

Committee: ECOSOC

Topic: Rethinking universal standards for the treatment of prisoners.

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I. Introduction

“It is said that no one truly knows a nation until one has been inside its jails. A nation should not be judged by how it treats its highest citizens, but its lowest ones” - Nelson Mandela

The debate surrounding the treatment of prisoners has always been controversial. On one hand, someone who has committed a heinous crime should not deserve to be treated with the same respect as someone who hasn't. Criminals shouldn't be exempt from punishment. On the other hand, people who are imprisoned do not cease to be human beings. With approximately 11 million people incarcerated worldwide, there are drastic differences in how they are being punished (Walmsley). While this issue has been addressed in the past through documents such as Standard Minimum Rules for the Treatment of Prisoners in 1955, said international law has been breached on many occasions. This includes reported cases of torture, unliveable conditions, overcrowding, disease, abuse, discrimination, and poorly trained staff.

Prison reform is costly, but perhaps a system with an attitude of rehabilitation and not punishment will create a safer society more capable of sustained economic development. While international legislation has been established concerning abuse, torture or arbitrary arrests and judicial process, there is still a need to rethink certain standards to address the many aforementioned recurring issues in prisons. Although many countries and major parties involved have divided opinions on how prisoners should be treated, it is clear that this is a human rights issue that has to be addressed.

II. Definition of Key Terms

Prison: A confinement facility for convicted criminals who have already been sentenced and gone through legal process. They can be run by the state government, federal government, or in some cases private companies in agreement with the government.

Jail: A confinement facility for arrested individuals who have not yet received trial or sentencing. It is run by local law enforcement

Parole: a temporary or permanent release of a prisoner before the end of their sentence to do community work on the promise of good behavior.

Probation: the release of a prisoner which is supervised by a probation officer, who is assigned by a probation agency. Prisoners must follow the terms of the probation or they may end up facing prison time. The terms of the probation may depend on the severity of the crime, but it may include GPS monitoring, regular reports, and drug tests.

Juvenile Detention: A form of jail for arrested individuals who are too young to be considered adults and be sent to regular jail. It takes young people who have not been given a conviction or trial yet and temporarily confine them instead of allowing them to return home or enter an alternative supervision program. Also known as juvenile hall or “juvie”.

Prisoner of war: A combatant who falls into the hands of an opposing party to a conflict in the course of an international armed conflict. A non-combatant can also be given this title by international humanitarian law.

Solitary confinement: A form of imprisonment in which the prisoner is held in isolation in a single cell with little to no contact with fellow inmates. Often times prisoners are put into solitary confinement if they are particularly disruptive towards inmates, prison guards etc.

After multiple psychological studies, there is an emerging consensus to limit the use of solitary confinement due to its harmful psychological effects.

Capital punishment: The act of executing someone as punishment for a crime after a fair legal process by a court of law. Executions not performed by a state's court of law or executions without due process are not legal. There is a lot of moral controversy surrounding capital punishment and when it should be used. It is also known as the death penalty.

Discrimination: The unjust or prejudicial treatment of different categories of people, especially on the grounds of race, age, or sex. Cases of discrimination in prisons can come from prison staff against inmates and vice versa. However, in a 2017 study in the UK, it was shown that 100 prisoners who make an allegation of discrimination against staff has their case upheld, compared to 3 quarters of staff who have their cases upheld (Townsend).

Sexual harassment: Behaviour characterized by unwelcome and inappropriate sexual remarks or physical advances in a social situation. There have been many cases of sexual assault and prison rape that often go unreported or furthermore are not upheld as cases.

Prisoner commissary system: Prisoners are not allowed to possess money. If they are able to earn money by working a job in prison or their family sends them money, it goes into their personal prisoner trust fund. Most prisoners call this their "commissary money."

Administrative segregation: Administrative segregation (ad seg) is when a prisoner is housed separately from the main prison population. In most prisons, ad seg is another term for solitary confinement.

