

Forum: Commission on Crime Prevention and Criminal Justice (CCPCJ)

Issue #2: Combatting the neglect and abuse of prisoners in prison systems

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Introduction

Prisons are without a doubt one of the most indispensable parts of the criminal justice system all around the world. When properly managed and used, prison systems play a critical role in ensuring that justice is brought to potential offenders of the law. According to the Institute for Crime & Justice Policy Research, there are over 10 million prisoners around the world, and the living conditions in these prisons vary. Prisons around the world have the responsibility

to protect those in their custody from foreseeable injury and harm, including from abuse and neglect, thus meaning that these systems should have processes to craft and maintain an environment where the prisoners in their care are protected. However, a huge amount of prisons around the world are in crisis, as there is no way to regulate this form of treatment in prison systems. There are many forms of violence or abuse that prisoners may face in prisons. According to the Prison Reform Trust, these may include but are not limited to physical and psychological harm, sexual abuse, health issues, financial fraud, as well as discriminatory abuse and neglect. Violence towards prisoners also presents itself in many forms. It can include incidents of gang violence, or any form of assault. In some cases, it is important to consider the intersectionality of factors such as race, gender, sexuality, and vulnerability in prisons. Sometimes these factors can lead to prejudice based on a person's identity and can impact their experience while imprisoned. Traits like sex, age, ethnicity, and religion were found to have a major influence on the experiences of imprisoned people. For instance, according to data from the U.S Bureau of Justice, whilst 1 out of 10 men reported being physically abused in prison, 1 out of 4 women have reported the same abuse, highlighting the effect that gender can have on these forms of abuse. In addition to damaging the criminal justice system's credibility, failing to address prisoner abuse puts our society's basic values and the human rights we fight for at risk. Prisoner abuse threatens our society's values and human rights by decreasing trust in the legal system, encouraging an unjust society, and weakening our determination as a society to protect human rights. This is why it is imperative to advocate for this issue in order to find effective solutions in order to fully address it.

Definition of Key Terms

Criminal Justice System: The Criminal Justice System is the network of agencies, both governmental and private, that manage accused and convicted

criminals. This involves the processes responsible for the detection, prosecution, and punishment of individuals who are accused of criminal offenses.

Prisoner abuse: Refers to the unjust or inhumane treatment of persons while they are under arrest or detained within the criminal justice system. This may involve any form of physical or psychological abuse or harm that violates the prisoner's rights.

Prison reform: The process of improving prison systems, in aspects such as structure, policies, and practices in order to ensure that the human rights of those convicted are fully respected. These practices aim to ensure proper rehabilitation, treatment, and decrease the chances of recidivism.

Rehabilitation: In the context of prison systems, rehabilitation refers to processes designed to alter an offender's attitudes or behaviors in order to prevent further criminal offenses.

Recidivism: Refers to a person's tendency to engage in further criminal behavior, often after they have served a prior sentence in prison or have previously been convicted for engaging in such acts.

Legal framework: The set of rules, rights, and obligations of companies, governments, and citizens that define the structure of any legal system. In the context of this topic, it includes the rules and laws that govern the treatment of the prisoners.

General Overview

Abuse of prisoners can take many different forms, ranging from physical assault and neglect to psychological harm. The frequent nature of this kind of abuse highlights a structural weakness in protecting the rights and dignity of those imprisoned. The standards of prisons around the world are varied. In developing nations, the standards are lacking due to poor facilities, and in wealthy and poorer nations alike, the prison staff can be prone to corruption which in turn has its effect on the rights and well-being of the prisoners. Instances of such abuse and neglect are coming from all around the world, which emphasizes how urgent a global response is.

