

to conduct a federal study of the level of sexual harassment against sexual minority students by peers and school officials. The study would include analysis of the effectiveness of guidelines issued by the Office of Civil Rights at the U.S. Department of Education in 1997 that specifically addressed the safety of gay and lesbian students. As of this writing, the bill was in committee.

### **Relevant Human Rights Watch Reports:**

*United States: Hatred in the Hallways: Violence and Discrimination Against Lesbian, Gay, Bisexual, and Transgender Students in U.S. Schools, 5/01*

## **PRISONS**

**P**risoner numbers continued to rise in countries all over the world, resulting in severe overcrowding of prisons and other detention facilities. Even where legislation permitted alternatives to incarceration as a criminal sanction, authorities in most countries neglected them in preference to confinement.

While conditions of detention varied greatly from country to country and facility to facility, standards in most countries were shockingly low, and in some cases horrific. Prisons and jails in even the richest and most developed countries were plagued by massive overcrowding, decaying physical infrastructure, inadequate sanitation, lack of medical care, guard abuse and corruption, and prisoner-on-prisoner violence. In many countries abysmal prison conditions were life threatening, leading to inmate deaths from disease, malnutrition, and physical abuse. With few exceptions, neither the public nor political leaders were willing to commit the financial resources needed to improve prison conditions. By barring human rights groups, journalists, and other outside observers access to their penal facilities, prison officials in many countries sought to shield substandard conditions from scrutiny.

### **ABUSIVE TREATMENT OF PRISONERS**

Violence was rife in many prisons. In some countries, including Brazil, Kenya, Venezuela, and Panama, prison homicides were so frequent as to seem routine. Inmates were usually killed by other inmates rather than by guards, but inmate-on-inmate violence was often the predictable result of official negligence. By neglecting to supervise and control the inmates within their facilities, by failing to respond adequately or at all to incidents of violence, by corruptly allowing the entry of weapons and drugs into the prisons, and by generally abetting the tyranny of the strongest prisoners over the weakest, prison authorities were directly complicit in the violence against their charges. In some countries, for example Mexico, inmates were able to control fellow inmates with little interference from prison

authorities, and to engage in violence, sexual abuse, drugs and arms trafficking, coercion, and influence peddling.

Incidents of collective violence, particularly in South America, also led to inmate deaths and injuries. In May, clashes between rival inmate gangs at two prisons in Venezuela, El Rodeo and Tocuyito, left twelve inmates dead and at least thirty-three wounded. During 2000, 276 Venezuelan prisoners were killed during gang fights or riots. In a February uprising coordinated by a prison gang, 20,000 prisoners took some 7,000 hostages, including at least twenty-seven guards, in over two dozen prisons in Sao Paulo state in Brazil. During the seventeen-hour revolt, sixteen prisoners were killed and seventy-seven wounded; four police agents were also wounded. It was unclear how many of the prisoners were killed by the police, but they apparently shot at least three prisoners in the back. Three other prisoners suffocated to death after guards left them locked in a sweltering van. The Sao Paulo prison system is notorious for under-staffing, extreme overcrowding, deaths in custody, use of torture, and lack of medical and sanitation facilities. More uprisings followed in other Brazilian states in March. In a juvenile detention center in Alagoas, four inmates died after other prisoners set them on fire. In Colombia, ten prisoners died and twenty-three were wounded in a July gun battle among inmates in Bogota's Modelo prison. After quelling the violence, authorities found small arms, grenades, machine guns, and ammunition inside the prison. The Procuracy opened an investigation against various prison officials for failing to maintain security and prevent the violence.

Physical abuse of prisoners by guards remained another chronic problem. The U.N. special rapporteur against torture reported in April that torture and ill-treatment were widespread in Brazil's prisons and detention centers. There and elsewhere, unwarranted beatings were so common as to be an integral part of prison life in many prison systems, including Angola, Armenia, Brazil, the Democratic Republic of Congo, Egypt, Iran, Iraq, Malaysia, Mexico, South Africa, Thailand, and Vietnam, among other countries. In Indonesia, officers punished inmates with electric shock batons and by stapling their ears, nose and lips. In the United States, electronic stun devices were used to control inmates. Some countries continued to permit corporal punishment and the routine use of leg irons, fetters, shackles, and chains. The heavy bar fetters used in Pakistani prisons, for example, turned simple movements such as walking into painful ordeals. Some prisoners contracted gangrene and required amputations. In Iraq, some prisoners in two prisons were reportedly locked in metal boxes the size of coffins that were opened for only thirty minutes each day.

