



CONQUERING COMPLEXITY AS
AN INTERNATIONAL AGENT

HUMAN RIGHTS ABUSE IN PRISONS

HUMAN RIGHTS COUNCIL

1. Welcome Letter

Dear delegates and Faculty Advisors,

It is our pleasure to welcome you all to the United Nations Human Rights Council (UNHRC) for this edition of GrunnMUN 2020, and to be your chairs for the duration of this conference. The secretariat and entirety of the staff have worked relentlessly to make this year's edition a fun and enriching experience for all the delegates, and we hope that this weekend will be as fun for you, as the process has been for us.

The UNHRC is a subsidiary organ of the United Nations, investigating possible human rights breaches throughout the International Community, particularly within the Member States, in areas such as the administration of justice, civil and political rights, coercive measures, detention of accused persons, and minority rights. In order to do so, it works closely with Non-Governmental Organisations (NGOs), the governments of the Member States, other bodies of the UN, civil servants, and other such relevant actors.

For this committee, we have been inspired by the topic for the conference, “Conquering Complexity as an International Agent” and by our interest in legal matters, both at a national and international level. Thus, during the debate, we expect that the issue of “Human Rights Abuse in Prisons” includes both a discourse for solutions at a national level for each present Member State, but also at an international level. We highly encourage you all to provide innovative ideas and have fun coming up with them. However, please do so while taking into consideration the policy of your country, and the competences that the UNHRC has (we don't want to violate national sovereignty, right?).

Remember, although this study guide has been prepared very carefully, it has information meant to inspire you to research more. But don't be alarmed, we know that you will manage to accomplish this, and more! MUN is about having fun, learning as much as we can and making friends, and while it is important to be properly prepared, don't over-stress about it. Please do not hesitate to contact us if you have any doubts whatsoever at any moment before, during and after the conference. We look forward to meeting all of you in March!

Best of wishes,

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“The degree of civilization in a society can be judged by entering its prisons”

- Fyodor Dostoyevsky

2. Introduction

When addressing issues regarding human rights and the ill-treatment of persons, one of the groups that are often excluded from the narrative and overlooked in the initiatives for the promotion of human rights, is that of those that are incarcerated and currently serving a prison sentence. The current status is alarming, despite the improvements produced during the recent years regarding, prison management and conditions still remain plagued with torture and cruel, inhuman and degrading treatment (also referred to as CIDT), corruption and without the appropriate facilities for living a decent and humane lifestyle.

As per the “World Prison Population List” (2018) by Roy Walmsley, published by the World Prison Brief (WPB) and the Institute for Criminal Policy Research (ICPR)¹, currently there are more than 10.74 million people held in penal institutions throughout the world, constituting an increase of 24% from the prison population in the year 2000. This augmentation alone should be enough to make the improvement of conditions for prisoners an issue at the forefront of any human rights discussion at a national and international level.

¹ Roy Walmsley, published by World Prison Brief and the Institute for Criminal Policy Research, 'World Prison Population List' [2018] https://www.prisonstudies.org/sites/default/files/resources/downloads/wppl_12.pdf

However, the problem does not stop there. For instance, overcrowding, which in turn causes a lack of resources and appropriate facilities for the inmates, is a recurrent issue. Another one is the fact that certain minorities, particularly women, are continuously harassed, both by other inmates and prison staff. Inclusively, in certain countries, torture and solitary confinement are considered as “normal and non-damaging” treatment for prisoners, despite it having been recognised as detrimental for mental health. Thus, it is of the utmost urgency that the international community takes a reviewed and improved stance for the amelioration of human rights conditions in prisons.

3. Problem specification

It is essential, when embarking on a legitimate examination of the current situations of prisoners rights across the world, that it is born in mind that due to the legal and social nature of the status of prisoners that some of their rights, as a natural consequence, are restricted. Indeed, one of the primary pillars of criminal justice is to punish those who have violated the laws put in place to protect others in society; Lady Justice does not only carry her scales, but is also armed with a sword. The wounds felt as the result of the slash of the proverbial sword in modernity is usually the restriction of certain rights, such as liberty, privacy, and in extreme cases, life. These punishments exist for retribution and deterrence and are widely considered to be the foundations of justice. As a result, a question arises: what kind of rights should prisoners be privy to and which should be restricted? Before this can be answered, we must first examine the broader categories of rights as they are understood in their widest possible context. There are a handful of ways the political-legal profession categorise human rights, from their development through history to their form and function. Most useful to this topic is to divide them by substantive and procedural rights.

