WORKING PAPER:-

# Having regards to the provisions of the Convention for the Protection of Human Rights and Fundamental Freedoms, African Commission on Human and Peoples' Rights, European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment

Laying special emphasis on the article 2 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,” No exceptional circumstances whatsoever, whether a state of war or a threat of war, internal political instability or any other public emergency, may be invoked as a justification of torture”

Believing in a system of complete transparency and a system of checks and balances

Keeping in mind the important set of guidelines issued by the UN for the prisoners

Urging member states to improve conditions of confinement areas thereby ensuring basic human rights to the prisoners

*Urges* member states to adopt the working definition of ‘torture’ as mentioned in the article 1 of the United Nations Conventions against torture.

*Alarmed* by the lackadaisical conditions of prisons across the globe thereby recommends member states to take forth steps keeping in mind the national funds to ensure essentials of survival and a sound environment:-

* Prison improvement
* Suggesting to set up a tribunal to be set up in every country which will assess the state of prisons of the country which will assess the developments in the improvement of prisons.
* Every nation should aim of having prisions which will provide basic human rights to the prisioners.
* Improving health and hygiene in the prisions and having medical facilities in every prision for the prisioners.
* To discourage the use of gas chambers through shower rooms in the prisons.
* To impose strict penalties if a prision found overexceeding its prision size.
* Prisoners shall be required to keep their persons clean, and to this end they shall be provided with water and with such toilet articles as are necessary for health and cleanliness.
* Food
* Every prisoner shall be provided by the administration at the usual hours with food of nutritional value adequate for health and strength, of wholesome quality and well prepared and served.
* Drinking water shall be available to every prisoner whenever he needs it.
* Discipline
* No prisoner shall be punished unless he has been informed of the offence alleged against him and given a proper opportunity of presenting his defence. The competent authority shall conduct a thorough examination of the case.
* Corporal punishment, punishment by placing in a dark cell, and all cruel, inhuman or degrading punishments shall be completely prohibited as punishments for disciplinary offences.
* Discourages the use of solitary confinement as a measure to punish the prisoners.
* Additional Safeguards

• the right to have contact with their family members informed of their whereabouts after suspending their liberty

• the right to have access to a lawyer and to have the presence of the lawyers if they wish to.

• the right to be brought before a magistrate or judge within a reasonable period of time

• the right to challenge the legality of their detention and treatment.

*Calls* for the necessity of educating the prison guards

* Prison guards are required to be educated and trained to ensure proper counseling of prisoners.
* Any guard found torturing to extract information from the prisoners thus violating the human rights of the prisioners will be suspended.
* Except in special circumstances, staff performing duties which bring them into direct contact with prisoners should not be armed. Furthermore, staff should in no circumstances be provided with arms unless they have been trained in their use.
* Having enough number of prison guards in accordance to the standardized ratio of prison guards to inmates to ensure to maintain law and order in the prison.
* Prison officers shall be given special physical training to enable them to restrain aggressive prisoners.
* torture prevention should form a core part of basic training with police officers in a number of key operational areas, such as:

• arrest

• interrogation

• investigation

• maintenance of public order and demonstration

*Recommends* strengthening the role of NHRIs in the country:-

* NHRIs can lobby their States to accept the individual communications procedure under article 22 of the Convention against Torture. If it has been accepted, NHRIs can raise public awareness about how the procedure works and what is involved in making a complaint. They can also assist individuals to submit complaints to the Committee, as well as follow-up the examination of complaints and monitor the response of the State.
* Calls for a system of checks and balances wherein NHRIs are allowed to visit places of confinement and provisions to check the data of the prisioners and allowed a personal interview with
* Prisoner
* Family members of prisoner
* Officer on duty
* Head Officer of the premises.
* A detailed report to be submitted to the judicial system of the country which is to be reviwed and recommendations to be implemented suggested by NHRI and to be forwarded to the officer of high commissioner for human rights.
* *Calls* for the need for a proper investigation mechanism for unauthorized and private prison systems.
* Formulating a working definition for private prison systems which refers to as are places of confinement which are run by companies hired by the government - not the government itself.
* Appointing a Special Rapporteur to keep track of unauthorized and private prison systems,an independent expert who reports to the Human Rights Council and to the General Assembly.
* Requests the private prison systems to maintain complete transparency in its procedure of functioning and comply with guidelines as mentioned in the United Nation’s convention against torture.
* Requests the permission and cooperation for inspection of the prison premises and fact finding visits and provide necessary data for the drafting of the annual report to be submitted to the general assembly

*Requests* member states to re-verify the objections made by the them on articles of the United Nations Convention Against Torture and recommends to make necessary legislative reforms for complete adoption of the conventions without any objections