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# UNITED NATIONS HUMAN RIGHTS COUNCIL

DELIBERATE. DEFEND. DELIVER.



# AGENDA:

## Deliberating Upon the Need for Criminal Justice Reforms and Prison Rehabilitation Programmes, Keeping in Mind the 2030 Agenda for Sustainable Development

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## **LETTER FROM THE EXECUTIVE BOARD**

“To deny people their human rights is to challenge their very humanity.” -Nelson Mandela

Greetings fellow liberationists, pacifists, thinkers and believers! If you conform to any of these fancy words admittedly blasted at you to intimidate you (We're kidding, we're totally here to make this an awesome experience for you), you're at the right place. Welcome to the United Nations Human Rights Council! We're thrilled to have you here. We're pretty big braggarts when it comes to our committee, we know these are going to be 3 days you'll never be able to forget no matter the advancements in memory wiping technologies.

This year, we delve into an agenda of great importance that often gets overlooked. Here at the United Nations Human Rights Council, we aim to address the need for criminal justice reforms and prison rehabilitation programmes, keeping in mind the 2030 Agenda for Sustainable Development. We feel an obligation to warn you: this is a vast agenda with a plethora of directions to steer towards. This background guide serves to be our attempt towards maybe curtailing the vastness just by a bit by dividing the guide into various sections to firstly help you understand the necessary terms of the issue, then further diving into detail into the heart of the problem and then witnessing real life examples.

However, this background guide in no way should be the entirety of your researching excursions and is rather meant to serve as an inspiration board to your actual research, if you will. If you manage to discuss issues outside of this background guide that you feel are important in light of the agenda, nothing would make us happier than for you to bring it up in the conference sessions. We've put our hearts, souls, minds and bodies into the formulation of this committee and are dedicated towards helping you throughout your journey.

Feel no hesitation in contacting us at any point of time!

Mail Address: [humanrightscouncil.jmun@gmail.com](mailto:humanrightscouncil.jmun@gmail.com)

See you this July! Good Luck! Happy Researching!

Regards, the Executive Board-

Chairperson: Arisha Khan

Vice Chairperson: Zoya Khan

Rapporteur: Tarini Dewan

## **POSITION PAPER GUIDELINES**

A position paper is a piece of paperwork submitted by delegates prior to the conference. It is used by the Executive Board to ratify a delegate's research, stance, and solutions before the conference.

A position paper is nothing to be worried about or scared from. It is rather an opportunity for you to present before the chair, a preview of what you're going to be doing in the committee on the 3 days of the conference. It allows the board to have a meet and greet of sorts with you before we actually meet. It is a golden opportunity for you, as a delegate, to solidify your place in the committee and the EB's eyes before being present on the platform on d-day!

A few pointers to keep in mind while making your Position Paper-

- Mail your Position Paper to us at mail to: [humanrightscouncil.jmun@gmail.com](mailto:humanrightscouncil.jmun@gmail.com) with the subject line reading as "Position Paper of the Delegate of XYZ".
- The document should be in PDF format with the font being Times New Roman and the font size 12.
- The Position Paper should not exceed a limit of 2 pages and in case of an extreme surge of passion, not more than another 250 words.
- All Position Papers must reach us by the 11th of July, 2024.
- Personalisation of Position Papers with quotes and flags is always a happy surprise though it is only appreciable when it doesn't tamper with the actual content of the Position Paper.
- It is a request to refrain from using any watermarks.
- Please mention all your credentials in the mail body as well.

Format for Position Papers-

Committee: Your committee

Agenda: The decided agenda

Country: Your country

Delegate: Your Name

Make sure you include-

- An introduction to the agenda
- Your country's stance and/or policy
- Proposed solutions to the issue
- Conclusion



## **MANDATE OF UNHRC**

The United Nations (UN) is an organisation that rests on three pillars: human rights, peace and security, and development. The Human Rights Council (HRC) is one of the principal human rights institutions, along with the Office of the High Commissioner for Human Rights and the bodies that monitor implementation of human rights treaties. The HRC was established in 2006 by Resolution 60/251 as a subsidiary body to the UN General Assembly (UNGA), it is composed of 47 Member States elected from the UNGA to staggered three-year terms, with a specified number of seats going to each major geographic region.

The HRC is the principal inter-governmental forum within the United Nations for questions relating to human rights. The UN Charter, the Universal Declaration of Human Rights (UDHR) and international human rights laws and treaties established those rights. UNHRC's resolutions and decisions are not legally binding but do contain strong political commitments. Its function is to ensure the effective implementation of human rights as guaranteed by international law, particularly by the various instruments of the United Nations. The HRC's mandate is to promote "universal respect for the protection of all human rights and fundamental freedoms for all" and "address situations of violations of human rights, including gross and systematic violations, and make recommendations thereon."

## **INTRODUCTION TO THE AGENDA**

*“THE DEGREE OF CIVILIZATION IN A SOCIETY CAN BE  
JUDGED BY ENTERING ITS PRISONS”*

***[Fyodor Dostoyevsky]***

When addressing issues regarding human rights and the ill-treatment of persons, one of the groups that are often excluded from the narrative and overlooked in the initiatives for the promotion of human rights, is that of those that are incarcerated and currently serving a prison sentence. The current status is alarming, despite the improvements produced during the recent years regarding, prison management and conditions still remain plagued with torture and cruel,

inhuman and degrading treatment (also referred to as CIDT), corruption and without the appropriate facilities for living a decent and humane lifestyle.

