



Understanding Human Rights

04. Prisoner Rights: US vs Norway Prisons

Overview

- Introduction to Prisoners' Rights
- Case Study – Anders Breivik I
- Case Study - Anders Breivik II
- Norway's Cushy Prisons
- Comparison of Norway _ US Prisons I
- Comparison of Norway _ US Prisons II
- Comparison of Norway _ US Prisons III

Overview

- 1) Do you think human rights for prisoners are important? Why/why not?
- 2) Do you know, or can you guess any human rights that prisoners are entitled to?

Overview

- EVERYONE
- UNIVERSAL
- TO PROTECT HUMAN DIGNITY



UN's High Office for Human Rights

UN's High Office for Human Rights

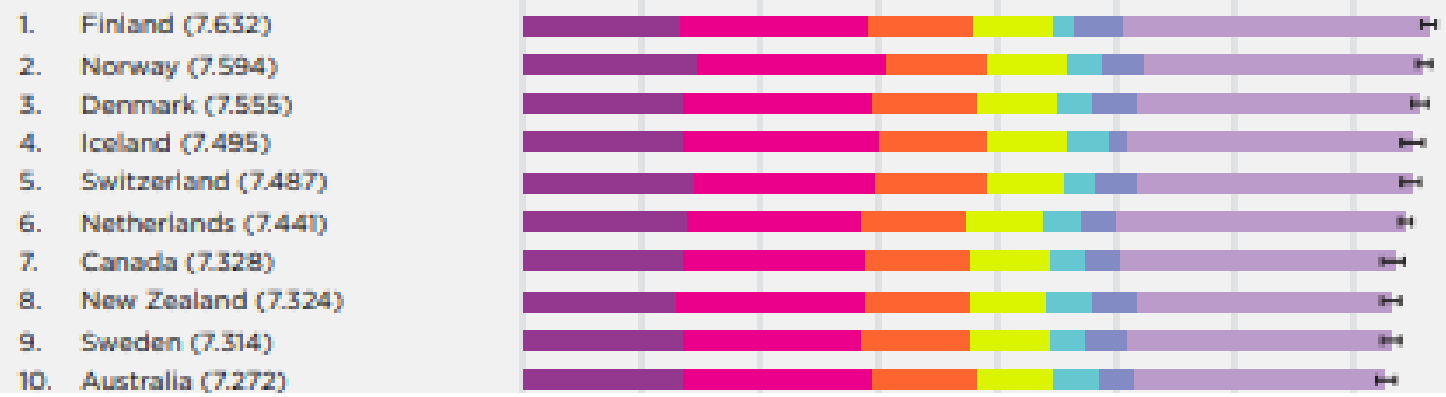
- All prisoners shall be treated with the respect due to their inherent dignity and value as human beings.
- There shall be no discrimination on the grounds of race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.
- The responsibility of prisons for the custody of prisoners and for the protection of society against crime shall be discharged in keeping with a State's other social objectives and its fundamental responsibilities for promoting the well-being and development of all members of society.
- Except for those limitations that are demonstrably necessitated by the fact of incarceration, all prisoners shall retain the human rights and fundamental freedoms set out in the Universal Declaration of Human Rights.
 - So, what this means is due to being in prison, certain UDHR rights are invalid. Take Article 13 for example:
- Prisoners clearly cannot be given those rights as they are in prison, however any other rights which are *not* affected by their imprisonment *must* be respected and granted.
- All prisoners shall have the right to take part in cultural activities and education aimed at the full development of the human personality.
- Efforts addressed to the abolition of solitary confinement as a punishment, or to the restriction of its use, should be undertaken and encouraged.
- Conditions shall be created enabling prisoners to undertake meaningful remunerated employment which will facilitate their reintegration into the country's labour market and permit them to contribute to their own financial support and to that of their families.
- Prisoners shall have access to the health services available in the country without discrimination on the grounds of their legal situation.
- With the participation and help of the community and social institutions, and with due regard to the interests of victims, favourable conditions shall be created for the reintegration of the ex-prisoner into society under the best possible conditions.
- The above Principles shall be applied impartially.