Systemic issues and causes

Violence and neglect exist in prisons due to various reasons. It can range anywhere from poor infrastructure and conditions, to the abuse of power by prison officials. One prevalent root cause is overcrowding. Many prisons worldwide operate at more than their capacity allows. For instance, in the United States, the federal prison population increased from approximately 24,000 in 1980 to more than 215,000 in 2013. This also caused a 595% increase in prison spending, indicating a certain degree of determination to tackle poor conditions. However, in other countries, underfunding is a significant cause of this abuse and neglect. The lack of funds can lead to a disparity of food and health care, as well as extremely poor living conditions, and inadequate healthcare, leading to the neglect of the inmates' well-being. This is the case in the United Kingdom, for example, who drastically cut back on their funds. One of the biggest impacts of this is the overcrowding of prisons. England and Wales have the highest imprisonment rates in Western Europe. This overcrowded system means that prison officers are struggling to control the number of prisoners in limited space. The Prison Reform Trust estimates that around 20,000 prisoners are held in overcrowded conditions. Lastly, one issue is the lack of

prison staffing which leads to a significant lack of control in prisons, but also the long-term damaging impact it has on the rehabilitation of prisoners. This under-staffing is caused by high levels of violence, low benefits and cutbacks. This highlights the urgency to approach the issue's root causes to ensure a successful prison reform where abuse and neglect are minimal or nonexistent.

Forms of abuse and neglect

Physical and sexual abuse

This is the most prevalent form of abuse that occurs in prisons. There is direct violence between inmates as well as acts of physical violence from staff to inmates. This can involve beatings, torture, excessive force used by guards, and inmate aggression. Abuse like this might be employed as a tool for intimidation, punishment, or control. One example is the Carandiru Massacre that occurred in Brazil in 1992, where a fight between 2 inmates in a prison led to the murder of at least 111 inmates who were killed by officers, and hundreds more suffered severe injuries from beatings with iron bars, clubbing, and dog bites. This massacre is a vivid example of the extreme physical abuse that can occur within prisons. Inmates who experience physical abuse develop serious physical and mental health problems, which feed the cycle of violence and weaken efforts of rehabilitation. Furthermore, it violates international human rights norms, including those by the United Nations, as well as failing to meet the standard rules for prisoner treatment. Additionally, sexual abuse is prominent in prisons all around the world, particularly in female inmates. Sexual abuse in prisons may include rape, forced sexual activity, as well as sexual exploitation by both inmates and prison staff. In the United States, according to a survey by the Bureau of Justice Statistics, a third of women in state prisons and a sixth in federal prisons, and a quarter in jail said they had been raped before their sentence. Another 3% to 6% reported that someone had tried unsuccessfully to rape them.

Serious psychological trauma, physical harm, and the spread of STDs are all consequences of sexual abuse in prisons. Victims of physical and sexual abuse frequently experience stigma and have few options for obtaining support and legal assistance.

Psychological abuse

Psychological abuse can take various different forms. Solitary confinement, in which prisoners are kept in small cells for extended periods of time, is one of the most prevalent types of psychological abuse. Severe mental health problems, such as anxiety, depression, and hallucinations, may result from this. As an example, the United States has been heavily criticized for its prevalent use of solitary confinement. According to a report by Solitary Watch, it is estimated that there are around 122k prisoners in the US living in solitary confinement, which is an alarming number. Additionally, prison officials and other inmates regularly verbally insult and threaten inmates. This can include offensive phrases, racial slurs, and derogatory comments meant to denigrate and dehumanize the target. Prisoners may constantly face threats of physical or sexual assault. Threats like these foster a culture of constant anxiety and fright. Convicts may be forced to engage in specific behaviors or acts, such as becoming informants or taking part in certain illegal activities, by prison officials or other convicts. This manipulation is often used to highlight the staff's authority and undermine prisoners' sense of security.

Neglect of basic needs

The neglect of prisoners, especially the neglect of basic needs, is a severe problem that affects prison systems all over the world and can have a detrimental effect on the health, dignity, and well-being of prisoners. Inadequate access to food, water, healthcare, sanitization, and safety are all parts of this negligent behavior, which results in many human rights violations. In

some prison systems, inmates have very limited access to food which may lead to widespread malnutrition, which is a prevalent issue in prisons in Africa. Additionally, the lack of proper infrastructure and limited efforts to address this leads to a lack of provision of water for the prisoners, leading to dehydration and diseases that come from poorly treated water. Moreover, prisoners often suffer from inadequate or delayed access to healthcare. Sometimes, they are denied medical access altogether, which increases rates of illness and deaths in prison systems. One notable example of this neglect is “black jails” in China, which are secret detainment facilities where the prisoners are subjected to a lack of basic needs as well as psychological tormentation, which involves isolation and forced confessions. In these jails, it has been reported that various inmates have been refused medical care following physical injuries. According to Human Rights Watch, ten former black jail detainees reported that they were victims of food and sleep deprivation during their detention. They stated that this was done as a form of punishment, to instill discipline, and, in one case, as a torture method. Not only is this form of neglect a violation of human rights, it leads to detrimental effects on the prisoners’ physical and mental health. The severity and widespread prominence of this calls for an immediate reform to restore the dignity of the prisoners during their rehabilitation process.

