

Forum: HRC2

Issue: Ending the use of torture and other cruel, inhuman, or degrading treatment or punishment of prisoners.

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Introduction

One of the most vital global concerns for maintaining human rights and dignity is the elimination of torture and other forms of cruel, inhuman, or degrading treatment of prisoners. Torture is against basic moral and just principles in addition to causing excruciating physical and psychological suffering.

As of 2021, the UN Convention against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment had been ratified by 141 countries, according to Amnesty International.¹ However, there are still cases of torture and mistreatment in many parts of the world despite these international agreements that continue to harm thousands of people.

A United Nations report revealed that more than half of the detainees in certain areas suffered torture either during questioning or while being held in custody.² Remarkably, according to another survey carried out across multiple nations by the International Committee of the Red Cross, almost thirty percent of respondents expressed fear of torture in the event of being placed under arrest.³

In order for this issue to be addressed, alongside passing legislation, alterations to institutions, advocacy, and education are all crucial. Human rights agencies, governments, and activists worldwide continue to call for strengthened anti-torture laws, more oversight of detention centers, and improved education for law enforcement and correctional staff as ways to finally end this pressing matter.

Cultivating a culture that categorically rejects torture and the cruel treatment of prisoners is essential so as to create and establish a society that recognizes the inherent worth of every single individual, regardless of circumstances, and upholds the important principles of human rights.

Likewise, the theme of this conference is “peace, law and justice”, which are critical parts of

¹COMBATING TORTURE -A MANUAL for ACTION.

<https://www.amnesty.org/en/wp-content/uploads/2021/06/act400012003en.pdf>

² United Nations Mission in Afghanistan . *Preventing Torture and Upholding the Rights of Detenees in Afghanistan* . 2021, www.ohchr.org/sites/default/files/Documents/Countries/AF/2021report/2021-Torture-Public-Report.

³ Red Cross. *Protection of Detainees: ICRC Action behind Bars*. Apr. 2005, www.international-review.icrc.org/sites/default/files/irrc_857_5.

proper, efficient, and functional societies, and calls for the issue to be tackled at hand. People in impersonating situations have equal rights to any other human being. As set by multiple conventions they deserve the same treatment in matters of law and justice and to have peace.

Definition of Key Terms

Crime

“Crime is the commission of an act usually deemed socially harmful or dangerous and specifically defined, prohibited, and punishable under criminal law.”⁴

Correctional culture

Otherwise known as "prison culture" refers to the customs, beliefs, attitudes, values, and behaviours of inmates within a specific prison. Prison culture also includes the prison code, which is an unwritten set of rules that inmates are expected to follow.”⁵

Detention centres

A detention centre refers to “a facility maintained by the civil authorities for persons charged with a crime, immigrants awaiting deportation rulings, or sometimes witnesses before a trial. It can also refer to juvenile prisons”⁶ and reeducation centres.

International Humanitarian Law (IHL)

“International humanitarian law (IHL) also known as "the law of war" or "the law of armed conflict" is a set of rules that seeks, for humanitarian reasons, to limit the effects of armed conflict. It protects persons who are not or are no longer, directly or actively participating in hostilities and imposes limits on the means and methods of warfare. IHL is part of public international law, which is made up primarily of treaties, customary international law, and general principles of law. It regulates the conduct of parties engaged in an armed conflict but does not stipulate whether the commencement of an armed conflict was legitimate or not and rather seeks to regulate the behaviour of parties once it has started.”⁷

Prison

“A prison is a building in which people are legally confined as a form of punishment for various crimes”⁸

Prisoner

“A person legally committed to prison as a punishment for a crime or while awaiting trial.”⁹

Prisoner of war (POW)

⁴ Ian David Edge, and Thomas J Bernard. “Crime | Law.” *Encyclopædia Britannica*, 12 Oct. 2018, www.britannica.com/topic/crime-law.

⁵ *Study.com*, 2022, www.study.com/learn/lesson/prison-subculture-deprivation-model-codes-beliefs-causes.html.

⁶ “DETENTION CENTER Definition & Usage Examples.” *Dictionary.com*, www.dictionary.com/browse/detention-center.

⁷ INTERNATIONAL COMMITTEE OF THE RED CROSS. “What Is International Humanitarian Law?” *International Committee of the Red Cross*, 30 Dec. 2014, www.icrc.org/en/document/what-international-humanitarian-law.

⁸ *Study.com*, 2022, www.study.com/learn/lesson/prison-subculture-deprivation-model-codes-beliefs-causes.html.