Overview

- 1) Norway: An Unlikely Setting for "Terror"
- 2) Breivik's Ideology
- 3) Breivik's Crimes
- 4) Breivik and Human Rights

Norway: An Unlikely Setting for "Terror"

Figure 2.2: Ranking of Happiness 2015-2017 (Part 1)



Norway: An Unlikely Setting for "Terror"

2017 Social Progress Index SCORE: 90.27 RANK: 3/128 STRENGTH/WEAKNESS
GDP PPP per capita \$63,650 RANK: 2/128

NORWAY

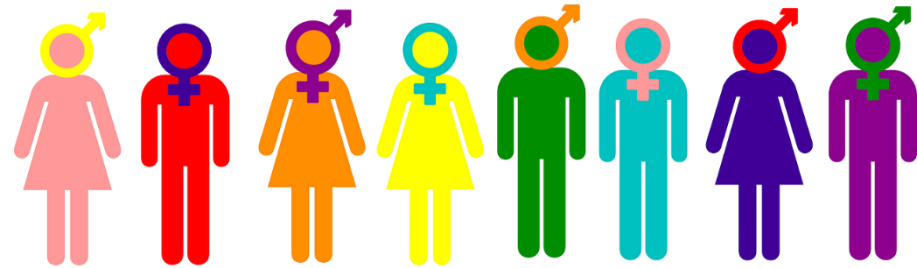
Basic Human Needs				Foundations of Wellbeing				Opportunity			
SCORE/VALUE	RANK	STRENGTH/WEAKNESS		SCORE/VALUE	RANK	STRENGTH/WEAKNESS		SCORE/VALUE	RANK	STRENGTH/WEAKNESS	
99.44	7			91.15	2			84.21	7		
Nutrition and Basic Medical Care	99.38	13		Access to Basic Knowledge	98.79	14		Personal Rights	96.32	2	
Undernourishment (% of pop.; 5 signifies ≤ 5)	5.00	1		Adult literacy rate (% of pop. aged 15+)				Political rights (0=no rights; 40=full rights)	40.00	1	
Depth of food deficit (calories/undernourished person; 8 signifies ≤ 8)	8.00	1		Primary school enrollment (% of children)	99.88	7		Freedom of expression (0=no freedom; 16=full freedom)	16.00	1	
Maternal mortality rate (deaths/100,000 live births)	4.92	11		Secondary school enrollment (% of children)	100.00	1		Freedom of assembly (0=no freedom; 1=full freedom)	0.95	2	
Child mortality rate (deaths/1,000 live births)	2.60	3		Gender parity in secondary enrollment (distance from parity)	0.03	50		Private property rights (0=none; 100=full)	90.00	3	
Deaths from infectious diseases (deaths/100,000)	26.70	39		Access to Information and Communications	95.80	1		Personal Freedom and Choice	89.37	3	
Water and Sanitation	99.37	21		Mobile telephone subscriptions (subscriptions/100 people)	100.00	1		Freedom over life choices (% satisfied)	94.68	4	
Access to piped water (% of pop.)	100.00	1		Internet users (% of pop.)	96.81	2		Freedom of religion (1=low; 4=high)	3.00	54	
Rural access to improved water source (% of pop.)	100.00	1		Press Freedom Index (0=most free; 100=least free)	8.79	3		Early marriage (% of women aged 15-19)	0.00	1	
Access to improved sanitation facilities (% of pop.)	98.06	29		Health and Wellness	81.29	11		Satisfied demand for contraception (% of women)	84.30	16	
Shelter	89.27	9		Life expectancy at 60 (years)	24.16	16		Corruption (0=high; 100=low)	85.00	6	
Availability of affordable housing (% satisfied)	51.73	51		Premature deaths from non-communicable diseases (deaths/100,000)	204.40	8		Tolerance and Inclusion	81.74	6	
Access to electricity (% of pop.)	100.00	1		Suicide rate (deaths/100,000)	9.54	50		Tolerance for immigrants (0=low; 100=high)	85.54	5	
Quality of electricity supply (1=low; 7=high)	6.72	7		Environmental Quality	88.74	13		Tolerance for homosexuals (0=low; 100=high)	86.52	4	
Household air pollution attributable deaths (deaths/100,000)	0.00	1		Outdoor air pollution attributable deaths (deaths/100,000)	15.97	10		Discrimination and violence against minorities (0=low; 10=high)	3.80	12	
Personal Safety	93.75	3		Wastewater treatment (% of wastewater)	83.83	14		Religious tolerance (1=low; 4=high)	3.00	54	
Homicide rate (deaths/100,000)	0.60	8		Biodiversity and habitat (0=no protection; 100=high protection)	82.20	66		Community safety net (0=low; 100=high)	95.47	3	
Level of violent crime (1=low; 5=high)	1.00	1		Greenhouse gas emissions (CO2 equivalents per GDP)	153.42	3		Access to Advanced Education	69.39	22	
Perceived criminality (1=low; 5=high)	2.00	1		Strengths and weaknesses				Years of tertiary schooling	0.97	19	
Political terror (1=low; 5=high)	1.00	1		Overperforming and underperforming are relative to 15 countries of similar GDP per capita:				Women's average years in school	15.42	4	
Traffic deaths (deaths/100,000)	3.80	8		Switzerland, Kuwait, United States, Ireland, Saudi Arabia, Netherlands, Austria, Sweden, Denmark, Germany, Australia, Canada, Belgium, Iceland, Finland				Inequality in the attainment of education (0=low; 1=high)	0.02	7	
								Number of globally ranked universities (0=none; 10=most highly ranked)	4.00	38	
								Percent of tertiary students enrolled in globally ranked universities (0=none; 6=highest enrollment)	4.00	15	