Global variations and challenges to reform

Victims of prisoner abuse tend to be disproportionately minorities and socioeconomically disadvantaged groups. To protect the most vulnerable prisoner populations, specific strategies are required. According to a report by the UK Ministry of Justice, “black, mixed ethnic, and other ethnic men were more than 20% more likely than white men to be remanded in custody”, depicting a deeper injustice within the justice system. Additionally, because of variations in culture, legal systems, and systematic processes, prison systems and approaches may not be consistent and may sometimes prevent the jail system from

operating to its full efficiency. For instance, while prisons in the United States may struggle with overcrowding and solitary confinement, prisons in Venezuela and China struggle with violence and abuse. This difference in the manifestation of abuse and neglect highlights the difficulty in reforming prisons effectively. Because of this, a comprehensive approach to prison reform must be developed, understanding that efforts for abuse prevention must be developed specifically to address the unique challenges each jurisdiction experiences. Moreover, outdated laws and legal loopholes frequently make it difficult to stop prisoner abuse. Examining these flaws is crucial for advocating legal changes that respect modern human rights norms and guarantee that those who violate them face consequences.

Major Parties Involved and Their Views

United States of America (U.S.A)

According to ICPR's World Prison Population List, the United States of America maintains the second highest prison population rate in the world, with 799 per 100,000 of its total population. This means that this country stands as a rather significant party in discussions relating to prison systems. Various cases of physical and sexual abuse of prisoners in the United States, as well as notably unsafe and unsanitary conditions, have put the country's prison system in the spotlight, calling for action, despite them being a well-developed and wealthy nation. Additionally, the country has faced immense criticism for its extensive use of solitary confinement. According to Amnesty USA, more than 3,000 prisoners in California are held in security isolation units where they are confined for at least 22 and a half hours a day, with no work or meaningful rehabilitation programs or group activities. This is a violation of the international human rights law. However, recently there have been many lawsuits, such as one by the Department of Justice (DOJ) in December 2020, for unconstitutional conditions in Alabama

prisons. This makes the United States an important participant in debates on this topic.

Russia

In Russia, there are several issues reported regarding the safety of prisoners. One common problem includes poor infrastructure; the government's reliance on old and physically decaying prison systems is detrimental (Human Rights Watch). Many of their modern prisons still need constant maintenance and have poor conditions. Russian prison systems also grapple with overcrowding and significant health problems. Overcrowding worsens health and creates a difficult environment for effective rehabilitation and humane treatment. It was significantly impacted by the spread of tuberculosis, especially concerning due to the large number of prisoners. The European Committee for the Prevention of Torture (CPT) monitored prisons in Russia as well as many other countries by inspecting penal institutions.

Africa

Many African Nations struggle with maintaining safe prison environments. Countries such as South Africa, Sierra Leone, Mozambique, and Nigeria struggle with overcrowding in their prisons due to a large increase in the number of prisoners. For instance, according to Human Rights Watch, the number of prisoners in Burundi increased from 6,100 in December 1996 to more than 9,000 in August 1997. The conditions in African prisons have raised concerns regarding intense brutality and violence, lack of health standards, as well as malnutrition. The special rapporteur on prisons and conditions of detention, an adjunct to the African Commission on Human and Peoples' Rights has conducted monitoring in prisons throughout the continent to monitor and address these prominent issues (Human Rights Watch).

