

INTERNATIONAL FRAMEWORK FOR PRISON ADMINISTRATION

DR. M.R.AHMED

FORMERLY

IG PRISONS AP & DIRECTOR, ACADEMY OF PRISONS VELLORE

The Universal Declaration of Human Rights (UDHR)

- The Universal Declaration of Human Rights (UDHR) is an international document adopted by the [United Nations General Assembly \(UNGA\)](#) in 1948.
- It is a milestone document in the history of human rights.
- Drafted by representatives with different legal and cultural backgrounds from all regions of the world, it set out, for the first time, fundamental human rights to be universally protected.
- It establishes the rights and freedoms of all members of the human race.

Universal Declaration of Human Rights – Overview

- The UDHR consists of 30 articles detailing an individual's “basic rights and fundamental freedoms”.
- It is universally applicable for all human beings of varying race, religions and nationality.
- It directly inspired the development of international human rights law, and was the first step in the formulation of the International Bill of Human Rights, which was completed in 1966 and came into force in 1976.
- Even though the Universal Human Rights Declaration is not legally binding, its contents has been elaborated and incorporated into subsequent international treaties, regional human rights and instruments and in the legal codes of various countries

UDHR-RIGHTS AND FREEDOMS

The 30 rights and freedoms set out in the UDHR include :

- 1.The right to be free from torture,
- 2.The right to freedom of expression,
- 3.The right to education and the right to seek asylum.
- 4.It includes civil and political rights, such as the rights to **life, liberty** and **privacy**.
- 5.It also includes economic, social and cultural rights, such as the rights to social security, health and adequate housing.

The International Covenant on Civil and Political Rights (ICCPR)

- It is a multilateral [treaty](#) that commits nations to respect the [civil and political rights](#) of individuals, including the [right to life](#), [freedom of religion](#), [freedom of speech](#), [freedom of assembly](#), electoral rights and rights to [due process](#) and a fair trial.
- It was adopted by [United Nations General Assembly](#) on 16 December 1966 and entered into force 23 March 1976
- The ICCPR is considered a seminal document in the history of international law and human rights.
- It forms part of the [International Bill of Human Rights](#), along with the [International Covenant on Economic, Social and Cultural Rights](#) (ICESCR) and the [Universal Declaration of Human Rights](#) (UDHR).^[4]
- Compliance with the ICCPR is monitored by the [United Nations Human Rights Committee](#),^[B] which reviews regular reports of states parties on how the rights are being implemented

ICCPR-continued....

- **Article 9** recognises the rights to liberty and security of the person.
- It prohibits arbitrary arrest and detention, requires any deprivation of liberty to be according to law, and obliges parties to allow those deprived of their liberty to challenge their imprisonment through the courts
- **Articles 9.3 and 9.4** impose procedural safeguards around arrest, requiring anyone arrested to be promptly informed of the charges against them, and to be brought promptly before a judge.
- It also restricts the use of pre-trial detention, requiring that it not be 'the general rule'.
- **Article 10** requires anyone deprived of liberty to be treated with dignity and humanity.
- This applies not just to prisoners, but also to those detained for immigration purposes or psychiatric care. The right complements the Article 7 prohibition on torture and cruel, [inhuman or degrading treatment](#).
- The article also imposes specific obligations around criminal justice, requiring prisoners in pretrial detention to be separated from convicted prisoners, and children to be separated from adults. It requires prisons to be focused on reform and rehabilitation rather than punishment.
- **Article 11** prohibits the use of imprisonment as a punishment for breach of contract.

ICCPR-continued...

- **Article 14** recognizes and protects a right to justice and a fair trial.
- **Article 14.1** establishes the ground rules: everyone must be equal before the courts, and any hearing must take place in [open court](#) before a competent, independent and impartial tribunal, with any judgment or ruling made public. Closed hearings are only permitted for reasons of privacy, justice, or national security, and judgments may only be suppressed in divorce cases or to protect the interests of children. These obligations apply to both criminal and civil hearings, and to all courts and tribunals.
- **Article 14.3** mandates that litigants must be informed promptly and in detail in a language which they understand.
- The rest of the article imposes specific and detailed obligations around the process of criminal trials in order to protect the [rights of the accused](#) and the [right to a fair trial](#). It establishes the [Presumption of innocence](#) and forbids [double jeopardy](#). It requires that those convicted of a crime be allowed to appeal to a higher tribunal, and requires victims of a [Miscarriage of justice](#) to be compensated. It establishes rights to a [speedy trial](#), to [counsel](#), against [self-incrimination](#), and for the accused to be present and [call and examine witnesses](#).

Body of Principles For Treatment Of Prisoners

1. Adopted by General Assembly of United Nations on 14th December 1990.
2. There shall be no discrimination on the grounds of race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.
3. It is, however, desirable to respect the religious beliefs and cultural precepts of the group to which prisoners belong, whenever local conditions so require.
4. The responsibility of prisons for the custody of prisoners and for the protection of society against crime shall be discharged in keeping with a State's other social objectives and its fundamental responsibilities for promoting the well-being and development of all members of society.
5. Except for those limitations that are demonstrably necessitated by the fact of incarceration, all prisoners shall retain the human rights and fundamental freedoms set out in the Universal Declaration of Human Rights, and, where the State concerned is a party, the International Covenant on Economic, Social and Cultural Rights, and the International Covenant on Civil and Political Rights and the Optional Protocol thereto, as well as such other rights as are set out in other United Nations covenants.

Body of Principles For Treatment Of Prisoners Continued....

6. All prisoners shall have the right to take part in cultural activities and education aimed at the full development of the human personality.

7. Efforts addressed to the abolition of solitary confinement as a punishment, or to the restriction of its use, should be undertaken and encouraged.

8. Conditions shall be created enabling prisoners to undertake meaningful remunerated employment which will facilitate their reintegration into the country's labour market and permit them to contribute to their own financial support and to that of their families.

9. Prisoners shall have access to the health services available in the country without discrimination on the grounds of their legal situation.

10. With the participation and help of the community and social institutions, and with due regard to the interests of victims, favourable conditions shall be created for the reintegration of the ex-prisoner into society under the best possible conditions.

11. The above Principles shall be applied impartially.

UN STANDARD MINIMUM RULES FOR TREATMENT OF PRISONERS (UNSMR)

- The [United Nations Standard Minimum Rules for the Treatment of Prisoners](#) first came into force in 1955.
- On 17 December 2015 a revised version of the Standard Minimum Rules were adopted unanimously by the 70th session of the UN General Assembly.
- The revised Rules are known as the ‘[Nelson Mandela Rules](#)’ to honour the legacy of the late President of South Africa, Mr. Nelson Rolihlahla Mandela, who spent so many years of his life in prison.
- The standards set out by the UN are not legally binding but offer guidelines in international and municipal law with respect to any person held in any form of custody. They are generally regarded as being good principle and practice for the management of custodial facilities

UNSMR-continued.....

- The document sets out standards for those in custody
- It covers registration, personal hygiene, clothing and bedding, food, exercise and sport, medical services, discipline and punishment, instruments of restraint, information to and complaints by prisoners, contact with the outside world, books, religion, retentions of prisoners' property, notification of death, illness, transfer, removal of prisoners, institutional personnel and inspection of facilities.
- It also sets out guidelines for prisoners under sentence which further includes treatment, classification and individualisation, privileges, work, educations and recreations, and social relations and after-care.
- There are also special provisions for insane and mentally abnormal prisoners, prisoners under arrest or awaiting trial, civil prisoners and persons arrested or detained without charge.

THANK YOU