⁹ Oxford Languages. “Oxford Languages.” *Oxford Languages*, Oxford University Press, 2023, www.languages.oup.com/google-dictionary-en/.

“Prisoner of war (POW), is any person captured or interned by a belligerent power during war. In the strictest sense, it is applied only to members of regularly organized armed forces, but by broader definition, it has also included guerrillas, civilians who take up arms against an enemy openly, or noncombatants associated with a military force.”¹⁰

Punishment

“Punishment is a penalty or sanction given for any crime or offence.”¹¹

Torture

“Torture means any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity. It does not include pain or suffering arising only from, inherent in, or incidental to lawful sanctions.”¹²

Background Information

Torture and other harsh treatment of inmates have plagued the history of prison administration, demonstrating an indifference to basic human rights. Torture was a common tool used by ancient societies, including the Roman Empire, for public display, questioning, and punishment. Techniques used to incite fear or get information included physical harm, mutilation, and psychological torture. The practices were first challenged during the Enlightenment period. Prominent intellectuals such as Cesare Beccaria and Voltaire argued that people should not be subjected to harsh or arbitrary punishment and hence supported the outlawing of torture. This signalled an immense shift in philosophical ideas by highlighting the inherent worth and rights of every person, regardless of their situation.

Considerable international effort was made to address this issue in the 20th century. The world community moved to intervene following World War II as a result of the disclosure of wartime crimes, especially in concentration camps. An important landmark was the 1948 Universal Declaration of Human Rights, which forbade torture and other brutal treatment while stating that every person has inherent dignity and unalienable rights. The 1949 Geneva Conventions, which forbade torture and other cruel or inhuman treatment, subsequently included security for detainees. The international community's commitment to ending torture was further cemented in 1984 with the adoption of the Convention against

¹⁰ The Editors of Encyclopedia Britannica. “Prisoner of War | International Law.” *Encyclopædia Britannica*, 26 June 2017, www.britannica.com/topic/prisoner-of-war.

¹¹ “Punishment Definition and Meaning | Collins English Dictionary.” *www.collinsdictionary.com*, www.collinsdictionary.com/dictionary/english/punishment.

¹² United Nations. “Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.” *OHCHR*, United Nations, 10 Dec. 1984, www.ohchr.org/en/instruments-mechanisms/instruments/convention-against-torture-and-other-cruel-inhuman-or-degrading.

Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment, which mandated that nations take decisive action to stop torture and prosecute those who do it.

The development of global human rights norms regarding prisoner treatment has been characterised by the creation of many systems for overseeing and upholding these norms. Organizations like the Committee Against Torture and the United Nations Human Rights Committee have played a crucial role in formulating policies, looking into complaints, and suggesting measures to stop and deal with torture. Furthermore, significant court rulings and cases—such as those issued by the Inter-American and European Courts of Human Rights—have influenced the development of legal precedents on torture and cruel treatment. These rulings support governments' duties to protect human rights norms and give victims compensation.

But despite these developments, problems still exist. Worldwide, there are still reports of torture and other forms of maltreatment, sometimes in the context of imprisonment or even terrorist operations. Different countries have different interpretations and applications of the laws pertaining to torture, which makes it difficult for accountability and enforcement to be consistent. Reputable organizations such as Human Rights Watch and Amnesty International routinely release statistics that demonstrate the pervasiveness of abuse and torture in detention centers around the globe. A 2022 study from Amnesty International states that many nations still subject their captives to torture and other forms of cruel, brutal, or degrading treatment. The paper included case studies from a number of nations, including Syria, Egypt, China, and Russia. Those targeted more frequently are those who are marginalized—such as minorities, political prisoners, and people held in conflict areas—. Due to discriminatory practices or being singled out for expressing beliefs or views, these vulnerable groups frequently suffer an increased risk of torture or other forms of maltreatment.

Forms of mistreatment and torture

Abuse and torture that take place in prison environments can take many subtle forms, including psychological and physical abuse. Inflicting direct bodily injury, physical torture sometimes include beatings, electric shocks, burns, or the use of handcuffs in uncomfortable postures. The psychological techniques used, like extended periods of solitary confinement, sensory deprivation, threats against oneself or loved ones, and ongoing humiliation, are just as harmful. These techniques seek to shatter the person's spirit by establishing dread and helplessness in addition to causing physical agony. Furthermore, depriving someone of their basic necessities—like food, drink, or medical attention—is considered torture since it violates their dignity and fundamental rights. When these strategies are combined, they create a terrifying atmosphere that affects victims long after they are confined, physically and psychologically. Alongside violating international human rights guidelines, these actions also go against the fundamental principles of human dignity and freedom from harsh, inhuman, or degrading

treatment.

