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**Office of the High
Commissioner for Human
Rights**

**Topic A: Ensuring the
Protection of Human Rights
in the Penal System**

Office of the High Commissioner for Human Rights



Topic A: Ensuring the protection of Human Rights
in the Penal System

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Introduction to the Committee

The Office of the High Commissioner for Human Rights (OHCHR) is the leading United Nations entity on Human Rights. This department was created with the main objective of promoting and representing all existing Human Rights guaranteed under international law and stipulated in the Universal Declaration of Human Rights of 1948 (OHCHR & Inter-Parliamentary Union, 2016). The department has four fundamental tasks: promoting and protecting all Human Rights, helping empower people, assisting the governments, and injecting a Human Rights perspective into all United Nations programs. This office was established by the United Nations General Assembly on December 20, 1993, during the World Conference of Human Rights, which adopted the Vienna Declaration and Plan of Action. It was approved by 171 states, renewing the world's commitment to Human Rights.

This committee is currently composed of 18 independent experts characterized and selected because of their high morality and recognized competence in the field of Human Rights. Likewise, committee members are elected every four years and can be re-elected if nominated. The current High Commissioner is the Chilean Michelle Bachelet, who succeeded Zeid Ra'ad Al Hussein of Jordan (OHCHR, 2021).

Introduction to the Topic

The criminal justice system around the world raises serious constitutional and

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Office of the High Commissioner for Human Rights



Topic A: Ensuring the protection of Human Rights in the Penal System

Human Rights concerns. The Human Rights violations inherent in the system play out on a number of fronts: racial disparities in arrests, convictions, and sentencing; Draconian sentences mandating that nonviolent offenders serve the rest of their lives under arrest; the heightened impact of incarceration on vulnerable populations, such as children and mentally ill people; among others (American Civil Liberties Union [ACLU], 2021).

It is impossible to speak about justice without first addressing Human Rights. These are rights that all people have for the simple fact of existing as human beings, not granted by any State or country and inherent to all people, regardless of nationality, sex, national, ethnicity, origin, color, religion, language, or any other condition. This defends their most important principle: legal universality. At the same time, these rights start from the fundamental ranges necessary to survive, such as basic rights like the right to life, food, education, work, health, and liberty, etc. Human Rights are inalienable; no one can take them away except in specific cases, which requires an arduous and long process. An example is when a person is detained after being found guilty of committing a crime by a court of law (OHCHR, 2021).

Said rights were established in 1948 when the General Assembly created the Universal Declaration of Human Rights, the first legal document that endorsed fundamental Human Rights to be universally protected and guaranteed. This document is still valid worldwide and has 30 essential articles, which talk about freedom, equality, discrimination, human treatment, laws, privacy, nationality, family, religion, security, work, society, education, culture, universality, and many other fundamental aspects. At the same time, the OHCHR stands that all Human Rights are universal and inalienable; indivisible; interdependent; and interrelated. This means a set of rights cannot be enjoyed without the others (OHCHR, 2021).

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Office of the High Commissioner for Human Rights



Topic A: Ensuring the protection of Human Rights
in the Penal System

Getting back to the criminal justice system, there are still some terms to define. A prisoner is a person that is deprived of their freedom, which particularly is used in the context of a prison sentence. Jails are short-term detention facilities for newly arrested people, those awaiting trial, and, in some cases, people serving short sentences. These are typically local facilities that are under the jurisdiction of a city, local district, or county. On the other hand, a prison is where convicted offenders, people who have been found guilty of breaking a state law, serve longer sentences.

Prisoners have Human Rights thanks to the Basic Principles for the Treatment of Prisoners, proclaimed by the General Assembly on December 14, 1990. This document states that all prisoners should be treated with respect and dignity, avoiding any type of discrimination, and respecting their religious and cultural roots. It also arises that except for those limitations that are demonstrably necessitated by the fact of incarceration, they shall retain the Human Rights and fundamental freedoms set out in the Universal Declaration of Human Rights. Also, despite the situation they are facing, prisoners have the right to continue to develop personally and it must be ensured that the conditions that are created will allow them to have a job that later helps them to rejoin the labor market if allowed by their sentence. Finally, it is important to clarify that all rights must be ensured in an impartial manner (Prison Fellowship, 2021).

