

Research Article

# Protecting Prisoners' Privacy in the Kingdom of Bahrain: An Analytical Study with a Consideration of International Human Rights Law and Bahraini Law

Husein Bani Issa<sup>1</sup>

<sup>1</sup>Associate professor, Dean College of Law, Applied Science University, Bahrain. Email: [husein.baniissa@asu.edu.bh](mailto:husein.baniissa@asu.edu.bh)

\*Correspondence: [husein.baniissa@asu.edu.bh](mailto:husein.baniissa@asu.edu.bh)

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**Abstract:** Privacy represents a central human right that protects human dignity and individual autonomy. It establishes a safeguarded sphere of personal life into which public authorities may intrude only under strictly defined conditions of legality, necessity, and proportionality. Although imprisonment inevitably brings lawful limitations on freedom of movement and certain forms of personal behaviour, such confinement does not justify the removal of fundamental rights. The deprivation of liberty concerns the restriction of physical movement rather than the erosion of dignity, and surveillance should not function as an additional form of punishment. The significance of this issue has intensified in the contemporary digital environment of incarceration, where institutions increasingly rely on technological systems for monitoring. Practices such as the inspection of prison cells or mobile phones, extensive video monitoring, and large-scale collection of personal and biometric information have become more common. While these mechanisms are frequently justified on the basis of institutional security and effective prison administration, they generate serious legal concerns regarding the acceptable limits of interference in the private lives of prisoners and the potential normalisation of intrusive control within custodial settings. International human rights law establishes a framework for safeguarding prisoners' privacy. This protection is primarily articulated through the International Covenant on Civil and Political Rights (ICCPR), supported by interpretative guidance issued by the Human Rights Committee (HRC), and further reinforced by specialised standards contained in the United Nations Standard Minimum Rules for the Treatment of Prisoners. These instruments emphasise that any interference with privacy must be authorised by law, pursue a legitimate objective, and remain strictly necessary and proportionate. Within this context, the present study evaluates the extent to which the legal framework of the Kingdom of Bahrain protects the privacy of prisoners and whether such protection corresponds with international standards. The analysis considers constitutional principles, legislative provisions governing prisons, and data protection regulations, particularly those related to surveillance and the processing of information in the digital era. The findings indicate that although Bahraini law recognises the principle of human dignity and regulates certain aspects of prison administration, it does not provide comprehensive safeguards against modern forms of privacy intrusion, especially those emerging in the digital sphere. Accordingly, the study recommends specific legislative and institutional reforms aimed at strengthening privacy protection while maintaining legitimate security and governance objectives.

**Keywords:** Prisoners' Privacy; Prisoners' Rights; Detention; International Human Rights Law; Bahraini Law; Prison Administration

## 1. Introduction

Privacy forms a fundamental component of the international human rights framework because it protects individuals from arbitrary state interference and safeguards human dignity and personal autonomy [1]. It should not be regarded as a matter of legal convenience or privilege. Rather, it operates as an important benchmark for evaluating the quality of the rule of law in the relationship between the State and individuals. In this sense, privacy establishes a boundary that law enforcement and supervisory authorities must respect, even when pursuing legitimate aims such as security or public order. The right to privacy is therefore multidimensional, encompassing physical, spatial, communicational, and informational aspects. Although the degree of protection across these dimensions may differ, each derives from the broader principle of human dignity [2].

These concerns become more acute within detention environments. Prisons operate through systems of surveillance, regulation, and discipline, which create an inherent imbalance of power between the State and incarcerated persons. Within such contexts, there is an ongoing risk that security practices may extend beyond legitimate restrictions. Instead of serving solely as mechanisms to maintain order and protect society, these practices may gradually legitimise intrusive interference in prisoners' private lives and contribute to the erosion of their rights [3]. The danger increases where legal provisions are formulated in broad terms or interpreted expansively, or where prison administrators exercise extensive discretionary authority without adequate oversight to ensure that their actions comply with principles of legality and proportionality. International human rights law rejects the notion that imprisonment completely removes

an individual's entitlement to privacy. From a human rights perspective, the deprivation of liberty neither eliminates legal personality nor negates the inherent dignity of the individual [4]. Instead, persons in detention retain all rights and freedoms that are not inherently incompatible with the fact of incarceration, a position firmly supported by international legal principles [2]. Consequently, any limitation imposed upon privacy must satisfy four general requirements: it must have a legal basis, pursue a legitimate objective, be necessary for achieving that objective, and remain proportionate in both scope and intensity [5].

