

INTERNATIONAL MECHANISMS AND PRISONERS' RIGHTS: ENSURING HUMAN DIGNITY AND JUSTICE

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ABSTRACT

Safeguarding prisoners' rights within international mechanisms is a critical global concern. This study explores the international legal framework for prisoners' rights and the role of international mechanisms. It analyzes the role of the international legal framework, including the ICCPR and CAT, in safeguarding prisoners' rights. Findings emphasize the pivotal role of international mechanisms like the United Nations in promoting prisoners' rights and the need for domestic alignment with international obligations. In conclusion, this research underscores the significance of ongoing efforts to protect prisoners' rights within the global legal framework

KEYWORDS

Human Rights, Prisoners' Rights, International Mechanisms, International Law, ICCPR, CAT, United Nations, Accountability, Signatories, Domestic Alignment

1. INTRODUCTION

Human rights, including those of prisoners, are rooted in the fundamental principle of inherent freedom and equality for every individual. It is imperative that no one should be subjected to torture or cruelty, even within the context of incarceration. Prisoners maintain fundamental rights, such as adequate living conditions, sustenance, clothing, and shelter. Despite historical injustices, like the British colonial administration's Prison Act of 1894 in the subcontinent, recognizing prisoners as a vulnerable group is essential. It's crucial to emphasize that prisoners remain human beings at their core.[1]

A prisoner is an individual held in custody due to a violation of the law, deprived of their liberty, either through force or confinement.[2] Addressing their rights while incarcerated is paramount. Prisoners possess basic and legal rights, including the aforementioned necessities, which should not be denied or infringed upon.[3] They have the right to protect themselves from violence, harassment, and torture.[4] Despite international documents acknowledging prisoners' rights, the reality often contradicts these commitments, particularly in developing and underdeveloped nations, where authorities may remain silent on legal protections.[5]

Preserving human dignity and justice in every society depends on safeguarding prisoners' rights.[6] The treatment of those who have lost their freedom reflects a nation's commitment to human rights principles and the fairness of its criminal justice system.[7] Advocating for prisoners' rights[8] is a global imperative, transcending borders and fostering international discourse. This article explores safeguarding prisoners' rights within international processes, highlighting its significance in the broader context of human rights advocacy.

Traditionally, imprisonment aimed to punish offenders by confining them behind bars to repay their debt to society. Historically, prisons deprived individuals of personal freedoms. Over time, the field of incarceration law evolved, leading to four key principles: retribution, deterrence, incapacitation, and rehabilitation.

In Pakistan, rehabilitation techniques for prisoners are somewhat outdated, with limited program options and trainers. The Punjab Prison Department provides reformation mechanisms, including formal education, religious instruction, vocational training (tractor mechanics, motor winding, electric appliance repair, welding, motorcycle mechanics, masonry, auto mechanics, carpentry, hand embroidery, beautician training, computer skills, and sports facilities). Television is available in barracks, along with access to cold drinking water."

2. GLOBAL SIGNIFICANCE OF PRISONERS' RIGHTS

Prisoners' rights hold immense global importance due to their intrinsic connection with core human values, transcending borders and resonating on a worldwide scale.[9] Within the international human rights framework, principles of justice, fairness, and the prohibition of inhumane treatment are foundational.[10] Consequently, governments' treatment of incarcerated individuals becomes a benchmark for their commitment to these ideals and universally recognized norms.

3. RELEVANCE TO BROADER HUMAN RIGHTS DISCOURSE

The protection of prisoners' rights is an integral part of the broader human rights dialogue and cannot be isolated. A society's ability to safeguard the rights of prisoners signifies its dedication to the principles enshrined in international human rights treaties.[11] Moreover, the fundamental notion that all individuals possess the same inherent human rights, regardless of their legal status, transcends geographical and cultural boundaries when applied to prisoners.[12] Thus, the preservation of prisoners' rights becomes a shared responsibility of the global community.

4. PURPOSE OF THE STUDY

This study aims to explore the intricate realm of international mechanisms for safeguarding prisoners' rights. It seeks to illuminate the dynamics influencing the realization of these rights by examining the interplay between international legal instruments and the roles of international organizations. The study strives to enhance our nuanced understanding of the challenges, achievements, and potential future trajectories in prisoners' rights protection through an in-depth analysis of key international instruments and the supportive systems governing their implementation.

5. STRUCTURE OF THE ARTICLE

The ensuing sections of this article will elucidate various facets of upholding prisoners' rights within the global context. Section 2 will provide an overview of the international legal framework underpinning prisoners' rights protection. Section 3 will delve into the role of international mechanisms in ensuring these rights. Subsequent sections will detail the research methodology, present findings, discuss implications, and conclude by underscore the vital role of international mechanisms in translating prisoners' rights into practical reality.