In recent years, prisons have overlooked the rights of prisoners in great magnitude starting with the right to life, as thousands of prisoners have been wrongfully murdered during their years of sentencing. Some examples are the following: reports indicate that in mid-April of 2020, Tajikistan's security forces stormed a prison in the northern city of Khujand, murdering more than 100 prisoners. In the Oukacha prison in Morocco, twenty-two prisoners were burned alive in September 1997, huddled in a cell built to house eight people. The cause

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Office of the High Commissioner for Human Rights



Topic A: Ensuring the protection of Human Rights in the Penal System

of the fire was not announced, but the Ministry of Justice of the country acknowledged that overcrowding might have influenced the deaths. Along with the right to life, there are many other fundamental Human Rights that have not been respected and have had serious consequences (Human Rights Watch [HRW], 2021). The main rights violations in the criminal system are: not having access to a lawyer, not being informed about their rights, being attacked, as well as being discriminated against by the people who regulate the process.

In addition, the legal, social, economic, and geographical conditions affect prisoners' well-being, with some of these violations beginning with their trials (Jurkowski, 2021). Discrimination against prisoners in the penal system is a worrying situation and a problem around the world. An example can be seen in the United States, where African Americans are incarcerated in state prisons across the country at a rate more than five times that of white people, and ten times the rate in five states. At the same time, the lack of financial resources in some prisons has a severe impact on the well-being of the detainees, who without money can no longer guarantee security, dignified treatment, food, medical care, among others.

As a result, being in a prison under certain conditions can cause mental problems in prisoners, such as personality disorders, depression, anxiety, addiction, schizophrenia, bipolarity, etc. Psychological illnesses do not occur in the same way among all inmates since they can have different consequences, often leading to them being overlooked by penitentiary administrators because they are not trained to face these health problems.

Some precedents of these conditions can be found going back to the Modelo prison built in 1917, which shows a very common problem of prison facilities: obsolete and physically damaged facilities. Some 19th century prisons are still

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Office of the High Commissioner for Human Rights



Topic A: Ensuring the protection of Human Rights in the Penal System

active in countries such as the United States, Mexico, Russia, and the United Kingdom and have not received maintenance. An even more worrying situation is that many modern facilities are also in very poor conditions due to lack of upkeep and little financial support from the government. In particular, many prisons lack a functional plumbing system. In Hong Kong, one of the most technologically advanced cities in the world, prisoners in some older facilities have to “bathe”, that is, defecate in plastic buckets which they are periodically allowed to empty. In Venezuela, inmates at some facilities do not even receive buckets; they resort to defecating in newspapers that they throw out the window.

Another fact that should be analyzed in order to understand this topic is the overcrowding issue. According to published prison population figures, the total prison population worldwide stands at 10.74 million. However, the total far exceeds 11 million if the estimated numbers of people held in detention centers in China and in prison camps in North Korea are included. As an example, the countries with the highest number of prisoners per 100,000 national inhabitants are the following (Statista, 2020):

- United States of America: 655
- El Salvador: 590
- Turkmenistan: 552
- Thailand: 541
- Palau: 522
- Rwanda: 511
- Cuba: 510
- Maldives: 499
- Northern Mariana Islands (US): 482
- Virgin Islands (UK): 447
- Bahamas: 442

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Office of the High Commissioner for Human Rights



Topic A: Ensuring the protection of Human Rights in the Penal System

- Grenada: 429
- Saint Vincent and the Grenadines: 426

Likewise, currently speaking, the United States and El Salvador top the list of nations with the highest rate of imprisoned people in the world. In 2020, US state prisons had the largest number of detainees with 1,291,000, of which 713,000 people were there for violence and 183,000 were there for having committed murder. El Salvador, despite being the smallest country in Latin America and having a population 50 times smaller than that of the United States, had 39,274 people in prison at the beginning of 2018 (BBC Mundo, 2018). On the other hand, tens of thousands of children are incarcerated in juvenile prisons daily, while thousands more are locked up in prisons and jails for adults. Many youth prisons are called “schools,” but many of these facilities do not provide quality educational services, mental health care, or other services that children need to heal.

During the last 25 years, the participation of women in the criminal justice system has changed dramatically, all because of broader law enforcement efforts, stricter drug sentencing laws, and post-conviction barriers to reintegration that only affect women. Statistics show that the population of incarcerated women is seven times higher than in 1980. It is also known that more than 60% of women in state prisons have a child under 18 years of age. This means that women have had a greater presence in prisons over time and, like male prisoners, have suffered from serious health problems; however the physical consequence in women has been more notable.

In the US, about 148,200 women are in federal prisons where 70% of guards are men. Many are victims of powerlessness and humiliation, retaliation and fear, while guards go unpunished. The different types of violence women face in these

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Office of the High Commissioner for Human Rights



Topic A: Ensuring the protection of Human Rights
in the Penal System

places is a matter of concern. “The most prevalent disorders among the female prisoners are: drug use disorder (57%), major depression (44%), Post-traumatic stress disorder (36%), and personality disorders. Almost a quarter (24%) of respondents were identified as a “case” on the psychosis screen” (Christine Tye, 2006).

