

Research Report Human Rights Council

Forum:	Human Rights Council
Issue:	Ensuring adequate treatment of prisoners with regards to overcrowded prisons.
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Introduction

A prison sentence is defined as a punishment of an individual by which they are held accountable for illegal actions and criminal behavior they have conducted. It also serves as a measure by which society is protected. The basic characteristics of imprisonment include depriving one of their freedom, something which is inevitably reflected upon other rights including freedom of movement. However, someone's lack of liberty does not under any circumstances mean the lack of their fundamental human rights and freedoms.

According to the "Pocketbook of International Human Rights Standards for Prison Officials", published by the UN in 2005, which follows the General Assembly resolution 45/111 of 14th of December 1990 about the basic principles for the treatment of prisoners, that was adopted and proclaimed, prisoners should retain the following rights:

- a) Right to Physical and Moral Integrity
- b) Right to adequate Standard of Living
- c) Health rights of prisoners
- d) Making prisons safe places
- e) Making the best use of prisons
- f) Prisoners' contact with the outside world
- g) Complaints and inspection procedures
- h) Special attention to women, juveniles, prisoners under death sentence, life and long term-prisoners regarding non-discrimination and treatment.

Basic Problem

Studies have shown that the previously stated human rights for prisoners are in fact not adequately provided and the majority of the problems that arise are the result of prison overcrowding, violence, sexual abuse and mistreatment of prisoners due to race, sex, gender identity and disability differences.

Focusing on overcrowding, data show the number of prisoners in at least 114 countries exceeds the officially recorded maximum capacity of prisons. Overcrowding is considered by many as the most vitally accountable problem faced by modern prisons.

According to recent studies, there are several reasons for prison overcrowding including:

- a) high recidivism rates
- b) high rate of offenders returned to prison for violating or unsuccessfully completing community supervision
- c) New criminal offenses added to penal code
- d) Higher rates of imprisonment of drug dealers as part of the new “drug war” implemented
- e) Harsher penalties for certain types of offenses
- f) Increased role of victim and victim advocacy in the court and parole process.

Key facts about prison overcrowding

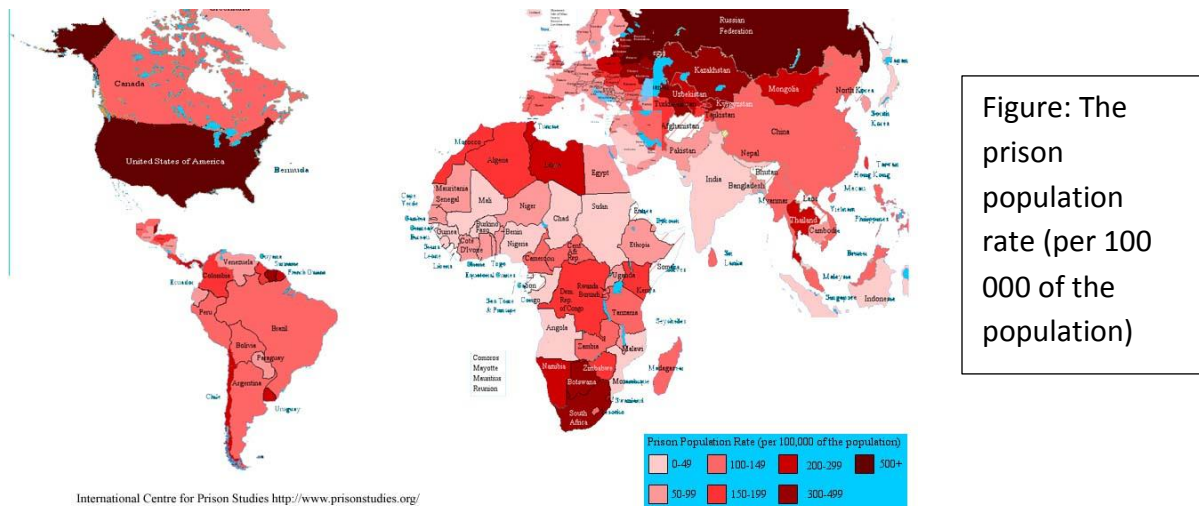
- a) 24 national prisons hold double the number of inmates that they can hold, while an additional 27 countries have institutions holding between 150% and 200% prisoners more than their capacity

Region	Country	Overcrowding Rate
Africa	Benin	363%
America	El Salvador	320%
Asia	Philippines	316%
Europe	Serbia	158%
MENA*	UAE	159%
Oceania	French Polynesia	218%

*MENA= Middle East and North Africa

**The data are based on data published by individual countries so these could be underestimated

- b) In most prison systems, prisoners do not have the minimum space requirements as indicated by the Pocketbook of UN mentioned above (part c), spending up to 23 hours of the day in overcrowded cells. Overcrowding can be so severe that prisoners sleep in shifts, on top of each other, share beds or tie themselves to window bars so that they can sleep while standing.



