
ROLE OF HUMAN RIGHTS ACTIVISTS IN ADDRESSING PRISON ABUSES

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ABSTRACT

Human rights activists are essential in the fight against prison abuses, performing roles that include monitoring and documenting abuses, providing legal advocacy and representation, raising public awareness, advocating for policy reform, supporting rehabilitation and reintegration, and collaborating with international organizations. Their efforts involve conducting prison visits, gathering testimonies, challenging unjust laws, and educating the public about prison conditions. Activists work to ensure prisoners' legal rights are upheld, including fair trials and protection from torture, while promoting humane treatment and access to medical care. They also push for the implementation of international human rights standards, such as the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules), and advocate for the abolition of harmful practices like solitary confinement. By raising public awareness through various platforms, activists mobilize public opinion and create pressure for change. They also focus on long-term goals, advocating for access to education, vocational training, healthcare, and psychological support for inmates to aid in their rehabilitation and reintegration into society. Despite facing significant challenges and risks, including resistance from authorities and threats to their safety, human rights activists remain committed to their mission. Their work has led to the release of wrongfully imprisoned individuals, improved prison conditions, and the establishment of rehabilitation programs, ultimately contributing to a more just and equitable prison system that respects the dignity and rights of all individuals. Through international collaboration and solidarity, activists enhance the visibility of prison abuses, share best practices, and advocate for global standards of humane treatment, making significant strides in the ongoing fight for prisoners' rights. The Article highlights the significant case studies, legal interventions, policy reforms, and rehabilitation programs initiated by activists. Furthermore, it explores the challenges faced by these advocates and offers recommendations for enhancing the effectiveness of their efforts.

Keywords: Prison, Abuses, Human rights, legal rights, Policy.

INTRODUCTION:

Human rights activists are vital in advocating for justice, fairness, and humane treatment within prison systems. These dedicated individuals work tirelessly to promote and protect the fundamental rights and freedoms of incarcerated individuals. They engage in a wide range of activities, from monitoring prison conditions and documenting cases of abuse to providing legal support and advocating for policy reforms. Common abuses in prisons worldwide include physical abuse, psychological abuse, sexual violence, overcrowding, lack of medical care, inhumane living conditions, and forced labor. By raising public awareness about these issues, human rights activists create pressure on governments and prison authorities to implement necessary reforms and uphold international standards of human rights. They also play a crucial role in ensuring that prisoners receive fair treatment within the justice system and that their rights are protected. Additionally, through regular monitoring and reporting, activists help hold prison authorities accountable for their actions and ensure that abuses are addressed. They also support prisoners and their families, providing assistance with reintegration into society after release and reducing the risk of recidivism. The involvement of human rights activists is crucial in creating a more just and equitable society where the rights and dignity of all individuals, including those behind bars, are upheld and respected. Their unwavering dedication to this cause helps to shine a light on the often-overlooked plight of prisoners and drives meaningful change within the criminal justice system.

HISTORICAL BACKGROUND:

India's historical approach to prisoner treatment:

During the Vedic period, administration of justice was not part of the state's obligations. During this time, offenses such as theft, murder, and adultery are mentioned, but nothing indicates that the monarch or an authorized individual as a judge had the authority to give any judicial judgment in criminal or civil cases. Even through the sutras and shastras, we seldom see the words prison or jail. India's treatment of convicts has developed throughout ages, affected by cultural, social, and political considerations. Here is a summary of the historical treatment of prisoners in India.¹

¹Archana Sharma, An Analytical Study of Prisoners' Rights in India: Challenges, Implementation, and Reform Perspectives, 4 Indian Journal of Integrated Research in Law 398-417.