Substantive rights include the rights owed to all citizens by the state that is associated with securing the autonomy, dignity and liberties of the individual that are necessary for the normal pursuit of happiness and personal fulfilment². Whilst procedural rights pertain to the actual enforcement of those rights, these are distinct from substantive rights and are important in their own manner as they represent a legal tool that can be used on a judicial level to challenge the state in an effective manner in order to protect themselves; at least in theory. Some examples of the former include right to privacy, freedom from inhuman treatment or torture or the right to vote, whilst rights that belong to the latter category are the right to a fair trial, right to appeal and the right to legal representation among many others.

²Larry Alexander, ‘Are Procedural Rights Derivative Substantive Rights?’ [1998] 17 LP 1

If an effective resolution is to be passed both substantive and procedural rights must be addressed and ultimately guaranteed as both are essential to the proper and meaningful protection of any group, particularly to a group as vulnerable as those in penatntries. For example, it is of little comfort to any prisoner that they have adequate access to self developmental classes, when their cell lacks essential features like adequate toiletries or resalable lighting. Moreover, there is very little point in making sure that a prisoner has decent outdoor time, when their appeal for retrial is constantly being arbitrarily denied.

It is not the case that this issue is not in the international public psyche or that there are no realistic methods, such as legal institutions, that can effectively deal with complaints of prisoners who believe their rights have been infringed. The European Court of Human Rights (ECtHR) have consistently upheld the rights of prisoners in landmark cases such as *Assenov v. Bulgaria, 1998*³ or *Keenan v United Kingdom, 2001*⁴; which dealt with mistreatment of those in police custody and the responsibility of suicide prevention of prisoners that is laid on prison officers respectively. From the point of arrest to being remanded in prison, there is the possibility for the violation of essential human rights that are there to ensure justice is done. The issue of prisoner rights represents an essential pillar of a free and democratic society, once more it is an issue within the international community's ability to address.

4. Questions A Resolution Must Answer (QARMAs)

During the preparation of your proposals and, at a later stage, you must address the following QARMAs, or “Questions a Resolution Must Answer” in a compulsory manner. If your draft resolution does not include proposals along the lines of these questions, no matter how well-written it is, or if your bloc was the first to present it, we will not be able to accept them, and thus will not be able to pass in a successful manner. The following three questions are meant as the basis for your research, and to guide you in your understanding of the issues we believe must be discussed. We expect that, of course, you will follow the Rules of Procedure provided by the GrunnMUN team, and to expand on this issue beyond these three basic questions.

1. What rights are most essential to prisoners around the world ?
2. How should prisoners rights be enforced in an effective manner ?
3. How should we address the position of women and minorities within prisons?

5. Explanatory section per QARMA

a. “What rights are most essential to prisoners around the world?”

³ *Assenov v. Bulgaria* (1998) 23 EHRR 652

⁴ *Keenan v United Kingdom* (2001) 33 EHRR 913

History

The prisoners' rights movement must be understood in the light of its other civil rights movement's counterparts as in the context of "Fundamental democratization"⁵. Similar to the black civil rights movements of the 1960s, prisoners' rights throughout history can be analysed as a fight for an essential pillar of democracy. The plight of a powerless group against the overwhelming power of the state should be a familiar one for all who concern themselves with the history of the rights of man. Indeed, the first movements for prisoners rights were part of a wider mosaic of social change⁶.



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Pre 1960s

It is an uncontroversial statement that the state of prisoners' rights, before more modern human rights movements, have been particularly appalling. There are numerous accounts through multiple sources detailing the various methods of mistreatment that prisoners have had to endure at the hands of the state. In the United Kingdom, prisoners were often forced to choose between being put to death by hanging or being shipped to the colonies where they would be forced to work long hours performing inhumane work under the Penal Servitude Act 1853⁸.