Women prisoners were vulnerable to custodial sexual abuse. The problem was widespread in the United States, where male guards outnumbered women guards in many women's prisons. In some countries, Haiti being a conspicuous example, female prisoners were even held together with male inmates, a situation that exposed them to rampant sexual abuse and violence.

In contravention of international standards, juvenile inmates were often held together with adults. Many of Pakistan's jails and police lockups mixed juvenile and adult prisoners, as did certain detention facilities in Nicaragua, Kenya, South Africa, Sudan, Turkey, the United States, and Zambia, among other countries.

Male inmate on inmate rape was common in many prison systems. In the United

States, rape was a widespread problem facilitated by staff indifference and even, in some instances, complicity, as well as by a lack of effective prevention and punishment systems. In South Africa, the Office of the Inspecting Judge reported that fellow prisoners sodomized an estimated 70 to 80 percent of arrested suspects.

Corruption and extortion accompanied the low salaries generally paid to guards and their inadequate training and supervision. In exchange for contraband or special treatment, inmates in many countries supplemented guards' salaries with bribes. Powerful inmates in Colombian, Indian, and Mexican prisons, among others, enjoyed cellular phones, rich diets, and comfortable lodgings, while other inmates were held in squalor. Prisoners in many countries complained that they must buy their food, medicine and other necessities from guards or bribe guards to allow goods to be brought into the facility.

Increasing levels of overcrowding—prevalent in most countries for which information was available—compounded substandard conditions. Inadequate living space, poor or nonexistent ventilation, limited sanitation facilities, low levels of cleanliness and hygiene, and inadequate food and medical supplies made prisons life-threatening in many countries, including Armenia, Burma, Kenya, Mozambique, Nigeria, Peru, Russia, Sudan, Tanzania, Zambia. In the central prison in Karachi, Pakistan, there were four times as many prisoners as the prison was designed to hold, and only two toilets available per hundred prisoners. In Uzbekistan, ten to fifteen inmates were reportedly confined in cells designed for four. In Peru's Lurigancho men's prison, 6,000 inmates were held in a facility built to accommodate 1,500. The La Loma prison in Mexico, built to hold two hundred prisoners, housed nearly 1,200. In Bolivia, cells were "sold" to incoming prisoners by previous occupants or other prisoners; in the poorest areas, cells measured three by four by six feet and lacked ventilation, lighting, or beds. The crowding in some prisons is so bad that prisoners must sleep sitting up. In Angola, whose prison population is five times larger than the prison system's capacity, many prisons lacked financial support from the government.

In many countries, prison authorities failed to provide basic necessities to prisoners, who were obligated to depend on families, friends or international relief organizations for food, blankets, mattresses, toiletries, and even toilet paper. Insufficient food or poor diet leading to many cases of malnutrition, semi-starvation and even death, was a serious problem in countries such as Angola, Armenia, Azerbaijan, Burundi, Cambodia, Colombia, Cuba, Ethiopia, Haiti, Mexico, Mozambique, Pakistan, Peru, Russia, Tajikistan, Tanzania, Turkmenistan, Uganda, and Uzbekistan.

Another common problem was governments' continued reliance on antiquated and physically decaying prison facilities. Nineteenth-century prisons needing constant upkeep remained in use in Italy, Mexico, Russia, the United Kingdom, and the United States, among other countries, and more modern facilities were often in severe disrepair due to lack of maintenance. Many prisons lacked adequate sanitation facilities, a problem compounded by overcrowding. Some cells lacked toilets or latrines, requiring prisoners to "slop out," that is, defecate in buckets that they periodically emptied. In the United Kingdom, for example, there were still five prisons in Scotland where inmates still had to slop out although the Committee for the Prevention of Torture condemned the practice as "inhuman" more than a decade

ago. Inmates at Makala prison in the Democratic Republic of Congo had no toilets and had to urinate and defecate on the floor.