Recent technological developments have introduced a further dimension to this issue. The increasing adoption of surveillance cameras, electronic monitoring systems, and data driven prison management tools has facilitated the emergence of what may be described as a data governed detention environment, where prisoners are continuously categorised, assessed for risk, and observed in relation to behavioural patterns [6]. Although these technologies are commonly justified on security grounds, their use raises complex legal questions concerning the acceptable limits of constant monitoring, the point at which surveillance may amount to degrading treatment or arbitrary interference, and the safeguards necessary to prevent the misuse of sensitive personal or biometric information [3; 7]. Within this broader context, the present study focuses on the Kingdom of Bahrain as a national example illustrating the interaction between international legal obligations and domestic regulatory frameworks.

The study therefore assesses whether constitutional and legislative protections within Bahrain adequately safeguard the privacy of prisoners and whether these protections correspond with international standards established by instruments such as the International Covenant on Civil and Political Rights [8] and the Nelson Mandela Rules [3]. It argues that general

constitutional references to human dignity may be insufficient to guarantee privacy protection in practice when they are not accompanied by detailed legal rules governing surveillance practices, searches, communications, and the handling of personal data, particularly where mechanisms for oversight and effective remedies remain limited.

Privacy assumes particular significance in detention settings because prisons are inherently coercive environments characterised by continuous monitoring, institutional authority, and a structural imbalance of power between individuals and the State. Under well-established international legal doctrine, the lawful deprivation of liberty does not transform prisoners into mere objects of administrative control nor extinguish their legal personality. Even while incarcerated, individuals remain holders of rights, and restrictions may only be imposed where they are strictly necessary as a consequence of detention [2]. This principle is reflected in the doctrine of residual rights, which holds that individuals deprived of liberty retain all rights except those that are inevitably restricted by the fact of imprisonment. Privacy represents one of the most significant expressions of this doctrine. Within this framework, privacy in prison is not a discretionary benefit granted by prison authorities but a legally protected interest. Any interference must therefore be justified by a legitimate objective, demonstrate necessity in preventing harm, and remain subject to reasonable limits consistent with proportionate supervision [5].

Ignoring this framework risks transforming prisons from institutions intended for lawful punishment and rehabilitation into environments dominated by unchecked administrative control. Conceptually, prisoners' privacy should not be understood as a single uniform concept. Instead, it comprises multiple interconnected dimensions that influence the everyday experiences of individuals living in detention. Recognising these dimensions is essential for determining the permissible extent of restrictions and for evaluating whether particular forms of interference remain within acceptable legal boundaries.

### 1.1 Physical Privacy

Bodily privacy represents one of the most sensitive dimensions of prisoners' rights because it is directly connected with physical integrity and personal dignity. Protection in this regard includes safeguards against unnecessary or degrading searches, excessive strip searches, and intrusive medical or bodily examinations conducted without a clear legal foundation or appropriate professional oversight [3]. International jurisprudence has affirmed that although security considerations may justify certain searches, their execution must not involve humiliation, degradation, or the infliction of unnecessary psychological distress [9]. The legitimacy of such practices is therefore determined not only by the presence of a security objective but also by the manner in which they are carried out, their frequency, and whether they are genuinely required.

Violations of bodily privacy have particularly profound consequences because the body is often regarded as the final sphere of autonomy available to individuals in detention. When routine or excessive bodily searches become normalised, measures originally intended to maintain security may effectively operate as additional forms of punishment not authorised by sentencing law. Such practices undermine the principle that imprisonment involves the deprivation of liberty rather than the imposition of further penalties. For this reason, international standards, especially the Nelson Mandela Rules, provide that searches should be conducted only when strictly necessary and must always be performed in a manner that respects human dignity, avoids unnecessary exposure, and prevents humiliation [8].

Spatial privacy concerns the limited but essential personal space that individuals in detention should retain while in custody. Although prisons necessarily involve shared accommodation and constant institutional oversight, international standards acknowledge that certain areas require particular protection, including sleeping areas and facilities related to hygiene and bathing [3]. Observational findings suggest that a severe lack of spatial privacy, especially where living quarters are both overcrowded and subject to continuous observation, may amount to degrading treatment even in the absence of physical violence [10]. Human dignity can be undermined not only through direct actions but also through living conditions that deny individuals any opportunity for withdrawal or personal space. The expansion of video surveillance further complicates this issue. Monitoring of corridors and communal areas may be justified for safety purposes; however, the placement of cameras within bathrooms or shower facilities constitutes a serious intrusion that can only be defensible under narrowly defined and exceptional circumstances [11]. Reform International, (2025). Accordingly, spatial privacy should not be viewed as an obstacle to institutional security but rather as an integral component of humane detention practices that helps prevent systematic humiliation and supports the prospects for rehabilitation.