The obstacles in ending torture and mistreatment in prisons

There are several barriers to eliminating torture and cruelty in prisons, including institutional, legal, and cultural issues. Perpetrators are frequently shielded from penalties by a systemic lack of responsibility within the legal and law enforcement institutions, which contributes to the culture of lawlessness. Ambiguities resulting from inadequate legal frameworks or legislative gaps might justify or rationalize abusive practices. Significant obstacles also arise from reluctance to change, especially in deeply ingrained institutional cultures or cultural views that support the use of violence as a form of control. Political factors may undermine attempts to preserve human rights norms by justifying ongoing abuse, particularly in the context of national security or conflict areas.

Sub-topic 1: Eliminating torture of prisoners of war in accordance with international humanitarian law

The Geneva Conventions and its Additional Protocols, which form the cornerstone of International Humanitarian Law (IHL), principally explain the legal framework controlling the treatment of prisoners of war (POWs). POWs are defined by these agreements as members of the armed forces who have been captured by the enemy during an international armed conflict. Under these legal instruments, they are granted particular safeguards and privileges that are delineated in detail. The treatment of prisoners of war is the main topic of the 1949 Third Geneva Convention. It forbids harsh, inhumane, or torturous treatment and requires humane care. Respect for one's person, honor, convictions, and religious practices is due to prisoners of war. They cannot be intimidated or forced to do anything against their will. In addition, they must be shielded from violent crimes, mockery, and humiliation. POWs must also be granted access to proper medical treatment and the ability to communicate with their families. POWs are additionally protected by the Additional Protocols to the Geneva Conventions, especially Protocol I (1977), which emphasizes humane treatment and reaffirms POWs' rights. They emphasize the need to ensure their health and well-being by providing appropriate housing, clothes, and food. Moreover, the regulations state unambiguously that discrimination on the basis of race, religion, or political affiliation is not acceptable, nor is collective punishment or coercion.

Despite continuous around the globe conflicts, the treatment of prisoners of war (POWs) in armed conflicts is still a matter of concern. International humanitarian regulations that were put in place to safeguard prisoners of war have been shown to be violated, and there are still issues with upholding these standards. POWs in various armed situations across the world are still subjected to unfavorable living circumstances, subpar medical care, and even intentional torture or maltreatment. While some state actors fail to ensure complete compliance with established legal safeguards for prisoners of war, non-state armed organisations frequently operate with little regard for international conventions, exposing

captives to severe mistreatment and depriving them of their fundamental rights.

Historical rundown

The way that prisoners of war (POWs) have been treated has varied throughout history, from acts of decency to overt brutality. There were no official safeguards in place when POWs were imprisoned as slaves or put to death in ancient societies. Codes of chivalry, which promoted treating people fairly, helped to ameliorate conditions during the Middle Ages. Instances of ransom, forced labour, and even slaughter occurred during wartime, although POW treatment varied greatly. Early efforts to codify rules of war, such as the American Civil War's Lieber Code, which aimed to control POW treatment, were made in the 19th century. But torture continued, especially in wars such as the American Civil War and the Franco-Prussian War, when prisoners of war faced inhumane circumstances, disregard, and even intentional maltreatment.

Following World Wars I and II in particular, there were critical turning points in the evolution of the laws safeguarding prisoners of war. A worldwide cry for the establishment of unambiguous legal safeguards was sparked by the crimes carried out during these conflicts, such as the incarceration and maltreatment of prisoners of war in camps. The Geneva Conventions, which addressed the treatment of prisoners of war, were created in the wake of World War II and represent a critical turning point in the development of international rules. The Nuremberg Trials and the war crimes prosecutions that followed emphasized the necessity of accountability and the duty to protect civilians and prisoners of war in times of armed conflict.

The need for strong legal safeguards was further highlighted by incidents such as the treatment of POWs during the Vietnam War, which sparked the creation of procedures and legal tools to uphold humanitarian standards for POW care. The development of international standards was influenced by these historical turning points, which emphasized the need to protect prisoners of war from torture, maltreatment, and inhumane treatment. This led to the development of the legal frameworks that make up contemporary international humanitarian law.

