

THE NEED FOR A BETTER ANALYSIS OF GLOBAL PRISON CONDITIONS

INTRODUCTION

During the COVID-19 pandemic, I, like many others, spent a good deal of time watching various Netflix series. One remained impactful: *Inside the World's Toughest Prisons* takes viewers around the globe, spending time in various prisons.¹ The hosts found prisoners across the world are treated very differently depending upon the country in which they are incarcerated.² There is a harsh dichotomy between some nations, such as Germany and Norway, where prisons seem to have adequate resources and focus on rehabilitation; and other nations, such as the Philippines and Papua New Guinea, where there is dramatic overcrowding and a lack of resources to provide enough food for all prisoners.³

Globally, approximately eleven million people are incarcerated: they have either been sentenced or are awaiting trial.⁴ More than half of this population is incarcerated for non-violent offenses, and half a million people are serving life sentences.⁵ Treatment in prison and prospects after prison are very different in each country. In Norway, prison cells look like college dorm rooms,⁶ while in Brazil, inmates may not have a bed.⁷ And if an individual has been incarcerated once, there is a good chance they will be incarcerated again – this is known as recidivism.⁸ Recidivism rates vary drastically: Norway has a recidivism rate of around twenty percent, while

1 *Inside the World's Toughest Prisons*, NETFLIX (2016), <https://www.netflix.com/title/80116922>.

2 *Id.*

3 *Id.* Compare Norway (Season 3, Episode 4) and Germany (Season 4, Episode 2) with the Philippines (Season 1, Episode 4) and Papua New Guinea (Season 2, Episode 3).

4 THAILAND INSTITUTE OF JUSTICE & PENAL REFORM INTERNATIONAL, *Global Prison Trends 2020*, PENAL REFORM INTERNATIONAL, <https://www.penalreform.org/resource/global-prison-trends-2020/> (last visited Oct. 19, 2020).

5 THAILAND INSTITUTE OF JUSTICE & PENAL REFORM INTERNATIONAL, *Global Prison Trends 2020*, PENAL REFORM INTERNATIONAL, <https://cdn.penalreform.org/wp-content/uploads/2020/05/Global-Prison-Trends-2020-Penal-Reform-International-Second-Edition.pdf> (last visited Oct. 19, 2020).

6 *How Norway turns criminals into good neighbors*, BBC (Jul. 7, 2019), <https://www.bbc.com/news/stories-48885846> (last visited Mar. 16, 2021).

7 Jessica Best, *World Cup 2014: Inside Brazilian jail cells where English hooligans will be locked up*, MIRROR (Jun. 10, 2014), <https://www.mirror.co.uk/news/world-news/world-cup-2014-inside-brazilian-3669493> (last visited Mar. 16, 2021). For images of various prison cells around the world see, Greta Jaruševičiūtė, *What Prison Cells Look Like Around The World*, BORED PANDA, https://www.boredpanda.com/world-prison-cells-prisoners/?utm_source=google&utm_medium=organic&utm_campaign=organic (last visited Mar. 19, 2021).

8 Marian Hatcher, *76% of all inmates end up back in jail within 5 years. Here's how I broke the cycle*, VOX (Aug. 8, 2017), <https://www.vox.com/first-person/2017/8/8/16112864/recidivism-rate-jail-prostitution-break-cycle> (last visited Mar. 14, 2021).

the United States has a recidivism rate of over seventy-six percent.⁹ Furthermore, responsibility for prison conditions is very different depending upon the state and the state's authority over their own citizens.¹⁰

This note explores how a country's treatment of prisoners is an indicator of its development and should be a component of the Human Development Reports. Prison conditions show the world how a State¹¹ treats individuals who have committed wrongs within its borders. How a State treats their incarcerated persons indicates the extent of a State's commitment to human rights. Currently, the Human Development Reports consider as a human security indicator only one statistic regarding inmates, which is prison population, expressed per 100,000 people.¹² Measuring human security according to prison population has its uses, but is, however, underinclusive. There needs to be a new, separate metric: prison conditions. The creation of an entirely separate indicator for prison conditions more appropriately accounts for differences in prisoner treatment across the world and encourages all States to treat prisoners fairly.

I. BACKGROUND

The United Nations ("UN") has advocated for human rights since its inception. In 1948, less than five years after the creation of the UN, the UN General Assembly passed the Universal Declaration of Human Rights ("UDHR").¹³ The UDHR begins with an acknowledgement of basic human dignity and equality that calls for the guarantee of certain rights.¹⁴ It contains thirty articles, the contents of which are viewed as fundamental human rights.¹⁵ The UDHR works in tandem with the International Covenant for Civil and Political Rights and the International Covenant for Economic,

⁹ Cinnamon Janzer, *North Dakota Reforms its Prisons, Norwegian Style*, U.S. NEWS & WORLD REPORT (Feb. 22, 2019), <https://www.usnews.com/news/best-states/articles/2019-02-22/inspired-by-norways-approach-north-dakota-reforms-its-prisons> (last visited Mar. 16, 2021).

¹⁰ Dirk van Zyl Smit, *Regulation of Prison Conditions*, 39 CRIME & JST., 503, 517 (2010).

¹¹ "State" is utilized when I am referring to a sovereign nation while "state" is utilized when I refer to one of the states in the United States.

¹² *Prison population (per 100,000 people)*, UNITED NATIONS DEVELOPMENT PROGRAMME, HUMAN DEVELOPMENT REPORTS, <http://hdr.undp.org/en/indicators/128306> (last visited Dec. 16, 2020).

¹³ *Universal Declaration of Human Rights*, G.A. Res. 217 (III) (Dec. 10, 1948), UNITED NATIONS, <https://www.un.org/en/universal-declaration-human-rights/> (last visited December 16, 2020). UDHR is believed to be a response to the atrocities of World War II and persecution of Jewish persons living in Europe. Jacob Dolinger, *The Failure of the Universal Declaration of Human Rights*, 47 U. OF MIAMI INTER-AM. L.REV. 164, 166 (2016). "The concept of human rights originated in the first chapter of the Bible, Genesis, and is an old conquest of civilization, as expressed in philosophy, theology, and religious and political literature. *Id.* at 179.

¹⁴ *Id.* at pmbl.

¹⁵ *Id.*

Social and Cultural Rights.¹⁶ The UDHR and these two covenants are considered to be “the International Bill of Human Rights.”¹⁷

In 1993, the UN General Assembly created the Office of the High Commissioner for Human Rights (“Office of the High Commissioner”), which furthers the UN’s goal of pursuing human rights for all people.¹⁸ Since its founding, the Office of the High Commissioner has grown into a large, well-known entity focused on bolstering government commitments to protecting human rights.¹⁹ In 2006, the UN created the Human Rights Council²⁰ to address human rights violations around the world.²¹ One of the primary duties of the UN Human Rights Council is to conduct Universal Periodic Reviews (“UPRs”), which study UN Member States’ human rights commitments and offer insights and support.²²

The UDHR is highly influential and has, since its creation, reflected “the ideal human life in any society and the rights to which people are entitled.”²³ While difficult to quantify, evidence exists that since the adoption of the

16 *What are human rights?*, UNITED NATIONS HUMAN RIGHTS OFFICE OF THE HIGH COMMISSIONER, <https://www.ohchr.org/EN/Issues/Pages/WhatareHumanRights.aspx> (last visited Dec. 17, 2020). There are 173 countries who are State parties to the international covenant on civil and political rights, six countries who are signatories, and 18 countries who have not taken any action with respect to this covenant. *Status of Ratification Interactive Dashboard: International Covenant on Civil and Political Rights*, UNITED NATIONS HUMAN RIGHTS OFFICE OF THE HIGH COMMISSIONER, <https://indicators.ohchr.org/> (last visited Dec. 17, 2020). There are 171 State Parties to the International Covenant on Economic, Social and Cultural Rights, 4 signatory countries, and 22 countries who have taken no action with respect to this covenant. *Status of Ratification Interactive Dashboard: International Covenant on Economic, Social and Cultural Rights*, UNITED NATIONS HUMAN RIGHTS OFFICE OF THE HIGH COMMISSIONER, <https://indicators.ohchr.org/> (last visited Dec. 17, 2020). The UN has created 18 International Human Rights Treaties since the UDHR. *Status of Ratification Interactive Dashboard: Ratification of 18 International Human Rights Treaties*, UNITED NATIONS HUMAN RIGHTS OFFICE OF THE HIGH COMMISSIONER, <https://indicators.ohchr.org/> (last visited December 17, 2020).

17 Fact Sheet No.2 (Rev.1), *The International Bill of Human Rights*, UNITED NATIONS HUMAN RIGHTS OFFICE OF THE HIGH COMMISSIONER, <https://www.ohchr.org/Documents/Publications/FactSheet2Rev.1en.pdf> (last visited Dec. 17, 2020).

18 GA Res. 48/141.

19 *What we do: an overview*, UNITED NATIONS HUMAN RIGHTS, <https://www.ohchr.org/EN/AboutUs/Pages/WhatWeDo.aspx> (last visited Dec. 16, 2020).