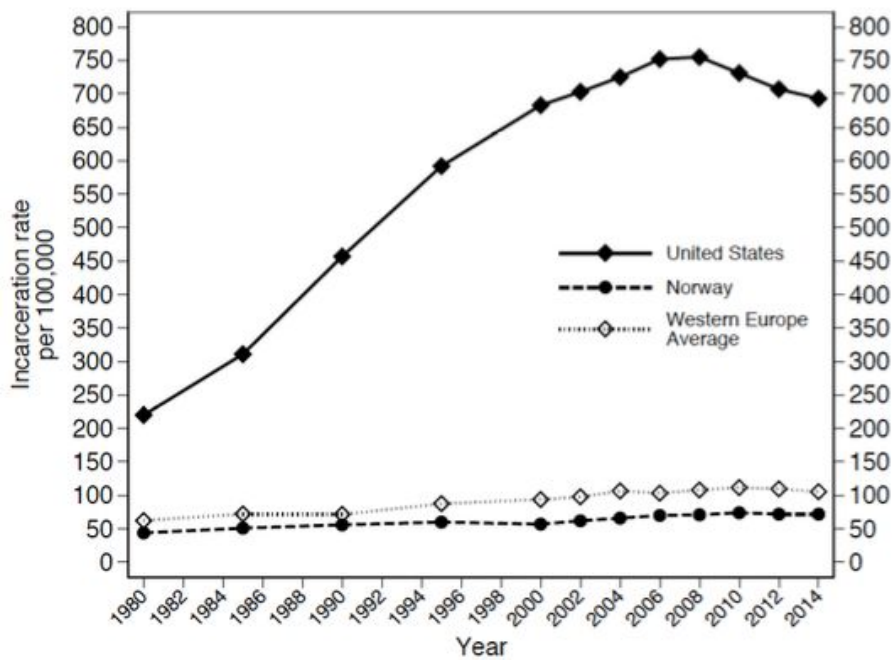
Plea bargains: This occurs when the prosecuting attorney and the defence attorney for the defendant come to an agreement, allowing the defendant the privilege of pleading guilty to a lesser crime in order to receive a lesser prison sentence instead of having to participate in a trial, being found guilty and having to endure a harder sentence.

III. General Overview

The flaws that can be found in the majority of prison systems around the globe are rooted in social and economic insufficiencies that the country as a whole suffers from. These include budgetary constraints, space limitations, a limited number of counselors and volunteer participants, overwhelming number of inmates, general correction problems, lack of aftercare provision, legislative barriers and inefficiency in the judicial system. All of these aspects reflect themselves in the prison system in the form of overcrowding facilities, violence within prison establishments, lacking primary resources like food and medicine and various reports of abuse from the guards and serveillors on the inmates. The effects of these issues are clear. Prisons turn out to be violent, harsh and psychologically damaging environments implying that inmates live in an atmosphere that is both depersonalizing and dehumanizing. Generally, all inmates experience a feeling of trauma and hopelessness to some degree when they are submitted to their facilities which is magnified when accompanied by violence and manipulation from other inmates and custodial staff. The destructive environment within a prison is often also caused by episodes of sexual abuse, psychological and physical torture, and an intense feeling of isolation and solitude that is imposed onto the inmates. While some may argue that this type of punishment is proportional to the crime the inmates committed to find themselves in jail in the first place, it has actually been proven that this type of environment in a prison is counterproductive to society as a whole. Even for inmates who did not suffer abuse or exploitations during their

time in prison, posttraumatic stress disorder (PTSD) is an experience that most ex-detainees can relate to. Symptoms of PTSD include irritability, restricted range of affect, reeling of detachment and hypervigilance. These symptoms infringe on the prisoners' daily lives once they are released back into society and imply a clear desire for vengeance and revenge which can be traced back to the extremely high rate of recidivism that most countries suffer from.

The success of any prison system should be measured by its incarceration rate, recidivism rate and the philosophy it is constructed upon. Some of the most successful prison systems worldwide, like Norway's for example, are built upon the goal of rehabilitation and live by the presumption that loss of liberty alone is the greatest form of punishment. According to criminologist Bob Cameron, prison should have five goals: retribution, incapacitation, deterrence, restoration and rehabilitation. Most countries completely overlook restoration and rehabilitation because their entire prison system's focus is on being punitive and disciplinary. In most cases, the judicial system wants to see its prisoners punished first and then rehabilitated. This plays on our social sense of justice and objective fairness but doesn't consider the psychological backlash this could have on a prisoner that causes the whole system to be counterproductive. Regardless of the clear benefits and overall improvements it could bring, the idea of prioritizing restoration and rehabilitation in modern day prisons always arises a lot of controversy and debate. It very typically generates doubts on how doing so will endanger public safety, how prisoners will take advantage of the benefits they are given if the prison system isn't harsh enough and how this type of prison system would be ignoring the needs of crime victims.



