

A brief study of prison issues around the world

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Abstract: Prisoners are also humans and must be treated with utmost dignity as of a human, meaning that human rights of prisoners hold a value according to the legislation in the whole world. While all human rights must be advanced at the same time, the international community does not give uniform criteria or clear instructions on how to put them into practise. Human rights and the government must have a good partnership. The number of individuals in jail has increased rapidly and steadily in recent decades, with over 11 million people in prison around the world today. More than three million people are being imprisoned in pre-trial or other types of remand custody. The article aims at studying the prison conditions of the world and deeply comparing the issues. The author has studied important issues that are prevailing in the prisons throughout the world which can be seen in this article.

Key Words: human rights, prisoners, treatment, rights, duties, legislation, law, united nations, jails, world, comparison.

1. INTRODUCTION:

Human rights law is huge and a complex system aiming at promoting human rights on a national scale. Within this context, UN authorities have frequently urged states to ensure that all human rights are fully realised. However, the existing form of human rights law does not anticipate specific and shared implementation priorities. While all human rights must be advanced at the same time, the international community does not give uniform criteria or clear instructions on how to put them into practise. Human rights and the government must have a good partnership.

Furthermore, such an approach has practical challenges: because many human rights are costly and difficult to implement, governments must make trade-offs in the short term. States are unable to implement all human rights at the same time due to lack of resources, especially when they are severe. Human rights are frequently prioritised due to economic and political restrictions.

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The European Court of Human Rights ("ECtHR") properly remarked in its landmark ruling on the **Campbell and Fell case**,¹ that "justice cannot stop at the prison gate." This comment nicely summed up the need for a human rights-based approach to jail administration. It also reflects the commitment of all actors involved in guaranteeing human rights in jails and similar institutions, including public authorities, civil society organisations, and, most notably, judicial and quasi-judicial human rights agencies.

2. INTERNATIONAL HUMAN RIGHTS STANDARDS GOVERNING THE TREATMENT OF PRISONERS:

The main international human rights texts make it clear that prisoners' human rights are protected. Both the International Covenant on Civil and Political Rights (ICCPR) and the Convention Against Torture and Other Cruel, Inhuman or Humiliating Treatment or Punishment (hence, the Torture Convention) expressly forbid torture and other cruel, inhuman, or degrading treatment or punishment. Article 10² of ICCPR mandates the guideline that should be followed by each and every member party and also stipulates that "prisoner reform and social adaptation" be an "essential goal" of incarceration.

Several other international documents expand on the human rights of those who have been deprived of their liberty, offering guidance on how countries can meet their international legal commitments. The United Nations

¹ Campbell v. United Kingdom, Eur. Ct. H.R. 29 (1984).

² "All persons deprived of their liberty shall be treated with humanity and with respect for the inherent dignity of the human person."

Standard Minimum Rules for the Treatment of Prisoners (also known as the Standard Minimum Rules)³ were adopted by the United Nations Economic and Social Council in 1957. The Standard Minimum Rules are an authoritative guide to enforceable treaty standards, despite the fact that they are not a treaty.⁴

The Body of Principles for the Protection of All Persons Under Any Form of Detention or Imprisonment, the Basic Principles for the Treatment of Prisoners, and, in the case of juvenile prisoners, the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (known as the "Beijing Rules") are all important documents to consider when evaluating prison conditions. These instruments, like the Standard Minimum Rules, bind governments to the extent that the norms they embody explain the broader standards found in human rights treaties.

3. COMPARATIVE STUDY OF MAJOR INTERNATIONAL PRISON ISSUES :

A. Overcrowding

In **Sri Lanka**, the jail system is thought to hold almost three times its capacity on a regular basis, which is thought to have led to recent violent clashes.⁵

In **Bangladesh**, about two-thirds of the prison population was awaiting trial or detention for investigation, resulting in a prison population of 68,700 in 2012, nearly double the capacity.⁶

Despite the efforts of the prison service, low resources and judicial capacity in **South Sudan** resulted in harsh, overcrowded, and life-threatening jail and detention centre conditions, which resulted in illness and death. In August 2012, riots broke out in Juba Prison due to a lack of water, and many detention institutions in rural areas were made up of unprotected places where detainees were chained to a wall, fence, or tree, often exposed to the sun.⁷

In **Italy**, in 2012, 66,529 convicts were housed in 206 prisons, with a capacity of 47,048. Overcrowding in prisons has been dubbed "the most alarming problem that the Italian correctional system has to deal with" by the United Nations Office on Drugs and Crime (UNODC). The European Court of Human Rights determined in January that overcrowded jails violated the ban of torture and cruel or degrading treatment under the "European Convention on Human Rights," and that adjustments must be made within a year.⁸

B. Ill Treatment and Molestation

In **Iran**, political detainees and prisoners of conscience are particularly vulnerable to ill-treatment. Coerced confessions are frequently used in the proceedings to secure convictions against prisoners of conscience. A number of Vice President Tariq Al - Hashemi, bodyguards were arrested and allegedly tortured by security personnel in order to get forced confessions against the vice president.⁹