Venezuela

Venezuela is one of the countries in Latin America that has been highlighted for its poor prison conditions. Venezuelan prisons struggle with high rates of in-prison homicides, happening almost on a daily basis (Human Rights Watch), indicating high levels of violence. Additionally, the country's prisons have been found to be mostly made up of unsentenced prisoners. Due to inadequate living conditions such as overcrowding, malnutrition, and lack of healthcare, prisoners in Venezuela “resorted to hunger strikes, self-mutilation, rioting, and other forms of protest” (Human Rights Watch).

Pakistan

Pakistani prisons face various issues that the country has failed to address. A chronic problem in Pakistani prisons is physical abuse. Here, beatings and forms of torture are very common, including the routine use of leg irons, fetters, shackles, and chains (Human Rights Watch). Moreover, the country struggles with the separation of juvenile and adult prisoners, and this leads to juvenile prisoners being victims of physical and sexual abuse by adult inmates. There have also been cases of corruption by the guards, as well as the death of the prisoners due to intense cases of violence. According to a report by the National Commission of Human Rights (NCHR), 74 percent of the prisoners the NCHR team interviewed described torture and 100 percent described financial extortion for everything the jail was supposed to provide, such as food and medicines. Lastly, there are serious concerns for overcrowding. According to the Human Rights Watch, As of 2022, many of [Pakistan's] 91 jails and prisons were more than 100 percent over capacity.

Amnesty International

Amnesty International is “a global movement of more than 10 million people who are committed to creating a future where human rights are enjoyed by

everyone” (Amnesty International). They play a critical role in this issue, and their involvement involves monitoring and reporting prison conditions all around the world. They report issues such as overcrowding, mistreatment of prisoners, as well as lack of proper living conditions. However, the main role that this organization plays is to advocate for reforms in prisons so that they adhere to international human rights. They organize public campaigns and movements to raise awareness of this issue and help pressure governments to act upon the abuse and neglect of prisoners. Through multiple efforts, Amnesty International is an organization that plays a key role in combating this issue.

Human Rights Watch

Human Rights Watch (HRW) is an independent NGO that aims to advance human rights for all. They are actively committed to protecting the rights of the prisoners to ensure they get fair treatment. According to a 2020 report by Human Rights Watch, they “scrupulously investigate abuses, expose facts widely, and pressure those with power to respect rights and secure justice.” They have conducted many monitoring programs in prisons worldwide to investigate and expose human rights abuses, shedding light on the large amount of mistreatment that occurs worldwide. They have found that “ a number of democratic countries that are rarely the focus of human rights scrutiny are in fact guilty of serious human rights violations within their prisons” (Human Rights Watch). They have made various contributions, “[conducting] specialized prison research and campaigns for prisoners' rights since 1987, to focus international attention on prison conditions worldwide” (Human Rights Watch) and publishing data reports. Through these important contributions, this organization plays a critical role in addressing the issue.

Timeline of Events

Date	Description of Event
1898	In many ways, the Prison Act of 1898 established the foundation for modern prison policy by reaffirming rehabilitation as the primary function of prison systems.
1949, August	The adoption of the third Geneva Convention emphasized the humane treatment of prisoners of war. The convention defines prisoners of war and secures their rights, including the right to correct treatment, and forbids different types of torture and violence.
1955, August	The United Nations Standard Minimum Rules for the Treatment of Prisoners (SMR) was initially adopted by the UN Congress on the Prevention of Crime and the Treatment of Offenders in 1955, and approved by the UN Economic and Social Council in 1957. The adoption of this helped establish and improve ethical and safe prison conditions for offenders.
1987	The formation of the Human Rights Watch Prison Project. The aim of this project is to shed light on global prison condition issues. The Project analyzes jail conditions in all nations by using the UN Standard Minimum Rules for the Treatment of Prisoners as a reference.
1987	The Committee for the Prevention of Torture is established and the European Convention for the Prevention of Torture and Inhuman or Degrading

Treatment or Punishment is ratified. The Committee is entitled to make surprise inspections to any facility used for imprisonment in any of the European Council member states. They have the ability to write a report on any discoveries they make in each visit.

1990

The General Assembly adopted Resolution 45/111, outlining the basic principles for the treatment of prisoners.

2006

The Optional Protocol against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment is entered into force, creating the Subcommittee on Prevention of Torture. This subcommittee is permitted to visit any location where someone is being deprived of their freedom.