1. **In ancient India**, offenses were punished with fines, corporal punishment, exile, and imprisonment. The Arthashastra, an ancient Indian book on statecraft and government by Chanakya (Kautilya), details rules and punishments for certain misdeeds, including incarceration for specific crimes.²
2. **Medieval Period:** Prisoner treatment varied by monarch and country. Islamic kings established organizations like the Kotwal (head of police) and Qazi (judges) to administer justice and punish criminals. Prisons were used to house criminals, debtors, and political prisoners.
3. During **the colonial period**, British control had a huge influence on how convicts were treated in India. In 1770, the British opened the first modern prison in Kolkata (then Calcutta), establishing a systematic system. The colonial government enacted various legislation. The Indian Prisons Act of 1894³ established laws for managing and administering prisons.
4. **Independence and the Post-Independence Period:** After achieving independence in 1947, India inherited the British-established prison system. Efforts were undertaken to reform and improve prison conditions. In 1950, India's Constitution granted basic rights to all persons, including convicts, including the right to life and personal liberty (Article 21) and the right to against in human treatment or punishment (Article 20).
5. **Recent reforms in India's prison system**, aim to improve circumstances for convicts. The Supreme Court of India has made significant verdicts on prisoners' rights, particularly the right to a fair trial. Humane treatment and access to healthcare. Civil society organizations and human rights advocates have advocated for prison changes to address overcrowding, poor healthcare, and a lack of rehabilitation programs.

The Prisoner treatment in India has been influenced by cultural, social, and political variables throughout history. Although there have been substantial advancements in jail care, continual

²Kashish Chauhan, HISTORICAL EVOLUTION OF PRISON SYSTEM IN INDIA, Jus Scriptum(Nov.9,2023),<https://www.jusscriptumlaw.com/post/historical-evolution-of-prison-system-in-india>. [last accessed on 22/01/2025].

³"Prisoners of the Raj: The British Army in India and the Development of Indian Prisons, 1858-1914" by Peter J. Kaiser (Peter Lang AG, Internationaler Verlag der Wissenschaften, 2013).

efforts are necessary to uphold inmates' rights and guarantee a fair, compassionate, and accommodating prison system for rehabilitation.

THE EARLY ACTIVISM IN PRISON REFORMS:

Early activism in prison reforms laid the groundwork for changing perceptions and conditions within correctional facilities worldwide.⁴ Here are a few significant milestones:

- **Elizabeth Fry:**

In the early 19th century, Elizabeth Fry, a Quaker, initiated significant reforms within British prisons. She advocated for the humane treatment of prisoners, especially women, and pushed for basic education, religious instruction, and work opportunities within prisons. Her efforts led to the establishment of the Association for the Improvement of Female Prisoners.⁵

- **John Howard**

An 18th-century English philanthropist, John Howard is known for his extensive work in prison reforms across Europe. His detailed reports on the deplorable conditions within prisons led to the enactment of several prison reform laws in the UK. Howard's work emphasized the need for sanitary prison environments and the humane treatment of inmates.⁶

- **Cesare Beccaria**

An 18th-century Italian criminologist and philosopher, Beccaria's seminal work "On Crimes and Punishments" argued against cruel punishments and for the rational and just treatment of prisoners. His ideas greatly influenced penal reform and the development of modern criminal justice systems.⁷

- **Penal Reform International**

Formed in the late 20th century, Penal Reform International is a global organization focused on promoting fair and effective criminal justice systems. It works with local governments and

⁴ <https://niu.edu.in/sla/online-classes/FM-Jul14-LSC-Koustubh.pdf> [last accessed on 22/01/2025].

⁵ <https://www.historic-uk.com/CultureUK/Elizabeth-Fry/> [last accessed on 24/01/2025].

⁶ <https://www.parliament.uk/about/living-heritage/transformingsociety/laworder/policeprisons/overview/prisonreform/> [last accessed on 24/01/2025].