Historical Background

The violation of human rights against prisoners is a global problem that hinders this committee’s goal to protect all people’s rights. Prisons have existed in most societies for a long time; however, over the decades, there has been a debate about the purposes of incarceration and the violation of human rights committed against inmates. Therefore, it is pertinent to recapitulate some historical events related to human rights and conflicts that have jeopardized the quality of life of inmates.

The Declaration of Human Rights. This document was proclaimed on December 10, 1948, by the United Nations General Assembly through its resolution 217 A (III). This international instrument began with the purpose of enhancing and promoting the respect and recognition of individual and collective interests, which means heralding the encouragement of dignified coexistence among the human family and consequently upholding its protection, functions as the foundation of justice, peace, and freedom in the world. The deed reaffirms and recognizes the freedoms and rights of all people and nations, which shall have their limitations regulated merely by the law. This, with the goal to endorse and preserve sovereignty at a universal scale and meeting the requirements of human inherent dignity and due equal treatment (UN, n.d.).

In accordance with the objectives of the Declaration, the Member States have

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Topic A: Ensuring the protection of Human Rights
in the Penal System

devoted efforts to achieve, in conjunction with the United Nations, the advocacy of universal respect for and compliance of Human Rights and fundamental freedoms. The Declaration would afterwards serve as the point of departure for the International Covenant on Civil and Political Rights and its first Optional Protocol, embraced by the General Assembly in 1966.

The International Covenant on Civil and Political Rights. The ICCPR was adopted and opened for signature, ratification and accession by the General Assembly per resolution 2200A on December 16, 1966, entering into force March 23, 1976 (OHCHR, n.d.). The Treaty, following the principles and affirmations of the Declaration of Human Rights, recognizes the inherent dignity of each individual and commits to promote conditions within states to concede the enjoyment of civil and political rights, applying the necessary judicial, legislative, and administrative measures for the purpose of safeguarding these mentioned rights. The ICCPR is unified by values such as equality, freedom, integrity, and union, formed on the conception of non-discrimination and ratifying that every right included in the ICCPR is legitimate and lawful to every character whose nation is a participant on the covenant.

Consequently, the First Optional Protocol to the ICCPR encourages individuals whose countries are members of the protocol and claim their rights under the ICCPR have been infringed to submit written communications to the UN Human Rights Committee. Validating, thus, the equal respect and protection past any kind of discrimination against individuals. Being a protocol that affords procedures respecting a precise theme related to the treaty, it is considered optional. Hence, it is open to signature, extension or authorization by member countries of the ICCPR.

Attica Prison rebellion. Violations to prisoners' rights and discrimination,

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Office of the High Commissioner for Human Rights



Topic A: Ensuring the protection of Human Rights
in the Penal System

bolstered by the ICCPR, were the motivation for the inmate uprising at the Attica Correctional Facility in New York state. Spurred by previously abiding complaints linked with overcrowding, poor prison conditions, atrocious medical care, and systematic racism exercised by officials, in September 1971, a riot took place in the penitentiary. The inmates had been deprived of basic Human Rights and decent living conditions, which were displayed through situations such as: prisoners being allowed to shower only once a week, prisoners being given one roll of toilet paper per month, the censorship of prisoners' letters, among more abuses of this nature (Winerip, 2016). Moreover, many inmates alleged their wrongful imprisonment. These circumstances all together led to the unplanned uprising of the inmates, who would take control of the entire prison on September 9, 1971.

As Burroughs (2016) suggests, "it was the death during an escape attempt of the best-known California prison revolutionary, George Jackson, three weeks earlier that had ratcheted up tensions at Attica and set the stage for the revolt". Nevertheless, the actual day of the event, a confrontation between a guard and a prisoner was the incident that ignited the seizing of the prison's control. An estimated 1,281 inmates participated in the riot, the same who held prison guards and employees hostage for the four days that this situation lasted as they occasioned violent manifestations and commotions.

During the rebellion, Rick Smith, who served as representative of the participants, enunciated a set of 6 demands directed to the U.S. President Richard Nixon and the Governor of New York Nelson D. Rockefeller. In these demands, inmates solicited, among other petitions, the validation of their basic rights, the hiring of more guards of color and, more drastically, the immediate release of all inmates. Similar further negotiations were done, including the list of 15 "Practical Proposals", addressed to the American citizens and through which prisoners

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Office of the High Commissioner for Human Rights



Topic A: Ensuring the protection of Human Rights
in the Penal System

demanded the end of inmate's mail censorship, proper medical services, and the betterment of food supplies. A final negotiation, regulated by some observers, intended to unify the previously proposed lists, however, none were accepted nor attended due to the dramatic impositions inmates were urging; such as amnesty for all prisoners.