20 G.A. Res. 60/251.

21 *Welcome to the Human Rights Council*, UNITED NATIONS HUMAN RIGHTS COUNCIL, <https://www.ohchr.org/EN/HRBodies/HRC/Pages/AboutCouncil.aspx> (last visited Dec. 16, 2020). The Human Rights Council directly reports to the UN General Assembly. CONG. RES. SERV., THE UNITED NATIONS HUMAN RIGHTS COUNCIL: BACKGROUND AND POLICY ISSUES, 5. There are 47 members of the Council who are elected for three-year terms and can serve a maximum of two consecutive terms. *Id.* at 6. If a member commits a “gross systematic violation of human rights” the UN General Assembly may suspend membership with a two-thirds vote. *Id.* All members of the UN are eligible to run for seats on the Human Rights Council.

22 *Id.* at 8 One of the most recent studies focused on South Sudan and allegations that starvation was being used as a war tactic. *Universal Declaration of Human Rights*, *supra* note 12.

23 S. İlgü özler, *The Universal Declaration of Human Rights at Seventy: Progress and Challenges*, EIA, <https://www.ethicsandinternationalaffairs.org/2018/udhr-at-seventy-progress-and-challenges/> (last visited Dec. 17, 2020).

UDHR, human rights conditions have improved across the globe.²⁴ The UDHR has led to the creation of multiple conventions and covenants,²⁵ which have led to war crimes prosecutions via the International Criminal Court, the near elimination of capital punishment in Europe,²⁶ and an increase in international cooperation to provide human rights for all.²⁷ The number of democratic States has expanded,²⁸ and there has been a global push for equal rights for racial minorities²⁹ and women.³⁰

While the UDHR and subsequent conventions and treaties represent great progress, human rights violations continue to occur around the world.³¹ The UDHR and subsequent conventions have set lofty goals, and many nations fall short. A “sizable portion” of UN member States have

²⁴ *Id.*

²⁵ *The Core International Human Rights Instruments and their monitoring bodies*, UNITED NATIONS HUMAN RIGHTS OFFICE OF THE HIGH COMMISSIONER, <https://www.ohchr.org/en/professionalinterest/pages/coreinstruments.aspx> (last visited Feb. 7, 2022).

²⁶ Art. 5 of UDHR forbids subjecting humans to cruel and inhumane punishment. This was further expanded in the Convention against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment. G.A. Res. 39/46. The UN has further commented that “the death penalty has no place in the 21st century” due to the risk of executing innocent people with no showing that the death penalty serves as a deterrent to crime. *Death Penalty*, UNITED NATIONS HUMAN RIGHTS OFFICE OF THE HIGH COMMISSIONER, <https://www.ohchr.org/EN/Issues/DeathPenalty/Pages/DPIndex.aspx> (last visited Dec. 17, 2020). *See also*, G.A. Res. 44/129.

²⁷ Claude Welch, *Universal Declaration of Human Rights: Why does it matter?*, UNIVERSITY OF BUFFALO, http://www.buffalo.edu/ubnow/stories/2015/12/qa_welch_udhr.html (last visited Dec. 17, 2020).

²⁸ Elisa Massimino, *The Power of Human Rights Law*, 41 HUM. RTS. 2 at 2 (2015). Democratic society is mentioned in Art. 29 of UDHR. UDHR, *supra* note 12. *See also* G.A. Res. 2200A (XXI) [(Dec. 16, 1966)]. Human rights are better protected in democratic nations due to the Constitutional rights and protections given to citizens in democracies. *Democracy*, UNITED NATIONS, <https://www.un.org/en/sections/issues-depth/democracy/index.html#:~:text=The%20values%20of%20freedom%2C%20respect,effective%20realization%20of%20human%20rights.&text=Freedom%20of%20expression%20and%20opinion> (last visited Dec. 17, 2020).

²⁹ Massimino, *supra* note 27. “All human beings are born free and equal in dignity and rights” UDHR, *supra* note 12, art. 1. The UN has more formally codified the call to racial equality with the International Convention on the Elimination of All Forms of Racial Discrimination. G.A. Res. 2106 (XX) (Dec. 21, 1965).

³⁰ Massimino, *supra* note 27; *See also* G.A. Res. 48/141, *supra* note 17. The UN has formally codified the call to end gender discrimination through the Convention on the Elimination of All Forms of Discrimination against Women. Convention on the Elimination of All Forms of Discrimination Against Women, Dec. 18, 1979, 1249 U.N.T.S. 13, available at <https://www.un.org/womenwatch/daw/cedaw/cedaw.htm>.

³¹ Global Citizenship Commission, Gordon Brown eds, *The Universal Declaration of Human Rights in the 21st Century: A living Document in a Changing World*, 91 (2016). Chapter 6, “Implementation of human rights” examines how the UDHR has been implemented and some of the problems with its implementation. *Id.*

dictatorial governments.³² The Human Rights Council is also limited in actions it can take against violating States.³³

The Office of the High Commissioner is continuously underfunded, making it difficult for the organization to accomplish its goals.³⁴ Furthermore, because all UN members can run for seats on the Human Rights Council³⁵, States with significant, ongoing human rights problems are often elected.³⁶ For example, Sudan has a seat on the Human Rights Council until 2022,³⁷ yet, there have been reports of extreme human rights abuses within the country.³⁸

A. UN Human Development Reports

Every year, the UN releases a new Human Development Report (“HDR”), which uses several indices to compare nations based upon their level of development.³⁹ These ranking systems utilize various combinations of the following human development indicators: health, education, income, income inequality, gender inequality, poverty, employment, human security, trade, communication, sustainability, demography, and socio-economic sustainability.⁴⁰ These indicators make up the following indices: the Human Development Index (“HDI”), the Inequality-Human

32 Dolinger, *supra* note 12, at 191. This is in contrast to the Human Rights Council’s push for democratic governments. *Democracy*, *supra* note 27.

33 James Gallen, *Between Rhetoric and Reality: Ten Years of the United Nations Human Rights Council*, 27 IRISH STUDS. OF INT’L AFFS 125, 129 (2016).

34 Jared Genser, *The Future of the UN Human Rights System*, 7 HORIZONS: J. OF INT’L REL. & SUSTAINABLE DEV. 176 (2016). In 2015, the Office of the UN High Commissioner received 3% of the UN’s annual budget, approximately \$225 million.

35 *FAQs*, UNITED NATIONS, <https://www.un.org/en/ga/about/hrcelectfaq.shtml> (last visited Jan. 24, 2022).

36 Krishnadev Calamur, *The UN Human Rights Council is a Deeply Flawed Body*, THE ATLANTIC (June 20, 2018), <https://www.theatlantic.com/international/archive/2018/06/us-un-human-rights/563276/>. See also, Congressional Research Service, *supra* note 20, at 4.

37 *Elections and Appointments*, UNITED NATIONS, <https://www.un.org/en/ga/74/meetings/elections/hrc.shtml> (last visited Jan. 24, 2022).

38 Mohamed Osman, *Sudan is Backsliding Dangerously*, AMNESTY INT’L (Nov. 18, 2021), available at <https://www.hrw.org/news/2021/11/18/sudan-backsliding-dangerously> (last visited Jan. 24, 2021) (noting the ongoing military and political problems in Sudan and that the former president Omar al-Bashir is wanted by the International Criminal Court for genocide, crimes against humanity, and war crimes).

39 U. N. DEV. PROGRAMME, HUM. DEV. T REPS., *Global Human Development Indicators*, <http://hdr.undp.org/en/countries> (Last visited Dec. 16, 2020). The most recent Human Development Report at the time of this article’s drafting was released by the UN on Dec. 15, 2020. *Id.* *Definition of ‘Human Development Index’*, THE ECONOMIC TIMES, <https://economictimes.indiatimes.com/definition/human-development-index> (last visited Jan. 24, 2022).

40 *Overview Human Development Report 2020*, U.N. DEV. PROGRAMME at vii-ix, available at http://hdr.undp.org/sites/default/files/hdr_2020_overview_english.pdf.

Development Index (“IHDI”), the Gender Development Index (“GDI”), the Gender Inequality Index (“GII”), and the Multidimensional Poverty Index (“MPI”).⁴¹

The HDRs are highly influential globally.⁴² UN entities cite HDRs to advocate for specific policy positions that ideally push States to become more developed.⁴³ That being said, the HDR indices, in particular the HDI, have been criticized for their redundancy,⁴⁴ their reliance on ambiguous weighting systems,⁴⁵ and their production of rankings unfair to poor nations.⁴⁶ These flaws create an incomplete picture of human development based upon the HDI’s three indicators: a long and healthy life, knowledge, and a decent standard of living.⁴⁷ Throughout the years, however, public engagement with the HDRs has waned, and the reports have become more of a UN Human Development Project routine than a genuine call for improvement.⁴⁸ In their coverage of the reports, UN media sources have contradicted the HDRs themselves.⁴⁹ The HDR measuring methodologies have also been criticized.⁵⁰

41 U. N. DEV. PROGRAMME, *supra* note 38.

42 Gustav Ranis, *Human Development and Economic Growth*, (Yale Univ. Econ. Growth Ctr., Discussion Paper No. 887, 2004), available at http://www.econ.yale.edu/growth_pdf/cdp887.pdf. For further comment on the influence of the Human Development Reports, see IAN CASTLES, MEASURING AND PROMOTING WELLBEING 281 (1998).

43 U. N. DEV. PROGRAMME: HUM. DEV. REPS., Making an Impact, <http://hdr.undp.org/en/making-an-impact> (last visited Dec. 18, 2020).

44 Mark McGillivray, *The Human Development Index: Yet Another Redundant Composite Development Indicator?* 19 WORLD DEV. 1461 (Oct. 1991). McGillivray notes that the HDI indicators are highly correlated with each other, meaning combining all indicators together does not reveal new insights. *Id.* at 1467. See also Miles B. Cahill, *Is the Human Development Index Redundant?*, 31 E. ECON. J. 1, 5 (2005) (for further evidence of HDI’s redundancy).