Strengths and weaknesses

Overperforming and underperforming are relative to 15 countries of similar GDP per capita: Switzerland, Kuwait, United States, Ireland, Saudi Arabia, Netherlands, Austria, Sweden, Denmark, Germany, Australia, Canada, Belgium, Iceland, Finland

- Overperforming by 1 or more pts.
- Overperforming by less than 1 pt.
- Performing within the expected range
- Underperforming by less than 1 pt.
- Underperforming by 1 or more pts.
- No data available

Breivik's Ideology



Breivik's Crimes

- Killed eight people and injured at least 209 people
- Utøya
- 69 young people had been killed and a further 66 were wounded
- Total of 77 people and injured more than 300

Overview

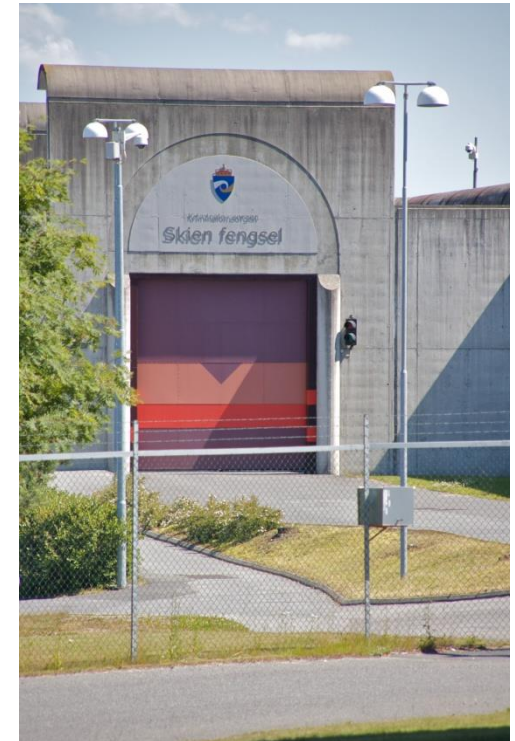
- Breivik's Sentencing
- Breivik's Prison Conditions
- Breivik's Human Rights Case & Complaints

Breivik's Sentencing

- <https://www.reuters.com/article/us-norway-trial/smirking-norway-killer-breivik-pleads-not-guilty-idUSBRE83F09F20120416>

