

# [Human rights and prisoner rights](https://assignbuster.com/human-rights-and-prisoner-rights/)

Abdullah Bin Omar, a former prisoner in Guantanamo Bay prison was said to be one of the worst criminals regarding terrorism. Bin Omar was captured by the United States army in Pakistan after he had spent twenty three years in an unknown prison in Tunisia. The unfairness that Abdullah faced was the fact that he wasn’t told nor convicted of any real or specific crime. Cliff Stafford Smith, who is a legal director of Reprieve, a UK charity that provides front -line investigation and legal representation to prisoners found out that Bin Omar was captured with no charges and no trial was made for him. Smith said “ there are many other Guantanamo prisoners facing Bin Omar’s fate, much as they want to get out of Guantanamo- a purgatory of imprisonment without charge or trail” (Smith, 2007). Another example of such unfairness is Eddie/Canada. Eddie was convicted of murder and was set to stay in prison for the rest of his life. Moreover, Eddie was totally aware of the prison’s procedures and knew his limits during his time over there. Although Eddie killed himself on August 10th, evidence proved that the ignorance of the prison system by those who made and worked on the prisons’ rules, not mentioning the carelessness of the guards regarding their prisoners were pretty much the main reasons for Eddie’s suicide. These two examples illustrate and introduce my topic of prisoners’ rights, which can be supported by article number five in the Universal Declaration of Human Rights which states:” No one shall be subject to torture or to cruel, inhuman or degrading treatment or punishment”(“ Universal declaration of human rights”, 1948). The main topic of this research paper is relying solely on prisoner’s rights and the declaration of their humanity. Because prisoners are still considered as humans, yet they are being tortured and neglected, prisoners should demand for their rights as human beings.

In this research paper, I will be discussing:

The prisoner’s environment.

Prisoners’ image from the society’s point of view.

What the society has done for prisoners.

## Prisoners’ environment:

## General abuse:

Life in prison can be seen from multiple views. First of all, the purpose of creating prisons is nothing but to punish certain people who have been claimed to be criminals. Also, the general idea is to treat prisoners equally within the prison walls and help providing them with whatever they require to maintain their lives as human beings. However, not all prisons share or at least work with such an idea. Richard Tewksbury and Margaret J Mahoney, Criminal Justice academics said: “ As criminal justice academics and practitioners, we know that this sunny look at incarceration is rarely the actual experience of an offender. Although their frequency may be sensationalized by the media, the numerous hardships of prison and jail life (e. g., rape, gangs, drugs, abuse) do exist”. They also mentioned that such abuses are found among the inmates and also among the inmates and the staff; guards, officers and etc… Despite the help authorities as well as governments provide for prisoners to speak out their abuses, many inmates are still not able to do so, due to the fear from the doer; weather another inmate or a staff member. Furthermore, not all claims of abuses by prisoners are true, since many inmates have attempted to make false claims against other inmates or their own staff in the purpose of creating troubles.

## Sexual abuse and lack of educational background:

To be more precise, inmates all over the world suffer from sexual abuses by both other inmates as well as the staff. In an article regarding sexual victimization in prisons, Richard Tewksbury states that many rape or sexual abuse incidents among inmates are still unknown and are being under-reported. Also, lots of these abuses occur between prisoners because of the lower level of education they receive either before getting to prison or inside the prison itself. In other words, many prisoners who lack of educational background reflect their behavior toward each other and the other inmates as well. Hilde Hetland explains in his article; Educational Background in a prison population the rates of inmates’ level of education as follows:

14. 2 percent of state prisoners have an eighth grade education or less as their highest educational attainment

33. 2 percent have completed high school.

Only 2. 4 percent of state prisoners have reached a college degree.

When observing such rates, we can clearly sense the lack of educational background inmates have acquired, and therefore, such a low level of education reflects negatively on their behavior resulting in all kinds of abusing, but most especially, sexual abuses.