Impact of torture and mistreatment of POWs

Prisoners of war (POWs) suffer greatly and permanently from torture and brutality, which permanently damages their physical and mental health. These behaviors have the potential to cause serious bodily harm, persistent discomfort, impairments, and long-term health issues. Psychologically, torture upsets emotional balance and has an impact on interactions with others by causing trauma, anxiety, sadness, and post-traumatic stress disorder (PTSD). The trauma affects not just the person but also families, communities, and society at large, upsetting social order and impeding rehabilitation. Not only is it lawful to stop such practices, but it is also crucial for maintaining the resilience and dignity of

people as well as the fabric of war-torn countries.

Sub-topic 2: Ending the issue of police brutality towards prisoners and deathly punishment

When police abuse their authority to commit acts of excessive force, abuse, harassment, or misbehaviour against detainees or inmates, it is referred to as police brutality in custodial contacts. This involves treating someone unfairly, abusing their body beyond what is required for control, intimidating them verbally or psychologically, and disregarding their fundamental human rights. Examples include excessively harsh treatment of suspects during detentions and serious harm or death brought on by the use of excessive force. Such acts frequently cause long-lasting physical and psychological anguish for people impacted and go against the trust and responsibility of protection that are fundamental to law enforcement positions.

The history of police violence towards inmates is intricately linked to the development of law enforcement. There have always been violent episodes, from the Civil Rights Movement to the present. The gravity of the problem was best illustrated by past incidents such as the 1971 Attica Prison Riot, in which police enforcement used disproportionate force in their response, killing many people. Statistics show alarming patterns. According to research from 2021, staff use of excessive force was a contributing factor in nearly 26% of inmate fatalities in local prisons.¹³ Abuse patterns frequently target marginalised groups, such as minorities and those suffering from mental illnesses, exacerbating social inequalities within the criminal justice system. The frequency of these occurrences highlights structural weaknesses, such as insufficient supervision and responsibility frameworks.

In an effort to provide guidelines and limits for law enforcement, current legislative frameworks and regulations regulate police behavior, the use of force, and the treatment of prisoners. Constitutional clauses, state and federal regulations, and departmental directives are common examples of these frameworks. Significant flaws still exist, nevertheless. Use-of-force guidelines are frequently ambiguous, which leaves room for arbitrary interpretations and maybe overly harsh acts. In contentious circumstances, inadequate training on de-escalation tactics and latent biases leads to escalation rather than settlement. Furthermore, there are sometimes insufficient or poor supervision procedures in place to hold police accountable for misbehavior or the use of excessive force. In many instances, qualified immunity protects officers from personal culpability, which obstructs victims' access to justice. Additionally, attempts to address abuse and excessive force events are hampered by the absence of transparent and standardized reporting procedures.

The death penalty

¹³ *Deaths in Prison Examining Causes, Responses, and Prevention of Deaths in Prison Worldwide*. <https://cdn.penalreform.org/wp-content/uploads/2022/12/Deaths-in-prison-briefing.pdf>

The death penalty is still a very controversial topic despite being used in many different countries. More than 60% of nations have done away with the death sentence in legislation or practice as of 2022.¹⁴ Although the rates of execution vary greatly, the United States, China, Iran, and numerous other nations still carry out individual executions. Research shows that the death sentence is ineffective as a deterrent to crime, and there have been cases of innocent people being executed as a result of false convictions. Because of the lengthy legal processes and appeals involved, the cost of upholding the death penalty is far higher than that of life in prison. Furthermore, marginalized populations continue to be disproportionately affected by racial and socioeconomic prejudices in the use of the death penalty.

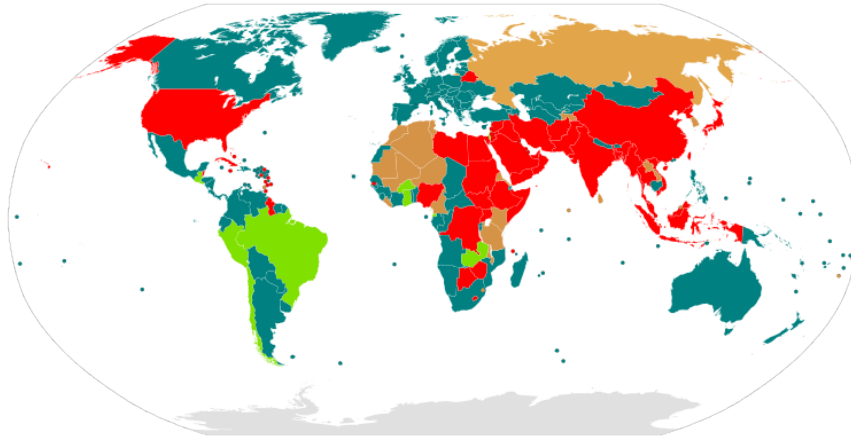


Figure 15: This is a map with the status of the death penalty law in each country. The red represents those who maintain the death penalty in both law and practice, the orange those who have abolished it in practice, the green represents those who have Abolished it in law, except under exceptional circumstances, and those in blue have completely abolished it.