The world has seen unprecedented growth in prison populations in recent decades and today well over 11 million people are in prison, around a third of them in pre-trial detention or awaiting final sentence. While prisoner numbers have been rising, there has been little increase in the resourcing of prison systems. As a consequence, prisons around the world are in crisis. This augmentation alone should be enough to make the improvement of conditions for prisoners an issue at the forefront of any human rights discussion at a national and international level.

Most countries are running their prison systems well above their official capacity, causing overcrowded, cramped and dangerous conditions. Another recurrent issue is that certain minorities, particularly women, are continuously harassed, both by other inmates and prison staff. Inclusively, in certain countries, torture and solitary confinement are considered as “normal and non-damaging” treatment for prisoners, despite it having been recognised as detrimental for mental health. Thus, it is of the utmost urgency that the international community takes a reviewed and improved stance for the amelioration of human rights conditions in prisons as well as rehabilitation and reintegration of the incarcerated back into society.

Moreover, recognition of people in prison is noticeably absent from the Sustainable Development Goals (SDGs), despite the goals’ ethos of ‘leaving no one behind’. Improving the global criminal justice system and the conditions of imprisoned people is integral to achieving the SDGs—from ending poverty in all forms to enabling peace, justice and strong institutions—while enabling states to simultaneously meet the existing international prison standards. Cooperation in transforming the vision of the SDGs into reality should benefit the development of all humans, including those who are currently disadvantaged, marginalised and excluded from global society.

Lady Justice does not only carry her scales, but is also armed with a sword. Therefore, we must ask ourselves;

In the suffocation of the criminal justice system, can we truly claim to be a society founded on justice and compassion?

Are we content to stand idly by as countless souls languish behind bars, their humanity stripped away by the cold, unyielding hand of oppression?

Or will we dare to challenge the status quo, to confront the darkness that lurks within our midst, striving for a world where every individual is afforded the opportunity for redemption?

Ladies and gentlemen, we invite you to answer these questions as we unveil the third committee of Jaipuria Model United Nations 2024, the United Nations Human Rights Council, with the agenda- “Deliberating upon the need for criminal justice reforms and prison rehabilitation programmes, keeping in mind the 2030 Agenda for Sustainable Development.”



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## **DEFINITION OF KEY TERMS**

**Prison:** A place of detention which holds people who are awaiting trial, who have been convicted or who are subject to different conditions of security.

**Prisoner:** An individual who is deprived of liberty and kept under involuntary restraint, confinement, or custody as punishment for a crime.

**Detainee:** A person who is held in custody even though he or she has not yet been convicted of a crime.

**Remand:** A remand prisoner is someone held in custody while waiting for their trial or sentencing.

**Trial:** in a law court to judge if a person is guilty of a crime or to decide a case or a legal matter.

**Incarceration:** the act of putting or keeping someone in prison or in a place used as a prison.

**Solitary confinement:** A place where a prisoner is completely isolated from others.

**Torture:** Any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity.

**Death Penalty:** capital punishment; death as a punishment given by a court of law for very serious crimes.

## **CENTRAL PROBLEMS OF THE AGENDA**

In many countries, criminal justice systems are unfair and discriminatory. Instead of protecting society from crime and safeguarding the rights of those accused or convicted, they can cause, drive, and deepen poverty and hinder social and economic progress. The following are some pressing problems that need to be addressed and tackled as part of the agenda:

### **OVERCROWDING**

Many countries face issues of prison overcrowding, where the number of incarcerated individuals exceeds the capacity of correctional facilities. This leads to poor living conditions, increased violence, and limited access to essential services. For instance, Brazil has one of the world's largest prison populations, and its prisons are notoriously overcrowded, often operating at double or triple their intended capacity. In some of Rwanda's *cachots* (local lockups), where a large proportion of the country's approximately 120,000 detainees are held, overcrowding is so acute as to be life-threatening.

### **RACIAL AND ETHNIC DISPARITIES**

Disproportionate representation of racial and ethnic minorities within the criminal justice system is a significant concern in many countries. In the United States, for example, African Americans and Hispanics are overrepresented in the prison population compared to their proportion in the general population, highlighting systemic biases and inequalities.

### **INADEQUATE ACCESS TO LEGAL REPRESENTATION**

Access to competent legal representation is critical for a fair justice system, but it remains a challenge in many countries. This is particularly true for individuals who cannot afford private lawyers. In India, for instance, a large number of underprivileged individuals lack access to legal aid, leading to significant inequalities in the justice system.

### **ABUSE AND MISTREATMENT**

Human rights abuses, including physical and psychological mistreatment, are prevalent in some prison systems. In countries like Russia, there have been reports of widespread torture, violence, and inhumane conditions in prisons, raising concerns about the violation of basic human rights.

### **JUVENILE JUSTICE SYSTEM**

The treatment of young offenders within the criminal justice system is a pressing concern. In various countries, including the United States, there are issues with harsh sentencing, inadequate rehabilitation services, and the practice of trying juveniles as adults. These practices often fail to address the unique needs and circumstances of young offenders.

## **LACK OF ALTERNATIVES TO INCARCERATION**

Many jurisdictions lack sufficient alternatives to traditional incarceration, such as community-based sentencing, diversion programs, and restorative justice practices. This can result in an overreliance on imprisonment as the primary response to crime. For instance, in South Africa, there is a need for greater investment in community-based alternatives to address high incarceration rates and promote social reintegration.