Such cases of penal servitude, often accompanied with corporal punishment, were common amongst most nations at the time, including France, Japan, China, Russia, the USA etc. Conditions of prisons and living areas for prisoners were also abhorrent, this was largely due to the fact that penitentiaries main function was to keep prisoners while they await their actual punishment, which usually amounted to severe beatings or death. Two cases, both of which were decided in the United States, captures perfectly the attitude that most states had towards their prisoners. Pervear v. Massachusetts [1866]⁹ ruled that prisoners have no constitutional rights while just 5 years latter it was ruled in Ruffin v. Commonwealth [1871]¹⁰ all incarcerated individuals were "slaves of the state".

⁵ James B. Jacobs, 'The Prisoners' Rights Movement and Its Impacts' [1980] UCP 2 429, 433

⁶ Ibid, 434

⁷ The Conversation. (2020). Exploiting black labor after the abolition of slavery. [online] Available at: <http://theconversation.com/exploiting-black-labor-after-the-abolition-of-slavery-72482> [Accessed 4 Feb. 2020].

⁸ Penal Servitude Act 1853

⁹ Pervear v. Massachusetts, 59 Ma. 331 [1866]

¹⁰ Ruffin v. Commonwealth, 62 Va. 790 [1871]

Reforms and Development

Much has changed throughout the years both in attitude and legislation protecting the rights of prisoners. Both national and international progress has been made due to the prisoners rights movement of the 1960s. The landmark case of *Jones v. Cunningham* [1962], heard in the United States Supreme Court, was a turning point for the movement as it gave prisoners the right to challenge the legality of their sentencing and the conditions of their imprisonment. This case opened the proverbial floodgates for legal challenges around the world pertaining to the legal relationship between prisoners and civil rights

Recent Developments

Rights as they are today: International and National

Now there are many examples of rights owed to prisoners, enshrined in codified documents, both in international and domestic law. The International Covenant on Civil and Political Rights (ICCPR)¹¹ established a number of rights in Article 10 that all signatory nations must ensure are protected. These rights include freedom from inhuman treatment when liberty is deprived by the state, freedom from being associated with convicted persons before trial and that social rehabilitation must be among the top priority of the criminal justice systems of the respective nations. While not binding the United Nations Standard Minimum Rules for the Treatment of Prisoners, otherwise known as the “Mandela Rules”, gives guidelines for what is expected from all members of the international community regarding the treatment of those who are incarcerated. Rights covered in the Mandela Rules include: proper accommodation, personal hygiene, clothing and bedding, food, exercise and sports, medical treatment, restrictions on the types of discipline that may be used, contact with the outside world, books, religion and inspections

Moreover, many articles in the European Convention of Human Rights (ECHR) apply directly to the wellbeing of prisoners¹². Within this convention are a number of provisions that create what are known as “absolute rights”, these are standards that, in the view of The Council of Europe, must not be interfered with for any reason; many nations, even those not party to the ECHR agree with most, if not all, of these rights. Some of which include: the right to life (Article 2), freedom from torture and inhuman or degrading treatment (Article 3), freedom from slavery (Article 4) and protection from retrospective legislation (Article 7). Then there are what is known as “qualified rights”, these are rights that may be interfered with in certain approved

¹¹ UN General Assembly, International Covenant on Civil and Political Rights, 16 December 1966, United Nations, Treaty Series, vol. 999, p. 171, available at: <https://www.refworld.org/docid/3ae6b3aa0.html> [accessed 6 January 2020]

¹² Council of Europe, European Convention for the Protection of Human Rights and Fundamental Freedoms, as amended by Protocols Nos. 11 and 14, 4 November 1950, ETS 5, available at: <https://www.refworld.org/docid/3ae6b3b04.html> [accessed 6 January 2020]

circumstances when is “necessary in a democratic society” as stated in the accompanying paragraphs of all these articles. Some examples of which include: respect for private and family life (Article 8), freedom of thought/belief and religion (Article 10), freedom of assembly etc. These rights will not always be entirely available in a prison situation at all times, but the unreasonable and arbitrary restriction of them should certainly be treated with suspicion

Theory vs Practice: violations of prisoners rights today

Despite the great progress that has been made on an international and national level regarding the human rights of prisoners, violations of these rights are sadly not uncommon. There are varied degrees of violations of the rights of prisoners, either relating to the severity and extent of the violation or the type of rights that were interfered with.