Sub-topic 3: Establishing strategies to prevent prison rape and improve correctional culture

Prison rape, which includes incidences by staff as well as assaults by inmates on other inmates, is a serious concern inside correctional systems worldwide. Over 80,000 occurrences of sexual victimisation were documented in US correctional facilities between 2009 and 2011, according to the Bureau of Justice Statistics.¹⁶ It is likely that many more cases went undetected. The National Institute of Justice's studies show startling statistics of sexual assault, with estimates of over 3% of jail inmates and almost 4% of state and federal convicts having been sexually victimized.¹⁷ But because of underreporting, these numbers probably understate the actual impact, fostering a climate of fear and quiet. Beyond its immediate negative effects on the body and mind, prison rape exacerbates societal issues upon release and impedes rehabilitation attempts by continuing cycles of trauma, victimization, and perpetration.

¹⁴ "International." *Death Penalty Information Center*, 2017, www.deathpenaltyinfo.org/policy-issues/international.

¹⁵ "Capital Punishment by Country." *Wikipedia*, Wikimedia Foundation, 5 Dec. 2023, www.en.wikipedia.org/wiki/Capital_punishment_by_country. Accessed 5 Dec. 2023.

¹⁶ Beck, Allen, et al. *BJS Special Report*. <https://bjs.ojp.gov/content/pub/pdf/svraca0911.pdf>

¹⁷ RAINN. "The Criminal Justice System: Statistics." *Rainn*, RAINN, 2020, www.rainn.org/statistics/criminal-justice-system.

In order to protect prisoners, a complex network of laws and human rights principles must be considered while addressing the legal and ethical aspects of prison rape. Strict guidelines for the prevention, identification, and handling of sexual assault in correctional facilities are established by laws such as the Prison Rape Elimination Act (PREA) in the United States. International human rights treaties, such as the Universal Declaration of Human Rights and the United Nations Standard Minimum Rules for the Treatment of Prisoners (also known as the Mandela Rules), highlight the fundamental rights of people who are denied their freedom and the duty to safeguard them from all types of maltreatment, including sexual assault, irrespective of whether or not they are detained.

The occurrence of rape in prisons is a result of numerous interrelated elements in correctional environments. Because of its cramped quarters and lack of privacy, prisons provide an environment that is ideal for abuse. Hierarchies can exacerbate vulnerabilities in power relations between staff and convicts. This is a significant contributing factor. The problem is exacerbated by insufficient personnel training and supervision, which permits wrongdoing to continue undetected. This troubling trend is furthered by cultural norms within correctional institutions that normalise violence or disrespect the safety of inmates, calling for institutional changes to address these complex causes.

Both victims and offenders of prison rape suffer from lifelong trauma, which has serious negative effects on their physical and mental well-being. PTSD, despair, and a higher propensity for self-harm are common conditions among survivors. As a result of their struggles with guilt, violent cycles continue. Beyond specific cases, this problem impedes rehabilitation efforts in correctional facilities by maintaining a climate of mistrust and anxiety. The difficulties reintegrating into society, overcoming stigma, and coping with untreated trauma that survivors experience upon reintegration exacerbate the barriers to their effective rehabilitation.

Correctional systems need to undergo cultural changes and use strong, multi-layered methods in order to effectively address prison rape. Even though they are important, current methods highlight important gaps that require immediate correction. Advancement is hampered by a lack of funding for victim assistance and prevention. Comprehensive training programmes that emphasise trauma-informed care, cultural sensitivity, and de-escalation strategies are required. Policies should also place a high priority on accountability, openness, and survivor-centred solutions. Creating a trusting atmosphere in which reporting is secure and stigma-free is an essential yet underdeveloped component of addressing this widespread problem.

