

LEGAL PROTECTION ON PRISON OFFICIALS AND PRISONERS IN MYANMAR

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Abstract

This research is attempted to explore lack of protection for prison officials and prisoner's rights in prison. Practically, Prison officials are facing challenges such as the problem of the overcrowding in prison, Lack of prison security system, training for staff, protection from delinquent prisoners, health care and stress as a result of their occupation, difficult working and unsafe environment. Indeed, every prisoner is also losing minimum standard of living and the protection of their fundamental right. It is analyzed the legal protection on prison officials and prisoners provided in the International Human Rights conventions, Regional Convention, European Prison Rules and United Nations' Minimum Rules and Basic Principles as fundamental principles which are grounded in a deep respect for the human rights. Although overcrowding, health care and the sanitation infrastructure are provided in existing law relating to prison system, prison officials and prisoners in Myanmar, in practice great deal of issues are occurred in these matters which can lead to conditions that constitute inhuman and degrading treatment for prisoners and unacceptable working conditions for prison officials. As a result, current legal framework provided for protection on prison officials and prisoners should be amended as country's legislation, administration and judiciary are directly reflected on prison system of Myanmar.

Keywords: International Convention, United Nations' Minimum Rules and Basic Principles, Legal protection on prison officials and prisoners

Introduction

Human Rights law also provides a framework to guide prison management including protection of prison officials and prisoners leading to prison reform. International standards and norms relating to prison system, prisoners and prison officials adopted in the Universal Declaration of Human Rights (UDHR)1948, International Covenant on Civil and Political Rights (ICCPR)1966, International Covenant on Economic, Social and Cultural Rights (ICESCR)1966, Convention against Torture and Other Cruel, inhuman

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or Degrading Treatment or Punishment (CAT)1984, Standard Minimum Rules for the Treatment of Prisoners (SMR)1955, the Code of Conduct for Law Enforcement Officials (Code of Conduct) 1979, Principles of Medical Ethics Relevant to the Protection of Prisoners against Torture (Principles of Medical Ethics) 1982, Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment (Principles on Detention or Imprisonment) 1988, and Basic Principles for the Treatment of Prisoners (BPT) 1990.

Materials and Methods

This research explored the requisite protection for prison officials and the rights of the prisoners under the National Law, the International Human Rights Conventions, United Nations' Minimum Rules and Basic Principles. Especially, it is based on United Nations' Standard Minimum Rules for the treatment of prisoners (the Mandela Rules), 1955. This research is focused on the survey, the text books and other materials published by scholars.

Research Objective

This research aims to recognize the shortage of right of prison officials and prisoners in prisons. In prison administration should provide how to protect the rights of prison officials and prisoners in accordance with International standards and to ensure to suitable treatment. In order for a prison system to be managed in a fair and humane manner, national legislation, policies and practices must be guided by the international standards developed to protect the human rights of prison officials and prisoners

Prison System in Myanmar

The provisions relating to the prison system and protection on prison officials and prisoners in Myanmar is described in the Prison Act 1894, The Prisoners Act, 1900, the Identification of Prisoners Act, 1920 and Manual of Rules for the Superintendence and Management of Jails in Burma (Myanmar) 1894 (Jail Manual), revised in 1950 and provided the framework for the

establishment of a prison system in colonial era Myanmar and continues to be used today.

In July 2015, a draft Prisons Law was introduced in Myanmar with the objective to safeguard peace in the community and the rule of law, prevent repeat offending and provide for the rehabilitation of prisoners with a view to their release. The draft Prisons Law is set to replace Myanmar's legal framework on prison conditions. The draft law will guarantee that minimum standards of health, food, potable water, accommodation, sanitation and hygiene are met.¹

According to Paragraph.4 of the Jail Manual, 1968, the following are the classes of Jails in Myanmar -

- (i) Central Jails intended for the confinement of all classes of prisoners, including prisoners sentenced to transportation.
- (ii) District Jails intended for the confinement of all classes of prisoners with the exception of convicts sentenced to terms of imprisonment exceeding five years.
- (iii) Camp or Extramural Jails intended for the confinement of prisoners employed on extramural work as may, from time to time, be prescribed by Government.
- (iv) Subsidiary Jails intended for the confinement of under trial prisoners and of convicted prisoners whose sentences are too short to admit of removal to other jails. For the rules regarding management of police lock-ups declared to be Subsidiary Jails, wherein a list of such Subsidiary Jails is also given.

