Forum: Human Rights Committee

Issue: Reforming the Criminal Justice System and Developing Alternatives to Imprisonment

Chair: Erica Chiang and Tyler Edwards

Introduction

Imprisonment is used as a form of punishment for dealing with crime. However, recent reports had shown that imprisonment is counterproductive in the rehabilitation and reintegration of those charged with minor crimes, or certain vulnerable population. Moreover, the use of imprisonment is still rising throughout the world due to overcrowding of prisoners. More and more people continue to be imprisoned, when there is little evidence that imprisonment gives any advantages to them. There are currently nine million prisoners worldwide, but that number is continually increasing. The overcrowding prison conditions then lead to the loss of prisoners' fundamental human rights. Prisoners in many countries are deprived of basic amenities of life. For example, they are often held in unsanitary or overcrowded conditions, where they are poorly clothed and given inadequate amounts of food and water. Furthermore, they are especially vulnerable to diseases, yet are given poor medical treatment. Another issue is that prisoners often face many challenges in keeping in contact with relatives or friends. These conditions put the prisoners' lives at risk and take away their basic right of liberty. Therefore, implementing effective alternatives to imprisonment will reduce overcrowding and maker it easier to manage prisons so that the they could at least meet their basic standard of living.

Definition of Key Terms

Human Rights

Human Rights consist of the basic entitlements that should be available to all human beings in every county around the world. Unlike civil rights, which only apply to a single country, human rights are used universally. The Universal Declaration on Human Rights (UDHR) is a document proclaimed by the United Nations General Assembly, illustrating the basic standards of human rights for people in all nations. It sets out, for the first time, the fundamental rights that will be universally protected.

Crime

Crime is an act committed to endanger, harm, or violate the rights of an individual or a community. It could be done intentionally or unintentionally, and is punishable by law. It is not limited to physical damage only, but also threatening the mental, emotional, economic or moral state of another. Other than endangering people, harm to an inanimate object, another living thing, or the environment could also be considered crime. There are three levels of crime: a felony is the most serious crimes including violent crime or property crime. A misdemeanor is less consequential than felony, such as simple assaults or petty theft. An infraction is a crime with the least punishments, such as running a stop sign or littering.

Criminal Justice System

The Criminal Justice System is the system of law enforcement that involves apprehending, prosecuting, defending, sentencing, and punishing people who are suspected or convicted of criminal offenses. Developing a professional justice system is essential for peace and stability in a region. Cooperation between judicial, prosecutorial, and enforcement authorities is very important in managing the system.

Background Information

Problems within the Criminal Justice System and Imprisonments

The restrictions held in prisons has largely surpassed the limit, thus the prisoners had been treated with an even harsher penalty than they are supposed to. Under such conditions, imprisonment has clearly infringed upon the prisoners' human rights more than they should have had. Therefore, prison reforms is needed to enhance the human so it aligns with the UN standards. It necessary to ensure that this principle is respected because if the human rights of prisoners are protected, their ability at social reintegration would increase when they are released. With this prospect in mind, prison reforms is required to solve the detrimental impacts caused by imprisonment, which not only affects the prisoners themselves but also on families and communities as well.

Imprisonment and poverty

Imprisonment affects individuals living in poverty extensively. When a primary source of income in a family is detained or put in prison, the rest of the family must immediately adjust to the loss of income. Furthermore, this issue is not helped as families who need to adjust or can't adjust might not have access to financial assistance, depending on the state or country they are in. They will not only be strongly influenced by a loss of income, but will also have to accommodate for new expenses, such as the cost of a lawyer, food for the imprisoned person, transports to prison for visits,

and much more. When the prisoners are released, they often have a lessened chance of employment, as they are generally excluded by society. As a result, an endless cycle of poverty and crime would continue. Also, less economic independent people are disadvantaged compared to more economic independent people when it comes to the bail system, where criminals can get released by paying a certain amount of money.