Activists in **Syria** claimed hundreds of genuine examples of security personnel allegedly abusing and torturing detainees and inmates in 2012. According to Human Rights Watch, the authorities detained huge numbers of protestors and activists and subjected them to brutality through electric shock, beating with lash and various other ways.¹⁰

Political detainees in **North Korea** are routinely subjected to systematic physical and psychological abuse. According to multiple defector accounts and non-governmental organisation reports, detainees are subjected to harsh beatings, electric shock, public nakedness, incarceration in cramped immovable cells, and compulsion of mothers to watch their newborns' infanticide.¹¹

In **Pakistan**, police used methods such as beatings with batons and whips, burning cigarettes, whipping the soles of the feet, continuous isolation, electric current, denial of food or sleep, hanging upside down, and forcing the spread of the legs with bar fetters to torture and mistreat those in custody.¹²

³ Adopted by the First United Nations Congress on the Prevention of Crime and the Treatment of Offenders, held at Geneva in 1955, and approved by the Economic and Social Council by its resolutions 663 C (XXIV) of 31 July 1957 and 2076 (LXII) of 13 May 1977

⁴ HUMAN RIGHTS WATCH PRISON PROJECT

⁵ W. Andy Knight, "PRISON REFORM: An International Solution," 13th, *NY Times*

⁶ *ibid*

⁷ Report on International Prison Conditions: United States Department of State, Bureau of Democracy, Human Rights and Labor

⁸ UNODC/CCPCJ/EG.6/2012/Gov.20, RESPONSE OF THE GOVERNMENT OF THE REPUBLIC OF ITALY TO NOTE CU 2011/26

⁹ *ibid*

¹⁰ *ibid*

¹¹ *ibid*

¹² *ibid*

C. Poor Legal Procedure

In **Panama**, the government routinely imprisons convicts for more than a year prior to a judge's pretrial hearing, and in some circumstances, the pretrial detention exceeds the accused crime's minimum penalty.¹³

The Ministry of Interior in **Saudi Arabia**, to which the majority of forces with arrest power report, retains considerable powers to arrest and hold people indefinitely without court review or meaningful access to legal counsel or family. Authorities are accused of holding people for weeks, months, or even years without informing them of their rights, including their right under Saudi law to be represented by a counsel.¹⁴

In **Zimbabwe**, the authorities regularly refuse detainees prompt or regular access to their counsel, and they frequently move detainees without informing their family or lawyers of their new location.

In **Uzbekistan**, some types of prisoners, such as those facing religious or extremist charges or political detainees, are frequently refused family visits.¹⁵

D. Limited Access to Legal Advice

According to the UN Organization for Stabilization, human rights advocates who are not members of state-controlled bar organisations in **Belarus** have no access to inmates and detainees and are unable to offer them legal advice.

In the **Democratic Republic of the Congo**, the intelligence agencies and the Republican Guards, in particular, continue to run a slew of illegal detention centres to which family members, friends, and lawyers are often denied access.

In **Qatar**, inmates and detainees have access to visitors on a regular basis, but at the state security jail, prison officials restrict access to family and legal counsel. Many other countries deny inmates access to legal counsel for the duration of their detention.

Many jails in **Central America** are supervised by the military or local national police forces, which have little experience with prison operations and management. As a result, some correctional institutions lack competent managers, lack standard operating procedures or are unable to follow them, and show little to no dedication to employee training, development, and treatment.¹⁶

4. CONCLUSION:

The causes of prison population rise are multifaceted, but many of the effects are obvious: overcrowding, harsh and humiliating circumstances are among them. Most prison systems across the world are overcrowded, according to their own official capacity assessments, posing a threat to mental and physical health, as well as the safety of both prisoners and staff, and rehabilitation chances. With an overall jail occupancy rate of roughly, Philippines (460 %), Haiti (450 %), and Guatemala (370 %) are among the countries with some of the most overcrowded prisons.¹⁷

Overuse of incarceration costs the public a fortune while disproportionately affecting the poor and marginalised in all nations. It also inhibits prison administrations' ability to deal effectively with the tiny number of inmates who constitute a severe threat to public safety.

Despite the fact that prisons are supposed to be levelling institutions where the variables that impact the circumstances of detention are anticipated to be the criminal histories of their inmates and their behaviour in jail, additional elements exist in many nations that play a major role. Almost all legal systems use imprisonment as the most common form of punishment. Its use in ancient times is documented in history.

In the previous 50 years, the usage of prisons has increased considerably, with incarceration rates in the United States tripling and nearly doubling in Western Europe, albeit from far lower starting points. This raises critical questions concerning ex-convict's ability to reintegrate into society following jail, and whether they return to a life of crime. Due to lost human capital, exposure to hardened criminals, or later employment prejudice, prison may increase recidivism. Prison time, on the other hand, may prevent future offences or serve as a rehabilitation tool through education and employment training programmes.

¹³ ibid

¹⁴ ibid

¹⁵ ibid

¹⁶ ibid

¹⁷ "Understanding and reducing the use of imprisonment in ten countries", An international research and policy project carried out by the Institute for Crime & Justice Policy Research (ICPR) at Birbeck, University of London; published on June 2, 2021

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