Currently, there are four classes of prison. They are Central prison, A-rated prison, B-rated prison and C-rated prison. Central prison intended for the confinement of all prisoners who convicted any sentence. It can accommodate up to 5000 convicts. A-rated prison intended for the confinement of all prisoners, including prisoners sentenced to death penalty. It can accommodate up to 1000 convicts. B-rated prison intended for the confinement of all prisoners, with the exception of convicts sentenced to terms of imprisonment exceeding fifteen years. It can accommodate up to 500 convicts. C-rated

¹ Myanmar Alin, News, 10 November 2016

prison intended for the confinement of all prisoners, with the exception of convicts sentenced to terms of imprisonment exceeding five years. It can accommodate up to 300 convicts. So, provisions relating to classification of jail in Jail Manual is not conformity with practically exercise.

Under paragraph.359 of the Jail Manual, 1894, to every prisoner a sleeping berth shall be assigned and no account shall a prisoner be permitted to lie on a cement, asphalt, brick or earthen floor, or in any place. The number of berths in each ward shall be in accordance calculated on the scale prescribed in jail manual.

Paragraph 991 of Jail manual guarantees a minimum of 36 square feet (3.34 square meters) per prisoner which is only slightly smaller than the ICRC's recommendation 36.72 square feet (3.4 square meters) for shared accommodation, excluding space for toilets and showers. It is not conformity with current expression of MNHRC is only 18 square feet (1.67 square meters).

The following table showed the condition of prison overcrowding in current Myanmar

Number of Prisoners in respected Prison

No	Name of Prison	Class	Number of Prison Officials	Limited prisoners	Accepted prisoners
1	Insein	Central	250	5000	Over 15000
2	Mandalay	Central	250	5000	8328
3	Toungoo	A	118	1000	1199
4	ShweBo	A	118	1000	2310
5	Katha	B	63	480	1003
6	Khamti	C	63	300	688

Source: ShweBo, Mandalay, MNHRC

The above mentioned table shows that the condition of prison overcrowding in current Myanmar is twice or thrice than its capacity. Overcrowding causes a great deal of issues, including health care system in prisons for prison officials and prisoners, more extra duties of prison officials without holiday, As the ratio of prison officials and prisoners are not balanced

in prison management. It can lead to conditions including unacceptable working conditions for prison staff.

The following plan focuses on 10 ways of reducing overcrowding in prisons around the world. Overcrowding or congestion is the biggest single problem facing prison systems with consequences that can at worst be life-threatening and at best prevent prisons from fulfilling their proper function. But supporters of prison reform argue that it's possible to reduce overcrowding without compromising public safety.

1. Send fewer people to prison for drug crimes.
2. Allow drug offenders to serve shorter sentences.
3. Judges greater discretion over sentencing.
4. Give judges even greater discretion.
5. Lower the "truth-in-sentencing" requirement.
6. Make sure that people aren't disproportionately punished for using crack instead of powder cocaine.
7. Allow more prisoners to reduce their sentences through credit for good behavior.
8. Give prisoners a full year off their sentences for participation in a drug rehabilitation program.
9. Release more elderly prisoners from Bureau of Prisons custody.
10. Send more foreign inmates back to their home countries.¹

The classification of prison in Myanmar is also found that classification of prison does not conform to Jail Manual and classify as Central, A, B, C. It is also seen that prisoners' sleeping ward area does not conform to international standard and provision of Jail Manual. The lack of adequate space is only one of the numerous problems that are experienced as a consequence of overcrowding in prisons. By looking at this condition, it is found that prisons in Myanmar are experiencing overcrowding. Therefore, it should be reformed to protect prisoners and prison officers as an infrastructure in prison reform of Myanmar.

¹ <http://www.penalreform.org/keep-informed>

Protection on Prison Officials in Myanmar

A strong prison system is needed to protect the prison official. Men, women and children who are in prison are still human beings. Equally, prison staffs are human beings. So, they have a chance to get the same living standards like other people. Prison leaders face numerous challenges, many of which are not within their control.