Consequences of prison overcrowding

Overpopulation in prisons has been raising concerns on a global scale due to the tremendously important consequences that are accompanied with it. To start with, the phenomenon of overcrowding prevents institutions from providing the basic human rights of prisoners, such as adequate healthcare, nutrition, and accommodation. Secondly, lack of the minimum personal space required for each inmate can lead to the worsening of mental health problems, which would consequently cause an increase in the violence rates, and a rise in the suicide rates in prisons. Moreover, such high rates of overpopulation in detention centers, compromise the ability of them to provide effective and also efficient rehabilitation programs, educational and vocational training, and creative activities that ultimately aim the smooth reintegration of prisoners in society.

Definition List

- a) **Prisoner:** A person legally committed as a punishment for a crime or while awaiting trial
b) **Overcrowded:** Fill (accommodation or a space) beyond what is usual or comfortable

- c) **Supermax prison:** (short for super-maximum security) is the name used to describe "control-unit" prisons, or units within prisons, which represent the most secure levels of custody in the prison systems of certain countries
- d) **Penal transportation:** Convicted criminals were transported to the colonies to serve their prison sentences

Historical Background

The first data that have been recorded regarding prisons date back to the 3rd millennium BC during which all forms of civilization used imprisonment as a way of confining and remove one's personal freedom. At that time prison was only used as a short-term stop before sending the offender to either their death sentence or life of slavery.

During the 1st millennium BC we have the first records of prisons through the means of underground dungeons working similarly with the ones mentioned above in Egypt and Mesopotamia. The exception to this was Greece, the center of democracy, in which offenders were held in isolated buildings and were in fact allowed to have periodic visits from their friends and relatives. These buildings lacked the high walls, the bars and the dungeons, but prisoners used to have simple wooden blocks fixed on their feet.

In the Ancient Roman Empire, conditions of imprisonment were obviously harsher with dungeons found underground in tight and claustrophobic halls and cells. Inmates having committed serious crimes were either placed in cells or chained to the walls for the rest of their lives. In many cases prisoners in Ancient Rome were slaved and used for heavy lifting errands in the gladiator chambers.

European detention centers remained harsh until Henry II of England in 1166 suggested the 1st English legal system that introduced the idea of the jury and also he constructed the 1st prison. Following his actions in 1215 King John signed the famous Magna Carta, which stated that no man shall be sentenced without a trial.

During the industrial revolution between the 16th and 18th centuries, English prisons became overcrowded so new method of punishment were introduced such as military pardon and penal transportation in the English colonies of North America and Australia. France had also adapted penal transportation in the French Guiana and the famous prison Devil's Island until mid-20th century. Similarly Russia used penal colonies in North-East Siberia.

In the 19th century that is characterized as the age of modern prisons, several prison reforms were implemented especially in the USA and England. These reforms included the introduction of greater inmate care, rehabilitation programs. Governments reconsidered their stand on solitary confinement as well, since it was thought to be the most vital reason behind the increased numbers of mentally ill, suicidal and depressed prisoners.

In the 20th century the two world wars led to large prisons being formed like prison and concentration camps with the most famous ones being the world war two Nazi concentration camps. 300 such detention centers were built containing political opponents, Jews, gypsies and criminals, the majority of which were killed (an estimate of 11-17 million deaths).

The end of the 20th century brought about the modern prison system. More specifically the 1st prison intended exclusively for holding inmates in isolation was formed in 1988, while the Probation Service was first introduced in 1991. "Supermax" prisons spread through the USA in 2005, in which inmates are held in 23 hour isolation periods with occasional communal yard time, work, educational programs and meals in cafeterias.