## **LACK OF REINTEGRATION SUPPORT**

Successful reintegration into society is crucial for individuals leaving prison, yet many face significant challenges in finding housing, employment, and social support upon release. This can contribute to a higher likelihood of reoffending. Several countries, including the United Kingdom, have recognized the need for improved reintegration efforts and have implemented programs to enhance employment prospects and reduce recidivism.



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# **VIOLATED RIGHTS OF PRISONERS: THEORY VS PRACTICE**

## **INHUMANE TREATMENT**

Most of the inmates are subjected to inhumane treatment, which comes from either their fellow inmates or from the staff members. Very often inmates are made victims of sexual and mental abuse, physical and verbal violence, threats, psychological manipulation, and other methods of physical or mental torture. In most cases, inmate victims are too scared to reach out for help because they believe they will worsen their situation, or they simply cannot ask anyone for help. Unfortunately, such events can leave victims with physical and physiological traumas for life, making their adaptation back into society even harder. Unchecked outbursts of prison violence frequently violate prisoners' right to life. In 2019, at least twenty-nine prisoners were killed in a remote jungle facility in Venezuela, leading the country's Justice Ministry, charged with prison administration, to promise reforms.

## **CONDITIONS**

The most common cause of death in prison is disease, often the predictable result of severe overcrowding, malnutrition, unhygienic conditions, and lack of medical care. Globally, the existing number of prisons that do not offer adequate conditions and basic human necessities is still high. Furthermore, many prisons lack adequate food, ventilation and enough sanitation facilities. Lack of medical supplies results in an increase of HIV prevalence among prisoners. Recommended HIV prevention and treatment services are usually unavailable in prison settings.

## **PUNISHMENT**

Sometimes inmates get punished during their sentence for reasons such as being violent, trying to commit suicide or for not respecting other prison regulations. Usually, the punishment consists of solitary confinement, which is considered by many as a measure that is causing more problems than solutions. During their stay in solitary confinement, inmates might not receive basic food, light, ventilation or sanitation, which is completely out of order, as prisoners cannot be denied fundamental human necessities. This type of punishment is also considered by many as an inhumane punishment, which can cause yet again a physiological trauma to the inmate. Furthermore, the solitary confinement be a breach in treaties such as the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

## **CLASSIFICATION OF PRISONERS**

In some countries, such as India, prisoners are classified in different classes, which are not based on their criminal record. Such classification can represent a serious issue as more dangerous prisoners can easily take advantage and abuse new prisoners who do not impose a threat. Inadequate supervision by guards, easy access to weapons, lack of separation of different categories of prisoners, and fierce competition for basic necessities encourage inmate-on-inmate abuse in many penal facilities. In extreme cases - as in certain Venezuelan prisons with one guard

for every 150 prisoners, and an underground trade in knives, guns, even grenades - prisoners kill other prisoners with impunity.

## **STAFF VIOLENCE AND INDIFFERENCE**

Prison staff often ignores cases of rape or any type of violence, even when it happens right in front of them. In many cases staff members abuse inmates themselves. Some countries continue 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, turn simple movements such as walking into a painful ordeal. In many prison systems, unwarranted beatings are so common as to be an integral part of prison life. Women prisoners are particularly vulnerable to custodial sexual abuse. In the aftermath of prison riots or escapes, physical abuse is even more predictable, and typically much more severe. The reasons behind their indifference could be the lack of training they receive, low salary, the few promotion opportunities and the fact that they never get punished for their illegal actions.



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## **LIFE AFTER PRISON: REHABILITATION & REINTEGRATION**

Incarceration, by itself, does not have a reformative effect. On the contrary, it exacerbates many of the challenges faced by individuals who have come into conflict with the law. In addition, long or harsh prison sentences may result in institutionalisation, which affects prisoners' personalities and social and life skills in a way that makes their social reintegration even more difficult.

In line with the Nelson Mandela Rules, the United Nations promotes a rehabilitative approach to prison management that fosters the willingness and ability of prisoners to lead law-abiding and self-supporting lives upon release, and that is embedded in a decent, safe and healthy prison environment and the positive engagement of officers with prisoners.

Dedicated programmes should be designed to address the root causes of offending and enhance the social reintegration prospects of prisoners upon release in accordance with their individual treatment needs. Such needs may include education; vocational training and work experience; counselling; physical and mental health care, including psychological support; treatment for substance use disorders, cognitive-behavioural therapy, life skills training and family-oriented programming for incarcerated parents.

Access to constructive activities should equally include physical exercise and sports, and spiritual, cultural and recreational programmes. Women prisoners should not only have equal access to rehabilitation and social reintegration programmes, but also be offered gender-responsive programmes that address their specific backgrounds, needs and perspectives without being limited to stereotypical activities considered “suitable” for women.

Many of the above-mentioned activities require suitable prison infrastructure, which is often lacking. In addition, rehabilitative prison regimes also include opportunities for the early, conditional or compassionate release of prisoners, subject to their behaviour, progress and circumstances. More broadly, this approach mitigates the isolation of prisons from the outside world and contributes to the normalisation of prisons vis-à-vis the community, minimising, as much as possible, the differences between prison life and life at liberty.

The transition period from incarceration to liberty and the period immediately following release are critical and difficult for all prisoners. Social reintegration support must therefore not end at the prison gate but instead ensure a continuity of care, including for physical and mental health-related matters.



Public attitudes towards prisoners and offenders play an important role in reducing the risk of their return to crime. Reducing recidivism requires efforts to prepare the community, including potential employers, to receive former prisoners and offenders and to reduce the severe stigma typically associated with offending. This can include political support, awareness-raising, multi-agency collaboration, incentives and the active engagement of civil society.