Major Countries and Organisations Involved

Australia

Australia is actively participating in initiatives taken to tackle such issues and is also a signatory in multiple international human rights treaties including the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. It has additionally integrated many of its principles into its own domestic law system. Its national legislation according to the Criminal Code Act recognizes torture and other forms of inhumane treatment as crimes. Hence, the government of Australia has placed regulations in all correctional facilities that prohibit any such acts to ensure the prevention of abuse and proper living conditions. Detention facilities are continuously monitored by oversight mechanisms established by the government that oversees the daily treatment of prisoners and law enforcement authorities receive proper training to uphold human rights standards.

Regardless of these initiatives, obstacles endure, such as concerns expressed by human rights associations concerning the handling of particular cohorts within the penitentiary system, like Indigenous Australians and asylum seekers. By refusing to give a UN body access to its places of detention and by failing to set up a domestic body to oversee these facilities, Australia has violated its legal obligations under the international treaty it is a signatory. These shortcomings represent a particularly concerning reversal of course for Australia's human rights protections.

China

Under China's constitution the use of torture and ill-treatment is prohibited including several of its criminal laws. However, only some types are prohibited by Chinese law. In addition, the implementation of all those legal restrictions is continuously put into question by multiple human rights organisations that have conducted reports and former detainees. The reason for that is that in China, torturing and mistreating inmates is a prevalent practice. These mistreatments take place in prisons, police stations, detention facilities, and labor camps; occasionally, the victims pass away as a result of the torture. Reports show that members of groups with certain political connections or views, religious minorities, political dissidents, and human rights advocates who are often imprisoned just on this basis are also the ones most abused and mistreated.

Despite China's ratification of the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the country's authorities have not implemented the necessary measures to stop torture or apprehend those who commit it. The lack of transparency has also caused ineffectiveness in successfully confirming or resolving claims of torture or cruel treatment and therefore the issue remains unresolved. Lastly, China is one of the countries that maintains the death penalty in both law and practice.

United States of America (USA)

The Eighth Amendment to the U.S. Constitution prohibits cruel and unusual punishment, and there are federal laws explicitly banning torture and other cruel treatment.¹⁸ Nevertheless, The United States has been under intense criticism, particularly with regard to how it handles prisoners during counterterrorism operations. The questioning methods employed at Guantanamo Bay, the Abu Ghraib jail in Iraq, and other detention facilities have given rise to debates. Investigations and reports brought to light cases of maltreatment, including abuse and torture. In order to eliminate those allegations 2009 saw the signing of executive orders by President Barack Obama that prohibited the use of enhanced interrogation methods and closed CIA-run secret prisons. Furthermore, those implicated in abuse instances have been the subject of inquiries, prosecutions, and legal procedures. It additionally has bodies responsible for monitoring prison conditions and treatment of detainees, such as the Department of Justice's Civil Rights Division and the Office of the Inspector General.

Amnesty International

Amnesty International has been a strong advocate of the global prohibition of torture and other cruel, inhumane, or degrading forms of punishment or treatment of prisoners. Their substantial efforts have been aimed at identifying and condemning cases of torture, unlawful imprisonment, and mistreatment of detainees. In order to increase awareness and put pressure on governments to fulfill their responsibilities under international law, including the Convention against Torture and other human rights treaties, Amnesty International conducts extensive research, documentation, and advocacy campaigns. They want accountability and transparency in detention facilities, as well as improvements to the legal and criminal systems and the investigation and prosecution of torture perpetrators. Additionally, the organization supports torture survivors and fights for their rights to healing and justice.

Association on the Prevention of Torture (APT)

One important group working to stop torture and other cruel treatment of people who are detained is the Association for the Prevention of Torture (APT). Establishing efficient preventative measures, offering technical assistance, and promoting the application of global regulations like the Optional Protocol to the Convention against Torture are the main objectives of APT (OPCAT). The group collaborates closely with national human rights organizations, governments, and civil society to improve laws and procedures that forbid torture in detention facilities. APT visits correctional facilities, provides advice on preventative actions, and encourages the creation of National Preventive Mechanisms (NPMs), as required by OPCAT. APT also trains staff members in charge of detention institutions, participates in capacity-building programs, and raises awareness of the rights of prisoners.

¹⁸ Stevenson, Bryan, and John Stinneford. "Interpretation: The Eighth Amendment | the National Constitution Center." *National Constitution Center – Constitutioncenter.org*, 2023, www.constitutioncenter.org/the-constitution/amendments/amendment-viii/clauses/103.