In December 2004, it was discovered that the American run prison Abu Ghraib was host to numerous violations of the prisoner’s human rights, including many incidents of torture and inhumane treatment. Most of the prisoners were captured by the United States army during the Iraq war and it is believed that many died due to the extreme conditions they were kept in. More recently there have been accounts from the Xinjiang re-education camps in China, a prison where Muslim nationals are taken in order to indoctrinate them away from their religion of choice. While not all reports are confirmed, many news outlets have reported that beatings are repeatedly administered in order to enforce the teaching of mandarin and to encourage the “transformation” of its prisoners.

Many of the violations of human rights of prisoners are not as severe as the aforementioned examples, but they need not be a matter of life and death to qualify for serious re-examination by the international community. Even something as seemingly unimportant as a refused bail application can have seriously damaging effects on a prisoner. All rights are important and are worth protecting, even for those who have broken the law.

Considerations

- What rights should be a priority for those in prison ?
- How should the rights of prisoners be promoted ?
- What rights ought to be limited ?
- Are these rights to be defined by the international community, or would a more localised and national approach be more effective for their determination ?

b. “How should prisoners rights be enforced in an effective manner”

While establishing the rights that should be protected is essential for any resolutions, how they should be implemented effectively is just as important. Ideals of right and wrong are useful but only when paired with a working strategy to apply them. In the case of any inter-governmental

organisation, there are always a number of issues that must be overcome that are particular to international resolutions

History

On August 2nd 1923, a French steamer (the S.S Lotus) crashed into a Turkish steamer just off the coast of Greece. The case was referred to the Permanent Court of International Justice which was the judicial branch of the League of Nations. Out of this case came a foundational principle of international law that is now known as the “Lotus principle”¹³. This principle mandates that sovereign states are permitted to act in any way they see fit providing they are not going against an explicit international prohibition that they are party to. In other words the only way a state can be forced to act in a certain way is if the express consent to be bound. This is an important feature of the international legal order, otherwise concepts such as territorial integrity would be at risk of being violated. However, this poses a problem to human rights organisations as it is harder to implement effective change as a state that does not want to agree to a proposed change is under no obligation to do so. Once more, even if a state is a party to a treaty, enforcement becomes a separate issue as no coercive actions can be taken.

Methods

Prisoners rights are of a special nature as they represent a country's attitude towards criminal justice which is undoubtedly a central feature of the nations cultural identity, being affected by everything, from religion to politics. As such, a draft resolution must keep this in mind and ensure that it addresses the various approaches of criminal justice around the world, whilst also offering a high level of protection of prisoners rights. Particularly successful international agreements are those that appeal to a common problem amongst all members of the international community. For example, The Vienna Convention and Montreal Protocols on Substances that Deplete the Ozone Layer¹⁴ has 197 parties and the Constitution of the World Health Organisation has 194 parties to it.

The international route

This method would require that all who are signatory to the treaty are subject to the scrutiny of some international agency that is responsible for regulating how human rights are conducted in the contracting members state. The advantages and disadvantages of this method are manifest in this method. It enables a more holistic and unified implementation of the details of the resolution that provides, in turn, a confidence amongst the signatory nations that all are being held to the

¹³ S.S. Lotus (Fr. v. Turk.), 1927 P.C.I.J. (ser. A) No. 10 (Sept. 7)

¹⁴ Vienna Convention and Montreal Protocols on Substances that Deplete the Ozone Layer (adopted 22 March 1985, enter into force 22 September 1988) 1513 UNTS 293, available at: https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=XXVII-2&chapter=27&clang=_en [accessed 6 January 2020]

same standards and what is expected of one state will also be expected of another. The disadvantages is that it is much harder to garner support for such a method as it seeks to limit certain aspects of the signing country's sovereignty. Effectively carrying out this route can allow for a greater level of scrutiny and control which is particularly helpful when human rights are the topic at the table, but it must be borne in mind that many representatives will protest efficacy of this route