45 Omar Haider Chowdhury, *Human Development Index: A Critique*, 19 THE BANGL. DEV. STUD 125, 126 (Sept. 1991) (Chowdhury notes the arbitrary nature of [the] equal weights given to the various indicators).

46 *What are the Criticisms of the Human Development Index (HDI)?*, INVESTOPEDIA, <https://www.investopedia.com/ask/answers/042815/are-there-critics-human-development-index-hdi.asp#:~:text=Criticism%20of%20the%20Human%20Development,expectancy%20and%20GNI%20per%20capita> (last visited Dec. 18, 2020) (for reference to these three indices).

47 U. N. DEV. PROGRAMME: HUM. DEV. REPS., HUMAN DEVELOPMENT INDEX (HDI), <http://hdr.undp.org/en/content/human-development-index-hdi> (last visited Dec. 18, 2020).

48 Amduj D. Sagar & Adil Najam, *Shaping Human Development: Which Way Next?*, 20 THIRD WORLD Q., 743, 74[4] (1999).

49 CASTLES, *supra* note 41 at 282. The example utilized by Castles was based upon a UN-released headline: “[...]Despite record-high global consumption, ranks of poor, hungry and homeless are growing in rich nations as well as poor”. It claimed that ‘homelessness and illiteracy in industrialized countries continue[] to rise[.]’ in the 1998 Human Development Report when in fact this was not stated in the 1998 Human Development Report. *Id.*

50 *Id.* at 283. Noting that the HDR measurements for homelessness in 1998 were viewed as unsatisfactory.

B. UN on Prisons

UN entities encourage humane treatment for inmates. In 1955, the UN Economic and Social Council passed the Standard Minimum Rules for the Treatment of Prisoners.⁵¹ Following this, the Office of the High Commissioner passed the Basic Principles for the Treatment of Prisoners (“Nelson Mandela Rules”) in 2015.⁵² The Nelson Mandela Rules include nine types of recommendations, addressing the treatment of prisoners: the value of an inmate’s inherent dignity, types vulnerable groups of prisoners, medical and health services that should be available, prison discipline, and what is appropriate, death and torture investigations to ensure that death and torture are prevented, access to representation by counsel, inspections to ensure standards, terminology, and training of officers to ensure that prisoners are treated with dignity.⁵³ The Basic Principles for the Treatment of Prisoners expect that all inmates maintain their basic human rights even though their freedom of movement has been revoked.⁵⁴

The Nelson Mandela Rules constitute the UN’s most recent resolution regarding prison conditions. These rules were received as a positive step towards the protection of prisoners’ rights.⁵⁵ As the Nelson Mandela Rules have been in place for approximately seven years, questions have arisen regarding their influence and ability to provide prisoners with necessary

51 Economic and Social Council Res. 663 C (XXIV) (July 31, 1957). In 2011, the General Assembly created an Expert Group to review and revise these rules. *Nelson Mandela Rules*, UNITED NATIONS, https://www.un.org/en/events/mandeladay/mandela_rules.shtml (last visited Dec. 18, 2020). In 2015, the General Assembly adopted revisions to the Standard Minimum Rules, and the Rules were re-styled as the Nelson Mandela Rules. *Id.* The new revisions included a limitation of solitary confinement to a “last resort” tactic that should not exceed fifteen consecutive days. David Fathi, *Victory! UN Crime Commission Approves Mandela Rules on Treatment of Prisoners*, ACLU (May 27, 2015, 4:30 PM), <https://www.aclu.org/blog/prisoners-rights/solitary-confinement/victory-un-crime-commission-approves-mandela-rules>.

52 G.A. Res. 45/111 (Dec. 14, 1990).

53 *The United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules)*, UNITED NATIONS OFFICE ON DRUGS AND CRIME, https://www.unodc.org/documents/justice-and-prison-reform/Brochure_on_the_UN_SMRs.pdf (last visited Dec. 18, 2020).

54 *Id.*

55 Fathi *supra* note 40 [Fathi is not EN 40. This citation points to the wrong place]. See also ‘Mandela Rules’ on prisoner treatment adopted in landmark revisions of UN standards, AMNESTY INT’L (May 22, 2015, 3:40 PM), <https://www.amnesty.org/en/latest/news/2015/05/mandela-rules-on-prisoner-treatment-adopted-in-landmark-revision-of-un-standards/>.

rights and protections.⁵⁶ Many of these problems arise from prison overcrowding across the world.⁵⁷

The Nelson Mandela Rules call for States to keep detailed records of their prison populations, including institutional occupancy, in order to better identify prison overcrowding.⁵⁸ The Rules further call for imprisonment to be used as a mechanism to reduce recidivism, by providing educational and vocational opportunities so inmates can improve their lives upon release.⁵⁹ Additionally, these Rules recommend comprehensive training for prison guards, including written and physical tests, and suggest guards continue their training throughout their employment.⁶⁰ Overall, these Rules highlight the need to treat inmates as human beings, rather than as animals in a zoo.⁶¹

C. Powers of the Human Rights Council

The Human Rights Council has implemented a complaint procedure by which possible human rights violations can be referred to them.⁶² When a complaint is filed, it is screened to determine its validity, and once verified, the complaint is sent to the State where the offense took place.⁶³ For the Human Rights Council to investigate the allegation, the State where the

⁵⁶ *The Nelson Mandela Rules, 5 years on: Prohibition of torture is more relevant than ever*, ASS'N FOR THE PREVENTION OF TORTURE (July 17, 2020), https://www.apt.ch/en/news_on_prevention/nelson-mandela-rules-5-years-prohibition-torture-more-relevant-ever. Since the beginning of the COVID-19 pandemic, some inmates have needed to be isolated for their own protection due to COVID-19 risks, possibly leading to a Nelson Mandela Rules Violation. *Id.* This isolation is often associated with prison overcrowding, a continuous problem in many countries. *Id.*

⁵⁷ *New "Nelson Mandela Rules" For Prisons – Will It Lead to Prison Reform?*, THE DAILY VOX (Aug. 14, 2018), <https://www.thedailyvox.co.za/new-nelson-mandela-rules-for-prisons-will-it-lead-to-prison-reform-nkosikhona-kumalo-janessa-andiorio/> (exploring overcrowding in South African prisons that has led to outbreaks of tuberculosis, a rise in violence, and a lack of beds for all prisoners that put South African prisons in violation of the Nelson Mandela Rules). The Nelson Mandela Rules encourage UN Member States to “continue to endeavor to reduce overcrowding”. A Res. 70/175 E. South Africa is a member of the UN. *Welcome to the official website of the Permanent Mission of South Africa to the United Nations!*, PERMANENT MISSION OF S. AFR. TO THE UNITED NATIONS: N. Y., <https://www.southafrica-usa.net/pmun/#:~:text=South%20Africa%20was%20one%20of,has%20grown%20to%20193%20State.s.&text=South%20Africa%20was%20re%2Dadmitted,its%20transition%20into%20a%20democracy> (last visited Dec. 18, 2020).

⁵⁸ *The United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules)*, *supra* note 52 at Rule 4.

⁵⁹ *Id.*

⁶⁰ *Id.*

⁶¹ *Id.*

⁶² *Human Rights Council Complaint Procedure*, UNITED NATIONS HUMAN RIGHTS COUNCIL, <https://www.ohchr.org/en/hrbodies/hrc/complaintprocedure/pages/hrccomplaintprocedureindex.aspx> (last visited Dec. 21, 2020).

⁶³ *Id.*

offense took place must consent.⁶⁴ The Human Rights Council embarks on investigatory missions to study and help remedy violations of human rights law.⁶⁵ The Human Rights Council can also conduct UPRs; however, any pledges by a State to improve its human rights conditions are made on a voluntary basis, and UPR recommendations can be accepted or rejected by the reviewed State.⁶⁶ The Human Rights Council has more power over States who currently sit on the Human Rights Council, for Council members consent to reviews of their human rights situations as a condition of their membership on the Council.⁶⁷

D. Importance of Prison Treatment

Prisons are a fundamental part of most, if not all, criminal justice systems across the world.⁶⁸ Modern imprisonment derives from the works of philosopher Jeremy Bentham, and prefers incarceration for crimes as an alternative to the death penalty.⁶⁹ By the nineteenth century, prisons began to be utilized as a societal deterrent to the commission of crime.⁷⁰ At that time, there was also a growing movement calling for prisons to be used as a rehabilitative measure.⁷¹ Today, there are two competing philosophies justifying imprisonment: rehabilitation and punishment.⁷²

⁶⁴ Louise Smith, *When a Country Breaches Human Rights Law*, ABOUT HUMAN RIGHTS (June 28, 2021), <http://www.abouthumanrights.co.uk/when-country-breaches-international-human-rights-law.html>.

⁶⁵ Int'l Comm'ns of Inquiry, *Commissions on Human Rights, Fact-Finding missions and other investigations*, UNITED NATIONS HUMAN RIGHTS COUNCIL, <https://www.ohchr.org/EN/HRBodies/HRC/Pages/COIs.aspx> (last visited Dec. 21, 2020).

⁶⁶ PERMANENT MISSION OF SWITZ. TO THE UNITED NATIONS OFFICE, THE HUMAN RIGHTS COUNCIL, A PRACTICAL GUIDE 11 (2015).