Detained migrants awaiting deportation were also frequently confined in appalling conditions. In Greece, for example, migrants held at the Alexandras Avenue police station in Athens were confined for long periods in grossly overcrowded conditions. The detainees had little access to medical care, exercise, and fresh air. They lacked adequate food and sleeping conditions, and were kept in a dirty and roach infested environment.

A different set of concerns was raised by the spread of ultra-modern “super-maximum” security prisons. Originally prevalent in the United States, where politicians and state corrections authorities promoted them as part of a politically popular quest for more “austere” prison conditions, the supermax model was increasingly followed in other countries. Prisoners confined in such facilities spent an average of twenty-three hours a day in their cells, enduring extreme social isolation, enforced idleness, and extraordinarily limited recreational and educational opportunities. While prison authorities defended the use of super-maximum security facilities by asserting that they held only the most dangerous, disruptive, or escape-prone inmates, few safeguards existed to prevent other prisoners from being arbitrarily or discriminatorily transferred to such facilities. In Australia, the inspector of custodial services found that some prisoners were being held indefinitely in special high security units without knowing why or when their isolation would end.

Beginning in December 2000, the Turkish government opened six “F-type” prisons for prisoners held for offenses tried in the state security courts. Concerned about conditions in the new prisons, where they were to be held in cells rather than communal wards, hundreds of prisoners began a hunger strike in October 2000. By November, thirty-eight prisoners or former prisoners and four prisoners’ relatives had died in the hunger strike, and at least 399 prisoners had been released because of poor health. Twenty-eight prisoners were killed on December 19, 2000 when the government sent soldiers into twenty prisons to break the protest and transfer inmates to the new facilities. Some prisoners deliberately burned themselves to death. Inmates in the F-type prisons were initially held in small group isolation, locked in shared cells and deprived of opportunities for exercise, work, education or other social activities. However, new legislation was passed in May to enable out-of-cell activities, in which some prisoners were permitted to engage. Prisoners reported being subjected to “disciplinary” beatings.

Fiscal constraints and competing budget priorities were to blame for prison deficiencies in some countries, but as the supermax example suggests, harsh prison conditions were sometimes purposefully imposed. In Peru, notably, a punitive motive was evident in the decision to hold top-security prisoners in the high-altitude Challapalca and Yanamayo prisons, whose remote locations and miserable conditions led the Inter-American Commission on Human Rights to declare in 2000 that they were “unfit” to serve as places of detention. The European Court of Human Rights ruled in April that conditions in the segregation unit of Koridallos prison in Greece constituted treatment in violation of article 3 of the European Convention on Human Rights. The inmate who brought the case for several months had been practically confined continuously to his bed in a small cell shared

with another inmate; the cell had no ventilation, no windows and no privacy for the in-cell toilet.

With few means to draw public attention to violations of their rights or to secure improved conditions, prisoners around the world resorted to riots, hunger strikes, self-mutilation, and other forms of protest. In Guatemala, over 1,000 prisoners temporarily took control of the country's main detention facility in Guatemala City, to demand improved conditions. In Venezuela, inmates at El Rodeo prison in June held 250 visitors and guards hostage for three days until officials agreed to study prison conditions and ways to address agonizingly slow pace of legal cases.

In Bolivia, nearly 3,000 prisoners went on strike to demand inclusion in a new amnesty law. Three women prisoners had themselves tied to slabs of wood with cord and sheets and raised to the highest point at the prison so that they could be seen, as if crucified, by the public. Four other women had their lips sewn together in an effort to obtain amnesty. About 950 male inmates of an Argentine prison in Buenos Aires began a mass hunger strike in January, demanding the shortening of their sentences. Protests and violent mutinies, in which guards and visitors are often taken hostage, have become commonplace in Argentina's crowded, filthy and violent prisons. In Nepal, jail inmates demanding better conditions started attacking the guards, who opened fire, killing one and injuring about a dozen more.

