

Forum:	Special Political and Decolonization Committee
Issue:	Establishing hemispheric standards for prisoner rights and prison conditions
Student Officer:	Panagiotis Kyriakou
Position:	Co-chair

PERSONAL INTRODUCTION

Dear delegates,

My name is Panagiotis Kyriakou and it's my honor to be one of the co-chairs of The Special Political and Decolonization Committee, which is known as the 4th committee of the General Assembly. This is my second time as a student officer and I am really glad to have gotten the chance to attend this year's conference.

I am an international baccalaureate student and I want to study computer science in the United Kingdom. I have attended the Political Committee twice and I can clearly say that it is my favorite out of all. For that reason I am so intrigued by being a co-chair.

As a student officer, my role is to help you in your research in order for you to make better resolutions and proposals. By writing this study guide I am trying to accomplish this exact thing. Thus, I hope that this study guide proves helpful. But in any case, you should also do your own research and not rely on the study guide only. The analysed issue is really important and there are a lot of different perspectives that can be seen from. Because of this you will have to definitely research further in order to adapt your ideas to your country's policy. If you need my support, I strongly urge you to contact me.

I am looking forward to meeting you at the conference.

Regards,

Panagiotis Kyriakou

INTRODUCING TOPIC

The importance of providing international laws concerning the rights of the prisoners and the conditions of prisons is recognized as it is a measure of equality and will help maintain order throughout the globe.

A great number of treaties regarding prisoners' rights on a hemispheric level have been established, however, prison staff is often found to exercise harsh treatment in order to cope with the inmates. Furthermore, even though the conditions in which the prisoners live should meet some basic standards, in reality they do not. As a result, some of the most basic human rights and fundamental freedoms of the inmates are violated. Be it violence in all of its forms, discrimination, and at times even neglecting basic needs of the inmates, the recorded cases in which corruption has resulted in the death of the prisoners are numerous.

Whereas prisoners do not possess all the fundamental human rights while they run their penalty, they are protected against rough punishment and they should be offered the minimum standards of living.

We should always remember that the core of prisons is to have them serve as rehabilitation centers; they should not mark the end of a person's life, nor render them unable of ever returning to their lives.

Inmates are humans and should be treated as such. Nothing less.

DEFINITION OF KEY-TERMS

Prison: The setting in which prisoners live and exercise their penalty in that holds an individual accountable for their actions and protects society. It deprives someone of their liberty and impacts on certain other rights, such as freedom of movement, which are the inevitable consequences of imprisonment, but people in prison retain their human rights and fundamental freedoms.

First Amendment: People are allowed freedom of speech and religion; it should be noted that this right is maintained as long as it does not interfere with their status as inmates. For non-US countries, this is considered the right of free speech, religion, and assembly.

Sexual Harassment: An issue for reportedly a notable percentage of prisons, sexual harassment is considered not only the unwelcome sexual advance, but also request for sexual favors, or use of language in a suggestive and offensive manner.

Discrimination: The making of distinctions based on race, religion, sexual orientation etc.

Prisoner of War (POW): Prisoners of war are soldiers, officers, or field agents who were captured by the opposing side while on duty; those individuals are protected by international law, and neither side is allowed to take their lives unless they pose a distinct threat.

HISTORICAL INFORMATION

Prisoners' rights in international law has drawn the attention of the international community following the two World Wars and the body of law continues to be added to and amended.

The first and second world war greatly influenced the settlement of laws and defining justice, as in those days there was denial of the importance of the rights and freedoms of people in terms of ethnic, religious and political fields. The systematic use of violence, the numerous killings, slavery, exploitation and the death penalty for prisoners of war, immigration and detention of property by the state changed the existing state of affairs. Atrocities were committed during and after conflicts, and the idea of serving one's time was in many cases equivalent to the loss of life.

In the coming decades great changes were imposed in all areas of international law, as well as, the rights of prisoners. Today numerous international instruments under which prisoners should be treated are found. These include: the *Geneva Conventions*, the *International Covenant on Civil and Political Rights*, the *UN Standard Minimum Rules for the Treatment of Prisoners*, the *European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment*, and the *Convention on the Rights of Persons with Disabilities*.

- [Geneva Conventions](#)

The *Geneva Conventions* includes four treaties and three protocols that establish the standards of international law for the humanitarian treatment of war. Specifically, the *Third Geneva Convention* details how prisoners of war should be treated according to their human rights and explains how they should be protected from all violations of them. The *Third Geneva Convention* was adopted in 1949; however, the UN Security Council is the final instrument that controls all decisions concerning the *Geneva Conventions*.

The third Convention clearly states the rights of all prisoners of war; among those rights, it is clearly stated that in no case are cruel methods such as torture or mutilation allowed to be used on militants. On top of that strict guidelines are set so as to ensure the limited loss of civilian life, which is achieved by declaring the murder of non-combatants (this also applies to those who have officially stated their surrender, or parts of the militia that do not constitute a danger of any form) a war crime.