Timeline of events

- **2nd century BC** - Records found at many Egyptian and Mesopotamian archeological sites proved the existence of the earliest prisons in the world.
- **600 BC** - The remains of the oldest known prison can be traced to the Ancient Rome and their "Carcere Mamertino" (Mamertine Prison). Originally designed as a cistern for water, this ancient prison was used for more than half millennia. One of its most famous prisoners was Gallic chieftain Vercingetorix (executed at 46 BC).
- **200 AD** - At the beginning of the new millennium, one of the oldest prisons outside Roman Empire was found in the Israeli town of Tiberias.
- **1166** - English king Henry II commissioned the construction of first prison, together with new legal system that used concept of jury.
- **1215** - King John signed Magna Carta, which started the new age of legal system in England. This historic document stated that no man could be imprisoned without trial.
- **1400s** - England establishes Houses of Correction, which housed growing number of homeless people.
- **1600s** - Growing number of English prisoners gave birth to the "military pardon".
- **1700s** - Environment of Industrial Revolution and Napoleonic wars brought great increase in the number of incarcerated people in England. For the first time empty ships were used to house prisoners.
- **1777** - Englishman John Howard published influential book that proposed prison reform.
- **1786-1791** - Over 50.000 prisoners was transported from the England to the North American continent and after the start of War of Independence to penal colony of Australia.

- **1779** - Penitentiary Act included the concept of the "rehabilitation" to the UK prisons.
- **1791** - Philosopher Jeremy Bentham created designs for his "perfect prison", where government could spy on unknowing inmates.
- **1815** - For the first time in history, UK government started paying the wages of Jailers and inspected conditions in prisons.
- **1817** - Elizabeth Fry fought for prison reform, solutions of the problem of overcrowding, women's prisons and children correction centers.
- **1829** - Eastern State Penitentiary in Philadelphia started enforcing solitary confinement in an effort to rehabilitate its prisoners.
- **1835** - Prison Inspectors first started working in UK, together with first prison volunteer teachers.
- **1877** - Prison Act brought all prisons under the rule of the UK government.
- **1890** - Great amounts of insane, suicidal and catatonic prisoners brought some concerns to the legal system that enforced mandatory solitary confinement in US prisons.
- **1902** - In this year, first reform school for delinquent boys is opened in Borstal, Kent.
- **1934** - American government opened Alcatraz prison for the nation's worst offenders. Located in the bay of San Francisco, this famous prison became part of the American history.
- **1948** - UK Criminal Justice Act created a model of all modern prisons.
- **1983** - This year marked the first occurrence of "permanent lockdown" mode in US prisons (23h long periods of cell isolation, with communal yard time for all inmates, work, educational programs and meals in cafeteria).
- **1989** - Pelican Bay prison in California was built for the sole purpose of holding inmates in isolation, thus becoming first supermax facility in the USA.
- **1991** - The Criminal Justice Act introduced the concept of "Probation Service" for all prisoners that served the sentence that was longer than 12 months.
- **1993** - Modern UK Prison Service was formed.
- **2002** - Administration of the American president George W. Bush formed the famous Guantanamo Bay detention camp, which held many war suspects from war in Afghanistan, Iraq and 9/11 terrorist incident.
- **2005** - America held over 40 supermax facilities who all enforced constant 23-hour periods of isolation.

(taken from www.prisonhistory.net)

How to prepare as a delegate

Personally I would recommend that each of you should research anything that has to do with your country's politics, geography, history and culture, economics, defense, international relations and issues/conflicts (as stated by the delegate booklet). Useful information can be extracted from your countries' official websites and other reliable websites like BBC, CNN etc. Then your aim is to find as much information as possible regarding the history of prisons in your country and the conditions that convicts are living with, as well as to check in which

treaties/resolutions on the Human Rights Council of the UN has your country signed, so that you can produce your position papers in which I stress that some suggestions against the problem should be mentioned. It is important to remember that Wikipedia is not recommended as a reliable source since it is open to manipulation, but if used I urge you to cross-reference the information obtained.

Useful links:

<http://www.hrw.org/> (human rights watch)

<http://www.prisonhistory.net/> (prison history and facts)

<http://www.ohchr.org/EN/Pages/WelcomePage.aspx> (UN Humans Rights- Office of the High Commissioner -----> search by country)

<http://www.ohchr.org/EN/ProfessionalInterest/Pages/BasicPrinciplesTreatmentOfPrisoners.aspx> (basic principles for treating prisoners)

<http://www.penalreform.org/>

<http://online.ccj.pdx.edu/resources/news-articles/prison-overcrowding-is-a-growing-concern-in-the-u-s/> (from Portland State university-overcrowding in USA)

<http://www.johnhoward.ab.ca/pub/C42.htm> (overcrowding)

<http://www.ohchr.org/Documents/Publications/training11Add3en.pdf> (pocketbook of UN mentioned above-----> in abbreviation list of this document find useful international treaties/conventions)

<http://www.bbc.com/>

<http://edition.cnn.com/>

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

For any questions email at hcr@munoh.de