

**President :** Fatma Soliman

**Vice-President :** Mahmoud Zahran

**Guiding Package**

**Topic 2 :** Measures to protect and maintain the rights to cultural diversity of national, ethnic, religious and linguistic minorities

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**I. Abstract**

  A prisoner is an individual deprived of liberty and held in jail following a crime. The primary function of prison is to discipline an individual as a result of him breaking the law that upholds the common good of a community. Thus, the fact that a prisoner is detained within certain parameters limits his freedom. Nevertheless, it should never limit his rights as a human being. Police brutality against prisoners is characterized by the violent actions taken by the police personnel towards the detainees. In addition violence and brutality against prisoners is considered by mainly, including the united nations, as a great and unnecessary offence to the rights of prisoners. As many peaceful sentences are put in place to assure that they serve time in prison all while abiding to their humanitarian rights. To make a point, it is necessary that prisons focus greatly on means with which they may discipline detainees, all while establishing an individual that may in the future to come be of benefit to the society rather than of harm.

  Every day, prisoners suffer from extreme and harsh living conditions. Such as unsanitary cells and restrooms, meals that do not fit the nutritional needs of the prisoners and lack of health care and maintenance on prison facilities . Some of have even died or have been seriously injured due to the brutality with which they are treated, noting that some cannot survive these conditions and end up committing suicide.

   Police brutality against prisoners does not necessarily exist in all nations but the international community remains concerned as this leads to the violation of many humanitarian laws. As of that the United Nations and other international organizations are working to find solutions to combat police brutality on an international scale.

**II. Introduction**

  Until 1960, the courts refused to set standards for the treatment of prisoners. Towards the end of the 1960s federal courts in the United States began to revisit the living environments within the prisons and consequently decided to grant prisoners minimum rights that shall be monitored by a new body of law. Thus courts started siding on behalf of prisoners granting them access to courts, freedom of expression and religion. Prisoners were even assigned with constitutional prohibition against acts of violence and brutality and the right of just and fair treatment throughout the judicial system.

  It is sometimes easy to think that the prisoners have exchanged their rights against a life of delinquency, and therefore their basic human needs become insignificant. On the other hand, prisoners are frequently exposed to conditions of cruel and dangerous detention to which no human being should be subjected and because of their status as prisoners, they do not receive enough attention or sympathy.

  Thus, the United Nations and other international organizations play a major role in combating police brutality against prisoners, as seen in adoption of Resolution 2303 (2016) by the Security Council to establish police officers to monitor the security situation with the support of the Office of the United Nations High Commissioner for Human Rights (OHCHR).

**III. Key terms**

***Prisoners:*** A person legally committed to prison as a punishment for a crime or while awaiting trial.

***Torture:*** The action or practice of inflicting severe pain on someone as a punishment or in order to force them to do or say something

***Brutality:*** A physical violence of great cruelty.

***Constitutional rights:*** A set of rights that are granted to you by the constitution and that are protected and implemented by the guvernment.

***Prisoner rights*:** They are certain rights that are granted for prisoners as to protect their basic human rights rights and freedoms. It is important to note that prisoners rights vary greatly from constitutional rights. For instance although a prisoner still remains a citizen of a certain country he does not have access to his full constitutional rights.

***Due process of law:*** Just and fair treatment through a country’s judicial system, including an individual's right of prior notice to a charge and a hearing before a judge.

**IV. Background Information**

  Police brutality or police violence defines violent actions by police officers towards prisoners or citizens, outside of the law. Generally this violence is called a "police blunder" in most serious cases and it might lead to the death of the victim. When police violence comes to mind, it is crucial to mention the types of police abuse, such as abuse of supervision, intimidation, political repression, sexual abuse and fraudulent arrest. Torture in prisons and penitentiary centers occurs in various forms ranging from racism, humiliation, unsanitary conditions, extreme temperatures, insufficient nutrition, medical care, isolation and psychological torture.

  Police violence is sometimes authorized by the government to protect citizens from criminal acts, while in this context police officers are required not to use or apply force to prisoners except for legitimate purposes or execute legitimate orders. Prisons focus primarily on the idea of ​​punishment of prisoners than on their rehabilitation and improvement.

  It is for this reason that the United Nations and its committees have started to implement methods to put an end to police brutality and guarantee prisoners their rights. This is where the Committee against Torture sets foot. This committee is a United Nations body composed of 10 experts supervising the application of the various clauses of the Convention against Torture as well as the prohibition of any kind of cruel or inhuman treatment by signatory states. The committee has recently condemned many states worldwide for their violation of treaty law. Such states include China in the year of 2005 following the crackdown and torture of 200 lawyers and activists, and Tunisia in 2016 for undergoing harsh tests against citizens accused of homosexuality.