Scandinavian countries have forged a pioneering path in criminal justice reform, prioritising rehabilitation and protection of human rights within their prison systems. Their approach centres on fostering social reintegration rather than punitive measures. Norway, for instance, emphasises humane conditions, vocational training, and therapy, aiming to reduce recidivism rates. Sweden focuses on education and vocational programs to equip inmates with skills for re-entry into society. Denmark employs open prisons and emphasises trust and responsibility. These models prioritise the dignity and welfare of individuals, reflecting a profound commitment to human rights. As a result, they serve as global benchmarks for effective, humane criminal justice systems.



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## **2030 AGENDA FOR SUSTAINABLE DEVELOPMENT**

In September 2015, the international community agreed on a new set of development goals, the 2030 Agenda for Sustainable Development, comprising 17 Sustainable Development Goals (SDGs) and 169 targets. In most countries, criminal justice systems are unfair and discriminatory. Instead of protecting society from crime and safeguarding the rights of those accused or convicted, they can cause, drive and deepen poverty and hinder social and economic progress. Limited consideration has been paid on how criminal justice and prison reform will underpin the achievement not just of Goal 16 on peaceful and inclusive societies, access to justice and accountable institutions, but several of the goals set out in the 2030 Agenda.

THE COMMITMENT TO ‘LEAVE NO ONE BEHIND’ IN IMPLEMENTING THE SDGS MUST INCLUDE PEOPLE IN PRISON.

### **Goal 1- Ending poverty in all forms everywhere**

People in prison are overwhelmingly from poor socioeconomic backgrounds; they are more likely to have lived below the poverty line, and to have been homeless. In the United Kingdom, 15% of nearly 1,500 prisoners surveyed reported having been homeless before custody, and in another study a fifth of homeless people admitted to committing an imprisonable offence in order to get shelter. Many people are convicted of criminal offences as a direct result of their poverty or marginalisation. Women offenders are one such group. The ‘feminisation of poverty’ has been identified as one likely cause for the increase in the female prison population, at a faster rate than that of men. A survey of female prisoners in Uganda revealed that three quarters of the women identified as poor, and in Tunisia the figure was two thirds.

“ABSURDLY, REGULATIONS

THAT PENALISE BEHAVIOURS

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FINES THAT PERSONS LIVING IN

POVERTY ARE UNABLE TO PAY.”

[UN Special Rapporteur on extreme  
poverty and human rights]

Law enforcement officers frequently use ‘poverty, homelessness or disadvantage as an indicator of criminality’. Poverty is also a determining factor behind high rates of pre-trial detention. In recent years, increasing attention has been paid to the high number of people on remand because of unaffordable bail amounts. In South Africa, for example, a 2014 study found that roughly 10,000 prisoners awaiting trial qualified for bail but could not afford the bail sum.

The UN Development Programme has noted that poverty can push people into the drug trade, which is seen as a viable option for the ‘disadvantaged’, including unemployed youth, indigenous populations, and marginalised groups for whom there are few opportunities to make a living. In Costa Rica and Colombia, many imprisoned women cited economic survival as their reason for having committed small-scale drug dealing and other low-level transactions, saying that they needed to provide for their children.

Imprisonment triggers a downward spiral affecting the next generation, giving poverty an enduring quality. Research shows that children of imprisoned parents have no or little access to education, are more likely than their peers to commit offences, and to abuse drugs and alcohol. The loss of a family member’s income because of their imprisonment creates a financial strain for families of those detained. In addition to loss of employment and earnings, contact with the criminal justice system also has direct costs and legal fees.

## **Goal 2- End hunger, achieve food security and improved nutrition, and promote sustainable agriculture**

The consequences of inadequate food for the 11 million people in prison are wide ranging and include starvation, ill-health, premature death, the spread of infectious diseases, increased violence and corruption. During the 2016 political and economic crisis in Venezuela, there were food shortages in prisons, causing starvation and severe malnutrition. In post-conflict situations, the UN Department of Peacekeeping has highlighted a lack of food for prisoners, who are ‘the lowest priority’ in such environments.

The World Health Organization identified adequate nutrition as the most immediate and critical need of HIV/AIDS patients, an integral part of any response to the epidemic, which is affecting many prison systems. Pregnant and breastfeeding women also have specific nutritional needs which, if not met, impact both the mother’s and the child’s health. Children who live in prison with their mother may also receive insufficient food sometimes.

### **Goal 3- Ensure healthy lives and promote well-being for all at all ages**

There is a higher prevalence of disease, substance dependency and mental illness among prisoners– both as a cause and consequence of imprisonment. Prisoners have complex health needs, often due to untreated conditions and unhealthy lifestyles, both regularly linked to poverty. While in prison, it is common for

their health to deteriorate due to inadequate health services, unhealthy conditions and overcrowding. Mortality rates have been shown to be as much as

50% higher for prisoners than for people in the community, and prisoners are also more likely to suffer from health issues such as diabetes. However, the provision of healthcare for prisoners is routinely underfunded, understaffed and lacks the full spectrum of treatment available in the community, even more so in overcrowded facilities. In Colombia, for example, there was only one doctor for every 496 prisoners.

### **Goal 4- Ensure inclusive and equitable quality education and promote lifelong learning opportunities for all**

A high proportion of people who come in contact with criminal justice systems have been excluded from ‘equitable quality education’ and life opportunities – factors playing a significant role in their pathways to offending. In Scotland,

for example, the prison service revealed in 2010 that 80% of prisoners lacked functional literacy and 70% lacked functional numeracy. A survey of Ugandan women prisoners showed that 32% had never been to school. These barriers to education are further exacerbated by imprisonment.