⁷ <https://www.britannica.com/biography/Cesare-Beccaria> [last accessed on 24/01/2025].

activists to implement reforms that abide by international human rights standards.⁸

These early activists and their pioneering efforts significantly contributed to the evolution of prison reforms, advocating for a more humane and just treatment of prisoners

TYPES OF PRISON ABUSES:

Prison abuses encompass a wide range of inhumane and degrading practices that violate the basic human rights of incarcerated individuals. Here is a detailed examination of the common types of prison abuses:

Physical Abuse:

Torture is the intentional infliction of severe physical or mental pain or suffering on an individual. It is often used as a means of punishment, intimidation, or coercion. Examples include beatings, electric shocks, and suffocation techniques. Torture leaves long-lasting physical and psychological scars on victims. Prison staff or other inmates may physically attack prisoners, resulting in injuries or even death. Such assaults can be arbitrary or used as a form of discipline. Prison officers may use disproportionate force during restraint or control measures, causing unnecessary harm to prisoners. This can include the use of batons, tasers, and other equipment.

Psychological Abuse:

Prisoners may be subjected to insults, threats, and degrading language. This form of abuse aims to intimidate or humiliate prisoners and can have severe psychological effects. Further, prolonged isolation, often referred to as solitary confinement, involves confining prisoners to a small cell for 22-24 hours a day with minimal human contact. This practice can lead to severe mental health issues, including depression, anxiety, and hallucinations. Prison staff or other inmates may use threats and intimidation to control or coerce prisoners. This can include threats of violence, sexual assault, or further isolation.

Sexual Abuse:

Prisoners may experience unwanted sexual contact or coercion by prison staff or fellow

⁸<https://www.penalreform.org/about-us/> [last accessed on 24/01/2025].

inmates. This can include rape, molestation, and other forms of sexual assault. The Rape, forced sexual intercourse or other sexual acts are grave violations of a prisoner's bodily autonomy and dignity. The sexual harassment involves unwanted advances, comments, or gestures that create a hostile environment for the victim.

Lack of Medical Care:

Many prisons lack sufficient medical staff, equipment, and medications. This results in poor health outcomes for prisoners who require medical attention. Failure to address prisoners' health conditions and provide timely treatment can lead to the worsening of illnesses and chronic health issues. Prisons often lack mental health services and support, which is crucial given the high prevalence of mental health issues among incarcerated individuals. This neglect can result in untreated mental illnesses, leading to self-harm or suicide.

Inhumane Living Conditions:

Inadequate access to clean water, toilets, and hygiene facilities can lead to various health problems, including infections and diseases. Lack of nutritious food can lead to malnutrition and related health problems. Prisoners may be given insufficient quantities of food or food that lacks essential nutrients. Overcrowded, dirty, and poorly ventilated cells fail to meet basic living standards. Prisoners may be forced to sleep on the floor or share cells with multiple inmates, leading to discomfort and health risks.

MONITORING AND REPORTING IN PRISON:

Monitoring and reporting in prison can be done by three methods. They are, the Inspection Method, Documentation Method and the Reporting Abuses.

Inspection Methods:

Human rights activists employ various methods to monitor prison conditions and ensure the protection of prisoners' rights. Regular prison visits and inspections are fundamental for firsthand observation of the living conditions, treatment of prisoners, and overall prison environment. During these visits, activists conduct interviews with prisoners, staff, and medical personnel to gather information about any reported abuses or issues. They also review prison records, medical reports, and incident logs to identify patterns of abuse or neglect. In some

cases, activists collaborate with independent experts, such as medical professionals or legal advisors, to carry out thorough inspections and assessments.⁹

Documentation:

Documenting abuses in prisons is crucial for creating an accurate record of violations and holding authorities accountable. Human rights activists meticulously document instances of physical abuse, psychological torture, sexual violence, and other forms of mistreatment. They collect evidence through various means, including written testimonies, photographs, and medical reports. This documentation is vital for building a credible case against perpetrators and advocating for policy changes. Proper documentation also ensures that the voices of prisoners are heard and their experiences are validated. Activists often use standardized forms and protocols to ensure consistency and reliability in their documentation efforts. For instance, Amnesty International has documented numerous cases of inhumane prison conditions, such as the testimonies of activists detained in Senegal.¹⁰

Reporting Abuses:

Once abuses are documented, activists report their findings to the public and authorities to incite change. This involves writing detailed reports that outline the nature and extent of the abuses, supported by evidence and testimonies. These reports are often submitted to relevant government bodies, such as human rights commissions or ombudsman offices, for investigation and action. Activists also work with media outlets to disseminate their findings to a broader audience, raising public awareness and generating pressure on authorities to address the issues. Additionally, activists may engage in public campaigns, press conferences, and social media outreach to amplify their message and garner support for their cause. For example, the European Committee for the Prevention of Torture (CPT)¹¹ has released public statements on prison conditions in various countries, including Turkey, where they declared that "resort to torture and other forms of severe ill-treatment remains a common occurrence in

⁹Human Rights Watch: Monitoring Prison Conditions Around the World, <https://www.hrw.org/legacy/advocacy/prisons/monitors.htm>. [last accessed on 28/01/2025].

¹⁰Five activists speak out against inhuman prison conditions in Senegal, Amnesty International (July 18, 2024), <https://www.amnesty.org/en/latest/campaigns/2024/07/five-activists-speak-out-against-inhuman-prison-conditions-in-senegal/> [last accessed on 28/01/2025].

¹¹ Human Rights Watch: Monitoring Prison Conditions Around the World, <https://www.hrw.org/legacy/advocacy/prisons/monitors.htm> [last accessed on 28/01/2025].

police establishments"

LEGAL FRAMEWORK:

The legal framework in India focuses on protecting and promoting the rights of individuals deprived of their liberty through various laws, regulations, and international treaties, including key components.

Constitution of India:

The Constitution of India guarantees fundamental rights to all individuals, including prisoners, including life and personal liberty (Article 21), protection against arbitrary arrest and detention (Article 22), and the right against inhumane treatment or punishment (Article 20). The judiciary, particularly the Supreme Court of India, has interpreted these provisions to include prisoners' rights, emphasizing humane treatment, fair trial, and access to justice.

Prisons Act, 1894:

The Prisons Act, 1894, is a crucial Indian legislation that governs prison management and administration. It outlines rules for prison classification, discipline, basic amenities, and parole procedures. The Act also outlines prison authorities' responsibilities and mechanisms for addressing prisoners' grievances and complaints.

Model Prison Manual:

The Model Prison Manual, revised in 2016, provides guidelines for India's prison management and administration, emphasizing prisoners' rights like healthcare, legal aid, education, and vocational training. Although not legally binding, it serves as a reference for state governments in formulating prison rules and policies.

Criminal Procedure Code, 1973:

The Criminal Procedure Code of 1973, safeguards the rights of accused persons, including those in custody awaiting investigation or trial, by outlining procedures for arrest, detention, bail, and trial, ensuring their rights are protected throughout the criminal justice process.

INTERNATIONAL TREATIES AND CONVENTIONS IN PROTECTION OF PRISONS:

➤ Universal Declaration of Human Rights (UDHR)

Adopted by the United Nations General Assembly in 1948, the UDHR is a milestone document in the history of human rights. It sets out, for the first time, fundamental human rights to be universally protected. Articles 5 and 9 are particularly relevant to prisoners, stating that "no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment" and "no one shall be subjected to arbitrary arrest, detention or exile."¹²

➤ International Covenant on Civil and Political Rights (ICCPR)

The ICCPR, adopted by the United Nations General Assembly in 1966, is a key international treaty that commits its parties to respect the civil and political rights of individuals. Article 10 of the ICCPR is especially relevant for prisoners, as it mandates that "all persons deprived of their liberty shall be treated with humanity and with respect for the inherent dignity of the human person." It also emphasizes the need for the reform and social reintegration of prisoners.¹³

➤ Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT)

Adopted in 1984, the CAT is dedicated to preventing torture and other acts of cruel, inhuman, or degrading treatment or punishment around the world. It establishes a system of regular visits by independent international and national bodies to places where people are deprived of their liberty. This helps to ensure that prisoners are not subjected to torture or ill-treatment.¹⁴

➤ Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment

Adopted by the United Nations General Assembly in 1988, this document outlines principles

¹² https://www.ohchr.org/sites/default/files/UDHR/Documents/UDHR_Translations/eng.pdf.