The national route

This route trades a more centralised form of control for a more localised one that is primarily conducted by the relevant institutions of the signatory states. Often there will be commitments to certain goals specified in the resolution that will then be carried out by the authorities the state sees fit to uphold. This method can be effective due to the fact that the state organs are able to directly scrutinize the efforts of those who are appointed with the relevant task, in addition more complex details such as funding and method are delegated. Overall, it is often easier to succour backing for resolutions of this kind at it does not threaten to undermine any area of sovereignty of the various countries who might become privy to an agreement of this kind. But, it is important to note that this formula is often unable to provide an equal execution of human rights protection as the members will inevitably have different approaches when tackling the issues once they are defined in a resolution

Mixed Methods

In between the two methods mentioned above are a number of ways one can go about achieving the aims of a resolution, For example, members of the Council of Europe have the responsibility of ensuring all the rights stipulated in the ECHR are protected in their territory, but those who believe that their rights have been violated have access to appeal to the European Court of Human Rights in Strasbourg, who have the ability to strike down and provide remedies to judgements of the courts of its Member States in situations where they believe provisions of the ECHR have been unduly interfered with. Other methods include the Human Rights Committee, which is a body of independent experts funded by the UN who monitor the implementation of the International Covenant on Civil and Political Rights (ICCPR) by all states who a party to the agreement. The State parties are required to submit reports which are then checked and reviewed by the committee.

Considerations

- How should the human rights of prisoners be protected ?
- What safeguards should be put in place ?
- What precautions should be included in order to ensure that all who are signatory will carry out the appropriate measures to avoid human rights abuses of prisoners ?

c. “How should we address the position of women and minorities within prisons? “

Ever since the creation of the United Nations, this inter-governmental organization (IGO) has been committed to the protection and empowerment of women and minorities, stating in Article 1(3) of the Charter “To achieve international co-operation ... in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion”¹⁵. Therefore, it is unsurprising development that the UN has taken the necessary measures to ensure that this also holds true regarding inmates. Several documents, treaties and resolutions have been issued in order to assure the fair treatment of individuals inside jails, the most renowned ones being:

i. The Nelson Mandela Rules: The United Nations Standard Minimum Rules for the Treatment of Prisoners (1957)¹⁶

- Rule 2 and 5 provide the basis for the respect of prisoners in an impartial manner without discriminatory conduct, and in the case of disabilities, these need to be accommodated to ensure equity
- Rule 11 and 12(2) regards accommodating prisoners based on their qualifications/characteristics, to ensure that they are protected/guarded accordingly
- Rule 23(2) for juvenile prisoners to enjoy physical and recreational training
- Rules 28-29 for the special accommodation for pregnant women and childbirth
- Rule 45(2) prohibits solitary confinement for disabled persons who would be adversely affected by such punishment
- Rule 48 forbidding the usage of restraints during/immediately after childbirth
- Rule 62 on protections afforded to foreign nationals during imprisonment
- Rule 66 on the freedom of inmates to practice their religion unhindered
- Rule 81, providing that the staff for women inmates must always be a woman, or if it is male, the staff must be accompanied by a woman staff member
- Rule 94 for the creation of a programme of treatment in view of an inmate’s faculties
- Rules 109-110 for prisoners with health conditions/mental disabilities

¹⁵ United Nations 'Charter of the United Nations and Statute of the International Court of Justice' [1945]

¹⁶ United Nations Office on Drugs and Crime 'The United Nations Standard Minimum Rules for the Treatment of Prisoners' https://www.unodc.org/documents/justice-and-prison-reform/Nelson_Mandela_Rules-E-ebook.pdf [2015]

ii. The Bangkok Rules: The United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (2010)¹⁷

- Rule 1 proscribes that the rules are to be applied while taking into account the distinctive needs of women prisoners
- Rules 6-18, proscribing adequate health-care services for women
- Rule 24, stating that women are not to be restrained during/immediately after birth
- Rule 26-28, regarding contact with their families, and particularly, their children
- Rule 33, providing for the adequate training for prison staff working with women on the particular needs and human rights of the inmates
- Rule 44, which provides protection for victims of domestic abuse
- Rules 48-52, dealing with the conditions for pregnant women and their children
- Rules 54-55, protecting the rights of minorities and indigenous populations
- Rules 57-66, on the matter of alternatives to imprisonment