An over-emphasis on safety and security can lead to prison administrations’ unwillingness to provide access to education and vocational programmes. For women and girls, well-documented gender disparities in educational and vocational programmes in prison lead to additional disadvantages. For many children and young people, failures in the education system are part of the pathway to detention. Many children in conflict with the law have a history of school failure and/or learning disability. Upon release, for a whole host of reasons including continued exclusion, over two thirds of children do not return to school.

## **Goal 5- Achieve gender equality and empower all women and girls**

“ THERE IS A STRONG LINK BETWEEN  
VIOLENCE AGAINST WOMEN AND  
WOMEN’S INCARCERATION, WHETHER  
PRIOR TO, DURING OR AFTER  
INCARCERATION.”

[UN Special Rapporteur on violence  
against women]

It is widely recognised that gender inequality and disempowerment is a primary factor in women’s pathways to offending, and that women continue to face

multi-faceted discrimination and violence when in contact with the criminal justice system. Criminal laws in many countries penalise women exclusively or disproportionately including for example, for violation of dress codes, extramarital affairs, prostitution or even witchcraft. In Afghanistan, about 50% of women in prisons were estimated to have been convicted of ‘moral’ crimes. Abortion is criminalised in a number of countries including the United States, even in cases of rape, and prostitution also tend to largely penalise women. The phenomenon of ‘protective detention’, where women are detained to ‘protect’ them from family violence (including ‘honour crimes’), is an extreme example of gender discrimination.

High levels of poverty among women, linked to unequal access to economic resources, are a major factor behind offending and bring disadvantages in the criminal justice system. Many are unable to afford legal representation, bail or fines. A clear link has been recognised between the increasing number of women imprisoned for low-level drug-related offences and poverty, violence and inequality. In 2016, over 90% of women in prison in Indonesia and the Philippines were charged with or convicted of drug-related offences, and the same was true for over 60% of women imprisoned in Argentina, Brazil, Costa Rica and Peru.

## **Goal 6- Ensure availability and sustainable management of water and sanitation for all**

Lack of sufficient and clean drinking water and poor hygiene conditions are common problems in prison settings and have serious health consequences.

Where there are no water sewage systems, diseases from diarrhoea and contagious skin infections to hepatitis flourish. In Ugandan prisons, for example, poor sanitation and the ongoing use of the

bucket system for sewage leads to frequent outbreaks of cholera and diarrhoea, which are a major cause of morbidity and death among prisoners. In the absence of clean water, prisoners may be forced to drink contaminated water. For example, in a case in the US State of Texas where prisoners drank water with unsafe levels of arsenic, a federal judge ruled that safe water must be provided. As a basic need, water is also commonly used as a commodity in corrupt practices.

### **Goal 8- Promote sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all.**

Unemployment or low-paying jobs may lead to offending in the first place. Moreover, lack of suitable rehabilitation programmes in prison and reintegration support following release has been shown to make reoffending more likely. Providing work opportunities in prison serves the dual purpose of giving prisoners meaningful activity and improving their prospects of employment following release. However, in many countries, there are no opportunities for prisoners to work. In others, labour is of little vocational value or prisoners work in exploitative and unsafe conditions.

“SOCIAL REINTEGRATION IS MORE DIFFICULT FOR OFFENDERS WITH POOR BASIC EDUCATION AND UNMARKETABLE SKILLS. INSUFFICIENT OPPORTUNITIES FOR PRISONERS TO PARTICIPATE IN VOCATIONAL AND EDUCATIONAL TRAINING MAKE IT HARD FOR THEM TO PLAN FOR A SUCCESSFUL AND LAW-ABIDING RETURN TO THE COMMUNITY.”

[UN Office on Drugs and Crime]

### **Goal 10- Reduce inequality within and among countries**

Inequalities in society are mirrored in criminal justice systems. Discriminatory laws along with higher levels of poverty contribute to the over-representation of minorities in criminal justice systems. Racial profiling by law enforcement agencies, higher arrest rates and longer periods spent on remand are common. Discrimination also impacts judicial procedures and influences sentencing, with minorities more likely to receive a prison sentence, and longer prison terms. The so-called ‘war on drugs’ also affects minority groups disproportionately. In the US, for instance, African Americans account for 33% of drug arrests and 37% of people sent to state prisons on drug



charges, while making up only 13% of the population. Similar racial disparities in the application of drug policies have been observed elsewhere, including in the UK, Canada and Australia.

Indigenous peoples also constitute a disproportionate share of the prison population in several countries. In New Zealand, for example, Maori make up over half of the prison population, although they only comprise about 14% of the country's population. In Canada, the number of Aboriginal women in federal institutions grew a staggering 97% between 2002 and 2012.

**Goal 16- Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels.**

Goal 16 is closely linked with criminal justice and prison reform. The Goal recognises the importance of the rule of law, accountable and transparent institutions, peaceful and inclusive societies, the prevention of violence, and tackling corruption as critical elements in achieving sustainable development.

Fair and effective criminal justice systems build trust between people and the state, which is an essential element for a peaceful and inclusive society.

