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THE QUESTION OF THE HUMAN RIGHTS OF PERSONS SUBJECTED
TO ANY FORM OF DETENTION OR IMPRISONMENT

Written statement submitted by the International Youth
and Student Movement for the United Nations, a
non-governmental organization in category I
consultative status

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RACISM AND RACIAL DISCRIMINATION IN PRISONS

I. The problem

Racial discrimination in prisons seems to be a matter in which the Sub-Commission could use its expertise to make a special contribution to the Racial Decade. In the matter of the human rights of detainees, the Sub-Commission is unique in the United Nations as a body of experts, and it could respond as no other United Nations body can to the request of the Commission on Human Rights for suggestions on effective ways and means and concrete measures to implement United Nations resolutions on racism and racial discrimination.

The particular forms that racial discrimination takes in the narrow confines of a prison are both an important cause and an important effect of more widespread racial discrimination in society.

II. An example

To make this point clear, ISMUN reminds Sub-Commission members of some of the well-documented reports of racial discrimination in United States prisons. By no means is the United States the only country where racial discrimination exists in prisons. But the United States provides an instructive example of a country where the Government and the people have faced the fact that this is a serious problem, have taken some steps to help correct the situation, but still have great difficulties to overcome.

A. Racial discrimination in United States prisons begins with the fact that while blacks, chicanos and native Americans comprise a relatively small proportion of the total United States population, they make up over half of the prison population, according to some statistics. As the unemployment rate has risen, so has the United States prison population. The unemployment rate is particularly high among groups most heavily represented in prisons, such as young black males.

B. The racial discrimination also involves the administration of justice. It is widely and sadly admitted in the United States that the criminal justice system (including police, magistrates, judges, lawyers, juries) is often weighted against the non-white defendant from the start.

C. Within prisons, racial tensions existing outside are often aggravated.

- While large numbers of United States prisoners are non-white, most guards are white. Some are members of the Ku Klux Klan or neo-Nazi groups.
- Prisons repeatedly allege that guards provoke and encourage tensions between different racial groups in prison. For example, a guard may pretend to warn a black prisoner that chicano prisoners are planning to attack him, leading the black and his friends to make a pre-emptive strike against prisoners who in fact were planning nothing. Whether or not the allegations of direct provocation are always well-founded, it is indisputable that battles between racial gangs are a common feature of United States prisons and very often result in death.
- In San Quentin Prison, one of the most famous in the United States, the exercise yard is divided by walls into three parts - one for each major racial group in the prison.
- In Attica Prison, another well known institution, job training and work assignments have been publicized as a clear example of how racial discrimination within prisons causes further discrimination on the outside. Discriminatory job training affects a prisoner's ability to survive when eventually released into society.

United States prisoners in some cases have been prevented from raising issues like these in petitions to the United Nations. Some prisoners are currently in punishment cells for having such a petition in their possession. Others have never had a chance to sign the petition because prison authorities turned it away in the mail.

III. Effective ways and means and concrete measures

One reason United States prisoners try to petition the United Nations regarding racial discrimination is that domestic methods alone have not brought adequate improvement.

- Court actions seeking prison reform are one domestic technique used in the United States. For example, the federal government last year filed a suit charging Illinois state officials with discriminating against black inmates in state prisons by denying them equal use of prison facilities and by assigning prison housing on the basis of race. But past United States experience shows that the results of such a suit probably will be very limited. A recent study by the American Bar Association concluded that recent prison reform suits "did little to move those institutions in the direction of reform" because the relief gained was "narrow and traditional".

Clearly the United States has not found the solution to the problem of racial discrimination in prisons. But it has been and is taking steps to try to improve the situation.

The Sub-Commission as a group of independent experts could begin the much needed work of looking at the problem of racial discrimination in prisons from an international perspective, using the international human rights instruments and the experience of many countries with this same problem. It could examine how governments and organizations in various countries have handled the question, where they have been successful and where they have not been.

Then the Sub-Commission could use the information and its own considerable expertise to suggest effective ways and means and concrete measures to implement, in prisons, the United Nations resolutions on racism and racial discrimination. It might be a highly effective way for the Sub-Commission to combine its particular expertise on detention and on discrimination; and it could be a practical contribution to the Racial Decade.

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