According to Paragraph.201 of the Jail Manual, 1894, the gate-keeper shall open only one gate at a time, and shall never, under any circumstances, have both gates open at once. Neglect of this rule shall be punished very severely. The passage between the entrance gates shall always be lighted at night.¹

According to Section.19 of the Prison Act, 1894, the Jailer shall not be absent from prison for a night without permission but, if absent without leave for a night, he shall immediately report the fact and the cause of it to the Superintendent.²

The night shall ordinarily be divided into five watches, namely, from 6 p.m. to 9 p.m., 9 p.m. to 11 p.m., 11 p.m. to 1 a.m., 1 a.m. to 3 a.m., and 3 a.m. to 6 a.m.³

The duty assignment of the prison officials does not conform with that provided in Jail Manual. They employed more serve extra duties and lack of holiday. Because of the ratio of prison and official prisoners does not sufficient in prison management. It is needed to appoint prison officials seek to their health, social, mental and personal security and other protections.

Rule.27 of the Standard Minimum Rule for the Treatment of Prisoners (SMR), 1955 stated that prison should be safe environment and should not fear for all prisoners and staff, and for visitors' physical safety that live and work in them. Therefore Prison Security System should consist of remotely controlled doors, CCTV monitoring, alarms, cages, restraints, nonlethal and lethal weapons, riot-control gear and physical segregation of units and prisoners may all also be present within a prison to monitor and control the movement and activity of prisoners within the facility.

¹ Paragraph.209 of the Jail Manual,1894

² Section.19 of the Prison Act, 1894

³ Paragraph.305 of the Jail Manual,1894

There are although seventeen CCTV cameras according to prison security system of Owe Bo prison in Mandalay; no cameras are set in Shwe Bo, Saging Division.

Under paragraph.256 of the Jail Manual, it is found that uniforms for non Myanmar Jailors, Myanmar Jailors and Jailors who are native of India are divided. In addition, under paragraph.261, clothing for Myanmar, Karen and Gurkha warders and for other citizens is not the same.

The directions of the Medical Officer, afford medical aid to all the jail staff and their families living on the jail premises.¹ The long-serving prisoners govern the prisons as there is not enough prison staff to control the prison and the country cannot pay enough salaries for the staff.²

Rule.74 (3) of the Mandela Rule state that Salaries shall be adequate to attract and retain suitable men and women; employment benefits and conditions of service shall be favorable in view of the exacting nature of the work.

As of 2011, AAPP found that there was one doctor for every 7,314 prisoners and that at least 12 prisons were without a designated doctor.³ Now, there are four medical officers, fourteen medical subordinates and there are over 800 sick prisoners. Among these 800 prisoners, 600 prisoners are suffering HIV/AIDS.⁴

Upon The request of prisons without medical staff, relevant medical staff, the Ministry of Health shall provide medical staff to those prisons.⁵

According to Paragraph.43 of the Jail Manual, an officer, without previous experience of jail Administration, who is appointed to the whole-time charge of any jail shall, if circumstances allow, be appointed for a period of six months' training at either the Rangoon or Insein Central Jail.⁶

¹ Paragraph.925(25) of the Jail Manual,1894

² Myanmar Times,13.December,2016

³ AAPP, Submission to the United Nations Periodic Review of Burma, 2011, p.5

⁴ Seven day New journal, 8.March.2018

⁵ Section.21 the draft Prisons law, 2015

⁶ Paragraph.43 of the Jail Manual,1894

Before entering on duty, the personnel shall be given a course of training in their general and specific duties and be required to pass theoretical and practical tests.¹

After entering on duty and during their career, the personnel shall maintain and improve their knowledge and professional capacity by attending courses of in-service training to be organized at suitable intervals.²

Under Rule.76(1) (c) of the Mandela, training shall included security and safety, including the concept of dynamic security, the use of force and instrument of restraint, and the management of violent offenders, with due consideration of preventive and defusing techniques, such as negotiation and mediation.

Law enforcement agencies should review their training programmes and operational procedures in the light of particular incidents.³ Rule.82 (2) of the Mandela Rule, prison staff shall be given special physical training to enable them to restrain aggressive prisoners.