To contribute to peaceful and inclusive societies, prisons need to have sufficient resources and capacity to fulfil their purpose, i.e. to protect society and rehabilitate those under their supervision. However, many systems are thwarted by high numbers of pre-trial detainees. Violence and violence-related deaths are a prevalent problem in prisons, and often exacerbated by overcrowding and lack of staffing. It may be perpetrated by prison staff against prisoners, by prisoners against each other or by prisoners against guards. In Brazil, for example, nearly 100 prisoners were killed in January 2017 in riots between two rival criminal gangs vying for control of the prison, with prisoners decapitated, mutilated, burned and shot.

Corruption occurs throughout the criminal justice chain, including by police, prosecution, judges, lawyers– and in prison. The police may misuse their power of arrest to extort money. In Nigeria, a Federal High Court Judge explained: 'Corruption is the only reason that can explain the snail's speed at which the administration of criminal justice works'.

# **INTERNATIONAL HUMAN RIGHTS STANDARDS**

## **GOVERNING THE TREATMENT OF PRISONERS**

The principal international human rights documents clearly protect the human rights of prisoners. The International Covenant on Civil and Political Rights (ICCPR) and the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (hereinafter, the Torture Convention) both prohibit torture and cruel, inhuman, or degrading treatment or punishment, without exception or derogation. Article 10 of the ICCPR, in addition, mandates that "all persons deprived of their liberty shall be treated with humanity and with respect for the inherent dignity of the human person." It also requires that "the reform and social readaptation of prisoners" be an "essential aim" of imprisonment.

Several additional international documents flesh out the human rights of persons deprived of liberty, providing guidance as to how governments may comply with their international legal obligations. The most comprehensive such guidelines are the United Nations Standard Minimum Rules for the Treatment of Prisoners (known as the Standard Minimum Rules or the Nelson Mandela rules), adopted by the UN Economic and Social Council in 1957. It should be noted that although the Standard Minimum Rules are not a treaty, they constitute an authoritative guide to binding treaty standards.

Other documents relevant to an evaluation of prison conditions include the Body of Principles for the Protection of All Persons Under Any Form of Detention or Imprisonment, the Basic Principles for the Treatment of Prisoners, and, with regard to juvenile prisoners, the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (known as the "Beijing Rules"). The Bangkok Rules give guidance to policy makers, legislators, sentencing authorities, and prison staff to reduce the imprisonment of women, and to meet the specific needs of women in case of imprisonment. The Tokyo Rules apply to non-custodial measures imposed on a convicted person by a court as a penalty for an offence. Like the Standard Minimum Rules, these instruments are binding on governments to the extent that the norms set out in them explicate the broader standards contained in human rights treaties.

These documents clearly reaffirm the tenet that prisoners retain fundamental human rights. As the most recent of these documents, the Basic Principles for the Treatment of Prisoners, declares:

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, and, where the State concerned is a party, the International Covenant on Economic, Social and Cultural Rights, and the International Covenant on Civil and Political Rights and the Optional Protocol thereto, as well as such other rights as are set out in other United Nations covenants.

Endorsing this philosophy in 1992, the United Nations Human Rights Committee explained that states have "a positive obligation toward persons who are particularly vulnerable because of their status as persons deprived of liberty." Significantly, the Human Rights Committee has also stressed that the obligation to treat persons deprived of their liberty with dignity and humanity is a fundamental and universally applicable rule, not dependent on the material resources available to the state party.



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## **CASE STUDIES**

### **A. UNITED STATES OF AMERICA**

It is often claimed that the United States of America is the freest place on earth, a bastion of personal and societal freedom, though for such a supposedly free nation there are certainly a lot of people behind bars. Its prison system is, by just about every metric, the worst in the developed world. The United States has a punishment focused approach and the highest rate of incarceration in the world, representing 4% of the total world population but 22% of the world's prison population. Statistically, one in every 110 adults are incarcerated in prisons and jails, totaling almost 2.3 million people. In federal prisons, the prison population has increased by more than 40% from 2001-2010. According to its per capita rating, the U.S. incarcerates roughly 655 people per 100 thousand.

One common thread tying together the worst tendencies of the American empire is profit, and the prison industrial complex is no different. As the War on Drugs escalated in the 1980s, federal prisons became overcrowded, leading the government to contract private companies to construct new prisons, which then incarcerate the overflow of prisoners, receiving a fixed rate for each inmate. Most private prison contracts contain a lock-up quota, guaranteeing a certain percentage of occupancy for the duration of the agreement. These companies are frequently granted contracts to operate prison food and health services (often so bad they result in major lawsuits), and prison and jail telecom and commissary functions have spawned multi-billion dollar private industries. This system creates a financial incentive against prison reform and decarceration, as it would harm the profits of numerous American businesses. A particularly egregious incident occurred in 2008, known as the 'Kids for Cash' scandal. In Pennsylvania, two judges were found to have accepted bribes from for-profit correctional facilities in exchange for imposing harsh sentences on minors.

U.S. prisons rely on the labour of incarcerated people for food service, laundry, and other operations, for which they are paid unconscionably low wages: a 2017 study found that on average, incarcerated people earn between 86 cents and \$3.45 per day for the most common prison jobs. The federal minimum wage is \$7.25 per hour, which is already considered insufficient for a livable wage, yet prisoners are paid at most less than one-third of it. In at least five states, these jobs pay nothing at all. Moreover, work in prison is compulsory, with little regulation or oversight, and incarcerated workers have few rights and protections, facing disciplinary action if they refuse. For those who do work, the paltry wages they receive often go right back to the prison, which charges them for basic necessities like medical visits and hygiene items. This is nothing short of modern-day slavery practised in U.S. prisons.