Breivik's Prison Conditions

- He had three cells just for himself - one for sleeping, one for studying, one for exercising - plus daily access to an outdoor exercise yard
- He can play video games, watch TV and read newspapers.
- He has a computer (without internet access)
- He can prepare his own food and do his own washing
- He can have phone conversations with a "female friend"
- He is able to contact prison staff, lawyers, a priest, health professionals etc.
- He was allowed to meet his Mother (without a glass wall) before she died
- He is even able to study (remotely) at the prestigious University of Oslo



Skien Prison

Breivik's Human Rights Case & Complaints

1. He claimed he had been isolated from other inmates – this was due to fears he could brainwash others with the extremists views published in his manifesto
2. He complained that some of his letters were blocked – this was true; only around 5 out of 300 letters he written actually got sent. This was again due to fears he could be promoting violence and spreading his radical ideas
3. He complained his cell wasn't adequately heated
4. He complained that his cell wasn't properly decorated; particularly there was no natural light and no view
5. He claimed his reading light was too dull
6. He even complained he can't relax and take his time to brush his teeth as guards rush him and put pressure on him by tapping their feet
7. He complained about his food & rinks; he said he couldn't have candy, and moaned that he was being served cold coffee

Breivik's Human Rights Case & Complaints

8. He wasn't even happy with the quality of the pen he was provided with; he was the rubber pen was too low quality to write with
9. He complained he was strip searched regularly, even by female guards
10. He demanded access to a bigger gym and a sofa
11. He was separated from visitors via a glass wall
12. He claimed he was the victim of excessive handcuff use and that this was demeaning and humiliating
13. He said he was woken at night every 40 minutes by a flashlight and asked to show signs of life
14. Unbelievably he complained that he should have a Playstation 3, rather than the Playstation 2 he was provided with, as it offered more appropriate games. He even complained other prisoners had access to adult games, whereas he only had access to kids' games

Breivik's Human Rights Case & Complaints

- Article 3 of the European Convention on Human Rights
- "inhuman or degrading treatment or punishment"

- The length of time he had been left in isolation was not appropriate
- The limited avenue for Breivik to submit his complaints wasn't proper
- The routine strip searches Breivik was subject to were not justified

Overview

- Norway's Cushy Prisons
- Rehabilitation & Reoffending Rates
- Opposition to Norway's Cushy Prisons

Norway's Cushy Prisons

- From the last video that Norway does not have life sentences – it's maximum punishment is 21 years
- Rehabilitation, rather than punishment
- Are Hoidel :“All inmates in Norwegian prisons are going back to the society...Do you want people who are angry — or people who are rehabilitated?”



Halden Prison

Norway's Cushy Prisons

- Arne Kvernvik Nilsen: "I believe that we as human beings, if we are prepared to make fundamental changes in the way we regard crime and punishment, can dramatically improve the rehabilitation of prisoners and thereby reduce the reoffending rates."



Bastøy

Rehabilitation & Reoffending Rates

- Recidivism



Kristin Bergersen

- Norway's junior minister for justice, Kristin Bergersen
- "It is in the public interest, when it comes to security, that you receive rehabilitation when you are inside the prison system."

Opposition to Norway's Cushy Prisons

- Norway's junior minister for justice, Kristin Bergersen

"I think the debate we are seeing in Norway right now establishes that we have the right values and the right system for punishment here...Fundamentally, we believe you have to start with prisoner rehabilitation on day one...Everybody knows that when you are released in Norway you can be somebody's neighbour.

- Arne Kvernvik-Nilsen : "If this were a holiday camp for criminals, what's the problem if I can show you the results?"

Overview

- Halden Prison
- Comparison with the US

Halden Prison

- “The relationship with some inmates is kind of like a normal friendship...we had one inmate who was crying when he was leaving.”