On September 13, as a response to inmates' resistance and their threats against the individuals they were holding hostage, Governor Rockefeller asked for the immediate takeover of the prison, leading to a raid where prisoners and officials were indiscriminately tear-gassed and shot. The rampage that spanned from September 9 to September 13 resulted in the armed suppression previously recounted, which provoked 39 casualties (29 prisoners and 10 hostages), 89 wounded individuals, and the lack of resolution to the violations to prisoners' rights.

Carandiru jail Massacre. One of the biggest prison massacres, induced by the reactions to overcrowding and the violent measures taken by officers, took place on October 2, 1992 in the Brazilian Candiru Jail. A dispute between rival inmate groups gave rise to a riot that quickly spread through the penitentiary, which despite being built to hold fewer than 4,000 inmates, was housing nearly 8,000 prisoners at the time. After three hours of brawling between the correspondent inmates, more than 300 officers entered the facility. A total of 111 inmates were shot in about 30 minutes, and later any prisoners that intended to hide or escape were persecuted, even after they had already surrendered.

The autopsies found the murdered prisoners were riddled with an average of five bullets, while no police officers were killed in the incident. This is yet another event that portrays the violations of the ICCPR and its corresponding protocols and further normatives and regulations described in documents such as the

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Office of the High Commissioner for Human Rights



Topic A: Ensuring the protection of Human Rights
in the Penal System

United Nations Basic Principles for the Treatment of Prisoners, and the UN Standard Minimum Rules for the Treatment of Prisoners. It highlights the relevance and need of improving efforts for prisoner's basic rights protection and assurance.

Morocco prison fire. As revised in previous paragraphs, overcrowding is one of the main causes of Human Rights violations since the exceeding of prisons' capacities derives in prisoners' both physical and mental deterioration. Adding to this, the potentialization of violent behavior and incidents, as well as the further reduction of resources' availability, are common consequences too. Morocco's Oukacha prison fire in September 1997 is a great example of the dangers of overcrowding, which resulted in the complication of a fire that culminated in an estimated death toll of 32 inmates. Twenty-six of the dead prisoners had been shoved together in a cell meant for 8 inmates, resulting in their quick asphyxiation and, ultimately, death.

Health conditions. Likewise, another common cause of casualties in prison is disease, generally emanated from malnutrition, unhygienic conditions, and lack of medical care, which combined with the quick transmission of diseases and infections due to the overcrowded penitentiaries make for a more lethal and alarming situation for the inmates. Among victims of circumstances of this nature were the prisoners at the former Soviet Union prisons of Belarus, Kazakhstan, and Russia, especially during March 1998, who underwent a high incidence of tuberculosis, which at the same time and more worryingly, developed multidrug resistant (MDR) strains. This situation could not be appropriately attended to because of the previously mentioned lack of decent medical care and resources.

Dubrava prison massacre. Victims of the same nature events that took place during the Kosovo Armed Conflict were the inmates at the Dubrava Prison,

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Topic A: Ensuring the protection of Human Rights
in the Penal System

located at the east of Istok, who were massacred after the bombings and firings of NATO forces to the prison in 1999. The stage for this “genocide” was described by Veseli like so in the following statement: “Gathering all the Albanian prisoners in one place [to be murdered]... is a good reflection of this genocide”. As a result of the armed confrontations between the forces of Yugoslavia, composed at the time by Serbia and Montenegro, and the Kosovo Liberation Army, supported by NATO forces, Albanian prisoners had suffered two previous bombardments by NATO forces on May 19 and 21. These episodes generated commotion and chaos among the inmates and motivated the escape of some. In the midst of the turmoil, officers found it hard to control the inmates, which possibly led to their next actions.

On May 22, prison officials assembled approximately 1,000 prisoners in the prison’s main yard, where they were fired upon with machine guns and grenades, resulting in more than 70 casualties. The inmates that had managed to escape and were hiding in the prison’s buildings, basements, and sewers were hunted down and attacked by prison guards, special police, and possibly paramilitaries, resulting in around twelve more inmate deaths.

Previous reports of violent abuses and torture attempts performed by Serbian officers had been made throughout 1998 and early 1999. According to the Organization for Security and Co-operation in Europe (OSCE), four male prisoners died as a result of beatings sustained in Dubrava during this time. Whereas the exact death toll is yet to be established, more than 100 ethnic Albanian prisoners were murdered and many more wounded throughout the unfolding of this unwarranted massacre.