⁶⁷ Josh Fisher, *Human Rights Council Membership Has Its Consequences*, HUMAN RIGHTS WATCH (Jan. 14, 2019, 9:11 AM), <https://www.hrw.org/news/2019/01/14/human-rights-council-membership-has-its-consequences>. While these rules are in place, the Human Rights Council has been criticized for failing to hold its members accountable. *Id.*

⁶⁸ *Overview*, JUSTICE & PRISONS: PRISONS & THE RULE OF LAW, http://justiceandprisons.org/?page_id=5020#:~:text=Prison%20is%20an%20important%20and,a%20sanction%20for%20serious%20wrongdoing (last visited Dec. 28, 2020).

⁶⁹ *History of Imprisonment*, CRIME MUSEUM, <https://www.crimemuseum.org/crime-library/famous-prisons-incarceration/history-of-imprisonment/> (last visited Dec. 28, 2020). Bentham's original idea of prison was a "facility in which prisoners would remain for extended periods of time. His design was intended to ensure that people who were locked up would never know if they were being watched by guards or not, which he felt would allow the prison to save money". *Id.* This prison was never built. *Id.*

⁷⁰ *Id.*

⁷¹ *Id.*

⁷² *Id.*

All prisons look different⁷³, yet they play a pivotal role not only by removing some individuals from society, but also by sending them back out into society once they complete their sentences.⁷⁴ Across the world, inmates are treated very differently.⁷⁵ Treatment in prison can affect whether an incarcerated individual will commit other crimes post-incarceration.⁷⁶ The UN Office on Drugs and Crime supports prison reform based upon human rights and the disproportionate impact that incarceration has on poorer individuals.⁷⁷

II. COMMON PROBLEMS WITH PRISON CONDITIONS

The Nelson Mandela Rules create a “minimum standard” for the treatment of prisoners, yet they are more of an ideal compared to most prison systems across the world.⁷⁸ This section addresses four key problems with many prisons globally. The first focus is prison overcrowding, which many States must address.⁷⁹ Overcrowding in prisons makes it nearly impossible for prison infrastructure and staff to provide for the basic needs of all inmates.⁸⁰ Overcrowded prisons lead to an increased transmission of disease, which has a disproportionate impact on low-income individuals who end up incarcerated at higher rates.⁸¹ Overcrowding further lead to an

⁷³ Austin MacCormick, *The Prison's Role in Crime Prevention*, 41 J. CRIM. L. & CRIMINOLOGY 36, 36 (1950) (noting the differences between prisons in the United States across states. The state of Texas only has one walled prison in the entire state with various other farm-like institutions scattered throughout the state. This is in contrast to the state of California that has two maximum-security facilities, four minimum and medium security facilities and other forestry camps.).

⁷⁴ *Id.* at 48. In the United States, the vast majority of prisoners in both state and federal institutions will at some point be released back into society. *Id.* at 39.

⁷⁵ See, e.g., Eve Watling, *The Shocking Contrast Between Prisons Around the World*, NEWSWEEK (Aug. 3, 2018), <https://www.newsweek.com/shocking-contrast-between-prisons-around-world-1056164?slide=16>.

⁷⁶ Francesco Drago, Roberto Galbiati & Pietro Vertova, *Prison Conditions and Recidivism*, 13 AM. L. & ECON. REV. 104, 128 (2011) (noting that there is no compelling evidence that harshness in prison has no impact in reducing recidivism).

⁷⁷ *Why promote prison reform?*, UNITED NATIONS: OFFICE ON DRUGS AND CRIME, <https://www.unodc.org/unodc/en/justice-and-prison-reform/prison-reform-and-alternatives-to-imprisonment.html> (last visited Dec. 28, 2020).

⁷⁸ *The United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules)*, *supra* note 52; see generally *Detention and Imprisonment*, AMNESTY INTERNATIONAL, <https://www.amnesty.org/en/what-we-do/detention/> (last visited Mar. 19, 2021).

⁷⁹ *UNODC Infographic: “The Nelson Mandela Rules,”* UNITED NATIONS, https://www.un.org/en/events/mandeladay/mandela_rules.shtml (last visited Mar. 19, 2021).

⁸⁰ *Overcrowding*, PENAL REFORM INTERNATIONAL, <https://www.penalreform.org/issues/prison-conditions/key-facts/overcrowding/> (last visited Mar. 19, 2021).

⁸¹ Armando Laura-Millán, *Public Emergency Room Overcrowding in the Era of Mass Imprisonment*, 79 AM. SOCIO. R. 866, 880 (2014). James Hamblin, *Mass Incarceration Is Making*

increase in rates of prison violence.⁸² There is also an indication that overcrowded prisons are associated with increased recidivism rates.⁸³

Incarceration is overused; in particular, individuals are often incarcerated before they are found guilty, even in States that grant accused criminals a presumption of innocence. Pretrial detention leads to skyrocketing incarceration rates across the world.⁸⁴ It is meant to be a last resort, yet it is widely used.⁸⁵ Around thirty percent of the world's population is made up of pretrial inmates.⁸⁶ Many of these individuals are held pending trial because they are unable to afford bail or an attorney who can secure their release.⁸⁷ This population of inmates greatly contributes to the overcrowding issues in global prison systems. But alternatives exist measures like confiscation of trial documents, check-ins with law enforcement, and curfews ensure defendants attend their court proceedings while their cases are pending.⁸⁸

A second problem is the lack of education. Many incarcerated people have not completed their secondary school education.⁸⁹ The Rules call for prison systems to offer educational and vocational training, so that when inmates leave prison, they will be better positioned to contribute to society.⁹⁰ Offering inmates education while in prison has been proven to reduce recidivism.⁹¹ This is because education increases inmates' earning potential after they leave prison.⁹²

Infectious Diseases Worse, THE ATLANTIC, <https://www.theatlantic.com/health/archive/2016/07/incarceration-and-infection/491321/> (last visited Jan. 24, 2022).

⁸² *Overcrowding*, *supra* note 79.

⁸³ Leon Neyfakh, *Serving Time in Overcrowded Prisons Makes Ex-Cons More Likely to Reoffend*, SLATE, <https://slate.com/news-and-politics/2015/11/overcrowded-prisons-may-increase-recidivism-rates.html> (last visited Mar. 19, 2021).

⁸⁴ *Pre-trial detention and its over-use: Evidence from ten countries*, WORLD PRISON BRIEF, <https://www.prisonstudies.org/news/pre-trial-detention-and-its-over-use-evidence-ten-countries> (last visited Mar. 19, 2021).

⁸⁵ *Id.*

⁸⁶ *The issue*, PENAL REFORM INTERNATIONAL, <https://www.penalreform.org/issues/pre-trial-justice/issue/> (last visited Mar. 19, 2021).

⁸⁷ *Id.*

⁸⁸ *Id.*

⁸⁹ Stephen Steurer, *Why Aren't We Spending More on Prisoner Education?*, THE CRIME REPORT, <https://thecrimereport.org/2018/06/08/why-arent-we-spending-more-on-prisoner-education/> (last visited Mar. 19, 2021).

⁹⁰ *The United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules)*, *supra* note 52.

⁹¹ *Why Prison Education*, PRISON STUDIES PROJECT, <https://prisonstudiesproject.org/why-prison-education-programs/> (last visited Mar. 19, 2021).

⁹² *Benefits of Prison Education*, NORTHWESTERN, <https://sites.northwestern.edu/npep/benefits-of-prison-education/> (last visited Mar. 19, 2021).

A third problem is that inmates worldwide lack sufficient access to healthcare.⁹³ HIV infection rates are high amongst inmates.⁹⁴ The rate of tuberculosis is also nearly one hundred times (*or 10,000%*) higher for inmates than it is for non-incarcerated individuals.⁹⁵ The UN Committee on Economic, Social, and Cultural Rights stated “Health is a fundamental human right indispensable from the exercise of other human rights.”⁹⁶ Around the world, prison infrastructure is crumbling.⁹⁷ There are widespread problems with access to clean drinking water, ventilation, and fresh air, as well as with facilitating hygienic living for all inmates.⁹⁸ These infrastructure problems increase inmates’ likelihood of contracting HIV and other infectious diseases.⁹⁹ These healthcare problems have become even more acute during the global COVID-19 pandemic, when non-incarcerated individuals have been hypervigilant with respect to hygiene, social distance, and fresh air.¹⁰⁰

The fourth and final problem discussed here is that prisons across the world struggle with violence among inmates.¹⁰¹ The United States Department of Justice has released reports indicating that “understaffing, overcrowding, and poor management” lead to an overall increase in prison violence.¹⁰² These factors that lead to an increase in prison violence in the

93 Ralf Jürgens, *HIV and incarceration: prisons and detention*, 14 J. OF THE INT’L AIDS SOC’Y 26 (2011).

94 *Id.*

95 Rick Lines, *The right to health of prisoners in international human rights law*, 4 INT’L J. PRISONER HEALTH 3 (2008).

96 Committee on Economic, Social, and Cultural Rights Res. 12/2000/4 (August 11, 2000).

97 See generally *Global Prison Trends 2016*, PENAL REFORM INTERNATIONAL, https://cdn.penalreform.org/wp-content/uploads/2016/05/Global_prison_trends_report_2016.pdf (last visited Mar. 20, 2021) (noting the general problem with global prison infrastructure). For more detailed examples, see *Behind Bars in Brazil: II. An Overview of the Penal System*, HUMAN RIGHTS WATCH, <https://www.hrw.org/legacy/reports98/brazil/Brazil-03.htm> (last visited Mar. 20, 2021) and Christopher Moraff, *Corrections in crisis*, AL JAZERRA AMERICA, <http://america.aljazeera.com/opinions/2015/6/corrections-in-crisis.html> (last visited Mar. 20, 2021).