- [International Covenant on Civil and Political Rights](#)

According to *Article 10* of the *International Covenant on Civil and Political Rights*, "any person deprived of their liberty shall be treated with humanity and dignity". Moreover, the article separates the prisoners in pre-trial detention from those already imprisoned, and the juvenile prisoners from the adults. It states that the purpose of prisons is not to punish but to rehabilitate. The *International Covenant on Civil and Political Rights* was adopted in 1976.

- [UN Standard Minimum Rules for the Treatment of Prisoners](#)

The *UN Standard Minimum Rules for the Treatment of Prisoners* are a way of the UN to guide the nations in terms of international and municipal law as of how to treat people held in any form of custody. The standards cover various basic topics such as, registration, personal hygiene, clothing and bedding, food, exercise and sport, medical services, discipline and punishment, instruments of restraint, information to and complaints by prisoners, contact with the outside world, books, religion, retentions of prisoners' property, notification of death, illness, transfer, removal of prisoners, institutional personnel and inspection of facilities. The *UN Standard Minimum Rules for the Treatment of Prisoners* came into force in 1955.

- [European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment](#)

This Convention authorizes the *European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment*, which can visit all places of detention in all European nations to gather a full report of how they function. The *European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment* entered into force on 2002, and as such has successfully limited acts of violence and cruelty within European prisons by officers.

- [Convention on the Rights of Persons with Disabilities](#)

The Convention's aspiration is to "promote, protect and ensure the full and equal enjoyment of all human rights and fundamental freedoms by all persons with disabilities, and to promote respect for their inherent dignity." The *Convention on the Rights of Persons with Disabilities* entered into force on 2007 and has 154 state parties.

As of today, there are distinct guidelines as to how such institutions should function, yet due to corruption (mainly), the violations that take place are never made public. The main issue we face is ensuring that the rights that have already been agreed upon will be enforced and acted upon, something which is not that easily achievable when the prisoners are not given a "voice".

MAJOR COUNTRIES INVOLVED

[USA](#)

One of the most known cases of violating prisoner rights is the one in the detention facility in Guantanamo Bay, Cuba. The US government argues that the Geneva Convention does not cover this prison, since the detainees are not considered prisoners of war but "enemy combatants". However, regardless of the prisoners' title, the international law still prohibits torture. It is known that the CIA has been involved in the affairs of the prison, which contradicts not only international law but also with the American Army Field Manual which prohibits cruel, humiliating or

degrading treatment.

Afghanistan

In Afghanistan American soldiers are accused of harassing inmates of secret prison in Bagram Air Base. Prisoners there live in harsh conditions such as, extreme temperatures, inadequate food, etc. There are also allegations of harassment and unsustainable conditions in Sheberghan prison where there is a surplus of people, inadequate hygiene conditions as well as inadequate food and medical care.

Iraq

In 2003 several forms of harassment became known in Abu Ghraib prison. American soldiers were accused of beating the detainees and practicing different ways of sexual violence. Sometimes the prisoners were even beaten to death.

Other cases of violence have also been documented on March of the same year, when American POWs were executed by Iraqi soldiers. Such was the case with Army Specialist Matthew Maupin, who was publicly executed, albeit being a POW and not a threat.

Venezuela

Venezuela's government is facing mounting criticism from activists and the U.N. human rights office for its handling of the country's overcrowded and violent prisons. The U.N. human rights office noted that guns are widespread in Venezuelan prisons and violence is frequent.

As of now, the vast majority of prisons house twice the people they were designed for, and all the inmates are forced to live in inhumane conditions. Cases of disease spreading have been recorded, with the vast majority of the cases taking a heavy toll on the population of the prison, albeit being curable. Corruption also appears to be a major problem, as inmates bribe officers in exchange for items that they should have access to, such as weapons and drugs.

These prisons tend to resemble “favelas”, as each group works as part of a community, with violence between the groups not being an unusual event.

Norway

Norway's prison system truly serves as an example to all correctional facilities worldwide. Albeit restricting the freedom of the inmates, they are all given private space, sanitation, computers, and television sets. Rehabilitation as well as skill learning programs are available, so that after one serves their sentence they are able to integrate themselves back into society with relative ease.

Being closer to a small community, the inmates work and are given salaries so that they can learn skills vital for their survival. They are given responsibilities, and as an inmate himself stated about the Bastøy facility “We are being treated as adults”.

The Prisoners' Rights Movement

A movement which acted primarily during the window of 1960-1980; it was a legal fight that prisoners gave so that they can ensure their rights and better quality of life during their stay. This was the first time that religion was seriously taken into consideration, and discrimination was originally reasonably reduced. Yet, as the movement steadily lost its pacific character, the diplomatic victories that they had previously achieved soon became redundant.

Timeline:

Year	Event
1847	The first state abolishes the death penalty
1869	Men and women are confined in separate institutions
1924	Cyanide is being used as a more humane alternative to past execution methods
1966	Support for the death penalty reaches an all-time low
1985	After a series of prison riots reveal the need for better living conditions
1994	US ratifies a convention against torture
1995	PLS lodged a representative complaint on the matter of discrimination against female prisoners
1996	War crimes are condemned; no officials or soldiers are allowed to use violent acts against prisoners
2006	"Justice behind bars" is published

Prisoner's Rights

Includes the rights of inmates while they run their penalty, as described below. Many of these laws relate to fundamental human rights and civil liberties.