Current Relevance

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Topic A: Ensuring the protection of Human Rights in the Penal System

As mentioned before, inmates have to confront situations that put their wellbeing, security, and human rights at risk. Currently, this problem has affected inmates' human rights in a big manner since according to the UNESCO (n.d.) "In many countries, the existence of capital punishment is an affirmation that the individual, in this case prisoners, may lose all their rights". It is also important to mention that officials in charge of prisons constantly take advantage of their power, causing a violation of these rights and showing a deficiency in the penal system.

Quality of life is a degree to measure an individuals' health, comfortability, and ability to enjoy things. It can also refer to the living conditions or the experience an individual has. However, quality of life is still very subjective because it can be interpreted as the wealth satisfaction with their own life or in terms of capabilities (live in good life terms, emotional and physical well-being). It is this way this term is viewed and defined as multidimensional, emotional, material, and physical well-being. It is known prisoners have a poorer quality of life in comparison with the rest of the population and their impairment can be related to poor social and demographic factors. In addition to mental and health problems prisoners can present, this can also reflect the incarceration of individuals in the aspect of health. At prisons, people live in conditions known as "high-risk lifestyles" due to all the circumstances they face inside.

Prisoners have the right to live in conditions that guarantee their safety. The International Covenant on Civil and Political Rights (ICCPR) states that "all people deprived of their liberty should be treated with humanity and with respect for the inherent dignity of the human person". The aspects and the quality of life of each prisoner is different due to different existent factors like high infection prevalence, available substances, and psychiatric disorders these can present, which represent a big problem in the health department.

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Office of the High Commissioner for Human Rights



Topic A: Ensuring the protection of Human Rights
in the Penal System

It has often been pointed out that the individual in a primitive society has a minimal range of free action, and perhaps the growth of early law should be regarded rather as a definition and consequently a limitation of the power of the community over the individual than a limitation of the freedom of the individual in the interests of the community (UNESCO, 2018).

Inmate's human rights violations. Prisoners retain their constitutional rights, as well as procedural safeguards, due to the right to administrative remedies and the right of access to the parole process. They are also protected against unequal treatment on the basis of race, sex and religion so that no prisoner is being discriminated against (Townsend, 2017). Nevertheless, events such as overcrowding of prisons, their lackluster upkeep, limited resources and food, medical care, and hygienic products represent a threat to inmate's human rights.

The situation in many prisons is unstable and unsafe, which constitutes cruel, inhuman or degrading treatment. Consequently, these situations not only violate basic human rights, but also Article 7 of the International Covenant on Civil and Political Rights, which states that “no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. In particular, no one shall be subjected without his free consent to medical or scientific experimentation” (United Nations, 1996).

Overcrowding. Overcrowded prisons around the world make it difficult to keep a good prisoner's health and give them a safe environment inside the establishment. The problem of overcrowding is even bigger in the United States, being the system where approximately 2.16 million people, equating 655 incarcerated for every 100,000 and the highest number of inmates (BBC News, 2018). Worldwide, the United States of America had the highest

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Topic A: Ensuring the protection of Human Rights in the Penal System

imprisonment rate in 2018. Australia has an imprisonment rate 4 times smaller than that of the US and as of 30 June 2020, Victoria had a rate of 107 prisoners per 100,000 people. After the US, the countries with the most inmates out of 100,000 people in 2018 were El Salvador with 614, Turkmenistan with 583, Maldives with 514, and Cuba with 510.

Prisons in 124 different countries have exceeded their maximum capacity, with 23 national prison systems at more than double their regular capacity. In various prison systems, the detainees do not count with the minimum space requirement that is recommended by the international standards. In some nations, only periodic amnesties and pardons relieve overcrowding, while in others, costly prison-building programs are undertaken to meet the growing demand for prisons. Many prison establishments are making an unprecedented mass release with the purpose of reducing overcrowding and the risk of contagion. For developing countries, communities, shelters, and prisons, overcrowding is the perfect environment for transmission of diseases with epidemic potential, respiratory infections, meningitis, cholera, and this grows with a population of high density.

Prison systems in Africa are commonly considered the worst in the world, yet many other prisons have been found to be worse off in areas such as violence, overcrowding, and a host of other problems. This, however, is not a justification for African prisons given that many countries such as Cameroon, Zambia, Burundi, Kenya and Rwanda are in poor conditions and their practices constantly violate human rights standards.

Degrading conditions at prisons. There are some conditions, such as the amount of space each prisoner has, the temperature, and the air quality in each cell, that can have a serious impact on the physical and mental health of

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Office of the High Commissioner for Human Rights



Topic A: Ensuring the protection of Human Rights in the Penal System

the prisoners. Sleeping in cold, damp, dark, and unventilated rooms causes a number of ailments, including tuberculosis. Spending long hours in cells, especially in cases where inmates do not work and do not leave cells, except for short periods of recreation, can lead to muscle atrophy.