## **UNSENTENCED PRISONERS**

Although comprehensive figures were impossible to obtain, the available statistics showed that a large proportion of the world's prisoners had not been convicted of any crime, but were instead being detained pending trial. In countries as varied as Bangladesh, Burundi, Chad, the Dominican Republic, Ecuador, El Salvador, Guatemala, Haiti, India, Mali, Nigeria, Pakistan, Peru, Rwanda, Uganda, and Venezuela, unsentenced prisoners made up the majority of the prison population. In South Africa, 64,000 people—more than one third of the country's prisoners—were incarcerated awaiting trial. Fifty-nine percent of the inmates in Central American prisons were unsentenced, with Honduras having the highest percentage: 87 percent. Worse, such detainees were in many instances held for years before eventually being acquitted of the crime with which they were charged. Prisoners also continued to be held after the expiration of their sentences in some countries. In many countries, prisoners awaiting trial were confined together with sentenced prisoners.

## **HEALTH**

Health care in most prisons was poor to non-existent. Even in developed countries, medical services for prisoners were often seriously inadequate. In April, the British Medical Association warned that limited medical resources, medical staff shortages and poor prison management were contributing to a prison health care crisis in England and Wales.

The spread of communicable diseases in numerous prison systems was the predictable result of overcrowding, malnutrition, poor ventilation, lack of potable water, inadequate sanitation, and lack of medical care. Tuberculosis (TB) continued to ravage prison populations around the world, including those of Armenia, Azerbaijan, Belarus, Brazil, Cuba, India, Peru, Russia, Turkmenistan, Uzbekistan, and Venezuela. Twelve percent of the prison population in Kazakhstan had tuberculosis.

Penal facilities around the world reported grossly disproportionate rates of HIV infection and of confirmed AIDS cases. A November 2000 government study estimated that the HIV infection rate among prisoners in Canada was at least fifteen times higher than in the general population. The corresponding figure in the United States was about six times higher, and similar disparities were evident elsewhere. While overcrowding and a lack of appropriate services facilitated the spread of many infectious diseases in prison, HIV/AIDS resulted particularly from the failure of prison authorities both to protect inmates from sexual violence and to offer even simple and cheap services such as access to condoms. Segregation of HIV-positive prisoners, in some cases causing their marginalization from basic services, remained common in several countries and was practiced in three U.S. states (Alabama, Mississippi and South Carolina). Regular access to services such as needle sterilization or needle exchange in prisons was a distant dream in most countries outside of Western Europe.

Access to antiretroviral drugs contributed to lower death rates from AIDS among prisoners in Western Europe, North America and some Latin American countries, but they were unavailable elsewhere, including in Eastern Europe, which has the fastest growing AIDS epidemic in the world. The Centers for Disease Control of the U.S. government reported late in 2000, however, that U.S. prisoners have a higher rate of drug-resistant strains of HIV than the general population due to irregular supplies of drugs and because inmates have medicines taken away from them when they are processed in and out of the prison system.

In 2001, there was increasing awareness that hepatitis C had joined HIV/AIDS and tuberculosis as a major scourge of prisoners. The hepatitis C virus (HCV), like HIV, can cause liver failure and death and is transmitted through needle sharing, tattooing with used needles, and sharing of shaving equipment. Canada estimated that HCV was fifty times more prevalent among its prisoners than in the general population. In 2001, inmates brought legal actions against several U.S. states for failure to provide adequate HCV treatment.

## **DEFENDING PRISONERS' HUMAN RIGHTS**

Struggling against governmental tendencies toward secrecy and silence on prison abuses, numerous local human rights groups around the world sought to obtain access to prisons, monitor prison conditions, and publicize the abuses they found. In some countries, government human rights ombudspersons, parliamentary commissions, and other official monitors also helped call attention to abuses. In the United Kingdom, notably, the chief inspector of prisons continued his vig-

orous investigation and forthright criticism of conditions in the country's penal facilities. In many countries, however, authorities permitted no outside scrutiny of penal conditions.

At the regional level, prison monitoring mechanisms were active. The European Committee for the Prevention of Torture (CPT) continued its important work, inspecting penal institutions in Georgia, Greece, Malta, Moldova, the Russian Federation (Chechen Republic), Slovenia, Spain, Switzerland, Turkey, and the United Kingdom and publishing reports on penal conditions in Austria, Croatia, France, Greece, Hungary, Lithuania, the former Yugoslav Republic of Macedonia, Northern Ireland, Portugal, and Turkey.