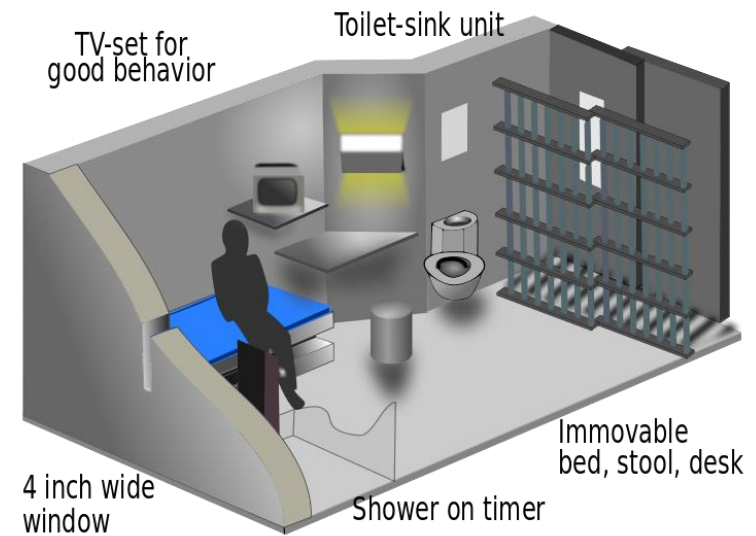
Comparison with the US

- The relative number of imprisoned people
- Norway: 75 imprisoned people per 100,000 people
- The U.S.: 707 imprisoned people per 100,000 people
- Reoffending Rates
 - Norway: around 20%
 - U.S.: Within three years of release, 67.8% of released prisoners were rearrested.
 - Within five years of release, about 76.6% of released prisoners were rearrested.
 - Of those prisoners who were rearrested, more than half (56.7%) were arrested within the first year.