All of these risks are compounded when accommodations are overcrowded, as is the case in many jurisdictions. Spending a prolonged number of hours in a poorly lit area can permanently damage an inmate's eyesight. Prolonged exposure to artificial light alone can also be detrimental to both an inmate's vision and mental well-being. For these reasons, one of the most basic rights of all prisoners, including high-risk prisoners, is to have sufficient personal space, accommodations with windows that allow enough natural light to read or work during the day, and access to fresh air during a regular schedule of ventilation (UNODC, 2021).

A new context after the pandemic. Due to COVID-19, a lot of prisons had to empty their facilities by recommendation of the World Health Organization (WHO), such as the Tanzania prison where about 3,717 prisoners were pardoned. Even though the WHO's measures and recommendations are being considered in most worldwide prisons, overcrowding and health risks still represent a problem to inmates' well-being. The WHO (2020) has warned that "people deprived of their liberty, and those living or working in enclosed environments in their proximity, are likely to be more vulnerable to the COVID-19 disease than the general population".

In the case of the United States of America, the American Civil Liberties Union (ACLU) calls for the appropriate measures to protect and validate their rights inside American prisons. Therefore, the ACLU urged the US council and the OHCHR to take concrete measures on the confinement solitary system (a type

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Office of the High Commissioner for Human Rights



Topic A: Ensuring the protection of Human Rights
in the Penal System

of confinement that constantly causes the prisoners not only health but mental problems).

Health. As a result of said prison conditions, inmates are more likely to develop chronic diseases including diabetes, Sexual Transmitted Diseases (STD's) such as HIV, high blood pressure, and mental illnesses. The risk of getting this type of disease increases by 40% when being in a prison. Most prisoners have described being unable to obtain medication against diabetes, tuberculosis, and hepatitis. They also reported lack of food and weight loss, constant feelings of frustration and violence, sleep problems, and anxiety. "Proper care helps to preserve their physical function, which makes it possible for ex-inmates reintegrating into society to embark on productive activities" (WHO, 2021). Incarcerated women are sometimes forced to improvise menstrual hygiene supplies like using toilet paper, napkins as tampons, or notebook pages to clean themselves.

Mental illnesses are a group of health problems that affect people's thinking and perceptions. Among the most important and harmful mental illnesses that prisoners get to develop in prisons is anxiety, which is constantly related to social phobia; panic and post-traumatic disorders as a result of confinement; behavioral and emotional disorders (common in children and young adults); bipolar affective disorder, an illness that results in episodes of mania and depression; eating disorders; obsessive compulsive disorder; paranoia; psychosis; and schizophrenia.

Illicit use of drugs in prisons. According to *The Health of Australia's Prisoners* (2015): Two-thirds (67%) of those entering prison reported illicit drug use in the 12 months prior to entering prison. Non-indigenous immigrants were more likely than indigenous immigrants to use illicit drugs in the 12 months prior to

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Office of the High Commissioner for Human Rights



Topic A: Ensuring the protection of Human Rights in the Penal System

imprisonment (69% and 60%, respectively). As in the general population, recent illicit drug use was more common among admitted youth, with more than three-quarters (76%) of 18-24-year-olds having used illicit drugs in the past 12 months, compared to 53% of those aged 45 and over.

Youth. As previously mentioned, young prisoners are likely to develop behavioral and emotional disorders. In the case of women, according to research made by PubMed in 2006, 80% presented a mental disorder; out of these, 66% are related to alcohol and drugs problems.

Women. About 4% of all women prisoners were pregnant before being admitted in the establishments, which is nearly 55,000 women that are admitted in a pregnant state. It is estimated that about 12,000 women give birth in prison every year, increasing the rate by 700% since 1980. Talking about the recidivism rate, this one has increased in the last eight years, going from 40% to 64%. Prisoners released that were arrested years later were more than 650,000 in 2019.

Collateral consequences of massive imprisonment. Mass incarceration is a deeply damaging problem for prisoners and their respective families as they experience long-term disadvantages. Approximately 54% of inmates are parents of minors. As sentencing laws have become more severe, a greater proportion of children (especially black children) are separated from their parents for longer periods of time. According to a Child Trends report, 1 in 14 children have experienced the incarceration of their parents leading to the interruption of parenting relationships as a result of incarceration (Global alliance, 2021).