98 *Global Prison Trends 2016*, *supra* note 96.

99 Jürgens, *supra* note 92.

100 Kathy Katella, *5 Things Everyone Should Know About the Coronavirus Outbreak*, YALEMEDICINE, <https://www.yalemedicine.org/news/2019-novel-coronavirus-:-:~:text=By breathing in air when,the virus on them.> (last visited Jan. 23, 2022).

101 See generally *Top 10 Most Violent Prisons in the World*, CRIMINALJUSTICE DEGREEHUB, <https://www.criminaljusticedegreehub.com/most-violent-prisons-in-the-world/> (last visited Mar. 20, 2021). This list asserts that the most violent prison in the world is Carandiru Penitentiary in South America noting a deadly prison massacre in 1992. *Id.* For more information about the Carandiru prison massacre, see James Brooke, *111 Killed When Police Storm Brazilian Prison During Inmate Riot*, NY TIMES, <https://www.nytimes.com/1992/10/04/world/111-killed-when-police-storm-brazilian-prison-during-inmate-riot.html> (last visited Mar. 20, 2021).

102 P.R. Lockhart, *America is finally being exposed to the devastating reality of prison violence*, VOX, <https://www.vox.com/policy-and-politics/2019/4/5/18297326/prison-violence-ohio-alabama-justice-department-lawsuit> (last visited Mar. 20, 2021).

United States are reflected in other States.¹⁰³ A subset of violence in prison is sexual abuse, which is also prevalent throughout the world.¹⁰⁴ These abuses are committed by both prison staff and inmates.¹⁰⁵

III. A GLOBAL ISSUE

There are massive discrepancies in prison conditions around the world. Ideally, all people would be guaranteed basic human rights.¹⁰⁶ Basic rights include the protection from cruel and inhumane punishment.¹⁰⁷ It does not matter whether an individual is incarcerated or free; torture and cruel, inhumane, or degrading treatment or punishment should not be tolerated.¹⁰⁸ Therefore, when prison conditions are inhumane or degrading for an incarcerated individual, that person's human rights are violated.

Prison conditions across the world are very different. In this section, I compare Norway, Brazil, and Iran to highlight the differences in how these States handle incarceration. Norway, with a population over 5.4 million people,¹⁰⁹ is ranked number one on the Human Development Index,¹¹⁰ and

¹⁰³ See, e.g., James McGuire, *Understanding prison violence: a rapid evidence assessment*, HM PRISON & PROBATION SERVICE, https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/737956/understanding-prison-violence.pdf (noting that prison environment plays a “considerable” role in inmate behavior) (last visited Mar. 20, 2021). Prison violence in Brazil is attributed to institutional overcrowding and the inhumane prison conditions that occur in Brazilian prisons. Robert Muggah, Carolina Taboada & Dandara Tinoco, *Q&A: Why Is Prison Violence So Bad in Brazil?*, AMERICAS QUARTERLY (Aug. 2, 2019), <https://americasquarterly.org/article/qa-why-is-prison-violence-so-bad-in-brazil/>.

¹⁰⁴ *Sexual Abuse in Prison: A Global Human Rights Crisis*, JUST DETENTION INT'L, https://justdetention.org/wp-content/uploads/2015/11/International_Summary_English.pdf (last visited Mar. 20, 2021).

¹⁰⁵ *Id.*; See, e.g., Veronica Penney, *An inmate was raped, impregnated by a guard. He was busted. His coworkers blame, harass her.*, MIAMI HERALD, <https://www.miamiherald.com/news/special-reports/florida-prisons/article234961062.html> (last updated Sept. 30, 2019). See also, *Prisoner Rape is Torture Under International Law*, JUST DETENTION INT'L, <https://justdetention.org/wp-content/uploads/2015/10/FS-Prisoner-Rape-is-Torture-Under-International-Law.pdf> (last visited Mar. 20, 2021).

¹⁰⁶ See generally, *Universal Declaration of Human Rights*, *supra* note 12.

¹⁰⁷ *Id.* at Art. 5; G.A. Res. 3452, U.N. Doc. A/RES/3452 (Dec. 9, 1975).

¹⁰⁸ G.A. Res. 43/173, U.N. Doc. A/RES/43/173 (Dec. 9, 1988). Principle 6 states in part that “[n]o person under any form of detention or imprisonment shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.” *Id.*

¹⁰⁹ *Norway Population (LIVE)*, WORLDOMETER, <https://www.worldometers.info/world-population/norway-population/> (last visited Dec. 30, 2020).

¹¹⁰ *Norway*, U.N. DEVELOPMENT PROGRAMME: HUMAN DEVELOPMENT REPORTS, <http://hdr.undp.org/en/countries/profiles/NOR> (last visited Dec. 30, 2020). Norway's current Human Development Index Score is 0.957. *Id.* Prison Insider has the Norwegian incarceration rate at 60 per 100,000 people. *Norway, Year 2019*, PRISON INSIDER, <https://www.prison-insider.com/countryprofile/prisons-norway2019> (last visited Dec. 30, 2020).

has a prison population of 60 people per 100,000 residents.¹¹¹ Norway has been a party to several conventions banning torture.¹¹² The country's corrections system is based upon a welfare-punishment approach, and prisons are organized based upon an import model.¹¹³ This means that individuals incarcerated in Norway are still viewed as citizens who have the ability to contribute to society in the future.¹¹⁴ Norway has adopted five pillars as goals for incarceration:¹¹⁵ following the government's goals of punishment (in Norway, rehabilitation); viewing inmates as human beings; providing all people due process of law and equal treatment; and finally that upon release from prison, an incarcerated individual is considered to have paid their debt to society.¹¹⁶ Incarceration is only used in Norway for the most serious offenses, with very clear minimum and maximum penalties for each offense.¹¹⁷ In 1978, the Norwegian Ministry of Justice instituted the "On Crime Policy" to create "new alternatives to imprisonment, to shorten sentences for property offenses, to restrict the use of indeterminate sentences, to abolish life imprisonment, and to increase the age of criminal responsibility from fourteen to fifteen years."¹¹⁸

At Halden Prison, Norway's maximum-security facility, inmates are housed in single rooms and have an en-suite bathroom, refrigerator, television, and views of the surrounding forest.¹¹⁹ It costs the Norwegian government approximately £98,000 or approximately \$131,000¹²⁰ per year

111 *Id.*

112 Norway is a State Party to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. *Status of Ratification Interactive Dashboard: Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment*, U.N. HUMAN RIGHTS, OFFICE OF THE HIGH COMMISSIONER, <https://indicators.ohchr.org/> (last visited Dec. 31, 2020). They are also a member of the International Covenant on Civil and Political Rights and subsequent optional protocols including the optional protocol to abolish the death penalty. *Ratification Status for Norway*, UNITED NATIONS HUMAN RIGHTS TREATY BODIES, https://tbinet.ohchr.org/_layouts/15/TreatyBodyExternal/Treaty.aspx?CountryID=129&Lang=EN (last visited Jan. 24, 2022).

113 PRISON INSIDER, *supra* note 108.

114 *Id.* See also *Norwegian Society*, LOOK UP STUDY IN NORWAY, <https://www.studyinnorway.no/living-in-norway/norwegian-society> (last visited Jan. 24, 2021) (noting Norway's high value on the treatment of each individual).

115 Anita H. S. Hurlburt, *Building Constructive Prison Reform on Norway's Five Pillars, Cemented with Aloha*, 19 APLPJ 194, 201 (2018). Norway's Five Pillars come from a vision of Sir Winston Churchill who advocated for a criminal justice system based on rehabilitation, not punishment. *Id.*

116 *Id.*

117 Tapio Lappi-Seppälä, *Penal Policy in Scandinavia*, 36 CRIME & JUST., 217, 223-24 (2007).

118 *Id.* at 255-56.

119 Emma Jane Kirby, *How Norway turns criminals into good neighbors*, BBC NEWS (July 7, 2019), <https://www.bbc.com/news/stories-48885846>.

120 *Id.*; *Exchange Rate*, EXCHANGERATE.GURU, <https://exchangerate.guru/gbp/usd/98000/> (last visited November 24, 2021).

to house an inmate at Halden Prison.¹²¹ This prison also gives inmates access to yoga facilities, job training, and educational opportunities.¹²² Prison guards are referred to as “officers,” as opposed to guards, whose are charged with making the inmates better people by functioning as coaches and mentors.¹²³ The goal is to completely rehabilitate every incarcerated individual and prepare them for life in mainstream society.¹²⁴ This is especially necessary because the maximum prison sentence in Norway is twenty-one years.¹²⁵ Recidivism in Norway is low; only twenty percent of inmates return to prison on a different sentence within two years, and twenty-five percent within five years of their first sentence, as opposed to Brazil, whose recidivism rates are much higher.¹²⁶ As a result of these policies, Norwegian prisons have been criticized as being too soft.¹²⁷

In contrast to Norway, Brazil’s prison system is much harsher. Brazil is the largest country in South America, with a population over 213 million.¹²⁸ The country has a Human Development Index ranking of 84 out of 189¹²⁹ and prison population rate of 344 per 100,000 people.¹³⁰ The Brazilian constitution guarantees inmates “physical and moral integrity.”¹³¹ Brazilian penal law focuses on “resocialization of the convicted person.”¹³² Brazil, like Norway, is a State Party to several conventions relating to the end of torture.¹³³ The current president of Brazil, Jair Bolsonaro, has made prison

121 Kirby, *supra* note 117.

122 *Id.*

123 *Id.*

124 Jessica Benko, *The Radical Humaneness of Norway’s Halden Prison*, NEW YORK TIMES (Mar. 26, 2015), <https://www.nytimes.com/2015/03/29/magazine/the-radical-humaneness-of-norways-halden-prison.html>.