2015, December

The UN adopted a revised version of the SMRs (also known as the Nelson Mandela Rules) that were initially adopted in 1955. This revised version was adopted by the 70th session of the UN General Assembly in Resolution A/RES/70/175. It was adopted following a four-year revision process, focusing on strengthening the protection of prisoners' rights.

2015- ongoing

There have been countless efforts by NGOs and international bodies to tackle specific instances of abuse and neglect of prisoners.

UN involvement, Relevant Resolutions, Treaties and Events

- **Geneva Convention III (1949)**

- This Convention established in 1949 addresses the treatment deserved by Prisoners Of War (POW).
 - Article 13 establishes that POW's have the right to be treated humanely at all times and any form of violence, insult, intimidation are strictly prohibited.
 - Articles 15 and 16 determines that POW have the right to receive medical care and attention
 - Articles 20-29 cover the rights related to living conditions (adequate food, drinking water, shelter, sanitary conditions, etc.)
 - Articles 17, 87 and 89 reinforce that is torture is prohibited and POWs deserves to be treated humanely
 - Articles 82-108 determines that POW have the right to fair trials.

- **The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1984)**

- The Convention against Torture (1984) mandates the prevention, prohibition, and criminalization of torture, ensures victim protection and compensation, and establishes international cooperation and monitoring to eliminate torture and inhumane treatment globally.

- **Body of Principles for the Protection of All Persons Under Any Form of Detention or Imprisonment (1988)**

- Highlights essential rights and protections for individuals in detention, focusing on humane treatment, legal protections, safeguarding against torture, proper detention conditions, and access to legal counsel, medical care, and avenues for complaints and compensation.

- **Standard Minimum Rules for the Treatment of Prisoners (1955)**
 - The Standard Minimum Rules for the Treatment of Prisoners (1955) provide international guidelines ensuring the humane treatment of prisoners. They address various aspects including accommodation, hygiene, clothing, bedding, food, medical care, discipline, and access to education and recreation, with an emphasis on respecting human dignity and prohibiting torture and inhumane treatment.
- **Recommendations on Life Imprisonment (1994)**
 - The Recommendations on Life Imprisonment (1994) stress the importance of humane treatment for life-sentenced prisoners, access to rehabilitation programs, opportunities for early release review, attention to the psychological impact of long-term imprisonment, and the judicious use of life sentences for the most severe crimes.
- **General Assembly Resolution 45/111 (1990)**
 - General Assembly Resolution 45/111, passed in 1990, introduces the Basic Principles for the Treatment of Prisoners. It emphasizes humane treatment, respect for dignity, and non-discrimination of prisoners, promoting rehabilitation, social reintegration, access to healthcare, education, vocational training and maintaining contact with the outside world. Additionally, it emphasizes the prohibition of torture and inhumane or degrading treatment.

Evaluation of Previous Attempts to Resolve the Issue

Efforts by the UN and international treaties

Although all the different conventions, treaties, and resolutions established by the UN through the years provide nations with clear guidelines and frameworks

for the establishment of fair treatment practices, the effectiveness of these policies is also reliant on their implementation by the signatory states. Additionally, even though past attempts by the UN have been critical to establish global cooperation and guide countries to tackle neglect, torture, and abuse of prisoners, there are a few factors that can hinder the full success of the proposed guidelines. These include resource constraints, corruption and mismanagement, stigmatization of prisoners, or even political or cultural factors. The UN Standard Minimum Rules for the Treatment of Prisoners are a prime example, it outlines fundamental principles for the humane treatment of prisoners. Nonetheless, there are still issues with applying and enforcing these regulations consistently in a variety of national contexts. This partial success can be seen around the world, where some nations are more successful in combating the issue than others due to varying contexts and manifestations of abuse. Lastly, treaties such as the Convention Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment, contribute to the legal framework for preventing prisoner abuse worldwide, but the effectiveness of these treaties relies on implementation at the national level.

Efforts by NGOs

Advocacy groups and non-governmental organizations (NGOs) are essential in bringing attention to cases of prisoner maltreatment, increasing public awareness, and exerting pressure on governments to implement reforms. These effects differ from place to place, and long-term change demands consistent work. It is also important to note that while these organizations tend to shed light on the abuses that occur worldwide, they do little to tackle them, which is why a more comprehensive approach is needed to eliminate abuse and neglect once and for all.