However, national support for these legislations and guidelines is especially lacking, as the government of different nations may have been focused on dealing with general internal problems in prisons like weapon control, fair representation, and such topics, relegating the treatment of women and minorities in prisons as a secondary issue.

i. Women in prison:

According to the “Global Prison Trends 2019” of Penal Reform International (PRI) and the Thailand Institute of Justice (TIJ)¹⁸, the number of women and girls in prison has grown 53% between 200-2017, reaching up to 714,000 (Walmsley, 2017)¹⁹. Despite this augmentation, the majority of prisons are still ill-equipped for the needs of female inmates, particularly regarding healthcare and hygiene, and their rehabilitation into society. The most common offences for which women are convicted are related to drug-related, non-violent, or property crimes, reason for which the international community through the Bangkok Rules and other such related initiatives have encouraged that alternatives to conviction be found for them.

¹⁷ United Nations Office on Drugs and Crime 'The United Nations Rules for the Treatment of Women Prisoners and Non-Custodial Measures for Women Offenders'

https://www.unodc.org/documents/justice-and-prison-reform/Bangkok_Rules_ENG_22032015.pdf [2011]

¹⁸ Penal Reform International and the Thailand Institute on Justice. 'Global Prison Trends'.

https://cdn.penalreform.org/wp-content/uploads/2019/05/PRI-Global-prison-trends-report-2019_WEB.pdf [2019]

¹⁹ Roy Walmsley, published by World Prison Brief and the Institute for Criminal Policy Research, 'World Female Imprisonment List'

https://www.prisonstudies.org/sites/default/files/resources/downloads/world_female_prison_4th_edn_v4_web.pdf [2017]

As pointed out by the American Civil Liberties Union (ACLU), the majority of incarcerated women have issues regarding substance/physical/psychological abuse, and mental illnesses, which often goes untreated once convicted to a facility²⁰. Sometimes, it even continues, many inmates facing harassment by the prison staff. All of these issues, adding the fact that the majority of prisons are designed for men, and that the prisoners do not have access to proper pre and post-natal care, and female hygiene products²¹, lead to serious human rights violations.

However, this does not mean that all is negative, several institutions and NGOs, such as “The Sentencing Project”, Amnesty International, the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), and other UN Organs are working alongside the national governments, and by themselves, to provide proper frameworks and programs for the amelioration of conditions for female inmates. For instance, at a national level, countries such as Peru, Kenya and Australia have developed gender-specific programmes in prisons, and at an international level, the UN Special Rapporteur on Torture’s 2016 report focused upon the violation of female inmate’s human rights, drawing further attention on the issue.²²

ii. Other Minorities: People with disabilities, from different racial backgrounds, and LGBTQ+ inmates

Parts of the demographic that are particularly vulnerable to human rights violations , both during and before imprisonment, are those that are foreign/indigenous people, part of the LGBTQ+ community, and have physical and/or mental disabilities. More often than not, these “qualifiers” that make them a minority, lead to higher conviction rates and, once they are within the imprisonment, they continue to be segregated, discriminated and mistreated. For instance, as pointed out by the PRI and TIJ (2017), as the quantity of incarcerated elderly period grows, there is a notorious lack of access to proper care for conditions such as dementia, which causes these elders to live in a precarious and detrimental state.

The report “LGBTQ People Behind Bars” (2018) by the National Center for Transgender Equality²³ of the US provides a basic overview of the difficulties people from this community encounter within the judicial system, which being ten times more likely to be

²⁰ American Civil Liberties Union 'Women in Prison' <https://www.aclu.org/issues/prisoners-rights/women-prison>

²¹ World Health Organisation for Europe 'Health in Prisons'

http://www.euro.who.int/__data/assets/pdf_file/0009/99018/E90174.pdf [2017]

²² Committee against Torture, Eighth annual report of the Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, CAT/C/54/2, 26 March 2015, para. 69.