## Prisoners and Sadist guards:

A lot of inmates experience different kinds of abuses from sadist guards

who use their powers to treat their inmates in an inhuman manner. Theodore Dalrymple, a British psychiatrist and a prison doctor shows in his article The Evils of Ideology how sadist guards take an advantage of their powers towards abusing their prisoners. “ I have little doubt that he would have kicked him hard and often – in short, given him what used to be called in prison warders’ parlance “ the black aspirin,” which is to say the prison warder’s boot – if I had turned my back for an instant”. (Theodore Dalrymple, 2006). Such an act is one of many sadist guards use against inmates and few of these incidents are being reported due to the fear of the guards” threats and warnings. Theodore puts the blame on the government, the one that agreed to hire people with such mental illness to be as guards for inmates whom after all are human beings and have their own rights to claim.

## Discrimination among prisoners:

In the 1980’s, the United States of America has suffered severe economical crisis in which it has reflected negatively not only on the society but prisoners as well. According to Bert Kimball in his book “ States of Siege : U. S. Prison Riots, 1971-1986”, due to the lack of liquidity, the government was unable to provide enough spaces for all prisoners, therefore, every 119 prisoners were to share a space that fit for only 100 prisoners. As a result of such action, cruel discrimination appeared among prisoners and their guards. For example, a Muslim prisoner received less rights or services than a Christian one. Also, a massive discrimination occurred between blacks and whites which was caused by the guards’ different treatment for each race. Other than discrimination, the Eighth Amendment that stated the right to be free from cruel and unusual punishment was violated due to the lack of organization among the guards.

## Prisoners’ image from the society’s point of view:

Prisoners’ main definition is that they are certain people who have been claimed to be involved in an illegal or a criminalized act against the society. Such a definition does leave an impact on how the society perceives prisoners as humans with rights to claim for. According to Deborah Cheney; the Howard Journal of Criminal Justice: “ certain serving prisoners have the right to vote as any other citizen, based on criteria such as sentence length and offence seriousness”. We can observe from this quote that not all prisoners have the right to vote, and therefore, not all prisoners deserve to be given such right due to the level of crime they have caused to the society. As human beings, societies are not capable to fully sympathize with individuals who have been convicted of doing harmful or filthy acts towards the society they live in. therefore, not all prisoners can be treated the same or in an equal manner. For example, a society can emotionally forgive a man who robbed a bank or a man who didn’t pay his taxes, but the very same society is not emotionally capable of fully forgiving a man who has been convicted of raping a 12 years old girl. In other words, the society still perceives some of the prisoners as a lower class of citizens and they simply can’t be forgiven no matter how much they pay for in prison time. According to the Lance, world’s leading general medical journal, the Japanese government has allowed the execution of prisoners with mental illnesses. Regardless of their rights as human beings, such prisoners are being terminated with no questions asked. In addition, the evaluation of a prisoner weather he/she is suffering from mental illness is questionable as well. Therefore, the Democratic Party of Japan (DPJ) has announced a public argument regarding this issue, hoping that the Japanese government would listen to the other side of the story and might provide some actual rights for such prisoners. Another point to talk about is how the society perceives prisoners as an active part that is capable of establishing as well as improving the world in order to make it a better place. As mentioned before in this research, there is a significantly low level of education among prisoners in general. This low level of education reflects negatively on the prisoners’ image towards their society for their abilities to improve things around. After all, prisoners remain humans with enough mental and physical abilities that can help any society to improve its standard of living.

## What the society has done for prisoners:

## New Rights for Prisoners:

In response to the prisoners’ demands for providing them with enough rights that could serve them as human beings, Robert Spencer. Human Events, in article called, Democrats Are Giving Rights to Jihadists, a list of human rights have been provided by the US government to inmates who have been accused to distribute terror among a certain society. Some of these rights can be summarized as follows:

Jihadists have the right to have a decent or a respectable lawyer who can defend them and also stop any insults that may appear against them.

Jihadists will have the right to eat a decent food that can serve their body and continue their survival

Jihadists will have the chance to own a Quran; the Islamic religious book, in their serving period.

Jihadists will not experience psychological torture as a strategy of investigation due to its cruel nature that shall not be applied to mankind.