In Africa, the special rapporteur on prisons and conditions of detention, an adjunct to the African Commission on Human and Peoples' Rights, visited prisons in Malawi, Namibia and Mozambique. The General Assembly of the Organization of American States adopted a resolution endorsing efforts to draft an Inter-American Declaration on Persons Deprived of Liberty.

### **UNITED NATIONS MONITORING EFFORTS**

The vast scale and chronic nature of human rights violations in the world's prisons have long been of concern to the United Nations, as demonstrated by the 1955 promulgation of the U.N. Standard Minimum Rules for the Treatment of Prisoners. Indeed, the international community's failure to adopt these standards in practice, even while it has embraced them in theory, has inspired the United Nations' most recent prisons effort.

For nearly a decade, a U.N. working group has been hammering out a draft treaty that would establish a U.N. subcommittee authorized to make regular and ad hoc visits to places of detention in states party to the treaty, including prisons, jails, and police lockups. As described in the draft treaty—conceived as an optional protocol to the Convention against Torture—the primary goal of the subcommittee would be to prevent torture and other ill-treatment. Based on the information obtained during its periodic and ad hoc visits, the subcommittee would make detailed recommendations to state authorities regarding necessary improvements to their detention facilities.

The working group's most recent session, in October 2000, ended without any progress being made toward the completion of a draft treaty. The session revealed the wide gap that remains between countries on such fundamental issues as which places should be subject to visits, whether prior consent must be obtained, whether reservations to the optional protocol should be allowed, and the impact of national legislation on the nature and scope of visits.

Other U.N. bodies pressed countries to improve their prison conditions. The U.N. Special Rapporteur on torture, whose mandate was renewed for another three years by the U.N. Commission on Human Rights, reported findings of widespread torture in Brazil and Azerbaijan, based on his visits to those countries in 2000.

**Relevant Human Rights Watch Reports:**

*No Escape: Male Rape in U.S. Prisons*, 4/01

*Beyond Reason: The Death Penalty and Offenders with Mental Retardation*, 3/01

## **RACIAL DISCRIMINATION AND RELATED INTOLERANCE**

### **HUMAN RIGHTS DEVELOPMENTS**

Ethnicity, often combined with religion, fueled and shaped conflict and systemic human rights abuse in many countries around the globe in the year of the third United Nations World Conference Against Racism, Racial Discrimination, Xenophobia and Related Intolerance (WCAR). Caste discrimination—based on descent—held an estimated 250 million people locked in conditions of oppression and intolerance. National and local leaders propagated hate and intolerance, seeking political advantage in the discriminatory animus of racist movements. Across the world, racism and related intolerance skewed the administration of justice and denied or limited minorities and other marginalized groups' access to education and employment, to health care and housing—and to protection against exploitation.

The widespread fear generated by the attacks on the United States (U.S.) on September 11—and aspects of the global antiterrorism campaign that followed—added a new dimension to xenophobia and intolerance in many parts of the world. New antiterrorism measures introduced in the United States and under consideration in many other countries reduced safeguards against arbitrary arrest on discriminatory grounds and posed particular challenges to the rights of asylum seekers and migrants.

In Africa, ethnicity remained a potent engine of conflict in years-long wars of secession, inter-communal violence, and in partisan struggles for power as political leaders played the ethnic card to mobilize supporters and to demonize their rivals. Inter-ethnic clashes remained a pervasive feature of conflicts in the Great Lakes region and other parts of Africa. In the Democratic Republic of Congo's (DRC) eastern provinces, spiralling conflicts involved both troops of the regular armies of Uganda and Rwanda and militias sponsored by both regional powers. In Rwanda and Burundi longstanding internal conflicts continued; those leading Rwanda's rebel forces included former leaders of the 1994 genocide. Sudan's long internal war was fueled not only by the ethnic and religious divide between north and south but also by ethnic divisions between the southern rebels. Renewed conflict in Liberia also followed largely ethnic lines; government forces perceived ethnic Mandingo citizens indiscriminately as opposition supporters, and subjected