According to Section.7 (g) of the draft prison law, 2015, the superintended shall shackle any prisoner who he or she considers to require maximum security or state of prison or character of prisoner. If needed, he can place such kind of prisoner individually in a solitary confinement cell.⁴

According to section.49 of the draft Prison Law, 2015, no prisoner is allowed to riot, rebel, escape, or damage prison properties and buildings with a cowed, or attempt or prepare or encourage doing the above at any time.⁵

According to Paragraph.326 of the Jail Manual, if a prisoner is convicted of an offence committed an assault on a warder or other officer maybe cancelled amnesty. Law enforcement officials shall also, to the best of their capability, prevent and vigorously oppose any violations of them.⁶

¹ Rule.47 (2) of Standard Minimum Rules for the Treatment of Prisoners(SMR),1955 and Rule.81(1) of the European Prison Rules,1987

² Rule.47 (3) of Standard Minimum Rules for the Treatment of Prisoners(SMR), 1955 and Rule.81(2) of the European Prison Rules,1987

³ Principles.20 of Basic Principles on the Use of Force and Firearms by Law Enforcement Officials(Principles on Force and Firearms) , 1990

⁴ Section.7 (g) of the Draft Prison Law, 2015

⁵ Section 49 of the draft Prisons law, 2015

⁶ Article.7 of Code of Conduct for law enforcement officials, 1979

The States Parties to the present Covenant recognize the right of everyone to the enjoyment of the highest attainable standard of physical and mental health.¹ National legislation regarding health and safety at work shall apply in prison in the same way as it does in the community.²

Prison staff, including guards and medical staff, may feel psychological repercussions from working and may be in need of support themselves. The prison administration should provide confidential counseling to all staff members who work with prisoners. Staff members should be given special training and support.³

There are factors in many prisons that have negative effects on mental health, including: overcrowding, various forms of violence, enforced solitude or conversely, lack of privacy, lack of meaningful activity, isolation from social networks, insecurity about future prospects, and inadequate health services, especially mental health services, in prisons.⁴

International rule and norm, Jail manual and Draft Prison Law in Myanmar provided that every prison has a medical officer. In practice there is no medical officer in every prison. In Myanmar, special treatment for HIV voluntary testing and counseling should be encouraged. So, upon the request of prisons for medical officer, relevant medical officer, the Ministry of Health and Sport shall provide to appoint medical officer to those prisons. There are not only provisions relating to previous health care for prison officials in the Prison Act and Jail Manual but also in the draft of prison law. Staffs need to be specially trained to carry out to detect and prevent any escape attempt or secretion of contraband. Now, a new warder needs to attend a basic training of prison for four months in Mandalay and officers need to attend training of officer rank for three months in Insein (Yangon).

¹ Article 12(1) of the International Covenant on Economic, Social and Cultural Rights (ICESCR), 1966

² Rule.72(1) and 74 of Standard Minimum Rules for the Treatment of Prisoners (SMR), 1955

³ World Coalition, organization, Death penalty and Mental Health, Factsheet for Prison Staff, 2014, p.3

⁴ World Health Organization, op.cit., p.1

Protection on Prisoners in Myanmar

The State Government needs to ensure fundamental right of each prisoner such as food of nutritional value, adequate for health and strength in accordance with the International standard and norms. And then they should given protection for personal security, by means of rehabilitative method and vocational training, reduction from punishment and visitation right.

The classification of prisoners in prison management needs confirmative norms provided under International Convention such as ICCPR, SMR and the Principles for the Protection of all Persons under Detention. Under paragraph.721 (1, 2) of the Jail Manual, civil prisoners should be divided into two classes such as Special and Ordinary.

Previously, according to paragraph 665 of the Jail Manual, convicted prisoners were separated by classification into three classes A, B and C of prisoners depending on committed offences. Today, it is found that prisoners were not separated after 1964 and all prisoners are combined into a single class, Class C. Now, classes of prisoners should be separated depending on types of committed offence rather than the current combining of prisoners. In this regard, Myanmar has to respect standards and norms provided in International Convention, Regulations and Guidelines for prison reform. Prisoners' rights and protection should have equality while they are serving their sentences.

Living standard facilities are basic physical requirements for prisoners, paragraph 1084 of the Jail Manual, there are 20 kinds of food fed to a prisoner daily calculated at the current price about 1336 kyats. The kinds of food fed to a prisoner in OweBo Prison Mandalay Division are 14 kinds of food, calculated in accord with current price at 600 kyats for per prisoners. Beef is fed twice a week.

In October, inmates at Myin Chan prison staged a demonstration over lack of food supplies, medical care, overcrowding and corruption. According to prison advocacy groups, such abuses are rarely reported but widespread within Myanmar's correctional institutions. It was true that prison staff governed through inspiring fear.¹

¹ Myanmar Times , 13 December, 2016

Correctional In October, inmates at Myin Chan prison staged a demonstration over lack of food Department plans to increase their daily meal allowance starting from 1st January, 2018. It has agreed to increase the daily meal allowance from the former k.600 to k.975 for prisoners in prison and k.1000 for prisoners in prison camp. The prisoners are given meat in their meals just two times a week including beans in meals on a daily basis. Before, prisoners were fed beans just five times a week. The daily cost of feeding for supporting of prisoners compared with the current feeding rate and the feeding rate in the Jail manual. Feeding rate in 2018 plan does not fulfill the rate in the jail manual.