6. INTERNATIONAL LEGAL FRAMEWORK FOR PRISONERS' RIGHTS

The international legal foundation for safeguarding prisoners' rights is built on a network of treaties [13] and agreements emphasizing the importance of upholding dignity and fundamental rights for incarcerated individuals. Key among these are the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) and the International Covenant on Civil and Political Rights (ICCPR).[14]

- I. **Iccpr:** A cornerstone of human rights legislation, the ICCPR establishes a comprehensive framework for protecting civil and political rights, including those of detainees. Articles 10 and 14 guarantee the right to humane treatment and respect for inherent dignity, while Articles 7 and 10 prohibit torture and cruel, inhuman, or degrading treatment. [15]Widely ratified, the ICCPR holds global acceptance.
- II. **Cat:** The CAT is of utmost importance for prisoners' rights as it was designed to prevent and combat torture and ill-treatment. It forbids torture and mandates that states take concrete steps to prevent it within their borders, covering treatment in all state-controlled areas in CAT Article 16.[16]
- III. **Universal Declaration of Human Rights (UDHR):** Adopted by the UN General Assembly in 1948, the UDHR provides basic rights to prisoners.[17]
- IV. **Prisoners' Labor Rights**

According to PPR Chapter 33, Rule 810, every class of inmates sentenced to strict conditions must be provided with locally accessible labor (industrial or non-industrial) to maintain a dignified lifestyle following their release. These programs may continue as permitted by prison administration. Unique authorizations to work outside the prison can be granted.[18]

7. KEY PRINCIPLES AND PROVISIONS

Both the ICCPR and CAT outline fundamental guidelines essential for preserving prisoners' rights, including the prohibition against discrimination, the right to equality before the law, and the ban on torture and other cruel treatment.

8. CHALLENGES AND GAPS

Despite advancements, the international legal system for protecting prisoners' rights faces issues such as insufficient enforcement mechanisms, inconsistencies in domestic implementation, and a lack of viable remedies for infringements.[19] Emerging concerns like solitary confinement and the rights of specific prisoner populations require more attention and specificity.[20]

9. ROLE OF INTERNATIONAL MECHANISMS

International organizations, from the United Nations to regional human rights councils, play a crucial role in safeguarding prisoners' rights.[21] They serve as forums for discussion, oversight, and accountability, ensuring that individuals deprived of their liberty are treated with respect and dignity.[22]

10. ACKNOWLEDGEMENTS

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11. RECOMMENDATIONS

Followings are the recommendations as;

- ❖ Abolish solitary confinement as a form of capital punishment, imposing strict limitations on its use.
- ❖ Ensure unbiased access to healthcare services for all individuals, regardless of their legal status.
- ❖ Promote meaningful employment opportunities for prisoners, with community and social institution involvement, fostering their reintegration into the labor market and financial self-sufficiency.
- ❖ Facilitate the reintegration of ex-prisoners into society, with the support of the community and social institutions, and consideration for the interests of victims.
- ❖ Guarantee equal access to healthcare services, eliminating discrimination based on legal status.
- ❖ Implement a clear separation between individuals incarcerated for civil offenses and those held for criminal offenses, including the segregation of minor inmates from adults.
- ❖ Enforce these guidelines consistently and fairly.
- ❖ Maintain a clear distinction between civil inmates and those detained for criminal offenses, ensuring the separation of juvenile inmates from adult inmates.
- ❖ Prohibit all forms of inhumane, cruel, or humiliating punishment unequivocally.
- ❖ Ensure the presence of at least one qualified medical officer familiar with psychiatry.
- ❖ Adhere to the provisions of the Convention Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.
- ❖ Prevent the deportation, repatriation, or transfer of individuals at risk of torture, and criminalize all forms of torture under domestic legislation, with effective legislative, judicial, and other measures in place to prohibit such acts.

12. CONCLUSION

Prisoners maintain their fundamental rights despite confinement. Multinational organizations serve as essential defenders of prisoners' rights, promoting human dignity worldwide. Continued efforts are needed to reinforce these tools and institutions, ensuring the protection of prisoners' rights and accountability for violations.

The Supreme Court has affirmed this principle, acknowledging that while confinement restricts these rights, they remain enforceable. Hence, prisoners retain access to their fundamental rights, as affirmed by Articles 10,10-A,15, and 19-A, of the Pakistani Constitution. Additionally, the Prisons Rule of 1978 includes provisions for the welfare and security of inmates.

13. ABBREVIATIONS

CAT	The Committee Against Tortures
EMS	Electronic Monitoring System
EPR	European Prison Rules, 1987
ICESCR	International Covenant on Economic, Social, and Cultural Rights

ICCPR	International Covenant on Civil and Political Rights, 1966
PPC	Pakistan Penal Code, 1860
PRP	Pakistan Prison Rule, 1978
R&PD	Reclamation & Probation Department
ROA	Reclamation of Offenders Act, 1974(UK)
UNBP	United Nation Basic Principle for the Treatment of Prison, 1990
UNRAJJ	United Nation Slandered Minimum Rules for the Administration of Juvenile Justice, 1985

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