**V. United Nation’s involvement**

  The violence of prisoners' rights has become a subject that touches on several UN committees; taking in consideration the example of police brutality in Burundi. It is clear that as a result of the violence of prisoners’ rights, the Security Council is asking the Secretary General to establish a police component in the country for one year, with the aim of monitoring the security situation and supporting the Office of the High Commissioner; United Nations Human Rights (OHCHR).

  Adopting resolution 2303 (2016) by 11 votes against and 4 abstentions, the Council authorized a total of 228 police officers from the United Nations to settle in Bujumbura. In other words, the Council has urged the Government to respect and uphold human rights and fundamental freedoms.

There have been many other resolutions adopted by various committees in the united nations relating to the minimum rights of prisoners. Such as resolution 1997/36 of the economic and social council focusing primarily on the improvement of prison infrastructure as to guarantee the wellbeing of prisoners within the establishment’s facilities. Or resolution 2010/16 of the economic and social council which regards the rules of which women prisoners. There even exists resolution 45/111 of 14 December 1990 which was adopted and proclaimed by the general assembly that sets the basic principles and laws of which prisoners are to be just fully treated by. In addition un peacekeeping officers strive to ensure and guarantee that humanitarian standards are met in prisons all over the world.

**VI. Countries and organizations concerned**

***The Republic of Zambia***

The Zambian police routinely engage in cruel, inhuman, and degrading treatment, include torture, to extract confessions, Human Rights Watch said today. The government should investigate, discipline those found to be implicated, and train officers to interrogate suspects without coercion

***The People’s Republic of China***China is home to one of the world’s most brutal police forces. China’s police forces are among the most underfunded in the world, with many lacking the basic equipment necessary to implement their responsibilities and tasks.

***The United States of America***

The US holds the most brutal police force particularly after 9/11. The aftermath of this war against terrorism, gave the police in the country immunity against legal and civil rights of prisoners. Thus, there have been many killings after doubts from the police stating presence of criminal activity. Innocent people are killed or executed after biased trial because the police shows impunity with respect to civil rights when it comes to their fight against terrorism.

***Japan***

The best police forces in the world are the Japanese National Police. Asian countries are most commonly known and recognized for their stringency in discipline in almost everything at which they do or say.

***Collective opposed to police brutality: COBP***

It is an organization that includes all victims, witnesses or concerned by police brutality. The purpose of the organization is not limited to reporting abuses and harassment, informing people about their rights to the police, but also helping victims to face unfair accusations.

***Committee against Torture***

The Committee against Torture is an organization of 10 experts which monitors and observes the application of the "Convention against torture". It is an international human rights treaty adopted by the general assembly in the year f 1984, aiming at preventing human torture as well as other abuses, inhuman or degrading punishments or actions of humanity.

***Subcommittee on the Prevention of Torture***

This subcommittee is an international component of the system established by OPCAT (a branch of the United Nations with the aim of preventing the risk of torture by monitoring all ill-treatment of prisoners). The SPT organization monitors the treatment and detention of persons deprived of their liberty. The latter also provides advice on the implementation of the OPCAT.

***Defenders of rights***

Rights defenders are considered as an institution independent of the state, which was

founded in 2011 with the aim of accomplishing two missions: Defend people whose rights have not been respected

Promote the equality of all persons of the state.

The existence of this organization is enshrined in the Constitution.

**VII. Guiding Questions**

. What are the steps taken by the governments to improve conditions for prisoners?

. Which countries are most affected by police brutality against prisoners?  
· What are the consequences of the police brutality against prisoners?  
· How does police brutality against prisoners violate human rights?

· What are the appropriate measures that Member States should take to ensure the full protection of prisoners and the enforcement of their rights?  
· What kind of human rights abuses are faced by prisoners and how can Member States effectively eliminate them?

· What events have increased the weight of this topic? How have the States subsequently reacted?

· What conventions have been put in place to put an end to this question?

· What is the position of your country on this issue?  
 · How did affected states fight the encountered problems?

· To what extent does your country respect and enforce the rights of prisoners granted   by the Committee against Torture?

**VIII. Possible Solutions:**

1- Establish a system of supervision in prisons by the government

(I) this system should include accountability mechanisms for all abusers

2- Ensure that prisoners have access to medical care

I) Establishing well equipped clinics in prisons as to effectively monitor the inmate's health

3- Invite all member states to take all appropriate and effective measures to ensure the protection of the rights of prisoners.

4. Encourage the legislative apparatus of the member countries of the council to choose with care and precaution the types of actions to be considered as a crime.

5- Conduct more surprise visits by members of the Committee against Torture for Prisons with the aim of ensuring that the humanitarian rights of prisoners are respected.

6- Give prisoners the opportunity to quickly and regularly contact lawyers, doctors and family relatives.

**IX. Useful Links:**

<https://www.hrw.org/reports/1996/Us.htm>

<https://www.hrw.org/news/2010/09/07/zambia-police-brutality-torture-rife>

<http://www.un.org/apps/news/story.asp?NewsID=54418>

<http://www.ohchr.org/Documents/Publications/training5Add1en.pdf>