International Actions

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Office of the High Commissioner for Human Rights



Topic A: Ensuring the protection of Human Rights
in the Penal System

In view of the growing number of prisoners who suffer significant violations to their Human Rights, organizations such as the American Civil Liberties Union (ACLU) and Americans for Effective Law Enforcement (AELE) in the United States and the Howard League in Europe fight to ensure that Human Rights are respected and defended through law-enforced procedures such as lawsuits. Said organizations are working in the active defense of medical and mental care, freedom of speech, and freedom of religion for the inmates; continuously increasing efforts to eradicate further cruel conditions inside prisons.

For the ACLU, participation in litigation, as well as the drafting of legislations, are its main forms of contribution to the resolution of the issue and the continued attempt to safeguard Human Rights. Additionally, the organization endorses the cultivation of the matter in society, hoping to create awareness regarding the relevance and impact of prisoners rights violations at a global scale. The organization's initiatives had their origin in 1917 under the management of the National Civil Liberty Bureau (NCLB), which would convert into the ACLU in 1920, continuing the institution's previously stated labors.

On the other hand, the Americans for Effective Law Enforcement (AELE) is a nonprofit organization that serves as a resource center and legal informational provider since the year 1996 "dedicated to offering interested parties objective, timely, accurate, legal, scientific, and evidence-based information and operational guidance" (AELE, 1998). Likewise, the organization incorporated online publications and back issues in 2000, continuing to this date.

Closely related to the divulgation of knowledge and enrichable information in relation to inmates' Human Rights are the works of The Howard League for

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Topic A: Ensuring the protection of Human Rights
in the Penal System

Penal Reform, officially established in 1921 after two organizations of the nature, The Howard Association (1886) and The Penal Reform League (1907), merged seeking to urge the needed shift in the correctional system towards a just and fair treatment. The organization has created the Justice and Fairness in Prisons Program (2019), in charge of conceiving authentic solutions to overcrowding, violence and discrimination of any kind in penitentiaries.

At the same time, the Equal Justice Initiative (EJI), founded in 1989, is greatly committed to ceasing mass incarceration and excessive punishment in the United States, as well as to terminating racial and economic linked injustices for marginalized communities, all in search of shielding the lawful application and respect of Human Rights. It applies the Criminal Justice Reform to deal with issues that revolve around the penal system and the abusive conditions prisoners endure. Thus, the EJI provides research and recommendations to aid advocates and policymakers in the essential work of criminal justice reform. By means of the publication of reports, discussion guides, and other materials, and working conjointly with further educational activities and labors, like educational tours and presentations for the interested, the organization promotes the proper representation of inmates demands, needs and rights in the American correctional institutions.

Another relevant organ dedicated to drawing international attention to prison conditions worldwide is the Human Rights Watch Prison Project, formed in 1987. The Prison Project investigates conditions for sentenced prisoners, pre-trial detainees, and those held in police lockups, intervening for those who are in need. In addition, it urges the betterment of prison conditions in distinctive countries and longs to place this issue on the international human rights agenda with the motive of halting Human Rights violations within the governments of the world. Therefore, in order to regulate and verify prison

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Office of the High Commissioner for Human Rights



Topic A: Ensuring the protection of Human Rights
in the Penal System

conditions in every country, the Prison Project uses the UN Standard Minimum Rules for the Treatment of Prisoners as the main guideline for corroborating that the corresponding penitentiary complies with all the requirements proclaimed in this document.

Once the pertinent revisions of each country are done, these are published as reports of Human Rights Watch, consequently being released to the public and the press and sent to that country's government. Additionally, the Prison Project conducts advocacy both in the country in question and before international bodies, striving to cease Human Rights violations within prisons.

Governmental institutions also play a crucial role in the defense of prisoners' rights. Structures such as The United States Department of Justice (1870) that work to preserve the rights of people who are in prisons and jails run by state or local government through specialized components such as the Special Litigation Section (1957). Moreover, The Civil Rights of Institutionalized Persons Act (CRIPA) and Violent Crime Control and Law Enforcement Act of 1994 facilitate the protection of Human Rights in prisons through the revision and identification of any violations in a particular case. Finally, The Eighth Amendment to the United States Constitution states has also a great relevance in the imposition of rules regarding the cruel treatment of inmates, stating that they shall not, under any circumstances, be victims to any excessive or unlawful punishments. Working independently, yet towards the same purpose, both governmental and non-governmental institutions seek to alleviate the current situation of prisoners around the world, emphasizing the necessity of upholding Human Rights.

UN Actions

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Office of the High Commissioner for Human Rights



Topic A: Ensuring the protection of Human Rights in the Penal System

Among all the organizations involved, the most important are the OHCHR and the UNESCO, whose main interest is to protect Human Rights and to supervise countries accused of the violation of them. The Basic Principles, such as accommodation, registration, separation of categories, personal hygiene, among others, were adopted in 1955 during the first United Nations Congresses on the Prevention of Crime and the Treatment of Offenders. Then, in 1957, they adopted the Standard Minimum Rules that tell the basic treatment that people deprived of their liberty should have. In 1992, the United Nations Human Rights Committee explained that states have “a positive obligation toward persons who are particularly vulnerable because of their status as persons deprived of liberty”.