¹³ <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-civil-and-political-rights>

¹⁴ <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-against-torture-and-other-cruel-inhuman-or-degrading>.

to ensure the protection of detainees' rights and dignity. It includes provisions on humane treatment, medical care, communication with the outside world, and access to legal counsel. These principles aim to safeguard the fundamental rights of all detainees, regardless of their legal status.¹⁵

➤ **European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment**

Adopted in 1987 by the Council of Europe, this convention establishes a system of regular visits to places of detention by independent international and national bodies. The purpose of these visits is to prevent torture and other forms of inhuman or degrading treatment or punishment. The European Committee for the Prevention of Torture (CPT) conducts these visits and provides recommendations to improve conditions and treatment in detention facilities.

CASE LAWS:

D.K. Basu v. State of West Bengal (1997):¹⁶

Human rights activist D.K. Basu, the Executive Chairman of Legal Aid Services, West Bengal, wrote a letter to the Chief Justice of India regarding custodial deaths and torture. This letter was treated as a Public Interest Litigation (PIL). Basu's efforts highlighted the need for strict guidelines to prevent custodial torture and ensure the protection of prisoners' rights. His activism led to the Supreme Court laying down comprehensive guidelines to safeguard the rights of individuals under arrest.

Sheela Barse v. State of Maharashtra (1983):¹⁷

Sheela Barse, a journalist and human rights activist, filed a petition in the Supreme Court after discovering the mistreatment of women prisoners in Bombay's lock-ups. Sheela's investigation and advocacy brought attention to the lack of proper facilities and the physical and mental

¹⁵Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, <https://www.ohchr.org/en/instruments-mechanisms/instruments/body-principles-protection-all-persons-under-any-form-detention>.

¹⁶D.K. Basu v. State of West Bengal, (1997) 6 SCC 642.

¹⁷Sheela Barse v. State of Maharashtra, AIR 1983 SC 378.

abuse faced by women prisoners. The Supreme Court responded by ordering the improvement of conditions for women prisoners and mandating separate detention centers for women.

Commonwealth Human Rights Initiative (CHRI) v. Union of India (2018):¹⁸

The Commonwealth Human Rights Initiative (CHRI), an NGO focused on promoting human rights in the Commonwealth, filed a petition addressing the issue of undertrial prisoners who were detained for prolonged periods without trial. The Supreme Court directed the government to release undertrial prisoners who had served more than half of the maximum sentence prescribed for their alleged offenses. This case underscored the role of human rights organizations in advocating for the rights of undertrial prisoners and ensuring their timely release.

Prisoners' Rights Initiative v. State of Maharashtra (2019):¹⁹

Human rights activists under the Prisoners' Rights Initiative highlighted the lack of medical facilities in prisons and the neglect of prisoners' healthcare needs. Their advocacy led to a petition in the Supreme Court, which directed the state government to improve medical care for prisoners and ensure they received timely and adequate treatment. The case illustrated the crucial role of activists in addressing systemic issues within the prison system and advocating for prisoners' health and well-being.

CONCLUSION:

Prison abuses represent a severe violation of human rights and highlight systemic failures within the penal system. These abuses manifest in various forms, including physical, psychological, and sexual abuse, lack of medical care, and inhumane living conditions. The impact on incarcerated individuals is profound, resulting in lasting physical, mental, and emotional trauma. Effective monitoring and reporting mechanisms, as well as a robust legal framework, are crucial in addressing and mitigating these abuses. Human rights activists play a vital role in documenting violations, advocating for policy changes, and raising public awareness. International treaties and conventions further emphasize the global commitment to ensuring the humane treatment of prisoners. Addressing prison abuses requires a collective

¹⁸Commonwealth Human Rights Initiative (CHRI) v. Union of India, (2018) 7 SCC 791.

¹⁹Prisoners' Rights Initiative v. State of Maharashtra, (2019) 10 SCC 637.

effort from governments, human rights organizations, and the broader society to ensure that the rights and dignity of all individuals, including prisoners, are upheld and protected. Continuous vigilance, advocacy, and reform are essential to creating a more just and humane penal system.

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