In order to ensure the good health of the prisoners, the Prison Department must provide areas and facilities for exercising.¹ The ministry can appoint medical staff under negotiation with the Ministry of Health, or the ministry can appoint directly.²

Upon The request of prisons without medical staff, relevant medical staff, the Ministry of Health shall provide medical staff to those prisons.³

Rule 24 of the SMR, Principle 9 of the Basic Principles for the Treatment of Prisoners, and the Principles of Medical Ethics Relevant to the Protection of Prisoners all enshrine the main guiding principle of healthcare in prison, which is that prisoners should enjoy the same standards of health care that are available in the community, and should have access to necessary health-care services free of charge and without discrimination on the grounds of their legal status. The Principles for the Protection of all Persons under Detention provides for a medical examination upon admission to prison and regular medical care provided from that point forward.⁴

According to Section 166 of the Penal Code, whoever, being a public servant, knowingly disobeys any direction of the law intending to cause injury to any person, shall be punished with simple imprisonment for a term which may extend to one year, or with fine, or with both.

¹ Section.16 of the Draft Prison Law, 2015

² Section.20 of the Draft Prison Law, 2015

³ Section.21 of the Draft Prison Law, 2015

⁴ AAPP, Prison Conditions in Burma and the Potential for Prison Reform, 2016, p.26,27

Whoever voluntarily causes hurt or grievous hurt for any confession or information which may lead to the detection of any offence, shall be punished with imprisonment of either description for a term which may extend to seven or ten years, and shall also be liable to fine.¹

Ensure Prison staffs do not torture prisoners, or subject prisoners to cruel, degrading or inhuman treatment.² Any Prison staff will be guilty if he or she commits the following: Torture, cruel, inhuman or degrading treatment that violates human rights or humiliates a prisoner.³ If Any prison staff is guilty of violation of section 50(h) he or she shall be sentenced to imprisonment not exceeding three months, or subject a fine not exceeding 50,000 kyats, or to both.⁴

According to Rule.43 (1) of the Mandela Rules, in no circumstance may restorations or disciplinary sanctions amount to torture or other cruel, inhuman or degrading treatment or punishment. According to Article.2 of the CAT state that Orders from a superior officer may not be invoked as a justification of torture. And Article.3 of the Code of Conduct for Law Enforcement Officials (1979) provides that Law enforcement officials may use force only when it is strictly necessary.

With international agreement on prison officials and prisoners found provisions relating to basic standard and protection from torture and inhuman treatment of prisoners. These enactments can find in Draft Prison Law, 2015 in Myanmar. Although there is no provision relating to protection from torture on the prisoners in Prison Act and the Jail Manual, action are taken under Penal Code if a public servant intentionally inflicts injury on a prisoner. Now, prison official who committed torture and cruelty, he shall be liable to under current Draft Prison Law, 2015 in Myanmar.

Under Section.36 (a) of the draft Prison law, 2015, no criminal prisoner sentenced to labour or employed on labour for more than eight hours

¹ Section 330 and 331 of the Penal Code, 1861

² Section.8 of the Draft Prison Law, 2015

³ Section .50(h) of the Draft Prison Law, 2015

⁴ Section .56 of the Draft Prison Law, 2015

in any one day.¹ The superintendent shall help any prisoner, who was not assigned to hard labor, be employed if he or she desires it.²

According Section.17 of the draft prison law, 2015, regarding the assigning of labor, the Prison Department shall provide appropriate vocational, agricultural and livestock trainings.³ Prison Department shall produce products with the use of prison labor.⁴

The Superintendent shall: Pay Set wages to prisoners working in income generating activities in prisons. Make sure that defined compensations are established regarding injuries, and death of prisoners while working.⁵

Vocational Training (Owebo) Prison Mandalay gives vocational training such Hair-cut and Beautification, Chief-cook, Knitting, Gold leaf packet, Embroidery, Tailoring, Carpentry, Weaving, Lapidary and engraving, Mechanic, Eyelash, Tatting and Diamond cutting. Owebo, Shwe Bo and Moulmein prison have different Vocational Training.