Finally, Jihadists will have the opportunity to have phone calls in which they can communicate with their loved once and comfort them.

Such rights to be given to prisoners, regardless of whatever it is they have been accused of, create an understanding society that has the ability to forgive as well as the ability to understand why a person has ended up in prison.

## Supreme Court decisions affecting prisoners’ rights:

Another act in relation to prisoners’ rights is mentioned in an article called, Prisoners’ Rights and the Rehnquist Court Era, written by Christopher E Smith., a journalist. The Supreme Court states that prisoners shall be able to maintain their rights as humans and also have the right to fight for their humanity. The Supreme Court also points out the corrections that should be made to lower court decisions regarding the expansion of prisoners’ rights as human beings with complete protection that will maintain their survival while serving their time in prison.

## Improve the education level among existing prisoners:

In regards to the lower educational level among prisoners, the very same article that discusses this issue; Educational Background in a prison population, provides the following procedures:

“ Education is a central part of the rehabilitation of prison inmates; therefore, Thirty- four of the 47 prisons offer education and training”.

Increased the number of available school places for prison inmates in recent years.

Adopting “ administrative cooperation model”, where the prisons are formally linked to the ordinary public services available outside the prison, such public services provide prisoners with the professional and financial responsibility for education as well as training in the correctional services.

A questionnaire to the inmates contained questions about age, gender, citizenship, country of childhood and teenage years to build up a status of the prisoners’ recent updates as well as their improvement during their serving time.

## Arguments against capital punishment:

Carol S Steiker, a journalist says in her article, Capital Punishment: A Century of Discontinuous Debate: “ The most powerful “ new” argument in the death penalty debate – one that simply did not exist in any sustained form prior to the modern era of capital punishment in the United States (post- 1976) – emphasizes the greater cost of capital punishment compared to the alternative of long-term (even lifetime) imprisonment. The argument has become so ubiquitous in contemporary debates about the death penalty that it is hard to imagine that it was virtually non-existent until a few decades ago. Indeed, in one generation, the cost argument has become perhaps the greatest threat to the continued robust use of capital punishment in the United States. This section will examine how and why the cost argument emerged over the past few decades as well as the reasons for its virtual absence in death penalty discourse during the first centuries of capital practice in this country”. Many of our society’s members have found out that capital punishment is nothing but a cruel act that the government uses to justify the crimes connected to a prisoner. Moreover, the death penalty has become a major argumentative subject in which it is neither known nor certain the measurement of a person’s act that makes him/her deserve such punishment. Also, as Carol states in the article, “ The inability of our capital system to provide meaningful redress for victims’ families”, pretty much explains the fact that there is a failure in our system regarding the issue of a prisoner being sentenced to death penalty. Therefore, serious actions have been made in order to pay more effort as well as more focus on this type of punishment and always reconsider other solutions such as; Life Time imprisonment instead of just sending someone to his/her death.

In conclusion, I have talked about the prisoner’s environment and how prisoners react to it. I also talked about the general idea about prisoners from the society’s perspective and how such an idea impacts prisoners from claiming their rights. Finally I have discussed what the society has done for prisoners in regards to their claims to be treated as human beings regardless of their criminal acts. In Abdullah Bin Omar’s case as discussed earlier in the introduction of this paper, serious procedures have been in order to provide actual human rights, not only for him especially, but also for all Guantanamo as well as all prisoners who suffer the injustice by those who made justice for them, such procedures were discussed in details under “ New rights for prisoners” in this research. In general, any man who has been convicted with any crime; an act that results in harming the society or the surroundings of this person shall be punished so he will know the consequences of his acts and so he will become an example for those who do the same action or attempt to do so. At the same time, it is ultimately important to pay extra attention on the validity of such convictions, the type of punishment that would be determined and finally how to reserve the prisoner’s right as a human being. After all, we are all humans who are subject to make mistakes, and as a religious person, I believe that it’s only GOD who has the final say in a man’s act and only he can punish this man or forgive him for his mistakes.