125 *Id.*

126 *Id.* Kirby, *supra* note 117.

127 See, e.g., Erik Kain, *Are Norwegian Prisons Too Soft?*, FORBES (July 25, 2011, 3:29 PM) <https://www.forbes.com/sites/erikkain/2011/07/25/are-norwegian-prisons-too-soft/?sh=518be645505f>.

128 *Brazil Population (LIVE)*, WORLDOMETER, <https://www.worldometers.info/world-population/brazil-population/> (last visited Dec. 30, 2020).

129 *Brazil*, UNITED NATIONS DEVELOPMENT PROGRAMME: HUMAN DEVELOPMENT REPORTS, <http://hdr.undp.org/en/countries/profiles/BRA> (last visited December 30, 2020).

130 *Id.* World Prison Brief counts the prison rate at 357. *Brazil*, WORLD PRISON BRIEF, <https://www.prisonstudies.org/country/brazil> (last visited Dec. 30, 2020).

131 *Behind Bars in Brazil*, HUMAN RIGHTS WATCH, https://www.hrw.org/legacy/reports98/brazil/Brazil-03.htm#P343_63276 (last visited December 30, 2020) For more information, see, Brazil Res. 14 (Nov. 11, 1994).

132 *Id.*

133 Brazil is a State Party to the Convention against Torture and Other Cruel, Inhuman or Degrading Punishment. *Convention against Torture and Other Cruel, Inhuman or Degrading Punishment*, *supra* note 110. They are also a State Party to the International Covenant on Civil and Political Rights and subsequent optional protocols. *International Covenant on Civil and Political Rights*, *supra* note 110.

reform a priority during his presidency.¹³⁴ The Brazilian legal system is based upon a civil law tradition and is organized in a similar manner to the United States.¹³⁵ These reforms include tough on crime policies, lowering the age of criminal responsibility from eighteen to seventeen, and bringing an end to parole, indicating that prison reform for Brazil means stricter policies.¹³⁶

While Brazil's prison philosophies are similar to Norway's, prison conditions in Brazil are very different. Brazilian prisons are very overcrowded, with an occupancy level of over 170% in December 2019.¹³⁷ This overcrowding led to a high number of COVID-19 cases in Rio de Janeiro prisons, where there are more than 52,000 inmates in prisons with a capacity of 28,688.¹³⁸ There is also evidence Brazilian prisons lack an adequate number of prison guards.¹³⁹ The prison system treats inmates differently depending upon whether they have a university degree, giving those with a university degree access to separate cells and better conditions overall while incarcerated.¹⁴⁰ Many Brazilian inmates are housed in windowless cells that are shared by twenty-five men without enough beds.¹⁴¹ The sewage system often clogs and floods cell floors, leading to inmates hanging their mattresses from the ceiling.¹⁴² AIDS and tuberculosis

134 Náthaly Calixto, *Imprisonment as a last resort? Reforming Brazil's prisons*, OPENGLOBALRIGHTS, <https://www.openglobalrights.org/imprisonment-as-a-last-resort-reforming-brazils-prisons/> (last visited Dec. 31, 2020).

135 *Brazil*, FIU STEVEN J. GREEN SCHOOL OF INTERNATIONAL & PUBLIC AFFAIRS, <https://caj.fiu.edu/national-cj-systems/south-america/brazil/> (last visited Jan. 23, 2022).

136 *Id.*

137 Laura Bartilotti Picanço, *Brazil's Mass Incarceration Policy Has Not Stopped Crime*, WILSON CENTER, <https://www.wilsoncenter.org/blog-post/brazils-mass-incarceration-policy-has-not-stopped-crime> (last visited Jan. 24, 2022).

138 Bruna Lima and Isabelle Xavier, *Coronavirus Cases Rise In Brazil's Overcrowded Prisons*, LATIN AMERICA NEWS DISPATCH, <https://latindispatch.com/2020/06/30/brazil-prisons-coronavirus/> (last visited Dec. 31, 2020).

139 Náthaly Calixto, *supra* note 132.

140 Robert Muggah and Ilona Szabo De Carvalho, *Behind bars in Brazil is no place you want to be*, LOS ANGELES TIMES, <https://www.latimes.com/opinion/op-ed/la-oe-muggah-brazil-prisons-20140122-story.html> (last visited Dec. 31, 2020).

141 Layla Medina, *Indefinite Detention, Deadly Conditions: How Brazil's Notorious Criminal Justice System Violates the International Covenant on Civil and Political Rights*, 31 AM. U. INT'L. L. R. 593, 494-5 (2016).

142 Fernanda Canofre, *Life as an Inmate in a Brazilian Prison Cell*, THE WIRE, <https://thewire.in/external-affairs/whats-like-live-brazilian-prison-cell-cramped-dirty-dangerous-health> (last visited Dec. 31, 2020).

are easily spread, and there is a high rate of prison violence.¹⁴³ While some prisons have adequate ventilation, others do not.¹⁴⁴

These conditions have been described as “appalling”¹⁴⁵ and have been identified as “cruel, degrading or inhuman,”¹⁴⁶ therefore violating Article 7 of the International Covenant on Civil and Political Rights¹⁴⁷ as well as the Convention against Torture and Other Cruel, Inhumane or Degrading Treatment or Punishment.¹⁴⁸ The UN Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment (a component of the Office of the High Commissioner for Human Rights)¹⁴⁹ visited Brazilian prisons in 2015, and found them to be “chaotic” and “overcrowded.”¹⁵⁰ The UN noted that, at the time of its visit, the Brazilian government had attempted to forbid torture in prisons, but the measures taken were insufficient.¹⁵¹

The UN Office of the Human Rights High Commissioner recommended the Brazilian government create a mechanism for inmates to report incidents of torture and mitigate overcrowding by instituting custody hearings to

143 *Id.* Brazilian have seen a number of prison riots in the past ten years leaving many inmates dead. In 2019, a gang riot left more than 50 inmates dead in a prison in the Brazilian Amazon. Dom Phillips, *Gang violence leaves more than 50 dead in Brazil prison riot*, THE GUARDIAN, <https://www.theguardian.com/world/2019/jul/29/gang-violence-leaves-more-than-50-dead-in-brazil-prison-riot> (last visited Dec. 31, 2020). There were at least 60 inmates killed in the Brazilian prison in Manaus in 2017 that occurred based upon a 17-hour riot. *Dozens killed in prison riot in Brazil city of Manaus*, ALJAZEERA, <https://www.aljazeera.com/news/2017/1/2/dozens-killed-in-prison-riot-in-brazil-city-of-manaus> (last visited Dec. 31, 2020).

144 *Behind Bars in Brazil: V. Physical Conditions*, HUMAN RIGHTS WATCH, <https://www.hrw.org/legacy/reports98/brazil/Brazil-06.htm#:~:text=Brazilian%20prisoners%20are%20too%20often,prisons%2C%20jails%20and%20police%20lockups.&text=In%20the%20most%20crowded%20facilities,or%20hanging%20in%20suspended%20hammocks>. (last visited Dec. 31, 2020). Casa de Custodia de Piraquara, a prison in southern Brazil, has launched a new program where, for every book an incarcerated individual reads, four days are removed from their sentence. *In Brazil, Some Inmates Are Using A Novel Way To Get Out Of Prison Earlier*, NPR, <https://www.npr.org/2017/07/04/535530400/in-brazil-some-inmates-are-using-a-novel-way-to-get-out-of-prison-earlier> (last visited Dec. 31, 2020).

145 *Behind Bars in Brazil: V. Physical Conditions*, *supra* note 141.

146 *Brazil Human Rights*, AMNESTY INTERNATIONAL, <https://www.amnestyusa.org/countries/brazil/#:~:text=Prisons%20remained%20severely%20overcrowded%20and,series%20of%20riots%20and%20homicides>. (last visited Dec. 31, 2020).

147 *Art 7, International Covenant on Civil and Political Rights*, *supra* note 15.

148 *Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment*, *supra* note 25.

149 *Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment*, UNITED NATIONS HUMAN RIGHTS, OFFICE OF THE HIGH COMMISSIONER, <https://www.ohchr.org/en/issues/torture/srtorture/pages/srtortureindex.aspx> (last visited Mar. 17, 2021).

150 *Brazil must address prison overcrowding and implement measures against torture – UN expert*, UN NEWS, <https://news.un.org/en/story/2015/08/506532-brazil-must-address-prison-overcrowding-and-implement-measures-against-torture> (last visited Dec. 31, 2020).