Racial profiling in the U.S. criminal justice system is starkly evident in conviction rates. African Americans are incarcerated at nearly five times the rate of white Americans. For example, African

Americans and Hispanics comprised 58% of all prisoners in 2017, despite making up only about 32% of the U.S. population. Black men have a 1 in 3 chance of being imprisoned in their lifetime compared to a 1 in 17 chance for white men. Furthermore, studies show that black defendants are more likely to receive harsher sentences than white defendants for the same crimes, highlighting systemic racial disparities in legal outcomes. These inequalities strain families, leading to economic hardship, psychological trauma, and perpetuate cycles of poverty and disadvantage.

Once released from prison, individuals face significant challenges in finding employment, leading two out of three to end up back in prison due to their desperate situations. Some even commit minor crimes to get arrested, to ensure that they have a roof over their heads. When many Americans hear this, they dismiss it by saying some people just can't be fixed, ignoring the fact that the prison system is not designed to rehabilitate. This mindset aligns with the average American perspective, where most people subjected to prison terms are poor. They have effectively criminalised poverty: unable to pay a parking ticket? Jail. Can't afford bail? Prison term. No one will hire you once you're out? That's your punishment for being a criminal. This mindset is truly horrific and lacks even the barest shred of basic human decency.

Many people mistakenly believe that long sentences, paired with austere and even brutal prison conditions, will have a deterrent effect on crime. But research has consistently found that harsher sentences do not serve as effective “examples” that would prevent new people from committing serious crimes.

One key way to measure the effectiveness of a prison system is by looking at the recidivism rate. Research conducted revealed that at least 1 in 4 people who go to jail will be arrested again within the same year — often those dealing with poverty, mental illness, and substance use disorders, whose problems only worsen with incarceration. Thus the U.S. criminal justice system is not effective; it focuses more on punishment than rehabilitation, and U.S. prisons certainly emphasise punishment.

It is evident that the U.S. has a long way to go before it can be considered a truly free nation. Its horrific prison industrial complex is a permanent stain on the country's legacy. The systemic racism, use of slave labor, inhumane treatment, outright torture of prisoners, and the commodification of human lives for profit is profoundly wrong in every way.

## **B. KINGDOM OF NORWAY**

In the 1990's, Norway had a problem. Roughly 70% of all released prisoners recommitted crimes within two years of release. That rate is nearly equal to the recidivism rate in the United States today. At that time, Norway's prison system was structured similar to the prison system in the United States. It was built on the idea that punishment is a deterrent. Prisoners were often given lengthy sentences in harsh conditions to send a message to others. However, Norwegian lawmakers realised that the existing system wasn't working. Crime was high, as was recidivism. Prisons were plagued with assaults, riots, and escapes. The system needed reform. Today, Norway's prison system has become a model for the rest of the world.

Vastly more humane, modern, and effective prison systems exist today in Norway, the criminal justice system focusing on rehabilitation and restorative justice rather than punishment. Norway's approach is rooted in the reintegration of inmates into society. The prison system is divided into four types: Extra High Security, High Security, Low Security, and Transitional Housing, all overseen by the Norwegian Criminal Justice Directorate (KDI). Prisoners typically start at a higher security level and are moved to lower security as they near the end of their sentence, facilitating a smoother transition back into society. Norway caps prison sentences at 21 years and does not permit the death penalty, unlike the U.S.

One of the biggest differences between the incarceration systems of Norway and the USA is that Norway does not have large, centralised jails. Instead, Norway utilises a system of small, community-based correctional facilities. The Norwegian government believes that incarcerated individuals should be geographically close to their homes, so they can maintain relationships with spouses, friends, and family. Prisons, such as Halden Prison completed in 2010, reflect the country's incarceration philosophy. The environment is designed to foster improvement, with reasonably comfortable rooms furnished with DVD players and TVs. Inmates can move freely, wear normal clothes, use common areas and kitchens, and purchase their own food from a store. The architecture allows inmates to see outside and observe the passage of time. In contrast, U.S. prisons are intentionally oppressive, with little natural light, cramped corridors, uncomfortable cells, and antagonistic relationships with guards.



## C.BOLIVARIAN REPUBLIC OF VENEZUELA

Prisons in Venezuela have always been notoriously bad, but over the past decade they have become a living hell for inmates. High poverty rates and poor living conditions for the country's population have increased crime rates, therefore increasing prisoners. Overcrowded, understaffed, physically deteriorated, and rife with weapons, drugs and gangs, Venezuela's prisons have a deservedly poor reputation. By the mid-1990s, the state of crisis in prisons had worsened to such an extent that the Venezuelan Public Ministry warned that it "threatened democratic stability." The prison system's defects drew international scrutiny, as delegations from the Inter-American Commission on Human Rights, the European Parliament, Human Rights Watch and Amnesty International urged the government to institute reforms. The government has tried new strategies since then but measures have neither substantially reduced prison violence nor relieved other serious problems. Today conditions in Venezuela's prisons are "beyond monstrous", the UN human rights office, OHCHR, warned.

One fundamental problem is that Venezuela's prisons are dangerously overcrowded, housing an amount of inmates that exceed the building's maximum capacity by 400%. The nation's larger prison facilities are at breaking point, with 52,000 inmates in penitentiaries designed for 20,000, according to the Window to Liberty human rights group. Each cell usually contains a handful of inmates that are crowded into cells built to sustain one or two people. Further exacerbating this problem is the fact that available space is unevenly distributed: prisoners with power or money generally obtain roomier quarters for themselves while their poorer, weaker fellows share what remains. Some prisons have abandoned cells all together and inmates are free to walk around the overcrowded premises, contributing to the appalling amounts of violence that takes place inside these prisons and claims hundreds of lives a year.