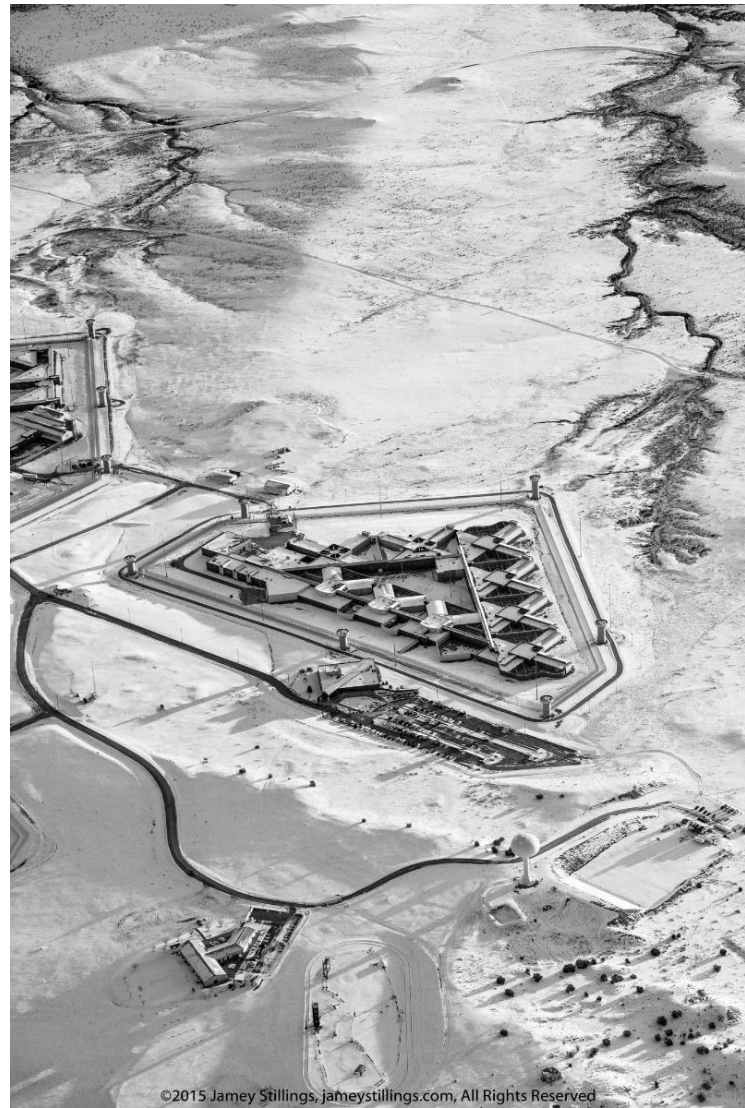
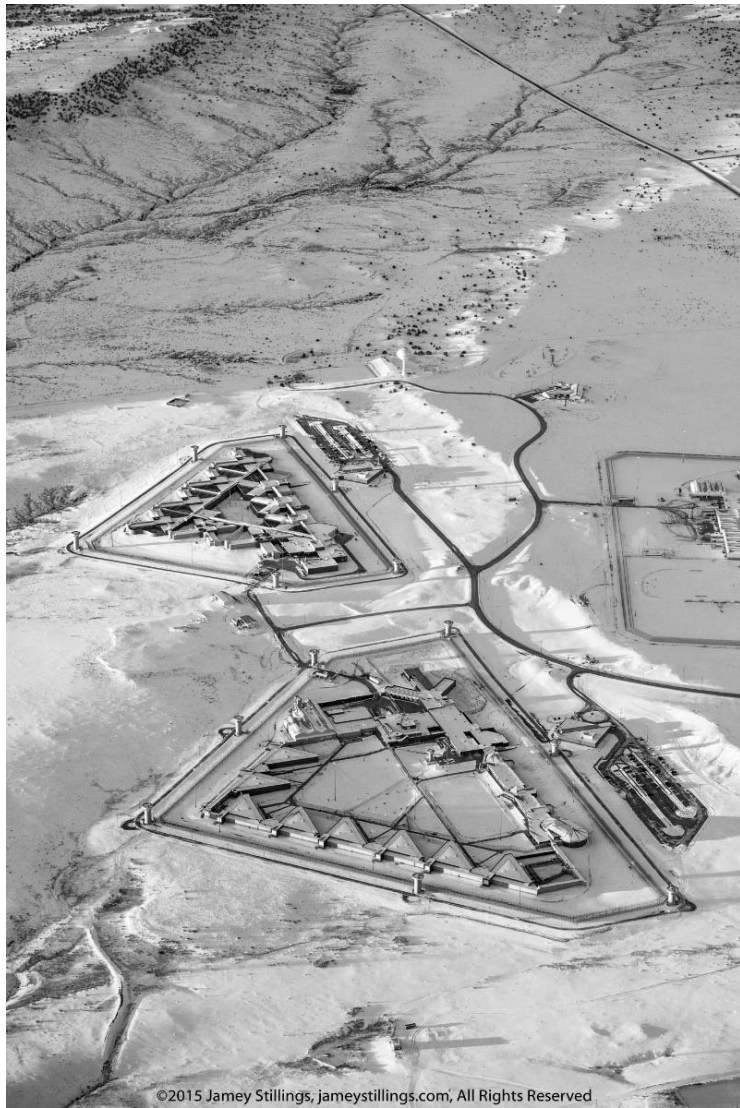
Overview

- ADX Florence Prison



Size of the cell: 3.5m x 2m (7ft x 12ft)

4-6. Comparison of Norway's cushy prisons & US harsh prisons II



ADX Florence, Jamey Stillings

4-6. Comparison of Norway's cushy prisons & US harsh prisons II



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ADX Florence, Jamey Stillings

Halden Prison

- "The Supermax is life after death...my opinion, it's far much worse than death."
- "The architecture of the building is the control...You're designing it so the inmates can't see the sky. Intentionally."

US Prisons

- In the last decade the number of privately owned prisons has grown 20x, and the inmate population of those prisons has followed too – an increase of 31x.
- 1999 and 2010 the total prison population went up by 18%, however the number of prisoners in private prisons went up a whopping 80%!

US Prisons

- 19 cents an hour; the minimum wage is \$7.25
- IBM, Microsoft, Compaq, Revlon, Motorola and Intel
- \$400 million to over \$1 billion
- military equipment such as helmets, ammunition & body armour, but also assembly furniture, home appliances and some electronic items such as headphones and speakers

US Prisons

- Healthcare
- Food
- Phone calls
- Therapy
- Pharmacy
- Money transferring services