151 *Id.*

evaluate the need to detain inmates pretrial.¹⁵² In June 2020, various organizations submitted complaints to the UN and the Organization of American States with respect to Brazilian prison management in light of COVID-19.¹⁵³ Brazil has been further criticized for the way in which it spends money on its prisons.¹⁵⁴ The government has invested in building more prisons, instead of utilizing that money to provide more services for inmates, thereby failing to address the underlying prison overcrowding problem.¹⁵⁵

Turning to the Middle East for another example of poor prison conditions, Iran, with a population of over 84.5 million people¹⁵⁶ and a Human Development Index ranking of 70 out of 189,¹⁵⁷ has a prison population of 293 per 100,000 residents.¹⁵⁸ The Iranian legal system derives from Islam, and has European and Asian influences.¹⁵⁹ The legal system is comprised of various layers of courts, with prosecutions occurring in lower courts and appeals in higher courts.¹⁶⁰ Iranian law follows the Islamic penal code, defining the age of criminal responsibility at nine for girls and fifteen for boys.¹⁶¹ The country does not have public prosecutors.¹⁶² Instead, the court takes on the responsibilities typically associated with a prosecutor.¹⁶³ It is believed the Iranian criminal justice system is based upon a security approach,¹⁶⁴ meaning the criminal justice system emphasizes keeping the

¹⁵² *UN rights expert urges Brazil to address prison overcrowding and implement measures against torture*, UNITED NATIONS HUMAN RIGHTS: OFFICE OF THE HIGH COMMISSIONER, <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=16325&> (last visited Dec. 31, 2020).

¹⁵³ *COVID-19: Brazil Denounced in UN and OAS Over Imminent "Catastrophe" In Prisons*, CONECTAS HUMAN RIGHTS, <https://www.conectas.org/en/news/covid-19-brazil-denounced-in-un-and-oas-over-imminent-catastrophe-in-prisons> (last visited Dec. 31, 2020).

¹⁵⁴ Carmen Garcia Gallego, *Developing Countries Should Invest in Prisoners, Not Prisons*, PROSPER, <https://csisprosper.com/2018/12/14/developing-countries-should-invest-in-prisoners-not-prisons/> (last visited Mar. 19, 2021).

¹⁵⁵ *Id.*

¹⁵⁶ *Iran Population (LIVE)*, WORLDOMETER, <https://www.worldometers.info/world-population/iran-population/> (last visited Jan. 1, 2021).

¹⁵⁷ *Iran (Islamic Republic of), United Nations Development Programme*, HUMAN DEVELOPMENT REPORTS, <http://hdr.undp.org/en/countries/profiles/IRN> (last visited January 1, 2021).

¹⁵⁸ *Id.* *World Prison Brief has the 2018 incarceration rate at 294. Iran*, WORLD PRISON BRIEF, <https://www.prisonstudies.org/country/iran> (last visited January 1, 2021).

¹⁵⁹ Gordon B Baldwin, *The Legal System of Iran*, 7 INT'L LAW. 492 (1973).

¹⁶⁰ Hadi Ghaemi, *The Islamic Judiciary*, THE IRAN PRIMER, <https://iranprimer.usip.org/resource/islamic-judiciary#:~:text=Iran's%20legal%20system%20has%20many,and%20rules%20on%20death%20sentences.> (last visited Jan. 1, 2021).

¹⁶¹ *Id.*

¹⁶² Hassan Rezaei, *The Iranian Criminal Justice under the Islamization Project*, 10 EUR. J. CRIME CRIM. L. & CRIM. JUST. 54, 60-61 (2002).

¹⁶³ *Id.* at 61.

¹⁶⁴ *Id.* at 62.

government safe.¹⁶⁵ Iran is a State Party to the International Covenant on Civil and Political Rights.¹⁶⁶ It is also a signatory to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.¹⁶⁷ However, Iran has taken no action with respect to the two optional protocols following the International Covenant on Civil and Political Rights.¹⁶⁸

Similarly, to Brazil, the prison conditions in Iran have been described as “abysmal.”¹⁶⁹ Iranian prison authorities are alleged to implement sentences known as “horror verdict[s]” against death-row inmates, where individuals who are on death row are taken to solitary confinement to carry out their sentence. They are sometimes killed at that time, and other times are kept for two or three days and then returned to regular death row.¹⁷⁰ This means that individuals on death row can never be sure when they are going to be executed.¹⁷¹ Evin Prison in particular has become associated with “torture and death” due to the high number of reported hangings and disappearances of political prisoners.¹⁷² Former inmates report “walls topped with barbed wire, windowless cells, air that reeked of ‘sweat and vomit ’and sounds of gun fire and ‘pain-saturated screams.’”¹⁷³ Evin Prison utilizes solitary confinement for protestors, and there are reports that prison guards beat inmates.¹⁷⁴ Other reports from Evin include prison guards interrogating

165 *Id.*

166 *International Covenant on Civil and Political Rights*, *supra* note 110.

167 *Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment*, *supra* note 110. A signatory is a State expressing political support, but the convention is not enacted within that particular State. This is in contrast to a State Party where the State has consented to be bound by the convention or optional protocol. *Legal Obligations of Signatories and Parties to Treaties*, INSIDE JUSTICE, https://www.insidejustice.com/intl/2010/03/17/signatory_party_treaty/#:~:text=The%20term%20%E2%80%9Csignatory%E2%80%9D%20refers%20to,engagement%20with%20the%20treaty%20process.&text=The%20term%20%E2%80%9Cparty%E2%80%9D%20refers%20to,be%20bound%20by%20the%20treaty (last visited Jan. 1, 2021).

168 *Ratification Status for Iran (Islamic Republic of)*, UNITED NATIONS HUMAN RIGHTS TREATY BODIES, https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/Treaty.aspx?CountryID=81&Lang=EN (last visited Jan. 24, 2022).

169 *Shocking Reports From Inside Iran on Abysmal Prison Conditions*, IRAN HRM, <https://iran-hrm.com/index.php/2020/10/31/report-from-abysmal-conditions-inside-iranian-jails/> (last visited Jan. 1, 2021).

170 *Id.*

171 *Id.*

172 Tracey Shelton and Julia Holman, *Inside Iran’s Evin prison former detainees say ‘every day is a day of suffering’*, ABC NEWS, <https://www.abc.net.au/news/2019-09-13/what-it-is-like-inside-iran-prison-evin/11506214> (last visited Jan. 1, 2021).

173 *Id.*

174 ‘Unbearable pain’ inside Iran’s prisons, U.S. VIRTUAL EMBASSY IRAN, <https://ir.usembassy.gov/unbearable-pain-inside-irans-prisons/> (last visited Jan. 1, 2021).

inmates, utilizing threats that they would torture inmates' family members.¹⁷⁵

The UN has been critical of Iranian prison conditions.¹⁷⁶ It has noted Iran's prison situation has been complicated due to Iran's economic situation and continuous sanctions.¹⁷⁷ This, in conjunction with overcrowding and poor sanitary conditions, has led to large COVID-19 outbreaks in Iranian prisons.¹⁷⁸ Iran did temporarily release around 120,000 inmates to stop the spread of COVID-19, but this did not include inmates who received their sentences for national security reasons, including "human rights defenders, lawyers, dual and foreign nationals, conservationists, and others deprived of their liberty for expressing their views or exercising other rights."¹⁷⁹ The UN has noted its concerns about Iranian prison conditions amid the COVID-19 outbreak.¹⁸⁰ In November 2020, the UN General Assembly passed a resolution condemning rights violations in Iran, which included imprisonment of individuals arrested for peaceful protests, who were sentenced to long prison sentences and, in some cases, death.¹⁸¹

175 *V. Detention Centers and Ill-Treatment*, HUMAN RIGHTS WATCH, <https://www.hrw.org/reports/2004/iran0604/5.htm> (last visited Jan. 1, 2021).

176 *UN rights chief urges Iran to release jailed human rights defenders, citing COVID-19 risk*, WELCOME TO THE UNITED NATIONS, <https://news.un.org/en/story/2020/10/1074722> (last visited Jan. 2, 2021).

177 *Iran: UN expert alarmed by detention conditions in the wake of recent protests*, UNITED NATIONS HUMAN RIGHTS: OFFICE OF THE HIGH COMMISSIONER, <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?LangID=E&NewsID=25689> (last visited Jan. 2, 2021). In 2006, the UN Security Council imposed sanctions on Iran. *UN Sanctions Against Iran*, GLOBAL POLICY FORUM, <https://www.globalpolicy.org/security-council/index-of-countries-on-the-security-council-agenda/iran.html> (last visited Jan. 2, 2021). Since then, the UN and the United States have continued to impose sanctions based upon failure to enact their international commitments. Matthew Lee, *US says all UN sanctions on Iran restored, but world yawns*, AP, <https://apnews.com/article/iran-iran-nuclear-united-nations-general-assembly-united-nations-mike-pompeo-8fe3bff342135cb4817629499e59964a> (last visited Jan. 2, 2021).

178 *UN rights chief urges Iran to release jailed human rights defenders, citing COVID-19 risk*, *supra* note 172.

179 *Id.*

180 *U.N. worried about Iran prisoners amid coronavirus outbreak*, REUTERS, <https://www.reuters.com/article/us-health-coronavirus-iran/u-n-worried-about-iran-prisoners-amid-coronavirus-outbreak-idUSKBN21L2EG> (last visited Jan. 2, 2021).

181 *UN Resolution Condemns "Blatant" Human Rights Violations In Iran*, IRAN INTERNATIONAL, <https://iranintl.com/en/iran/un-resolution-condemns-blatant-human-rights-violations-iran> (last visited Jan. 2, 2021).