Venezuela's prison overcrowding, in conjunction with other ills, exacts an intolerable individual cost, most fundamental is the cost in lives. From 1999 to 2014, a report by the Venezuelan Observatory of Prisons (OVP) indicated that more than 6,600 prisoners were killed in Venezuelan prisons. Over the same 15 year period (1999-2014), the OVP reported that more than 16,000 prisoners were injured in violent confrontations. These injuries range from minor to severe and often result from fights between rival gangs, clashes with prison authorities, or general unrest. Facilitating this epidemic of violence are weapons of all types, including knives, machetes, and pistols; even grenades are occasionally found in the prisons. Tragedies such as the Uribana Prison Massacre (2013), Sabaneta Prison Riot (1994), and Amazonas Prison Massacre (2017) serve as the deadliest illustrations of the extreme violence and systemic failures within Venezuelan prisons.

Corrupt practices among prison officials, including the smuggling of weapons and drugs into facilities, exacerbate the violence. Many prisons are effectively controlled by powerful inmate gangs known as "pranes," who impose their own rules and governance and conduct illicit trades, leading to frequent violent clashes. A recent example is when 11,000 Venezuelan troops stormed Tocarón prison last year, they discovered that the inmates had built a luxury resort with a professional baseball field, swimming pools, a nightclub and even a small zoo. The crisis in Tocarón Prison run by Tren de Aragua, a criminal organisation spawned within the prison, epitomises the severe dysfunction of Venezuela's penal system. Seven such gang controlled facilities were shuttered last year and their inmates moved to other, already overcrowded prisons.

There are officially about 54,000 inmates in Venezuela's 80 prisons, including the 9,000 from the now-shuttered facilities. Some 70% have not been convicted of a crime. The judicial system's inefficiency results in prolonged pretrial detentions, contributing to the overcrowding crisis. Prisoners are often forgotten about and never see their day in court, and many never receive a date of release. Chronic underfunding of the prison system leads to inadequate food, healthcare, and sanitation, creating inhumane living conditions. The dire conditions of Venezuela's prisons violate both Venezuelan law and international human rights standards binding on Venezuela.



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## **QUESTIONS TO CONSIDER**

1. What is the pressing need for criminal justice reform ?
2. Why does the current prison system not work?
3. How well does your country's criminal justice system work and how does it impact the crime rates?
4. What are the leading causes of crime in the country?
5. Has the country undertaken criminal justice reforms in the recent past and how has that been helpful, if at all?
6. What are the specific key problems that need to be addressed in your country with regards to prisoners?
7. What problems do women face in the criminal justice system?
8. What provisions can be implemented for the betterment for the juvenile criminal justice system?
9. Are rehabilitation processes a viable alternative to incarceration?
10. What can be done for the better integration of incarcerated individuals into society after they have served their term?
11. Should the death penalty be abolished?
12. What are the drawbacks of the existing international standards for criminal justice?
13. How can criminal justice be reformed keeping in mind the Sustainable Development Goals?

## **FURTHER RESEARCH**

In order to have an in-depth investigation on the matter at hand, there are two main places in which one must look in order to prepare for the conference: national and foreign policy of the country represented, and the status/policies of other Member States and international institutions.

### **1. Own country's sources:**

The first place one looks at when understanding the countries' policies is the legislative documents on the matter at hand. This, however, does not mean that one must know it by heart; rather, it serves as a tool for understanding and/or clearing up the position in which one finds itself. In countries such as India, where there is a dichotomy between the government's policies and that of the public, this is particularly useful. Another good source, in particular for this topic, is checking whether the Ministry of Justice, the Ministry of Minorities or the Ministry of Health (or the equivalent thereof) have published any frameworks/programs, or collaborated with any institutions to promote the protection of human rights within national prisons. Other sources in which information relevant to the topic may be found is news reports (from veridic and trustful sources), and reports by human rights agencies such as Amnesty International (<https://www.amnesty.org/en/countries/>) and Human Rights Watch (<https://www.hrw.org/publications>) on the particular country. One extremely particular useful (and trustful) source is the "Universal Periodic Review" of the HRC, which provides up to date information about all of the 193 UN Member States, and can be found through this link

<https://www.ohchr.org/EN/HRBodies/UPR/Pages/Documentation.aspx>

### **2. Sources related to the International Community:**

When investigating the stance of the actors of the International Community

(Intergovernmental Organisations, Non-Governmental Organisations, Transnational Organisations, countries, etc.) first one must try to look into the reports issued by them, and international laws that may have been ratified/put into force. One good source to begin the investigation for international (legal) actions is the United Nations Treaty Collection (UNTC), in which human rights protocols, conventions, treaties, etc. can be searched, including whether your country has ratified it or not. For instance, through this link (<https://treaties.un.org/Pages/Treaties.aspx?id=4&subid=A&clang=en>)

one can revise the status of multilateral treaties regarding human rights. For the member states of the European Union (EU), and for this transnational organisation itself, an important source for further research is the "EU Annual Reports on Human Rights and Democracy" which will provide you with basic information to continue your research ([https://eeas.europa.eu/topics/human-rights-democracy/8437/eu-annual-reports-human-rights-and-democratisation\\_en](https://eeas.europa.eu/topics/human-rights-democracy/8437/eu-annual-reports-human-rights-and-democratisation_en)).

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