### 1.2 Privacy for Communication Privacy

Communication privacy is closely linked to fundamental procedural and social rights, including family life, access to legal counsel, and the maintenance of social relationships that are vital for an individual's reintegration into society [1]. It encompasses written correspondence, telephone conversations, and visits from family members, legal representatives, and other authorised individuals. International legal standards recognise that limitations on communication may sometimes be justified for reasons connected to institutional security or organisational management. However, such limitations must remain exceptional, narrowly tailored, and grounded in individualised assessments of risk rather than applied routinely or through generalised restrictions [5].

A crucial legal distinction therefore exists between targeted monitoring and indiscriminate surveillance. Confidential communication between prisoners and their legal representatives is considered an essential component of the right to defence and fair trial, and this confidentiality must be preserved [12]. Interference with lawyer-client communications has been recognised as undermining the integrity of legal proceedings and eroding confidence in the administration of justice, including in international jurisprudence [13]. Consequently, monitoring of such communications is generally impermissible except under narrowly defined and strictly regulated circumstances. Continuous monitoring of communications, whether through in-person visits or telephone calls, may also generate what is described as a "chilling effect." Detainees may refrain from communicating openly due to fears of surveillance or potential repercussions. Such conditions weaken social relationships and negatively affect rehabilitation prospects [2]. For this reason, the Nelson Mandela Rules recognise communication with the outside world as an essential aspect of humane detention and require that any restrictions be interpreted narrowly and subject to effective supervisory mechanisms [3].

Informational privacy has become one of the most sensitive and significant elements of prisoners' rights, particularly within technologically advanced detention systems that rely extensively on digital data collection and computerised management technologies [6]. This dimension covers medical records, behavioural and disciplinary documentation, biometric identifiers, and other forms of personal information generated during detention. Data collection within prisons represents a substantial exercise of state authority, as detainees usually possess very limited capacity to refuse or influence how their information is processed. In the absence of strong safeguards, personal information may be used for profiling, stigmatisation, or discrimination after release, potentially affecting employment prospects and social reintegration [7]. International human rights institutions have emphasised that privacy protection extends beyond physical intrusion and includes safeguarding individuals' informational identity.

Medical confidentiality is regarded as particularly fundamental because the unauthorised disclosure of health-related information may constitute a serious violation of human dignity and rights [1]. The use of biometric technologies further intensifies these concerns since such data are permanent and cannot be replaced. If compromised or misused, the consequences may persist long after a person's detention has ended [14]. For this reason, international standards require that biometric data processing be strictly necessary, limited to specific purposes, restricted in duration, and subject to independent supervision, including rights of access, correction, and deletion. Accordingly, informational privacy should not be treated as a merely administrative or technical issue. It represents a direct extension of human dignity within detention settings, and any legal framework addressing prisoners' rights remains incomplete if it fails to regulate the collection, storage, monitoring, and accountability of personal data [3].

## 2. Restatement of the Above

The preceding discussion illustrates that the right to privacy for prisoners under international human rights law is a multidimensional concept encompassing bodily integrity, personal space, communication, and informational protection. Privacy therefore extends far beyond minimal legal safeguards or the mere fact of incarceration. It serves as an important indicator of humane detention and functions as a legal constraint on administrative authority within prisons, ensuring that preventive measures do not evolve into mechanisms of domination or humiliation [15]. This conceptual framework enables a more comprehensive evaluation of international security norms and provides a basis for examining how national legal systems, including that of Bahrain, conform to these standards, a subject explored in the following section.

## 2.1 International Legal Protection of Prisoners' Privacy Under Treaties and UN Standards

International human rights law establishes a complex and multi-layered framework for the protection of prisoners' privacy, combining binding treaty obligations with interpretative guidance from monitoring bodies and specialised standards applicable to custodial settings. This framework does not deny the necessity of prison security or discipline, but it aims to ensure that the exercise of state authority in detention environments remains governed by principles of legality, necessity, proportionality, and accountability [1; 2]. Such safeguards are particularly important in custodial environments because detainees are placed in situations of legal vulnerability and often lack practical means to challenge interference with their private lives. In the absence of clear legal limits, extraordinary security measures may gradually become routine administrative practices, thereby normalising intrusive interference and weakening the protection of fundamental rights [3].