IV. THE CREATION OF A PRISON CONDITIONS INDICATOR

Prison conditions help measure human development within a particular State.¹⁸² However, prison conditions should be more than just a sub-indicator of human development: they should be their own individual human development indicator. Human development “focuses on improving the lives people lead” via opportunities and choice.¹⁸³ Promoting humane prison conditions improves the lives of people who have committed criminal offenses.¹⁸⁴

The UN is the one of the most well-known international organizations.¹⁸⁵ It is also the world’s largest intergovernmental organization.¹⁸⁶ The UN has mechanisms for tracking human development and comparing States to each other through the UN Human Development Report Office.¹⁸⁷ Due to its international clout and ability to compile global data, the UN should compile human development statistics on prison conditions. These statistics should include information about prison capacity, recidivism rates, educational opportunities, duration of guard training, and the differences in prison treatment based upon inmates’ personal finances. Examinations of HDRs and prison conditions in countries such as Norway, Brazil, and Iran reveal whether inmates’ human rights are protected.

Prison capacity and occupancy provide insight into the severity of overcrowding across the globe.¹⁸⁸ Prison capacity rates show how many beds each nation has for its incarcerated population. Overcrowding is a global problem that can lead to a deterioration of prison conditions; therefore, the closer occupancy rates get to 100% and above, the greater the

182 Prison population is utilized as a human security indicator. See generally, *United States*, UNITED NATIONS DEVELOPMENT PROGRAMME: HUMAN DEVELOPMENT REPORTS, <http://hdr.undp.org/en/countries/profiles/USA> (last visited Jan. 4, 2021).

183 *About Human Development*, UNITED NATIONS DEVELOPMENT PROGRAMME: HUMAN DEVELOPMENT REPORTS, <http://hdr.undp.org/en/humandev> (last visited Jan. 4, 2021).

184 See generally, *How Norway turns criminals into good neighbors*, *supra* note 117.

185 *Our Successes*, UNITED NATIONS PEACEKEEPING, <https://peacekeeping.un.org/en/our-successes> (last visited Jan. 24, 2022).

186 *Types of IGOs*, HARVARD LAW SCHOOL, <https://hls.harvard.edu/dept/opia/what-is-public-interest-law/public-service-practice-settings/public-international-law/types-of-igos/> (last visited Jan. 24, 2022).

187 *About Human Development*, *supra* note 179.

188 Emily Widra, *Since you asked: Just how overcrowded were prisons before the pandemic, and at this time of social distancing, how overcrowded are they now?*, PRISON POLICY INITIATIVE, <https://www.prisonpolicy.org/blog/2020/12/21/overcrowding/> (last visited Jan. 24, 2022).

chance that prison conditions will begin to deteriorate or be at risk to do so.¹⁸⁹

There is no indication that harsher prison conditions reduce recidivism.¹⁹⁰ Lower recidivism rates tell us whether a given prison system rehabilitates inmates and decreases crime rates.¹⁹¹ For example, the recidivism rate in Norway is around 20%¹⁹² and the Brazilian recidivism rate is around 70%.¹⁹³

Providing educational opportunities for inmates gives them the skills to find employment after their period of incarceration.¹⁹⁴ Norway offers education from lower-secondary education through university level.¹⁹⁵ The majority of Norwegian inmates are involved in upper-secondary education, either in general studies or vocational training.¹⁹⁶ This contrasts with Iran, where there is no information available on education given to inmates. In the Brazilian prison system, only about twelve percent of inmates have access to education, even though eighty-nine percent of those entering Brazilian prisons have not completed their basic education.¹⁹⁷

189 *Key facts*, PENAL REFORM INTERNATIONAL, <https://www.penalreform.org/issues/prison-conditions/key-facts/> (last visited Jan. 4, 2021).

190 Drago et. al., *supra* note 75.

191 *Recidivism*, NATIONAL INSTITUTE OF JUSTICE, <https://nij.ojp.gov/topics/corrections/recidivism> (last visited Jan. 4, 2021).

192 Cinnamon Janzer, *North Dakota Reforms its Prisons*, NORWEGIAN STYLE, <https://www.usnews.com/news/best-States/articles/2019-02-22/inspired-by-norways-approach-north-dakota-reforms-its-prisons#:~:text=The%20Norwegian%20prison%20system%20boasts,per%20100%2C000%20in%20the%20U.S> (last visited Jan. 4, 2021).

193 Alex Gray, *This Brazilian prison gives inmates the keys to their cells*, WORLD ECONOMIC FORUM, <https://www.weforum.org/agenda/2018/09/in-these-humane-brazilian-prisons-inmates-hold-the-keys-to-their-cells/> (last visited Jan. 4, 2021). Brazil has recently been employing new prison reform policies focusing on rehabilitation. One prison in Paraná that is semi-open that provides inmates with work and educational opportunities has a recidivism rate of zero. Lara Bartilotti Picanço, *Brazil's Mass Incarceration Policy Has Not Stopped Crime*, WILSON CENTER, <https://www.wilsoncenter.org/blog-post/brazils-mass-incarceration-policy-has-not-stopped-crime#:~:text=According%20to%20Brazil's%20National%20Justice,units%20is%20around%2010%20percent> (last visited Jan. 4, 2021).

194 Kathleen Bender, *Education Opportunities in Prison Are Key to Reducing Crime*, CENTER FOR AMERICAN PROGRESS, <https://www.americanprogress.org/issues/education-k-12/news/2018/03/02/447321/education-opportunities-prison-key-reducing-crime/#:~:text=The%20significant%20personal%20benefits%20of,volunteerism%2C%20and%20improved%20health%20outcomes.&text=Investing%20in%20prison%20education%20rather,also%20benefit%20the%20American%20economy> (last visited Jan. 4, 2020).

195 Paal Breivik, *Education for inmates in Norwegian prisons- obstacles and opportunities under COVID-19 restrictions*, COUNTY GOVERNOR OF VESTLAND, https://uil.unesco.org/system/files/norway_prison_ed.pdf (last visited Jan. 4, 2021).

196 *Id.*

197 Bartilotti Picanço, *supra* note 189.

Across the world, the requirements to become a prison guard vary. One must have completed some type of higher education and be at least twenty years old in order to be admitted to The Correctional Service of Norway Staff Academy.¹⁹⁸ Admission to the Staff Academy is selective: in 2013, out of 1200 applicants, only 200 were offered employment.¹⁹⁹ Once admitted, training of Norwegian correctional officers takes three years.²⁰⁰ This contrasts with Brazilian prisons, where it is believed that guards are very undertrained.²⁰¹ Military prison officers in Rio Grande do Sul prisons receive five days of training before they begin their tasks as prison guards.²⁰² There does not appear to be any information relating to prison guard training in Iran.

Discrepancies in the treatment of inmates based upon finances is an indicator of unfair prison conditions due to a classist prison system. In Norway, inmates are given allowances to buy food, and there is no indication that inmates are treated differently based upon their personal finances.²⁰³ In Brazil, inmates who have university degrees are given preferential treatment in prison.²⁰⁴ In general, a university education is expensive, and in Brazil, the federal universities, the only free colleges in the country, are more often attended by rich, white students who could pay for private high schools.²⁰⁵

CONCLUSION

Prisons look different around the world, but all inmates are humans and therefore entitled to basic human dignity and therefore to humane prison

198 *Organization of the Correctional Services*, THE CORRECTIONAL SERVICE OF NORWAY STAFF ACADEMY,

https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=&ved=2ahUKEwiyv-L3zr_vAhWJHc0KHSdCBN4QFjAAegQIAXAD&url=http%3A%2F%2Fwww.krus.no%2Fgetfile.php%2F2520220.2204.pusywxcdx%2Fkrus_english_jan2014.pdf&usg=AOvVaw0vc1TSOemhfHvorSdOrzSK (last visited Mar. 20, 2021).

199 *Id.*

200 *Id.*

201 *VIII. Abuses by Guards and Police*, HUMAN RIGHTS WATCH, <https://www.hrw.org/legacy/reports98/brazil/Brazil-09.htm> (last visited Jan. 5, 2021).

202 *Id.*

203 Erwin James, *The Norwegian prison where inmates are treated like people*, THE GUARDIAN, <https://www.theguardian.com/society/2013/feb/25/norwegian-prison-inmates-treated-like-people> (last visited Jan. 5, 2021).

204 *Odd Facts You May Not Know About Criminal Law in Brazil*, ANGÉLICO ADVOGADOS, <http://www.thebrazillawblog.com/odd-facts-you-may-not-know-about-criminal-law-in-brazil/> (last visited Jan. 5, 2021).

205 Jon Marcus, *Brazil: Where Free Universities Largely Serve the Wealthy*, THE ATLANTIC, <https://www.theatlantic.com/education/archive/2015/04/brazil-where-free-universities-largely-serve-the-wealthy/389997/> (last visited Jan. 5, 2021).

conditions. The UN Human Development Report Office should utilize its ample resources to compile information on prison conditions across the world. This method would properly compare prison condition discrepancies and draw the world's attention to the need for global prison reform. The UN Human Development Report Office should work in conjunction with other nonprofit organizations, such as World Prison Brief and Human Rights Watch, to take the information it has already compiled, formalize it, and add to it by gathering more information. The UN Office of the High Commissioner for Human Rights has noted the importance of prison conditions, but the United Nations Development Reports have stronger codification mechanisms to neutrally analyze prison conditions worldwide. The United Nations Development Reports can clearly codify and present comprehensive prison system comparisons, which can be updated every year to encourage humane treatment of inmates across the world.

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