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**Preventing human rights violations of
prisoners**



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Introduction

There are over 10.1 million people being held in penal institutions in the world, according to the latest available study conducted by the International Centre for Prison Studies. We often forget that these people, even though sentenced for breaking the law, still have rights, which are recognized internationally. These rights are protected by international treaties and supported by not legally binding documents such as the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, the United Nations Standard Minimum Rules for the Treatment of Prisoners and the Basic Principles for the Treatment of Prisoners.

Repeatedly, either fellow inmates, prison staff or governments, are violating the rights of prisoners without being punished or without their case being even investigated. The prevention of human rights violation of prisoners is a difficult task as most of the prisoners worldwide are caught in a prison system, which does not offer them the possibility to get justice.

Definition of Key Terms

Prisoner

An individual who is kept in prison as punishment for a crime.

Detainee

A person who is held in custody even though he or she has not yet been convicted of a crime.

Prisoner of War

According to the Oxford Dictionaries, a prisoner of war is a person who has been captured and imprisoned by the enemy in war.

Solitary confinement

A place where a prisoner is completely isolated from others.

Background Information

Violated rights of prisoners

Prisoners, even though sentenced to spend a certain amount of time in prison for a crime, still have rights, which are granted internationally by binding and supported by non-binding documents. Most of the time their rights are being ignored and they have to endure a traumatizing time in prison. There are a number of examples in which human rights of prisoners are being violated.

Inhumane treatment

Most of the inmates are subjected to an inhumane treatment, which comes from either their fellow inmates or from the staff members. Very often inmates are made victims of rape, physical and verbal violence, threats, psychological manipulation, and other methods of physical or mental torture. In most cases inmate victims are too scared to reach out for help because they believe they will worsen their situation or they simply cannot ask anyone for help. Unfortunately, such events can leave victims with physical and physiological traumas for life, making their adaptation back into society even harder.

Punishment

Sometimes inmates get punished during their sentence for reasons such as being violent, trying to commit suicide or for not respecting other prison regulations. Usually, the punishment consists of solitary confinement, which is considered by many as a measure that is causing more problems than solutions. During their stay in solitary confinement, inmates might not receive basic food, light, ventilation or sanitation, which is completely out of order, as prisoners cannot be denied fundamental human necessities. This type of punishment is also considered by many as an inhumane punishment, which can cause yet again a physiological trauma to the inmate. Furthermore, the solitary confinement can be seen as a

breach in treaties such as the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

Conditions

Globally, the existing number of prisons that do not offer adequate conditions and basic human necessities is still high. For instance, due to overcrowding prisoners have to live in an unhygienic environment, which can cause an easy spreading of diseases. Furthermore, many prisons lack medical supplies, adequate food, ventilation and enough sanitation facilities.

Classification of prisoners

In some countries, such as India, prisoners are classified in different classes, which are not based on their criminal record. Such classification can represent a serious issue as more dangerous prisoners can easily take advantage and abuse new prisoners who do not impose a threat.

Staff indifference

Prison staff often ignores cases of rape or any type of violence, even when it happens right in front of them. In many cases staff members abuse inmates themselves. The reasons behind their indifference could be the lack of training they receive, low salary, the few promotion opportunities and the fact that they never get punished for their illegal actions.

No effective punishment

Unfortunately, one of the main factors for the continuous violation of human rights in prisons is the lack of consequence management. Many inmates abusing others and staff members do not seem to get punished. A reason for not getting punished might be that in many prisons staff members are not being monitored carefully.

Major Countries and Organizations Involved

United States of America

The United States of America play an important role in respect to this topic as, according to Statista, it was the country with the largest prison population in the world in 2014 and has registered the second-highest per-capita incarceration rate worldwide in 2015 with 698 inmates per 100,000 inhabitants. Moreover, the U.S has been facing criticism from NGO's such as the Human Rights Watch for assumingly letting inmates live in "abusive, degrading and dangerous" conditions. The same NGO has shown great concern for prison rape, medical care, and abuse of mentally ill inmates in American prisons. Undoubtedly the most international disapproval of the way the U.S.A handles its inmates came for the American military prison Guantanamo Bay, located within the borders of Cuba. Multiple sources such as detainees from Guantanamo Bay and the International Committee of the Red Cross (ICRC), which inspected the camp in June 2004, have accused the U.S military from Guantanamo of extreme human rights violations. Some of the violations included sexual humiliation, solitary confinement and other cruel methods to torture the detainees.

Human Rights Watch

Human Rights Watch (HRW) is an NGO, which was created in 1978 and has grown to about 400 members all around the world excelling in various professions. HRW publishes reports based on research on human rights conditions around the globe. Moreover, after publishing the reports, this NGO cooperates with other organizations, institutions, and governments to promote human rights and implement much-needed changes in legal systems to provide justice to the people. Some of the issues HRW tries to tackle are torture, political corruption and abuses in criminal justice systems. HRW is very known for criticizing prison conditions in countries such as the U.S, Iran, and Saudi Arabia.