The International Covenant on Civil and Political Rights forms the central treaty foundation for privacy protection, including in detention contexts. Article 17 prohibits unlawful or arbitrary interference with privacy and correspondence and requires states to ensure legal protection against such interference, while Article 10 establishes a separate obligation that all persons deprived of liberty must be treated with humanity and respect for their inherent dignity [8]. When interpreted together, these provisions demonstrate that privacy protection is not secondary but rather an integral component of humane detention. Privacy performs both preventive and evaluative roles. It protects individuals against unwarranted intrusion and also provides a standard by which the humanity of detention conditions can be assessed [15].

The Human Rights Committee has clarified that the concept of "arbitrary interference" is not limited to actions that violate domestic law. Interference may still be considered arbitrary even where it is formally authorised by law if it is unreasonable, unpredictable, or disproportionate in its application [1]. Consequently, practices such as surveillance, searches, or monitoring of communications may violate Article 17 even if permitted by national legislation when they exceed what is strictly necessary or lack sufficient safeguards. States therefore bear not only negative obligations to avoid unlawful interference but also positive obligations to establish effective legislative frameworks and oversight mechanisms [2]. Without such mechanisms, legal protections risk becoming merely symbolic.

## 2.2 Interpretative Guidance through General Comments and UN Practice

General Comments issued by the Human Rights Committee provide authoritative clarification regarding the scope of privacy protections in detention contexts [16]. These interpretations elaborate on treaty obligations and have been widely relied upon by courts and scholars when interpreting international human rights standards [16]. General Comment No. 16 [Committee](#). [1] affirms that individuals deprived of liberty retain a right to privacy and that any limitations must be strictly confined to what is necessary to preserve institutional security and order. The Committee emphasises that indiscriminate or blanket surveillance measures are incompatible with this requirement, stressing that necessity must be evaluated with reference to concrete risks rather than assumed as a general feature of imprisonment. General Comment No. 21 further reinforces this interpretation by linking privacy with the obligation of humane treatment under Article 10.

Respect for dignity extends beyond the absence of physical abuse and includes consideration of living conditions, personal space, and the way disciplinary or security measures are implemented [15]. Privacy therefore becomes an important indicator of whether detention practices comply with international standards. More recent United Nations practice has also emphasised the importance of protecting sensitive information, including medical records and personal data. Reports and guidelines warn that misuse or disclosure of such information may lead to stigma, discrimination, and continuing punishment extending beyond the formal sentence [3].

## 2.3 The Nelson Mandela Rules as Specialised Correctional Codes

The United Nations Standard Minimum Rules for the Treatment of Prisoners, revised and adopted as the Nelson Mandela Rules, represent the most comprehensive international instrument regulating prison administration. Although formally categorised as soft law, these Rules possess considerable interpretative authority and are widely regarded as

operational guidance for implementing treaty obligations under the International Covenant on Civil and Political Rights [11]. Several provisions within the Rules address privacy directly. Searches must be conducted in a manner that respects dignity and avoids unnecessary intrusiveness except where strictly required. Medical information must remain confidential and accessible only to qualified personnel.

Communication with the outside world should be facilitated, and restrictions should not be imposed except where necessary for security purposes [8]. Importantly, the Rules adopt a normative approach to security that rejects the assumption that security concerns automatically justify intrusive practices. Instead, any intervention must respond to identifiable risks and remain proportionate to those risks. Exceptional measures cannot become routine procedures and must rely on individualised assessments rather than general institutional assumptions [3]. This approach reflects a shift from purely punitive custodial philosophies towards governance models that incorporate human rights considerations into daily prison administration rather than treating them as external constraints imposed by judicial authorities.

## 3. Legitimate Restrictions and The Necessity and Proportionality Principles

International human rights law recognises that detention environments require effective security measures, yet it does not grant prison authorities unrestricted discretion. Interference with privacy must satisfy four essential conditions: it must be grounded in a clear legal basis, pursue a legitimate objective, be necessary within a democratic society, and remain proportionate to the risk addressed [1; 10]. Consequently, general references to security cannot justify constant surveillance or routine monitoring of communications. Authorities must demonstrate that less intrusive alternatives would not adequately address the risk and that monitoring responds to identifiable threats rather than administrative convenience [2]. International jurisprudence consistently confirms that when proportionality and procedural safeguards are absent, measures that may appear lawful can nevertheless amount to violations of rights even within custodial contexts [10]. In this sense, privacy protection should not be viewed as an external restriction on prison administration but as an integral component of lawful governance. Safeguarding prisoners' privacy therefore contributes not only to protecting individual rights but also to maintaining the legitimacy of correctional institutions and upholding the rule of law.