A graph showing the incarceration rates of countries with “restorative justice” (adopted in Norway) and without.

While only a few countries have tried adopting a more innovative prison system there have been immense efforts from organizations and NGOs to draft programs and experimental theories that flawed prison systems could benefit from. The American Civil Liberties Union proposed a form of treatment called TC which stands for Therapeutic

Community. On the most intense end of the treatment spectrum, the TC is a treatment model that attempts to create a 24-hour, 7-day-a-week treatment environment that integrates community, work, counseling, and education activities. Less intensive treatment programs may simply deliver counseling, education, and other treatment services in a manner similar to outpatient programs. Overall, it's been found that to maximise the utility of an inmate's time spent in prison, prisoners should be provided with the right tools to reflect and learn in a critical and constructive environment through counseling, educational and vocational training and restorative programs that fully prepare detainees to be reinserted in their local societies.

IV. Major Parties Involved

United States of America:

The prison system in the United States is under the strict authority of the state and the federal government. Incarceration is the major way of punishment for law offenders but there are also other forms of discipline like probation, house arrest, or even community service corrections. When a person is arrested, there is a specific process that has to occur before they are actually imprisoned. During the investigation process the subject is generally held until a trial is presented. The jury determines whether the subject in question is guilty or not and the judge assigns the sentence. The United States is the country with the highest incarceration rate in the world. By 2008, 1 in 100 American adults had been in prison.

The United States of America has often been questioned about its prisoner system. The country is filled with secretive and experimental prison units which are said to be used for "second-tier" terrorists. These units are known as Communications Management Units (also referred to as CMUs). Many of these units occupy entire islands. There are two main CMUs in the United States. One inside the prison in Terre Haute, Indiana and one inside the prison in Marion, Illinois. Neither of these CMUs went through the review processes that are required by law when they are opened. CMUs limit the few pleasures prisoners find in their daily lives extremely. Their phone calls can only last forty five minutes a month (compared to 300 minutes other prisoners receive), their letters can only be six pages and their visits can only be four hours a month (compared to the 35 hours that other prisoners are allowed) and their visits are noncontact. Many prisoners in the CMUs believe that they are undergoing the most extreme form of psychological torture. Another point has been brought up against the prison system regarding CMUs. There are 60 to 70 prisoners in each unit and there is an overwhelming muslim majority. Though the government does not say exactly who is imprisoned in these units, journalists have found that these prisoners include people like Dr. Rafil Dhafir who went against the economic sanctions on Iran by sending medicine for the children that live there and Yassin Aref who fled to New York with his family from Iraq as refugees. According to Will Potter, a journalist from Texas that devoted most of his career to investigating CMUs, also explains that the non-muslim prisoners in CMUs are known as "balancers" by the guards because they balance out the racial numbers and help the prisons avoid a law suit.

DPRK:

The DPRK is known to have one of the harshest prison systems in the world. When outsiders are arrested, they are often sentenced to hard labour and compounded by the severe oppression of isolation.

Seeing that the DPRK is a dictatorship, causes of imprisonment extend from the usual crimes that we see in democratic countries. In North Korea both citizens and outsiders can be held accountable for being "hostile to the republic" which is a standard that is open to

interpretation and can be contorted to work in the benefit of the police and the government as a whole. In December 2012 for example, missionary Kenneth Bae was charged because he was found with a hard drive that was considered to have “Christian propaganda”. He was sentenced to 15 years of labour and was only released when his health deteriorated to a point that was no longer manageable from a prison. After his release Mr. Bae wrote a memoir, “Not Forgotten: The True Story of My Imprisonment in North Korea” which described the horrible conditions he had to endure during his imprisonment. He gave a detailed account regarding the hard labor he was forced to do. He explained that he would work six days a week on a farm, carrying rocks and shoveling coal. His working days would last from 08:00 am to 06:00 pm. He also provided insight on the severe psychological violence the guards opposed on him. He recounts that one interrogator kept telling him, "No-one remembers you. You have been forgotten by people, your government. You're not going home anytime soon. You'll be here for 15 years. You'll be 60 before you go home". Kenneth Bae is not the only one who has condemned DPRK for the conditions of their prisoners. Amnesty International has described the prison camps as harsh beyond endurance. They state that, “Hundreds of thousands of people-including children- are detained in political prisons and other detention facilities in North Korea. Many of those have not committed any crime, but are merely family members of those deemed guilty of serious political crimes.” Amnesty International was also able to release aerial pictures of a detention facility that contained 20,000 inmates. According to one former official that they interviewed, prisoners were forced to dig their own graves and rape was often used as a form of punishment.