There are not provisions relating to vocational training for prisoners in the Prison Act and Jail Manual. These provisions can be found in the draft Prison Law, 2015. Kinds of vocational training can vary based on prisoner trainer skill and requirements of prisoner trainees. Prison will accept voluntary trainers for vocational training. Also, the prison department provided that vocational training should include inventive ways of other international prisons to prepare prisoners for life after their release.

Seven International Prisons around the world are finding inventive ways to prepare prisoners for life after their release such as financial literacy for prisoners in Ethiopia, working for the weekend in Slovenia, working and studying behind bars in Uruguay, making minimum wage in Poland, prisoners study for free in India, staying connected with Belgium's prison cloud and reading for freedom in Italy.

¹ Section.36(a) of the Draft Prison Law, 2015

² Section.7(i) of the Draft Prison Law, 2015

³ Section.17 of the Draft Prison Law, 2015

⁴ Section.18 of the Draft Prison Law, 2015

⁵ Section.37(a, b) of the Draft Prison Law, 2015

The Prison Department shall provide educational opportunities for prisoners who are still studying or who are illiterate.¹ Education opportunities for prisoners, according to Paragraph.623 of the Jail Manual, all juveniles under 18 years of age, who are undergoing sentences of a year or more, shall be brought under instruction in reading, writing and arithmetic. They shall be taught for an hour in the morning and an hour in the afternoon. An elderly prisoner may be allowed to teach the boys.

Rule.78(2) of the Mandela Rule state that the service of social works, teacher and trade instructors shall be secured on a permanent basis, without thereby excluding part-time or voluntary workers.

In Myanmar, since 2006 Insein, Mandalay and Thayawady Central have been offering educational opportunities to inmates. In 2014, two prisoners passed matriculation exams firstly.² Educational opportunities for prisoners are provided only for Insein and Owebo prisons. It is needed to development prison education system for other prisons as well.

In an effort to democratize education for prisoners in India, the Indira Gandhi National Open University set up 94 study centers in jails across the country that offer a broad range of educational and vocational classes leading to degrees, free of cost. As of May 2015, more than 25,000 Prisoners had participated in the program, earning everything from vocational certificates in baking or welding to master's degrees in sociology. The university also works with inmates after their release to help them find employment.³

In order to have more knowledge about domestic and international affairs, the Prison Department must open libraries whereby prisoners can read newspapers, journals, magazines, publications and watch television sets.⁴In order for recreational purposes, the Prison Department must provide entertainment, information and education programs.⁵

There are two kinds of remission such as ordinary remission and special remission. The provisions relating to amnesty and remission enacted

¹ Section.14 of the Draft Prison Law, 2015

² Myanmar Times, Wednesday, 07 September 2016

³ Rebecca McCray, Seven International Prisons that put rehabilitation before punishment, 2015

⁴ Section.13, Ibid

⁵ Section.15, Ibid

International Convention as well as draft prison law in Myanmar. According to paragraph 842 and 848 of the Jail Manual ordinary remission grants 15 days and special remission permits 29 days in one year. If a prisoner employs the duty of guard, he would get as ordinary remission for 8 days, of supervising of work 6 days and acting of night duty 5 days respectively in one month. In practice, if a prisoner employs the duty of guard, he would get as ordinary remission for 2 days, of supervising of work 1 day and acting of night duty 1 day respectively in one month.

The President has the power to grant a pardon, the power to grant amnesty in accord with the recommendation of the National Defence and Security Council.¹

The new NLD-led government issued four major releases in their first month in office. On April 8, 2016 had released 199 political prisoners. On April 17, 2016 had released of 83 political prisoners. On May 24, 2017 had released 259 prisoners.

On August 4, 2017 the students from Mandalay and Insein who passed matriculation examination are remitted by the President of Union under 401 (1) of the Code of Criminal Procedure.² April 17, 2018, 8490 prisoners serving jail terms in various correctional facilities across the country have been unconditional amnesty under the Sub-section (1), Section 401 of the Criminal Procedure Code.³

National Laws of Brazil and Italy provide remission for reading one philosophy book; prisoner can meet remit 3 or 4 days from sentence. Reading may be an effective way to reduce boredom in prison and may soon become a way to cut jail time. Redemption through reading is not only a smart low-cost measure to reduce population in jail, but it is also an important chance for the prisoner's personal growth, forming him to a better life. So a cut of the sentence obtained in this way can be appreciated like similar reductions planned for study and work. Without doubt they will leave a better person.