Public health consequences of imprisonment

Prisons are places where the most serious health issues occur, as they are predominantly financially poor. This group of population often receive minimal access to health services, they may not have the best health conditions compared to other groups. Their health conditions worsen once they enter prison, because it usually has problems of overcrowding, poor nutrition, inadequate sanitation, and unavailable access to fresh air and exercise. Mental disorders, HIV infection, tuberculosis, hepatitis B and C, sexually transmitted diseases, skin diseases, malaria, malnutrition, diarrhoea and injuries including self-harm are the main causes of mortality in prison. In most countries, disorders and diseases are significantly higher in prison as opposed to life outside of prison.
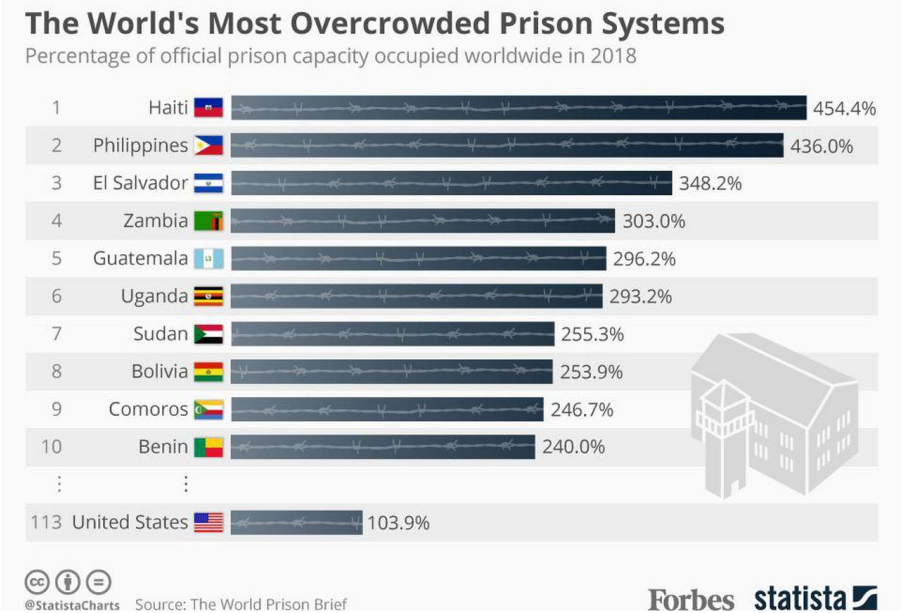
Harmful social impacts

Imprisonment disrupts relationships and weakens social cohesion among the prisoners and their family members. A family has to quickly adapt to the missing family member, which eventually affects the family structure and relationships between spouses, as well as parents and children, further reshaping the family and community across generations. It is very difficult for a family member and a prisoner to keep in contact, hence families are more likely to be broken and to have more problems in their relationships with each other. Thus, families with a imprisoned member often experience harmful effects in their relationships and can affect their communities negatively.

Cost of imprisonment

When considering the costs of imprisonment, factors need to taken from not only the actual funds spent to maintain a prisoner, but also the indirect costs, such as healthcare and basic necessities, which are difficult to measure, but are usually immense and long-term. Many countries are currently having issues with regulating their prisons, since their governments are struggling to pay for the huge cost of maintaining those prisons.

Lack of protection for pre-trial detainees

Pre-trial detention had been overused in most countries and can have conditions that are worse than convicted prisoners. This means that the size of pre-trial prisoner populations can often be larger than the convicted prisoner population, which is against the provisions in international standards. This causes a lack of resources for prisoners in many low-income countries, such that pre-trial detainees do not have access to legal advice and assistance, and will result in an overstay or incapability to receive a fair trial. Furthermore, pre-trial detention is the period where abuse in criminal justice is most likely to occur. A change to ensure that the rights of detainees are not abused, and that they are not ill-treated or blocked from their access to justice will also be important.

The World's Most Overcrowded Prison Systems
Percentage of official prison capacity occupied worldwide in 2018

1	Haiti	454.4%
2	Philippines	436.0%
3	El Salvador	348.2%
4	Zambia	303.0%
5	Guatemala	296.2%
6	Uganda	293.2%
7	Sudan	255.3%
8	Bolivia	253.9%
9	Comoros	246.7%
10	Benin	240.0%
113	United States	103.9%

@StatistaCharts   Source: The World Prison Brief

Forbes statista

The World's Most Overcrowded Prison Systems

Major Countries and Organizations Involved

UNODC (United Nations on Drugs and Crimes)

The UNODC Provides advice and helps explore opportunities to cooperate with international actors, stakeholders, or other UN agencies in the implementation of their programmes pertaining to drug control and crime prevention. They strive to solve issues such as organized crime and trafficking, corruption, crime prevention and criminal justice reforms, drug abuse prevention and health, and terrorism prevention. Hence, with the support of member states, multilateral organizations, and private sectors, they contribute to help making the actions of UNODC possible and successful.

NHRIs (National Human Rights Institutions)

NHRIs work closely with the Human Rights Council to help promote and protect human rights. Their goal is to resolve major human right issues, such as the prevention of torture and degrading treatment, executions, detentions and enforced disappearances. Furthermore, they also contribute to the enforcement of legitimate laws associated with human rights.

Norway

Norway has been known to have many prison reforms, exemplified by how Norway has provided education and assistance to its prisoners rather than the conventional punishments other countries and prison systems use. Norway has even given drug addicts treatment rather than prison time, which shows how Norway deals with its convicts and how prisons could be changed to be more helpful and healing to a population as opposed to how they are normally.

Denmark

The Danish prison system is focused on the rehabilitation of prisoners, and the reintegration of these prisoners into society after their sentence is over. Prisons in Denmark have even created board games and other activities in an effort to assist the relationship between prisoners and their children.

The Netherlands

The Netherlands is another country that has a lot of prison reforms, with the lowest occupancy rate of these countries, at only 68.1%. The Dutch prison systems also treat their mentally ill prisoners in a unique way, with a tailored system designed to treat each prisoner with what they need for their specific illness.