Norway:

The prison system in Norway is one of the most successful world wide even though the incarceration rate is extremely low (75 people in every 100,000 compared to 707 people in every 100,000 in the USA). The recidivism rate is one of Norway’s major metrics of success regarding their prison system. It has one of the lowest reincarceration rates in the world at only 20% (the United States is at 76.6%).

The imprisonment system in Norway is built on a concept called “restorative justice”, which consists in repairing the harm caused by the crime rather than punishing the people that committed it. One of their main focuses is the rehabilitation of prisoners and their reinstatement in everyday society. Their extremely modern and innovative prison system is evident when simply looking at the establishment. Halden Prison for example is known as one of the most humane in the world as it tried to maintain as much normalcy as possible. There are no bars on the windows, fully equipped kitchens and a huge effort to establish friendship and trust between the guards and the inmates. Halden’s director, Are Hoidel, states that; “Every inmate in Norwegian prison is going back to society. Do you want people who are angry or people who are rehabilitated?”. Halden seeks to prepare inmates to go back to the “outside life” with vocational programs. Inmates participate in wood-working, assembly workshops, or even music lessons and recording studios. In Norway, life sentences don't exist to enforce the focus on rehabilitation instead of punishment.

Venezuela:

Venezuela is another example of a major country with an extremely poor reputation for its prisons. Their fame largely comes from brutal outbursts of violence within the prisons, like the 1994 massacre of over one hundred inmates at Sabaneta prison, which emerge from the existence of other chronic problems in Venezuela’s judicial and prison systems. In 1996, the prison system's defects drew a lot of attention to the situation in Venezuela as delegations from the Inter-American Commission on Human Rights, the European Parliament, Human Rights Watch/Americas and Amnesty International visited the country’s and urged the

government to institute reforms. In attempt to humanize the prison system. The Venezuelan government closed the Catia prison in Caracas, which was known to be one of the most overcrowded and violent facilities in the country. Unfortunately, this wasn't sufficient and state officials still believe that extreme prison reforms are absolutely required in Venezuela.

The conditions of prisoners in Venezuela go against local law and international human rights standards. The violent outbreaks that prisoners in Venezuela have witnessed trace back to the fact that Venezuelan prisons are severely overcrowded. It has been recorded that some prisons are currently housing 24,000 inmates in facilities designed for barely 15,000. This implies that inmates routinely sleep two or three to a bed or even on the floor. This overcrowding is due to the fact that nearly three-quarters of Venezuelan prisoners have not been convicted of any crime and should not even be detained. It is believed that this is the case for two main reasons. Firstly, most criminal defendants are incarcerated rather than granted provisional liberty while their cases are pending. And secondly, the judicial system is inefficient, biased and politicized. Many prisoners lack proper legal representation and their cases can be pending for years, especially if the defendant is already being detained as he waits. Because of these major systematic flaws, many prisoners find themselves in life threatening situations once they are submitted into these facilities. In Venezuela, a weekly average of four prisoners are killed and more than twenty are injured. Weapons of all types are used: knives, machetes, guns, pistols, and on some accounts even grenades. Human Rights Watch/Americas, has also reported rampant physical abuse of prisoners by the members of the National Guard. Prisoners have described how guards beat and kick them, hitting them with sabers, leaving inmates to bruise and bleed with no medication. Some prisoners in the infermeries were even found to be shot by their guards.

V. Relevant Documents

- [UN Standard Minimum Rules for the Treatment of Prisoners:](#)

The UN Standard Minimum Rules for the Treatment of Prisoners or SMRs was a document adopted by the UN Congress on the Prevention of Crime and the Treatment of Offenders as of 1955, and then later approved by the Economic and Social Council in 1957. This document was not legally binding, but it provided legal guidelines for prisoner standards and prison management which were often implemented into international and domestic law. Namely, it condemns any acts of discrimination in prison.