¹ Section.204 of the Constitution of the Republic of the Union of Myanmar, 2008

² Notification No.102(1)/8, 4.8.2017

³ Republic of the Union of Myanmar Office of the President, Order No. 17/ 2018, 17. April.2018

Section 33 of the draft prison law, 2015 states that a schedule and regulations shall be arranged in each prison, in order to visiting guests and official guests to be able to meet prisoners.¹ A prisoner and his or her lawyer are allowed to discuss freely in a designated area in accordance with law.²

According to Rule.58(2) of the Mandela Rule, where conjugal visits are allowed, this right shall be applied without discrimination, and women prisoners shall be able to exercise this right on an equal basis with men. Procedures shall be in place and premises shall be made available to ensure fair and equal access with due regard to safety and dignity.³

Requests for feeding prisoners on special occasions by charitable bodies or persons is allowed on only one or two days in the year may be granted, provided the food is prepared in the Jail premises.⁴ If any organization or anyone wants to donate food or things for prisoners, the superintendent may allow it after thorough consideration.⁵

Now, it is found that preaching of famous Pongyis (Buddhist monk) and meditation camps are held in prison. Although the person who serves prison terms shall have no right to vote under section.392 (b) of the Constitution of the Republic of the Union of Myanmar, allowed the right to vote at UK and European if offenders sentenced to a custodial sentence of less than four years. All prisoners are citizens of a Country. Therefore they must have citizen right or constitutional right such as voting right.

Both the Prisons Act and Jail Manual ensure visitation rights for civil and un-convicted prisoners, while the Jail Manual allows for up to two visitations per month with family. Although, the right of conjugal visit is allowed in the Mandela Rule, there is no similar provision in existing laws in Myanmar. The draft prison law, 2015 provided that the prison Department must have correctional plans religious preaching, meditation camps, counseling and educational opportunities, entertainment, information for changing prisoners physically and psychologically with the aim of

¹ Section.33 of the draft prison law,2015

² Section.37 of the Draft Prison Law, 2015

³ Rule.58(2) of the Mandela Rule

⁴ Paragraph.362 of the Jail Manual,1968 and Section 35 of the Draft Prison Law, 2015

⁵ Section.35 of the draft prison law,2015

reintegration into society as a good person who will not reoffend after being released.

Finding

The management of prison system is difficult and complex and changes to the system take time. The prison system should also be under the control of the civil rather than the forcible power. Developing countries including Myanmar, lack the necessary resources to bring their prison system up to internationally accepted standards. They lack the funds, trained personnel, technology, infrastructure, or expertise to proceed with all of the necessary reforms. Policy makers should invest more resources in treating and rehabilitating offenders while they are incarcerated. In practice, the job of a prison official is inevitably facing challenging in prison environment. It also identifies protection on officials in prisons and systematic control of prisoners. In order for prisons to run well, prison rules must be current and enforceable, as well as enforced. The government may assist to official statement on prison policy for managing prisons and provide direction and guidance for current and future reforms. Government should work together with development partners and agencies to develop a strategic plan for the prison service and many reforms that are required. And also Government needs to amend an outdated legislative framework which supports prison reform. The modern legislative framework will promote change within a prison service and to bring existing practices into compliance with international human rights standards.

Conclusion

The prison system comprises only a part of that country's judicial and legal system and portion of the overall governance structure and institutions that country. Prison system is necessary to ensure the protection of human rights within the country, but it is also beneficial to society more broadly. Prisons should be safe environments for all who live and work in them, in other words for prisoners and staff, and for visitors. No one in a person should fear for his her physical safety. Officials must take the necessary technical training to be aware of security requirements. Staff has been trained in their

duties according to a set curriculum and national standard. Classification of prisoners depends on prison building and the number of prisoners cannot be classified. Therefore, prison and prisoner management should repair to assist the prison management and to protect the prisoners. Despite the obvious need for legislative updates and reform, the more pressing issue in Myanmar is dealing with actual conditions. It is suggested that these enactments will be incorporated into current prison system in Myanmar for reducing overcrowding in prison. Moreover, most of the prisoners have little knowledge of remission; it is needed to serve to know the effect of remission that is the one of the reformative methods for prisoners.

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