Possible Solutions

Adopting solutions to solve the issue of abuse and neglect of prisoners involves a diversified approach that tackles distinct areas.

One area could be the **improvement of prison staff**, which can be tackled through the training of prison staff, aiming to foster compassion and respect. Establishing comprehensive training programs that prioritize the development of empathy, understanding, and commitment to the rehabilitation of prisoners, instead of focusing solely on skill training, is vital to maintain a humane environment within jails around the world.

Secondly, solutions could focus on **tackling the widespread issue of overcrowding**, which is present in most prison systems around the world. Prison overcrowding limits resources, compromises safety and the rehabilitation of the sentenced. To solve this, governments could fund alternatives to minimal sentences, where less violent criminals could be sent to community service or similar alternatives. Furthermore, improving release procedures can help ensure that the jail population is in proportion to the facility's capacity. Lastly, it should be a top priority to construct new, contemporary facilities and upgrade the current infrastructure in order to appropriately host the growing number of prisoners.

Another possible solution could be to **cultivate global consensus** on prison standards, emphasizing international cooperation. Nations can promote an international standard for prisons that prioritizes the rehabilitation and well-being of prisoners, fostering a harmonized approach to justice globally by adopting a common set of values and practices.

Lastly, solutions regarding prison reforms should look to **prioritize rehabilitation over punishment**, offering opportunities for the inmates to grow, and thus this helps their reintegration in society once they are released. Prioritizing education and health support is crucial for a holistic reform. This will reduce recidivism and promote safer communities while addressing the root causes of criminal behavior.

Sustainable Development Goal (SDG)

SDG 3: Good Health and Well-Being

This issue relates to the United Nations' Sustainable Development Goal (SDG) 3, which focuses on promoting good health and well-being. Due to inadequate treatment, poor living conditions, and exposure to violence, prisoners frequently suffer from health issues, and there is an evident lack of well-being. The health and well-being of prisoners can be addressed by tackling the neglect and abuse that occurs within prison systems. This neglect and abuse that is vastly present in prison systems worldwide increases health inequalities in prisoner health and hinders efforts at rehabilitation. Therefore, this demonstrates how critical it is to address this issue so that the prisoners' health and well-being can be a priority.



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Appendix

- I. https://www.unodc.org/documents/justice-and-prison-reform/Nelson_Mandela_RulesE-ebook.pdf
 - A. These are the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules). They provide a framework for humane treatment of prisoners.
- II. <https://rm.coe.int/combating-ill-treatment-in-prison-2-web-en/16806ab9a7>
 - A. This is a handbook for prison staff detailing preventions for ill-treatment of prisoners, which may be useful when brainstorming possible resolutions or to gain an insight into how prisoners should be properly treated.
- III. <https://bjs.ojp.gov/content/pub/pdf/parip.pdf>
 - A. This is a report from a survey which provides relevant statistics regarding abuse reported by prisoners in the United States. Good source for finding statistics for different demographic groups.
- IV. <https://assets.publishing.service.gov.uk/media/5b8e434540f0b67d970b92d5/understanding-prison-violence.pdf>
 - A. A detailed report providing insights into the manifestation of violence in prison systems, as well as information on overcrowding and prison management.
- V. <https://www.unodc.org/unodc/en/justice-and-prison-reform/prison-reform>

[-and-alternatives-to-imprisonment.html](#)

A. UNODC article detailing the issues in prison systems and how and why to tackle them in an effective manner.

VI. https://justiceandprisons.org/?page_id=5020

A. Webpage outlining the justice system as well as prison conditions around the world, provides very useful background information on national and international legislation, while providing examples from particular countries.

VII. <https://ihl-databases.icrc.org/pt/customary-ihl/v2/rule90>

A. Database of relevant articles, treaties, resolutions, and conventions aimed to diminish human abuse and torture.

VIII. <https://www.hrw.org/legacy/wr2k/Issues-12.htm>

A. Human Rights Watch report discussing abusive treatment of prisoners in many instances around the world, very useful source.