- [Nelson Mandela Rules](#)

The Nelson Mandela rules are a revised version of the UN Standard Minimum Rules for the Treatment of Prisoners. It was adopted unanimously by the General Assembly in 2015, following a 5 year revision period which sought to make the document more relevant to the current state of prisons and UN values. Some of the aspects that were either added or revised include further detailing of staff training, protection of vulnerable groups, medical and health services, respect for prisoners inherent dignity etc.

- [Third Geneva Convention](#)

The Geneva Convention was a series of meetings which produced documents detailing the foundation of the modern law of war. Specifically, the Third Geneva Convention addresses prisoners of war in 143 articles published in 1949. In addition to specifically outlining the conditions of their captivity. One key takeaway is that prisoners of war should be released and sent back to their own country after the hostile period finishes.

- [Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment \(Torture Convention\)](#)

The Torture Convention was signed in 1985 and was put into effect in 1987 by the United Nations. It seeks to end the use of torture and criminalize it, stating that it should not be allowed under any circumstance. [Here](#) is a useful summary of all the articles.

- [Basic Principles for the Treatment of Prisoners](#)

The Basic Principles for the Treatment of Prisoners was adopted by the UN General Assembly in 1990. Namely, it highlights the importance of prisoner dignity as human beings and maintaining their human rights. It also condemns discrimination, advocates for the abolishment of solitary confinement, and underlines the prisoner's right to healthcare access.

VI. Questions to Consider

- Should the death penalty be allowed? If not, should life sentences be a substitute for it?
- What types of educational programs would be useful for prisoners to be provided with?
- How can jobs and a career be integrated in a detainees time in prison?
- Is the prison commissary fund effective? Should there be more incentives for prisoners to make money?
- What type of medical care do prisoners receive? Is it sufficient? Should the medical care prisoners receive be any different from the medical care standard citizens receive?
- Does protective custody reduce violence?
- Should solitary confinement potentially psychologically straining for a prisoner and therefore be considered a form of torture?
- How should prison overcrowding be addressed?

VII. Conclusion

Prisons and the treatment of prisoners had a huge change in the past few decades with countries like Norway leading by example. Norway with its prison system showed the world an "enlightened" way of running a prison. Other countries like the DPRK and Venezuela have the harshest environments for prisoners. Prison reforms are costly and one could see the extent of reforms in a wealthier country and a lower-income country. Though it is expensive, Norway has reported that its prison reforms have been deemed successful, according to Business insider "incarceration rate just 75 per 100,000 people, compared to 707 people for every 100,000 people in the US." and "when criminals in Norway leave prison, they stay out. It has one of the lowest recidivism rates in the world at 20%." Countries like the United States, for instance, have one of the highest recidivism rates in the world according to Business insider "76.6% of prisoners are rearrested within five years." The lack of prison reforms in the United States prompts its prisoners to not be able to become productive in society and thus get imprisoned again. According to research done by Simmons University "When prisoners in the United States are released, they face an environment that is challenging and actively deters them from becoming productive members of society."

In countries like Venezuela, DPRK, and China the treatment of prisoners is a huge human rights violation as it includes forced and extensive labor and violence that in some cases result in death. "People aren't treating people like people anymore," said Robert Rother, an ex-convict in China's harsh prison system. Mr. Kenneth Bae, for instance, was arrested in the DPRK and he explains his experience in one of the most strict prison systems in the world by giving insight into what he had to endure. In his memoir "Not Forgotten: The True Story of My Imprisonment in North Korea" working days would last from 08:00 am to 06:00 pm and the guards caused severe psychological violence the guards opposed to him.

The treatment of prisoners has long been overlooked and because of this prisoners can't adapt back into society and end up in the same place they started with committing crime and hindering society. Countries like Norway leading by example showed the world that "enlightened" prisons work and that the treatment of prisoners actually matter as they are human too. In countries like China, DPRK, or Venezuela not only is the prison system ineffective in getting prisoners back into society but also causing human rights violation.

Prisons and the treatment of prisoners is a controversial topic in the international space. The treatment of prisoners in some countries is posing a human rights issue and because of this delegates are encouraged to take part in fruitful debates.

Although many countries and major parties involved have divided opinions on how prisoners should be treated, it is clear that this is a human rights issue that has to be addressed.

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