European Union (EU)

Within its member states and around the world, the European Union (EU) is resolute in its goal to put an end to the use of torture and other cruel detention or punishment techniques. To address these concerns, the EU uses a variety of methods and processes, such as financial support, diplomatic involvement, and regulatory frameworks. The European Union (EU) places a strong emphasis on respect for human rights norms set forth in the European Convention on Human Rights (ECHR) and other international agreements among its member states. Initiatives to strengthen rehabilitation programmes, better jail conditions, and the ability of legal systems to stop and prosecute incidents of torture and other cruel treatment are all supported by the EU. The European Union's external action also reaches third countries through collaborations, cooperation in development, and human rights dialogues. In these contexts, the EU promotes the establishment of efficient monitoring mechanisms, opposes torture, and helps to fortify legal frameworks.

Timeline of Events

Date (start - end)	Name	Description
10 December 1948	The Universal Declaration of Human Rights	The first formal document to establish human rights which includes in its article 15 the prohibition of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.
12 April 1949	Geneva Convention Relative to the Treatment of Prisoners of War	It was adapted in the Diplomatic Conference for the Establishment of International Conventions for the Protection of Victims of War, held in Geneva from 21 April to 12 August 1949 and it establishes that all prisoners of war must at all times be humanely treated.
4 November 1950- 3 September 1953.	The Convention for the Protection of Human Rights and Fundamental Freedoms	The Convention for the Protection of Human Rights and Fundamental Freedoms, better known as the European Convention on Human Rights, was opened for signature in Rome on 4 November 1950 and came into force on 3 September 1953.
9 December 1975	Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel,	adopted by the General Assembly

	Inhuman or Degrading Treatment or Punishment	
10 December 1984	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment, or Punishment	It was adopted by the General Assembly of the United Nations. The Convention entered into force on 26 June 1987 after it had been ratified by 20
18 December 2019	Torture and other cruel, inhuman or degrading treatment or punishment	It was adopted by the General Assembly in 18 of December 2019

(~10 recommended)

Relevant UN Treaties and Events

- Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, 10 December 1984, **(A/RES/39/46)**
- Geneva Convention Relative to the Treatment of Prisoners of War, 12 April 1949
- Torture and other cruel, inhuman or degrading treatment or punishment, 18 December 2019 **(A/RES/76/143)**
- International Covenant on Civil and Political Rights
- Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, 9 December 1975

Previous Attempts to solve the Issue

The Convention for the Protection of Human Rights and Fundamental Freedoms

The Convention for the Protection of Human Rights and Fundamental Freedoms, better known as the European Convention on Human Rights, was opened for signature in Rome on 4 November 1950 and came into force on 3 September 1953. It was the first instrument to give effect to certain of the rights stated in the Universal Declaration of Human Rights and make them binding.¹⁹ It was created under the Council of Europe's aegis and laid forth essential liberties and rights for people, among them the right to

¹⁹ “European Convention on Human Rights - ECHR Official Texts - ECHR - ECHR / CEDH.” *ECHR*, www.echr.coe.int/european-convention-on-human-rights.

life and the proscription of torture. Article 3 of the European Convention on Human Rights (ECHR) states unambiguously that torture and cruel or degrading treatment are not tolerated. Substantial means like the European Court of Human Rights (ECtHR), where people can file complaints claiming torture or ill-treatment, are also included in the ECHR. The court's rulings established significant precedents and rules, making governments responsible for offences and prompting changes to stop them from happening again. Furthermore, the Committee for the Prevention of Torture (CPT), one of the ECHR's monitoring organizations, regularly examines detention facilities and makes suggestions to enhance conditions and stop abuse.

Nevertheless, obstacles may still occur, including making sure that ECtHR decisions are implemented consistently in all member states and dealing with problems in nations that are not immediately under the court's jurisdiction. Still, by creating a strong legal framework, offering channels for recourse, and encouraging a climate of responsibility and respect for human rights, the ECHR remains a vital tool in the fight against torture.

Guidelines on EU Policy towards third countries on Torture and Other Cruel, inhuman, or Degrading, treatment or Punishment

The European Union upholds fundamental rights and the dignity of individuals worldwide, which forms the basis of its policy towards Third countries regarding torture and other cruel, inhuman, or degrading treatment or punishment. It includes a range of actions and plans intended to stop and end these kinds of activities outside of its restrictions. In order to promote adherence to international human rights standards, the EU uses diplomatic dialogue, collaboration agreements, and conditionality provisions within commerce and aid frameworks. It actively participates in international forums, supports civil society organizations, and extends technical support to encourage the creation and fortification of strong legal frameworks prohibiting torture. The EU also promotes victim rehabilitation programs and highlights the significance of accountability systems. It also advocates for the investigation and prosecution of offenders. The efficacy of these policies is ensured by ongoing assessment and monitoring systems, which promote a global strategy for the prevention and eradication of torture and inhumane treatment.