²³ National Center for Transgender Equality. 'LGBTQ People Behind Bars: A Guide to Understanding the Issues Facing Transgender Prisoners and Their Legal Rights'. <https://transequality.org/transpeoplebehindbars> [2018]

the victims of sexual assault after conviction, and facing degradation from inmates and prison staff. This is especially worrying in the case of juveniles, who would have a detrimental impact on their development and later re-integration in society, due to this type of treatments. This situation was brought to the light by the UN Subcommittee for the Prevention of Torture in 2015²⁴, which called upon Member States to promote the passing of legislation and programs to protect the LGBTQ community within prisons. Other important issues within this community, are the mass incarceration of people due to their gender/sexual identity.

Regarding racial minorities, despite this group being afforded certain protections in the majority of Member States, the issue of discrimination in regard to the conviction rates, and treatment within prisons can still be seen even in the most developed and progressive countries. For example, “The Lammy Review” (2017), sponsored by the Ministry of Justice of the United Kingdom²⁵, presents statistics regarding that the ratio of incarceration for BAME (Black, Asian and Minority Ethnic) individuals, showing that their rate, in the majority of cases, outnumbers that of caucasian people.

Considerations

- What are the particular facilities and necessities that should be accessible to women within prison?
- How can we assure the implementation of the principles outlined Nelson Mandela Rules and the Bangkok Rules in all Member States?
- What needs to be done in order to eliminate the racial/ethnic-bias in conviction and treatment within prisons?
- Which should be the additional requirements to accommodate the needs of elderly people and people with disabilities, and how must they be implemented?

6. Sources for further research

In order to have an in-depth investigation on the matter at hand, there are two main places in which one must look at in order to prepare for the conference: national and foreign policy of the country represented, and the status/policies of other Member States and international institutions.

1. Own country's sources:

²⁴ Committee against Torture, Eighth annual report of the Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, CAT/C/54/2, 26 March 2015, para. 69.

²⁵ David Lammy. 'The Lammy Review: An Independent Review into the Treatment of, and Outcomes for, Black, Asian and Minority Ethnic Individuals in the Criminal Justice System'.

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/643001/lammy-review-final-report.pdf [2017]

The first place one looks at when understanding the countries' policies is the legislative documents on the matter at hand. This, however, does not mean that one must know it by heart; rather, it serves as a tool for understanding and/or clearing up the position in which one finds itself. In countries such as India, where there is a dichotomy between the government's policies and that of the public, this is particularly useful. Another good source, in particular for this topic, is checking whether the Ministry of Justice , and in the case of the QARMAAs the Ministry of Minorities and the Ministry of Health (or the equivalent thereof) have published any frameworks/programs, or collaborated with any institutions to promote the protection of human rights within national prisons.

Other sources in which information relevant to the topic may be found is news reports (from veridic and trustful sources), and reports by human rights agencies such as Amnesty International (<https://www.amnesty.org/en/countries/>) and Human Rights Watch (<https://www.hrw.org/publications>) on the particular country. One extremely particular useful (and trustful) source is the "Universal Periodic Review" of the HRC, which provides up to date information about all of the 193 UN Member States, and can be found through this link <https://www.ohchr.org/EN/HRBodies/UPR/Pages/Documentation.aspx>

2. Sources related to the International Community and such:

When investigating the stance of the actors of the International Community (Intergovernmental Organisations, Non-Governmental Organisations, Transnational Organisations, countries, etc.) first one must try to look into the reports issued by them, and international laws that may have been ratified/put into force. One good source to start to begin the investigation for international (legal) actions is the United Nations Treaty Collection (UNTC), in which human rights protocols, conventions, treaties, etc. can be searched, including whether your country has ratified it or not. For instance, through this link (https://treaties.un.org/Pages/Treaties.aspx?id=4&subid=A&clang=_en) one can revise the status of multilateral treaties regarding human rights. For the member states of the European Union (EU), and for this transnational organisation itself, an important source for further research is the "EU Annual Reports on Human Rights and Democracy" which will provide you with basic information to continue your research (https://eeas.europa.eu/topics/human-rights-democracy/8437/eu-annual-reports-human-rights-and-democratisation_en).

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- a. *Assenov v. Bulgaria* (1998) 23 EHRR 652
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- d. Penal Servitude Act 1853
- e. Pervear v. Massachusetts, 59 Ma. 331 [1866]
- f. Ruffin v. Commonwealth, 62 Va. 790 [1871]
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