J.Shhydzadh (2007)"criminal prison population relying onbail," Tehran,thecriminal prison population decrease rate, first edition.
- 5-Mohammadi , Davoud (2005)"alternative penalties" Tehran, publisher flares, First Edition,
- 6-Manshdavy ABDOLAMIR (2000) ,'prison historyfrom Adam tothe present day, Tehran ,Ahvaz publishtion .
- 7-Mansorabadi , Abas (2007)"Prison Solutionor problem" (The decrease criminal prison population), Tehran, mizan, first edition.
- 8-Rahimi, Boroujerdi Alireza(2006) , "privatizing" , The first edition ,Tehran ,Tehran University Press.
- 9-Razi ,Hashim (1997)"Vandidad", Tehran ,published byThinking Day.
- 10-Shams , Ali (2002)"plan aprivatein prison ,Tehran , Prison Research Education Center.