- Cruel and Unusual Punishments – Every inmate has the right to be free from inhumane treatment or anything that could be considered "cruel and unusual" punishment, as mentioned in the Eighth Amendment¹. Any punishment that is considered inhumane treatment, like torture or abuse, or a violation of a person's basic dignity may be considered cruel and unusual within the discretion of the court.
- Sexual Harassment or Sex Crimes – Inmates have a right to be free from sexual harassment or sex crimes, like being raped or molested while in custody. This

- applies to crimes or harassment from both inmates and prison personnel.
- Right to Complain About Prison Conditions and Access to the Courts – Inmates have the right both to complain about prison conditions and to voice their concerns to prison officials and the courts.
 - Disabled Prisoners – Inmates with disabilities are entitled to certain reasonable accommodations under the American with Disabilities Act to ensure they receive the same access to prison facilities as those who are not disabled.
 - Medical and Mental Health Care – Prisoners are entitled to receive medical care and mental health treatment. These treatments are only required to be “adequate,” not the best available or even the standard treatment for those outside of incarceration.
 - First Amendment Rights – Inmates retain basic First Amendment rights (i.e., free speech and religion), but only to the extent that the exercise of those rights do not interfere with their status as inmates.
 - Discrimination – Inmates have the right to be free from discrimination while imprisoned. This includes racial segregation, disparate treatment based on ethnicity or religion, or preferences based on age, among others.

Eighth Amendment¹ : The Eighth Amendment to the United States Constitution is the part of the United States Bill of Rights (ratified December 15, 1791[1]) prohibiting the federal government from imposing excessive bail, excessive fines, or cruel and unusual punishment.

POSSIBLE SOLUTIONS

As of now I believe we have all understood the importance of establishing specific measures that should be implemented in prisons worldwide, so that the prisoners’ rights are not violated and the prisons conditions are improved. Below you will find some possible solutions that should be thought about and developed so that effectiveness is clear. The following solutions are insufficient for your preparation, you should think more on your own.

- In order to address the problem of overcrowded prisons, it will be helpful to establish a specific maximum number of people who will stay in the prison, as well as, to reorganize the arrest laws in order to avoid unnecessary arrests that could have a different penalty.
- Education programs for uneducated inmates should be realized, so that the prisoners can successfully learn real life skills that will be useful for their life after their release
 - Abolishing of the life and death sentences. Albeit the matter being controversial, we should always keep in mind that the aim is rehabilitate, and not cause harm to the prisoners.
 - According to studies, isolation can result to severe mental problems, especially when such is the case for long periods of time. Therefore, isolation should not be allowed in such facilities, as it is an inhumane measure.
 - Armed police forces should be put in prisons as part of their staff to maintain order and prevent any incident of violence that erupts, yet without the use of lethal

force.

- Legal literacy drives should train prison staff so that they know how to treat the detainees, and there should be regular checks on the staff to avoid incidents of violation of the rights of the detainees. The same legal literacy drives should inform the prisoners about their rights so that they can denounce any form of violation.

- To address health problems specifically women in prison will be helpful to appoint doctors, preferably women, to serve the special needs of women detainees.

- Modern medical equipment should always be available, such as ambulances, as well as trained personnel, to avoid the delay in case of emergency. Modern medicine is also requisite, as without it, even curable diseases can prove fatal. It also greatly helps diminish the likelihood of an outbreak, especially when combined with proper sanitation.

- The already downtrodden rights of detainees should be identified and a process should begin to enable them to exercise their rights normally. A typical example is the right to vote.

Yet, it is also of vital importance, that these rights and laws are being properly adopted. As such the following is suggested:

- Frequent checks on the income of officers and prison officials
- Giving the prisoners the chance to voice their concerns over the prison's situation through elected officials
- Unannounced audits at prisons, so that we ensure the rights of the prisoners, especially when the institution is of a questionable nature.

BIBLIOGRAPHY

- <http://www.theguardian.com/society/2013/feb/25/norwegian-prison-inmates-treated-like-people>
- <http://www.takepart.com/photos/worlds-most-luxurious-prisons>
- <http://law.jrank.org/pages/1762/Prisoners-Legal-Rights-beginnings-prisoners-rights-law-civil-rights-era.html>
- http://www.plsqld.com/Prisoners_Legal_Service/Timeline.html
- <http://www.penalreform.org/priorities/prison-conditions/issue/>
- https://en.wikipedia.org/wiki/Prisoners'_rights_in_international_law
- <http://www.hg.org/prisoner-rights-law.html>
- https://en.wikipedia.org/wiki/Eighth_Amendment_to_the_United_States_Constitution
- http://www.huffingtonpost.com/2013/01/31/venezuela-prison-deaths_n_2593736.html
- <https://www.hrw.org/legacy/wr2k2/prisons.html>
- <https://www.aclu.org/blog/new-lawsuit-massive-human-rights-violations-mississippi-prison>
- <https://www.aclu.org/issues/prisoners-rights>