



INN ISSUE BRIEF: Overrepresented Populations

Despite being known as *mass* incarceration, it does not impact the masses on equal terms. It is clear from prison statistics worldwide that certain groups and communities are grossly overrepresented in prison populations (see select statistics below, or read [report comparing disparities in prisons for 10 countries on 5 contents](#)). “Othered” communities—whether African-Americans and Latinos in the US; Indigenous people in Canada, Mexico, Australia and New Zealand; Roma people and foreign-born people throughout Europe; poor people all over the Global South—are targeted by and thus caught up in criminal justice systems at dramatically disproportionate levels.

Commonly overrepresented groups include those listed below. There is also intersectionality, with these groups overlapping in multiple forms of disadvantage.

- Ethnic or racial groups
- Religious minorities
- LGBTQ communities
- Foreign-born populations
- The poor
- Those facing mental health & substance abuse issues

Understanding the historical legacies of slavery and colonial patriarchy in each country context is essential in order to understand why particular social groups appear to become targets of penal excess. Explanations for disparities in incarceration have generally encompassed a range of factors: discriminatory decision-making throughout the justice process, from the point of arrest onwards (and particularly with respect to prosecutions for drug offences), as well as the intersection between race, poverty and such other structural disadvantages as lack of access to labor markets, adequate education, and social and health services.



Examples/ Statistics:

- **United States** - According to Bureau of Justice Statistics (BJS) reports over the past 40 years, black imprisonment rates in the United States ranged from about six to about eight times those of whites ([BJS annual statistical reports](#)). In 2016 black people were incarcerated at a rate 5 times higher than white people, while for Latinos the rate was 1.6 to 1. If African Americans and Hispanics were incarcerated at the same rates as whites, prison and jail populations would decline by almost 40%. There is some evidence that the gap is narrowing over time ([Council on Criminal Justice Report 2019](#)). However, Austin et al note, that 'it would take 100 years for the disparity [between African American and white imprisonment rates] to disappear at the current trend' ([2016: 14](#)).

Similarly, the incarceration rate (1,291 per 100,000 people) for American Indian/Alaskan Natives in adult correctional facilities is more than double that of white Americans (510 per 100,000). In states with large Native populations, such as North Dakota, American Indian/Alaskan Native incarceration rates can be up to 7 times that of whites ([Prison Insider using 2010 census and BJS data](#))

- **Brazil** – Among Brazilian prisoners, 63.6% are black or brown, while the same group represents only 55.4% of the Brazilian population. Conversely, white Brazilians are 37.2% of the country's prisoners, while they are 45.48% in the general population ([INFOPEN](#)).

- **Canada:** Although Indigenous adults represent only about 3% of the adult population in Canada, they are overrepresented in admissions to provincial and territorial correctional services; in 2015-2016, they accounted for 26% of admissions ([Statistics Canada 2016](#)). The discrepancies between Indigenous and non-Indigenous incarceration rates are more pronounced in certain jurisdictions than in others. For example, while the proportion of Indigenous persons sentenced to imprisonment is double their representation in the Québec population, in Saskatchewan the proportion of Indigenous incarcerated people is roughly seven times higher than their representation in the provincial population. ([Canadian Department of Justice](#))

- **Australia & New Zealand:** As of June 2019, Indigenous people represented 28% of adult prisoners while making up around 2% of all adult Australians ([ABS, 2019](#)). Patterns of overrepresentation are also evident among the Indigenous people of New Zealand. While Maori constitute approximately 16.5 percent of the national population, 52 percent of incarcerated individuals identify as Maori or part Maori (NZ Census 2018; [Statistics NZ 2019](#)).

- **Europe** – On average in European Union and Western European countries, foreigners represented almost 1 out of every four prisoners (24.7%). In some countries specifically the numbers are much higher. For example, in Switzerland non-Swiss represent about 71% of prisoners, while in Sweden, Spain and Italy foreigners represented between 28-34% ([Council of Europe SPACE II Report, 2018](#)). In the Netherlands the number of prisoners who were born outside the country has risen in recent years and, in 2015, the proportion stood at 62% (Centraal Bureau voor de Statistiek, 2016). In Hungary, Roma people make up around 40% of the prison population, despite representing only 6% of the national population ([Global Imprisonment Report 2017](#))



- **Mental illness and disabilities** - A significant number of prison systems lack strategies or policies to meet the needs of persons in prison living with mental illness and disabilities. Such lack of attention has meant there is also little data. From the limited data that exists we see that, In Australia for example, it has been estimated that people with disabilities, particularly cognitive or psychosocial disabilities, comprise around 18 per cent of the country's population, but almost 50 per cent of people aged 18-24 years entering prison ([Human Rights Watch 2018](#)).

- **LGBTQ** - Where data exists, it shows that Lesbian, gay, bisexual, transgender and queer people (LGBTQ) people are overrepresented in prison populations. For example, in the US revealed the incarceration rate of self-identified lesbian, gay, or bisexual persons was 1882 per 100 000, more than 3 times that of the US adult population. Forty-two percent of women in prison in the US identify as lesbian or bisexual and are likely to receive longer sentences than heterosexual women ([Meyer, et al 2017](#)).

Solutions:

Many INN partner organizations work directly to counter and fight against the overrepresentation of specific populations in prisons.

Of the special highlighted **INN Partner programs** featured on our global [platform](#), **30 include a focus on, or services for, overrepresented populations**. Nearly one-third (31.1%) of INN partners that are Alternative to Incarceration programs named the main problem they aim to address as "Discrimination/overrepresentation of certain groups (based on indigenous culture or race) in prisons." Programs work through various mechanisms, from advocacy and policy research about disparity, to working to divert overrepresented groups from the traditional justice system, to providing service programs and reentry specifically by and for overrepresented groups. You can search our database [here](#) by target groups they work with, including various overrepresented populations.



Examples of programs for overrepresented populations

Aboriginal Legal Services (Canada) [\[insert hyperlink to INN partner page\]](#) offers legal assistance and diversion programs to Aboriginal people. They also offer a host of services to the community as a kind of one-stop shop, building in-house programs that are by and for Aboriginal people.

Indigenous courts in both New Zealand and Australia [\[insert hyperlink to INN partner page\]](#), as well as the **Red Hook Community Justice Center (USA)** [\[insert hyper link to INN partner page\]](#), reveal the sometimes small, subtle ways in which the legal setting can be humanized and made culturally relevant to reflect what founders of the Koori Court in Australia call "lore instead of law": lack of excessive formality; allowing the accused a strong voice and central role in the process; emphasis on community via ritual, song, touching of hands and faces, along with vital presence of elders/respected persons; speaking in plain English and not "legalese."

In the Czech Republic, **The Roma Mentoring program** [\[insert hyperlink to INN partner page\]](#) diverts Roma people out of the criminal justice system and offers them mentoring instead.

Both the **ACLU (USA)** [\[insert hyperlink to INN partner page\]](#) and **Equis (Mexico)** [\[insert hyperlink to INN partner page\]](#) engage in advocacy and policy work that is led by and focused on both directly impacted (i.e. formerly incarcerated) and over-represented people in their respective countries (African-Americans in the US and Indigenous people in Mexico)