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The logo of the United Nations Human Rights Council, featuring a stylized blue flame or leaf design within a circular wreath.

THE UNITED NATIONS HUMAN RIGHTS COUNCIL



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Committee: United Nations Human Rights Council (UNHRC)

Topic B: Protecting Prisoners from Unlawful Abuse and Torture

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I. Committee Background

The United Nations Human Rights Council (UNHRC) was established in 1946 as a result of crimes committed against humanity during World War II. The commission was the intergovernmental body that was worked under the Economic and Social Council (ECOSOC) and was responsible for the protection of human rights. That is, until 2006 when it was replaced and promoted to United Nations Human Rights Council (UNHRC). The United Nations Human Rights Council, whose headquarters are located in Geneva, Switzerland, is one of the most important councils of the United Nations. This is because the council establishes the rights that humans are given at the full length of their life. It insists on giving all individuals the same rights, no matter their religion, race, gender or nationality. The UNHRC focuses on implementing the rights stated in the Universal Declaration of Human Rights of 1948 which include access to education, freedom of beliefs and speech, security and overall international justice.



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II. Topic information

A) History of Topic

According to the American Civil Liberties Union (ACLU), prisoner abuse and torture refers to the extreme use of force against a prisoner, usually by the correctional staff. The use of tasers and stun guns are the most common, but sexual assault and rape is also performed. Some of these actions can lead to unnecessary suffering, long term mental health issues and in some cases death.

Prisoner abuse and torture dates back to the ancient Egyptians who tortured their slaves for incorrect behavior or disrespect against important people. More recently, this topic began to attract attention from the media between 1990 and 2000 with the release of Nelson Mandela from prison in South Africa and the way that he was treated for being a black African. His treatment was horrendous. He had a small cell, slept on the floor, used a small bucket as a toilet and labored in a quarry. Nothing could be done to help Mandela or other Africans due to the law at the time stating it was legal.

This problem became a worldwide topic of discussion when the Abu Ghraib prisoner detention center, located in Iraq, was established and was operational between 2003 and 2006. Iraqi prisoners were brutally tortured and abused by American soldiers using different methods such as murder, rape, electric shock, humiliation and forming human pyramids with the bodies of recently tortured prisoners. Photos were released in 2004 of nude prisoners being humiliated in front of US



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officials and some were even forced to masturbate blindfolded while being photographed and video taped. All of these torture methods were also performed on females aged 17 and older.

All of these actions are illegal and violate Human Rights articles 3, 4 and 5 stating that "no one can be held in slavery nor tortured and abused." Article 1 was also violated due to the fact that many prisoners, both male and female, lost their lives. The US soldiers who were related to the case were criminally charged, but most only received a dishonorable discharge from the military.

A study done by The Bureau of Justice states that about 1 out of 10 prisoners worldwide will be victims of sexual abuse or rape. Since 2008, the current 9.6% rate has doubled. 4.7% is directed against opposite sex offenses which are the most common with 7 out of every 8 attacks performed by an opposite sex perpetrator. Also, it is estimated that about 88,500 inmates from jails and prisons had been a victim of rape by another cellmate or by the staff once or multiple times from 2008 and 2009.

A case investigated by the Clinton Correctional Facility found that multiple prisoners had being escorted into a room full of guards who then proceed to ambush and beat them. The investigation further reported that multiple inmates were beaten so harshly that one later died of his wounds. No one was punished on this occasion, which caused a lot of anger in the US. Without a protection law, more deaths could be caused by this and more prisoners can be abused and tortured.



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B) Current Issues

Portugal:

When the Council of Europe's Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) visited a Portuguese prison in Lisbon in February 2012, they were shocked by the poor conditions of the prison. The CPT stated that the prison had damp cells, broken windows, crumbling plaster on the walls, lack of lightning and worn out mattresses that were located in the basement areas of the prison. The CPT commented that such conditions needed to be considered inhumane treatment. Moreover, it also noticed that many prisoners were kicked, punched and wounded with batons by the police staff.

Bangladesh:

In Bangladesh, the majority of prisons have a lack of necessary resources due to the number of prisoners increasing and overcrowding. Even though it may vary the style of living of a prison, it has been reported that there are 67 Bangladeshi prisons that have extremely poor conditions of living. These prisons have little to no appropriate medical care, low-quality infrastructure and prisoner cruelty (by the police staff or by prisoners themselves). Currently, there are no efforts being made to try to eradicate this problem.



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Argentina:

Ever since its 1976-1983 dictatorship, Argentina has had trouble establishing laws against prisoner abuse and torture in their prison systems. To this day, there are still cases of abuse, torture and other mistreatments in prisons. Some examples of torture methods in Argentinian prisons are beating, lack of hygienic facilities and little to no medical care. Unfortunately, according to Roberto Cipriano García, the former director of the Committee Against Torture of the Buenos Aires Provincial Commission for Memory (or CPT), stated that only 2 out of 10 prison abuse cases were being investigated. In addition to this, it has been recorded that some of the torture methods have not changed since the time of the dictatorship. "Submarine" is one of the most popular torture methods involving submerging the prisoner's head in water to cause the experience of near death.