OPCAT: Optional Protocol to the Convention against Torture

An international human rights treaty called the Optional Protocol to the Convention against Torture (OPCAT) adopted in 2002 and entered into force in 2006, attempts to criminalize torture and other cruel, inhuman, or degrading treatment or punishment. It creates a structure for unbiased oversight of detention facilities in order to guarantee the humane treatment of those who are deprived of their freedom. According to OPCAT, states that accept the protocol must create National Preventive Mechanisms (NPMs) or appoint already-existing organisations to visit detention facilities regularly, report

their findings, and offer suggestions for preventing abuse. Through the proactive resolution of systemic issues within detention facilities, this approach strengthens transparency, accountability, and the protection of detainees' rights.

The treaty fosters collaboration between states and international organizations to protect human dignity and prohibit torture globally by encouraging a culture of prevention and supervision. However, member states' commitment to upholding OPCAT's provisions and providing their NPMs with sufficient resources and authority is crucial to the program's efficacy.

Possible Solutions

Sub-topic 1: Eliminating torture of prisoners of war in accordance with international humanitarian law

A two-pronged strategy is necessary to successfully eradicate the torture of prisoners of war in compliance with international humanitarian law (IHL). It is necessary to create and implement comprehensive education and training programs for law enforcement, military personnel, and other relevant agencies. The main goals of these courses are to instill a thorough grasp of both the rights of prisoners of war and IHL concepts. These training seminars avoid human rights violations by making sure those in charge of detention understand their moral and legal responsibility to abstain from torturing. Concurrently, the creation of impartial oversight agencies or groups is essential. These organisations would be in charge of detention centres, regularly inspecting them to make sure that IHL is strictly adhered to. They would also properly examine any claims of torture, holding those found responsible accountable and punishing those found guilty of crimes. This integrated method not only provides people with the information they need to sustain ethical norms, but it also implements a system of checks and balances, establishing an environment of responsibility and respect for human rights within detention institutions.

Sub-topic 2: Ending the issue of police brutality towards prisoners and deathly punishment

An integrated approach can be used to improve law enforcement procedures and fully address the problem of police brutality. First and foremost, comprehensive training programs for officers that prioritise cultural sensitivity, de-escalation tactics, and conflict resolution should be a part of police reform. It is imperative that officers receive continuous training on human rights, ethical behaviour, and non-violent intervention techniques. Establishing oversight and accountability procedures at the same time is necessary, and this includes setting up independent review boards or oversight bodies. These organisations would conduct in-depth investigations into claims of police misconduct, guaranteeing an impartial and open procedure. It's critical to impose sanctions on officers found guilty of misconduct, from disciplinary measures to, if needed, legal prosecution. These accountability techniques work to

discourage future abuse incidents in addition to punishing misbehaviour. In order to foster a culture of accountability and moral behaviour within law enforcement organisations and advance public trust and safety in the communities they serve, regular reviews of police procedures and ongoing training can complement one another.

Sub-topic 3: Establishing strategies to prevent prison rape and improve correctional culture

Two essential elements must be included in any comprehensive programme to address prison rape and enhance correctional culture: encouraging a shift in mindset and awareness among staff and inmates, as well as offering improved training to correctional officers. All prisoners and staff would be required to attend mandatory education sessions that would emphasize the moral and legal ramifications of sexual violence, foster a climate of mutual respect, and provide a confidential reporting channel for such incidents. Concurrently, training programs tailored to the needs of correctional officers would be created, emphasizing the significance of proactive measures to prevent sexual assault within the facility, risk factor identification, and intervention techniques.

A zero-tolerance policy would be made explicit and enforced, with dire repercussions for any employees involved in or oblivious to such incidents, including termination and legal action. To reaffirm these values and guarantee continued dedication to upholding a secure and civil environment inside the prison, regular evaluations and refresher courses would be put in place. By empowering staff to intervene effectively and fostering an environment that actively discourages sexual violence, this all-encompassing approach hopes to create a correctional environment that is safer and more conducive to rehabilitation.

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