Amnesty International

Amnesty International is an NGO, established in July 1961 with the purpose to conduct research and generate action to prevent and end grave abuses of human rights, and to demand justice for those whose rights have been violated. This NGO became involved in the protection of the human rights of prisoners since its beginning and has tried to fight the human rights degradation of prisoners trough various methods. One of them is the launch of a 12-point program, which gives measures in order to prevent human rights violations of prisoners. This program was created in 1984 and revised twice until 2005.

Timeline of Events

Date	Description of event
December 10, 1948	The Universal Declaration of Human Rights is adopted. It consists of thirty articles, which grant for the first time in history rights to which all human beings are entitled.
August 12, 1949	The Third Geneva Convention revises and replaces the Geneva Convention adopted in 1929. The Third Geneva Convention defines prisoners of war and secures their rights, including the right to humane treatment, which prohibits different types of violence and torture.
December 9, 1975	The Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment is adopted. This declaration defines the meaning of torture and condemns it.
November 26, 1987	The European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment is ratified. On the basis of this Convention the Committee for the Prevention of Torture (CPT) is created. The CPT is allowed to make unannounced visits to all detention places of member states of the European Council and write a report after each visit.
December 10, 1984	The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (UNCAT) is adopted and aims to prevent torture worldwide. The Committee against Torture (CAT) is created and monitors on how rights are being implemented by getting regular reports from states.
June 2006	The Optional Protocol against Torture and Other Cruel, Inhuman or Degrading enters into force. It creates the Subcommittee on Prevention of Torture (SPT), which has the mandate to visit places where persons are deprived of their liberty.

Relevant UN Treaties and Events

- Universal Declaration of Human Rights, 10 December 1948 **(A/RES/3/217A)**
- Third Geneva Convention, 12 August 1949
- International Covenant on Civil and Political Rights, 16 December 1966 **(A/RES/21/2200)**
- Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, 9 December 1975 **(A/RES/30/3452)**
- The European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, 26 November 1987
- Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, 10 December 1984 **(A/RES/39/46)**
- Basic Principles for the Treatment of Prisoners, 14 December 1990 **(A/RES/45/111)**
- Optional Protocol against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, 18 December 2002 **(A/RES/57/199)**
- Convention on the Rights of Persons with Disabilities, 24 January 2007 **(A/RES/61/106)**
- United Nations Standard Minimum Rules for the Treatment of Prisoners, 29 September 2015 **(A/C.3/70/L.3)**

Previous Attempts to solve the Issue

The life of individuals in prisons has mostly improved in the past decades due to the fact that most of the countries have granted them rights through the previously mentioned treaties and individual country laws. A lot of prisons now have better conditions and can make sure the rights of inmates are being respected. Furthermore, many NGO's such as Amnesty International or the Human Rights Watch have been making great efforts to protect the rights of prisoners by observing and publishing violations made upon them, and by suggesting measures to combat this issue. The different specialized committees such as the CAT, the CPT, and the SPT try to investigate as many detention places as possible and make sure that the Conventions are being respected.

Despite all these efforts and many others, the human rights of prisoners are still being violated each day and just a few prisoners get their justice.

Possible Solutions

Ratification of Treaties Monitoring system

The ratification of international treaties and protocols tackling this issue is highly recommended as they recognize the rights of prisoners and condemn all of those not respecting them. The adoption of new or existing guidelines as well as laws is encouraged in order to strengthen the recognition of the rights of prisoners, bring those violating them to justice, and condemn any type of inhumane treatment of prisoners.

Monitoring system

An effective system to monitor inmates as well as staff members would be a good solution to prevent any type of violation to the human rights of prisoners. Everyone living or working in such facility will know that their actions are being checked and any violation will be punished. Such a different or additional monitoring system could be considered.

Informing prisoners of their rights

All inmates should be aware of their rights and what they can do if any violation of their rights occurs. Effective ways to create awareness amongst unaware and new prisoners could be defined.

Combatting other related issues

Other issues related to the topic should be tackled as well, as they can reduce the number of human rights violations of prisoners. For instance, the staff members should be better trained and motivated to do their job the best way possible. Very often inmates are afraid to reach out for the help of staff members. This should change.

The possible solutions only refer to a few aspects and measures that can be taken. Therefore, delegates are encouraged to take note of the suggested solutions, but also to tackle other aspects and create new, innovative measures to prevent the human rights violations of prisoners.

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Appendix

- I. <http://www.un.org/en/documents/index.html>