Thailand:

Overcrowding in Thai prisons is extremely common. According to a report published by the Bangkok Post, 240,000 inmates are currently crowded into 140 prisons which were made to accommodate only 140,000 inmates. Due to this issue, no Thai cells have beds or mattresses, only thin sheets. Also, the rooms are very tiny, and about 70 people are jammed into the tiny rooms, making it impossible to sleep in the back and instead being squished by other prisoners during the night. A former prisoner of a Thai cell claimed that the food served in the nation's prisons were extremely low in quality and were not appropriate to consume.



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Ukraine:

In eastern Ukrainian prisons, cases of abuse and torture were reported. Several former prisoners told reporters from Amnesty International (a British non-governmental organization) that they were beaten until they had fractured bones, were subjected to electric shocks, kicked, stabbed, hung from the ceiling, forced to have limited sleep, death threats, lack of medical attention and mocking from the police staff. When Amnesty International interviewed 33 former victims of prison abuse, 32 of them reported that they were brutally beaten and wounded daily. The organization then took x-rays, pictures of the wounds and missing teeth of the prisoners as proof. Most of the victims were in the hospital when the interviews took place.

Turkey:

In Turkey, there were hundreds of claims from female prisoners that there had been sexual violence and abuse in Turkish prisons. For many female prisoners, it is extremely common to be raped by a short, thick stick carried by police officers, threatened and mocked by Turkish authorities. One example of a prison that practices torture on its prisoners is the Diyarbakir prison, in which victims claimed that torture methods include electric shock, blindfolds, stomping on the back, beating up and mocking from the authorities.

Nepal:

Torture is not allowed in Nepal's constitution, but it is not defined as a crime under the country's civil code. Unfortunately, most of the victims of prison abuse are children under 13, they are



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in prison due to minor robbery or being alone in streets. According to the Humans Right Watch, it has received claims of about 200 cases of prison abuse involving children made by the police in Nepal. When gathering testimonies from the child victim of the abuse, many of them stated that the most common methods of torture was kicking, punching in the stomach, inserting metal nails under the children’s toenails, and hitting their feet, upper arms, hands and back with bamboo sticks or plastic pipes. A 15 year-old boy who was arrested and abused by Nepal’s police stated that the victims needed to jump up and down for about 7 to 10 minutes, the reason was to get the blood circulating and lessen the evidence that a beating was taken place.

C) UN Action

According to the United Nations expert on torture, Juan E. Méndez, it is important that all countries ban solitary confinement in their prisons as a method of torture or punishment. It is considered harsh and may cause mental and physical scarring to the prisoner. Solitary confinement is the isolation of a person from other cellmates or people except from the police staff. Méndez stated this in the General Assembly’s third committee, which is focused on dealing with social, humanitarian and cultural issues.



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Furthermore, in 2015, the UN launched an improved version of the Revised Standard Minimum Rules for the Treatment of Prisoners, or also called “Nelson Mandela Rules” in honor of Nelson Mandela, who spent many years in prison. Even though the Standard Minimum Rules was originally adopted in 1955, the revision process started in 2010 in order to increase criminal justice and protection of human rights. The Nelson Mandela Rules consist of standards on how to treat prisoners in order to prevent violations against their human rights and unnecessary abuse. The current Secretary-General, Ban Ki-Moon, stated that the rules were a “great step forward.”

III. Conclusion

Prisoner abuse is one of the world’s problems that receives a lot of coverage and in turn, much has been done to improve prisons globally. *Just Detention International* is an organization that helps protect the rights of prisoners who are abused and tortured. This is not the first and surely not the last organization to work toward a solution of this problem. The rights of prisoners are the same rights every person is guaranteed under The Universal Declaration of Human Rights.

To summarize, the problem of prisoner abuse will continue to affect not only those incarcerated, but their families and the caring public too. Torture and abuse must be stopped in prisons around the world. Prisoners are abused daily, tasered, raped, punished and tortured. This treatment is unacceptable and governments and organizations must work together to solve this important issue.



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IV. Essential Questions

1. What is your nation doing to prevent prisoner abuse?
2. Are the solutions implemented in your nation successful, and if so, what are they doing to help?
3. In what way is your country connected to this problem?
4. What organizations have contributed to solve this problem?
5. Does your country have any laws related to prisoner abuse, and if so, which ones and how do they help?
6. Why is this issue important and how is it affecting society?
7. What kind of prisoner abuse does your nation face?
8. Does your country have any cases of prisoner abuse, if so, is there something being done in order to stop it?

V. Resources

"4.4 PERCENT OF PRISON INMATES AND 3.1 PERCENT OF JAIL INMATES REPORTED ONE OR MORE INCIDENTS OF SEXUAL VICTIMIZATION DURING 2008-2009." Bureau of Justice Statistics. 26 Aug. 2010. Web. 11 Feb. 2016. <<http://www.bjs.gov/content/pub/press/svpjri0809pr.cfm>>.

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