Referring to the Office of the High Commissioner for Human Rights (OHCHR,) in December 1990 they adopted resolution 45/11, which are a series of principles that all people deprived of their liberty must have made by the General Assembly. They also have been making programs for the training of prison officials focused on Human Rights, such as the pocket book. Among the most important aspects mentioned in the Basic Principles for the Treatment of Prisoners are that all prisoners should be treated with dignity without any kind of discrimination, religious beliefs and cultural precepts must be respected, access to health services, and the right to participate in activities in their community and social institutions. It is also established that all these principles should be impartially applied.

The pocketbook is one of the four-part publications of the Human Rights and Prisons, which is a training package for the prison’s officials and is composed of a manual, a compilation, trainer’s guide, and the pocketbook. Its main purpose is to be a portable and accessible reference material for prison officials, containing the human rights standards. The manual provides

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Office of the High Commissioner for Human Rights



Topic A: Ensuring the protection of Human Rights
in the Penal System

information on sources, systems and the standards for Human Rights related to the work of officers in prisons with practical recommendations and topics of discussions. The compilation includes full texts of selected information of human rights documents concerning the administration of justice. The trainer's guide provides instructions to be used with the manual in conducting training courses. This pocketbook is made to be accessible and a portable reference for prison officials.

In 1955, the First United Nations Congress on the Prevention of Crime and the Treatment of Offenders adopted the Standard Minimum Rules for the Treatment of Prisoners. This was an important start, and in 2015, the United Nations General Assembly expanded the rules and named them the “Nelson Mandela Rules,” honoring an important prisoner of the 20th century. The Rules stem from the obligation to treat all prisoners with respect for their inherent dignity and worth as human beings, to prohibit torture and other forms of ill-treatment. They offer detailed guidance on a wide variety of topics, ranging from disciplinary action to medical services. For example, they prohibit the reduction of a prisoner's food or water, as well as the use of restraint instruments that are inherently degrading or painful, such as chains or shackles. The Mandela Rules have 122 norms that cover all aspects of prison management and describe the agreed UN Minimum Standards for the Treatment of Prisoners, whether pre-trial or convicted. Therefore, they are complemented by the UN Bangkok Rules on women prisoners.

The United Nations Office on Drugs and Crime (UNODC) was the agency that led the review process. The Office of the United Nations High Commissioner for Human Rights (OHCHR) ensured that the revised rules reflected international human rights standards adopted since the 1950's. It is also the

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Office of the High Commissioner for Human Rights



Topic A: Ensuring the protection of Human Rights in the Penal System

department that currently continues to support the OHCHR with the verification and guarantee of inmates rights (UN Chronicle, 2021).

Points to Discuss

1. Abusive treatment of prisoners

- a. Use of torture
 - i. Corporal punishments
- b. Deaths in custody
- c. Sexual and Physical abuse
- d. Presence of internal authoritarian groups in prisons and their control over the place

2. Overcrowding of prisons

- a. Lack of economic resources
 - i. Scarcity of basic necessities
 1. Lack of potable water
 2. Insufficiency sanitation facilities
 3. Scarcity of food
 - a. Malnutrition
 4. Inadequate medical supplies
 5. Lack of educational resources
 - ii. Ineffective prevention systems

3. Antiquated and physically decaying prison facilities

- a. Lack maintenance of prisons
- b. Absence of sanitation facilities

4. Unsentenced prisoners

- a. Detained persons who have not been convicted of any crime
 - i. Lack of access to legal support
- b. Prisoners incarcerated while waiting for trial

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Office of the High Commissioner for Human Rights



Topic A: Ensuring the protection of Human Rights in the Penal System

- i. Expiration of sentences

5. Health

- a. Spread of communicable diseases

- i. Tuberculosis
- ii. HIV/AIDS
 - 1. HCV
- iii. Illicit use of drugs

6. Women inmates

- a. Mistreatment
 - i. Mental, sexual, and physical abuse
- b. Reproductive health issues
 - i. Lack of sanitarian products
 - ii. Pregnant women

7. LGTBQ+ prisoners

- a. Mistreatment by inmates and staff
 - i. Physical and sexual violence
 - ii. Verbal abuse
 - iii. Denial of medical care and other services

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Topic A: Ensuring the protection of Human Rights
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Topic A: Ensuring the protection of Human Rights in the Penal System

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