## 4. Conclusion

This study examined the protection of prisoners' privacy in the Kingdom of Bahrain within the framework of international human rights law. It is founded on the principle that imprisonment restricts liberty but does not eliminate other fundamental rights, which may only be limited to the extent necessary for detention and legitimate security objectives. Privacy is thus not a peripheral concern but a key measure of the legality and humanity of custodial systems. International standards provide a robust framework structured around legality, necessity, proportionality, and accountability to prevent security practices from becoming tools of arbitrary control. At the domestic level, Bahraini law partially reflects these principles through constitutional recognition of human dignity, prohibition of degrading treatment, and statutory regulation of detention institutions. However, these protections operate mainly at a structural and principled level rather than through detailed operational mechanisms. While some safeguards exist, domestic legislation does not consistently translate international privacy standards into clear rules for surveillance, communication monitoring, or the handling of personal and biometric data. Many privacy intrusions arise from routine institutional practices embedded in daily prison administration rather than isolated discretionary acts. Formal recognition of rights alone is insufficient; procedural safeguards, documentation, and independent oversight are required to address systemic violations effectively. The growing use of digital technologies further heightens these vulnerabilities. Surveillance and data-driven management systems expand the scale, permanence, and opacity of monitoring, increasing the risk of institutionalized intrusion. Without explicit regulation, continuous surveillance can become normalized, and exceptional security measures may gradually be treated as routine practices. Ultimately, protecting prisoners' privacy is not in opposition to institutional security but is essential for lawful and legitimate correctional governance. Weak or unclear privacy protections increase the risk of misuse, erode trust in the system, and undermine rehabilitative goals. Strengthening legal safeguards is therefore critical to ensure humane treatment, uphold the rule of law, and maintain the legitimacy of custodial management.

## 5. Recommendations

1. To ensure compliance with international human rights standards and achieve legitimate security objectives, this study proposes a comprehensive set of legislative, institutional, judicial, and technical reforms intended to strengthen the protection of prisoners' privacy within Bahraini correctional facilities.
2. Bahraini correctional law should explicitly recognise prisoners' right to privacy as a legally protected interest, subject solely to limitations that fall 'within the permissible scope'. Codifying this right provides a clear normative framework to evaluate administrative procedures and diminishes reliance on broad constitutional principles that often lack operational specificity.
3. Legislation should establish detailed regulations governing searches, visual monitoring, inspection of correspondence and telephone communications, and the use of recording devices. Such rules should identify appropriate locations for surveillance, mandate justification for any intrusive measures, and prohibit routine or comprehensive monitoring in the absence of a thorough security assessment, in line with international standards (Human Rights Committee (HRC), 1988).
4. Data protection statutes should be sector-specific, outlining rules for processing prisoners' personal and biometric information. These reforms should define lawful purposes, impose retention limits, restrict inter-agency data sharing, and secure prisoners' rights to access, correct, and erase personal data, subject only to narrowly defined security exceptions.
5. The deployment of digital surveillance technologies, including CCTV, facial recognition, and behavioural monitoring, must be preceded by mandatory privacy impact assessments. Such assessments permit authorities to evaluate proportionality, consider less intrusive alternatives, and identify necessary safeguards to prevent misuse.
6. Invasive surveillance measures, particularly those affecting private spaces or communications, should require independent judicial or quasi-judicial authorisation. This process enhances accountability and ensures that security justifications are not evaluated solely by the institutions executing the measures.
7. Prison administrations should provide written justification and documentation for any restrictive interventions in a manner that protects prisoners' freedoms and privacy while enabling judicial review of proportionality.
8. Procedural standing should be broadened to allow challenges not only to specific administrative acts but also to institutional policies and technologies that systematically impact prisoners' privacy. This approach addresses systemic infringements that cannot be remedied through individual litigation.
9. Specialised judicial training should be implemented to familiarise courts with detention-related human rights standards, enhancing their ability to assess privacy claims in technologically complex custodial environments.
10. Institutions should be required to disclose policies relating to surveillance and data-handling, except in narrowly defined security circumstances. Enhanced transparency promotes accountability and enables public and judicial scrutiny of practices affecting prisoners' rights.
11. Bahrain's existing human rights training for correctional staff should be expanded to incorporate modules on digitalisation, digital privacy, and the ethical use of surveillance and data protection. Training should extend beyond legal norms to practical decision-making strategies that balance security imperatives with rights protection.
12. Sustainable protection of prisoners' rights depends not solely on legal rules but also on the institutional culture. Integrating privacy awareness into operational decision-making encourages non-coercive management and supports rehabilitative governance practices.

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