

**FORUM:** Human Rights Commission Sub-Commission

**QUESTION OF:** Promoting initiatives for community-based alternatives to imprisonment and greater use of early release from prison

**SUBMITTED BY:** Bosnia-Herzegovina

**CO-SUBMITTERS:** Human Rights Watch, Israel, Zimbabwe, Ethiopia, Finland, Rwanda, Libya, Afghanistan, Saint Vincent and The Grenadines, Austria, Belize, European Union, Qatar, Ghana, Cameroon, Saudi Arabia, Panama, Chad, Norway, Zambia

THE HUMAN RIGHTS COMMISSION,

*Acknowledges* that 24 countries world-wide currently hold more than double their maximum prison capacity while a further 28 hold between 150% and 200% of their maximum prison capacity;

*Aware* of the global decline in crime, measured by homicide rate, from 7.2% in 1992 to 6.1% in 2017 (UNODC, Global Study on Homicide);

*Recognizes* that the overcrowding of prisons can lead to inhumane conditions of the imprisoned such as but not limited to: reduced privacy, poor hygiene, and limited nutrition;

Bearing in mind that 9 million people in the world are being held prisoner in conditions that are below human rights standards,

*Deeply concerned* that HIV infection rates are much higher among prisoners than the outside population,

*Alarmed by* a high proportion of IDUs (injection drug users) in prison share needles, with a high risk of transmitting HIV and other infectious diseases,

*Having heard* that in 2015, 29.7% of European Prison Administrations were experiencing overcrowding,

*Taking into account* that it costs over \$28,000 to keep one person in federal prison in the US for one year (some states' prison costs are much higher),

*Noting with deep concern* that solitary confinement and lack of social interaction may lead to a specific psychiatric syndrome, characterized by hallucinations; panic attacks; overt paranoia; diminished impulse control; hypersensitivity to external stimuli; and difficulties with thinking, concentration and memory.

1. Recommends the alterations of laws of imprisonment in member states to allow for judges to give alternatives to imprisonment for small and non-violent offences such as but not limited to:
  - a) community restitution,
  - b) substance abuse programs, followed by work and more program participation such as but not limited to:
    - i. counseling other substance abusers,
    - ii. organizing or setting up treatment meetings
  - c) mental rehabilitation for those who can qualify for such treatment through testing;
2. Expresses hope for members states to show leniency and the ability for inmates eligible for conditional release to apply for early release under the conditions such as but not limited to:
  - a) terminally ill patients and prisoners of low risk over the age of 65 (geriatric release),
    - i. for first-time, non-violent offenders,
    - ii. assuming they have successfully passed a mental assessment saying they are fit to be reintegrated in society,
    - iii. have demonstrated consistent good behaviour.

- iv. for member states to set a number of years served before being eligible;
  - b) active participation within prison workshops and courses,
  - c) a thorough analysis by professional psychologists,
  - d) number of offences,
  - e) good behaviour,
  - f) not having committed political crimes or extremist actions;
- 3. Encourages dietitians to introduce nutritional guidelines towards prisoners who prisoners can reach to;
- 4. Asks prisons to adopt communal kitchens in which inmates may prepare meals as a form of rehabilitation and a workshop, given that:
  - a) supervision is provided during preparation of food that inmates carry out,
  - b) inmates work at specified stations in the communal kitchen,
  - c) the job of preparing the prison meal is reserved for appropriate inmates of low risk violence;
- 5. Emphasizes the strengthening of rehabilitation programmes in prisons
  - a) incentives for good behaviour such as more recreational time and/or more visits from family and friends
  - b) the creation of a more positive physical environment, eg by encouraging staff to constantly verbally reward good behaviour,
  - c) helping those with mental instabilities recover through therapy/workshops;
- 6. Condemns the use of isolation as a means of punishment within prisons and instead suggests consequences for serious behaviour to be: reducing privileges granted for a set amount of time,
  - a) taking away an inmate social recreation time,
    - i. punishments in which family and other outside visits are withheld for a set time
  - b) domestic work within prison cells such as cleaning;
- 7. Supports countries to implement wide-spread prison redevelopment in which the government aims to:
  - a) expand prisons to their respective necessary capacities in order to provide the safety and privacy which the imprisoned have a right to,
  - b) encourage a humane environment in order to
    - i. allow prisoners to interact with each other in order to easily re-integrate themselves into society, if so eligible
    - ii. aim for humane treatment of those prisoners with longer sentences by the expansion and redevelopment of prison amenities such as gyms, common areas, outdoor recreational space and shower and toilet facilities;
- 8. Recommends the implementation of a wider variety of options to replace imprisonment for the sentencing stage, if clearly defined and properly implemented, has an acceptable disciplinary element, and the severity of the crime is taken into consideration through the means of:
  - a) the use of verbal sanctions, such as admonition, reprimand and warning
  - b) implementing conditional discharge
  - c) imposing economic sanctions and monetary penalties, such as fines and day-fines
  - d) enforcing probation and judicial supervision
  - e) placing a community service order
  - f) referral to an attendance centre
  - g) placing an offender under house arrest;
- 9. Invites the use of stricter guidelines for those on parole due to early release:
  - a) encouraging parole officers to conduct more random searches and meeting on their

- designated person or persons
- b) the introduction of curfews
- c) increased drug tests
- d) mandatory meetings set on a weekly basis;

10. Urges countries to provide “social inquiry reports” to be accessible to the court's reports should include information regarding the offender and suggestions regarding the sentencing procedure;
11. Calls for crimes with involvement of tax evasion or tax fraud to be punished through economic sanctions rather than imprisonment such as but not limited to:
  - a) debt towards the government
  - b) additional mandatory community service hours determined by the government on top of the economic sanctions;
12. Requests that all prisons follow guidelines on humanitarian living conditions in which cells are:
  - a) of an adequate size for singular inmates and adequate space for cells in which 2 inmates are present
  - b) subject to health checks bi-annually
  - c) kept clean by prisoners, and inspected weekly by staff.