Timeline of Events

Date	Description of event
December 20, 1993	After recommendations and considerations in the General Assembly, the members voted and decided to appoint a branch with a High Commissioner for Human Rights to further strengthen the United Nations in the field of Human Rights.
December 20, 1993	The Paris Principles are adopted, which include a set of international standards that the National Human Rights Institutions (NHRIs) must follow to conduct their human rights objectives.

June 22, 2006	A subcommittee on the Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment was set up to carry out visits to places of detention in order to prevent such punishments from happening.
April 8, 2008	The Universal Periodic Review is developed to give countries opportunities to declare what actions they have taken to improve and enforce basic human rights in their countries. It was designed to evaluate the treatments of a country compared to others and address human rights violations whenever they occur.
December 23, 2010	The Committee on Enforced Disappearance under The Human Rights Convention executed a protection of all persons from enforced disappearances. An enforced disappearance occurs when a State authority forcefully arrests, detains, or abducts a person and their location is intentionally kept secret.
March 22, 2012	Mandate on human rights and the environment is established to ensure a full enjoyment of a safe, clean, healthy and sustainable environment for all people. These could include the rights to life, health, food, water, and sanitation.

Relevant UN Resolutions and Treaties

- Providing technical assistance for prison reform in Africa and the development of viable alternatives to imprisonment, 27 July 2006 **(E/RES/2006/22)**

- The rule of law and development: strengthening the rule of law and the reform of criminal justice institutions, with emphasis on technical assistance, including in post-conflict reconstruction, 21 July 2004 **(E/RES/2004/25)**

- United Nations standards and norms in crime prevention and criminal justice, 21 July 2004 **(E/RES/2004/28)**

- Basic Principles for the Treatment of Prisoners, 14 December 1990 **(A/RES/45/111)**

Possible Solutions

One solution is the updating and improvement of prison management so that it's more humane and fair, with hopes of making more efficient systems that follow human rights guidelines, as well as less wait and more security for detainees. Prison authorities have a responsibility to ensure that the supervision and treatment of prisoners is in line with the law, which should respect an individual's human rights. In the case of pre-trial detainees, it is crucial to speed up the processing of cases by creating a much more efficient cooperation between courts and prisons as well as providing better protection to these detainees. As for convicted prisoners, they should be expected to use the period of imprisonment to prepare for their life outside of prison after their release. In addition to these changes, the authority of prison is normally under police or military institutions, which often do not receive any specific training regarding prison management. Their ineffective management can make it hard to drive prison reforms. Furthermore, inadequate information management systems in many countries lead to a difficulty in managing visitors, false calculations of correct release dates, delays in application processes, negligence of records and so on. Hence, reforms designed to solidify training programmes, specifically of prison managements for prison authorities or aiding countries with inefficient administration, should be considered so that there would be less corruption in each country's criminal justice system.

Another possible solution to this issue would be to create alternative punishments that encourage a prisoner to reintegrate themselves into society and decrease their chance of coming back to prison again. Many prisoners do not have access to assistance or guidance during or after their sentencing, resulting in many of them going back to crime and illegal actions in order to gain financial, social, or political power. With this issue, prisoners are sentenced again for the crimes they were put away for. If sanctions were less focused on punishing and isolating prisoners, and more focused on re-educating, providing assistance to, and encouraging good hobbies and careers, many people that were incarcerated would have a greater chance to get out of crime after their sentence ends. As a result, more prisoners would be capable of being reintegrated into their societies after their release, and would more likely have access to careers and opportunities. In The United States, recidivism rates were 5 out of 6 people getting arrested after 9 years of their original prison sentencing, or 83%. To contrast this, Norway, a country known for their advancements in incarceration, has a rate of roughly 20%, or roughly 24% of The United States' recidivism rate. This is evidence that new and reformed systems, with different sanctions and punishments, have greatly different results, especially regarding recidivism. Some limitations to this solution would be that it would be significantly more expensive than many others, as exemplified by Norway's expenses on prisons compared to others. In fact, Norway spends up to 93,000 Dollars on each prisoner, while The United States spends roughly 31,000 Dollars.

A third possible solution would be increasing the health resources, protective resources, and security in prisons in order to achieve a safer, more hygenic, and healthier environment. Many prisons have issues regarding the safety, sanitation, health resources, food resources, and other necessary

resources that are required to maintain a basic level of human rights. Some examples of these low levels of health would be the high levels of HIV/AIDS that run rampant in prisons due to rape, prostitution, and the abundance of users of injectable drugs in prison, which are more likely to have HIV/AIDS. Tuberculosis is similar, and is even said to have 11 to 81 times more Tuberculosis in prison populations than those outside of prisons, according to the World Health Organisation. Other issues regard the health of female prisoners, as menstrual cycles, reproductive health, and other important factors regarding soley female peoples are more likely to have problems, and more likely to have exacerbated issues, as they require proper nutrients and hygiene, as well as a safer environment, especially regarding STDs and other diseases and infections that run rampant in Prison environments. Issues regarding this solution remain consistent with other solutions, with monetary means to constitute these changes being low.

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