
GA: The Rights of Prisoners
St. John's Preparatory School - Danvers, Massachusetts - December 2019



Letter from the Chair

Dear Delegates,

My name is Brendan O’Friel. I am a junior at St. John’s Prep, and I will serve as your chair for the GA committee on the rights of imprisoned people. I have been involved in Model UN at the Prep for over three years. I began Model UN in the eighth grade, and I have really enjoyed it. Outside of Model UN, I am a member of the Spanish club and play tennis. This will be my second time chairing a committee, and I am looking forward to it. The topic of prisoners’ rights has really fascinated me during my research. Thus, I recommend that you read through this paper as well as do some light research on the prisons of your country and the legislation on how prisoners should be treated. Please do not hesitate to email me with any questions or concerns! I will be happy to assist you, and I look forward to meeting you all in December!

Thank you,

Brendan O’Friel ‘21 (bofriel21@stjohnsprep.org)

Chair, General Assembly , SJPMUN XIV

Description of the Committee

The General Assembly, found shortly after World War Two in 1945, is typically what comes to mind when one first thinks of the United Nations. Usually abbreviated as the GA, the General Assembly is the main deliberative, policymaking, and representative organ of the United Nations, where decisions on questions like peace and security, admission of new members to the UN, and budgetary matters, among others, occur. Each country has one vote, regardless of size or population, and, depending on its importance, a resolution requires either a simple majority or a two-thirds majority to pass. Generally, the most successful measures are those in which the whole GA has reached a consensus. In order for such a large committee to be successful, it is absolutely necessary to hear all perspectives from all delegates. Members of the General Assembly work together to find common ground and agree on solutions to injustices and problems that afflict the world prior to becoming conflicts.

Statement of the Problem

There are currently over 10.2 million men, women, and children around the world spending time in jail, and while there are agreed upon standards of treatment, it is clear that there are widespread violations of prisoners human rights. Our meeting will focus on evaluating the existing standards and the degree to which practice falls short of them, reasons that practice falls short, and ways to meet the intentions of the standards.

For the purposes of this discussion, a prisoner is defined as anyone convicted of a crime and thereby incarcerated because of it. To further narrow the discussion, the prison population in question is limited to those convicted of criminal and civil offenses, as opposed to political prisoners, those awaiting trial for however unjust that endless amounts of time may be, and foreign prisoners.

Although prisoner's rights have been part of international discussion at various times during modern history, in 1948, the U.N. Universal Declaration of Human Rights affirmed in a broad sense that prisoners have human rights. The OHCHR, the Office of the High Commissioner for Human Rights, in 1955, established a more detailed Minimal Standard Minimum Rules for the Treatment of Prisoners, which was updated in 1990 as Basic Principles for the Treatment of Prisoners (See links below.) That prisoners have rights is not so much the question as to what extent is society able to honor the rights of a prisoner in light of the rights of individuals in society. The recognition of human rights is both practical - society needs to allocate limited financial resources to a variety of competing causes, and ideological - there may be a number of solutions that either do not require money, such as the right to no longer be a criminal once a sentence is served, or moral - various populations see prison as an act of

retribution. In short, as an international community, what can we do to maximize the percentage of human rights every person can realize?

There are many reasons for prison problems. One of the largest worldwide contributors to deplorable conditions of prisons is overcrowding. Overcrowding in prisons existed in over 115 countries, according to a 2016 report, and 51 countries experienced over 150 percent capacity of their prisons. Health is another concern. According to UNAIDS, “prisoners are five times more likely to be living with HIV.” Therefore, in prisons with high capacities, diseases like HIV spread easily. Further human rights violations can be seen in countless prisons throughout the world through not only crowded cells but also solitary confinement, physical constraints, lack of food and medical care, under-compensated labor, and failure to provide skills to prevent re-incarceration. For example, Bang Kwang Prison in Bangkok, Thailand experiences a severe case of overcrowding. Built in the 1930s, this Thai prison was originally supposed to house 3,500 inmates but currently has a population of around 8,000. With prisoners only given one meal of noodles each day and forced to wear shackles for the first three months of being there, it is known as one of the harshest prisons in all of Asia. Re-entry programs are a major key in solving problems of overcrowding which lead to deplorable conditions as mentioned. These programs can help convicts reintegrate back into society and help them find jobs, housing, and new support networks. Furthermore, they would give the ex-cons the potential to find a better life, so they do not turn back to a life of crime.

United States



Norway



<https://www.reckontalk.com/gulag-camps-soviet-russian-prison-facts-photos/> -

<https://piximus.net/others/the-worst-prisons-from-around-the-world> - the links here will

provide you some context to some of the most cruel prisons in the world, and the kinds of conditions their prisoners face.

History of the Problem

There have been numerous internationally agreed upon standards for the rights of prisoners. The United Nations Standard Minimum Rules for the Treatment of Prisoners was created in 1955. However, it was revised in 2011 and named the Nelson Mandela Rules, in honor of the 27 years he spent in South African prison. Changes and improvements have been made to the prison conditions: how those with special needs were treated, the quality of food and access to water, and the use of solitary confinement. For admission into prison, new standards stated that every prisoner should first be given knowledge of prison rules and how to access legal help, and their information should be recorded in prison records. Additionally, it stated that prisons must accommodate those with special needs or certain disabilities. Food must be nutritious and of a good quality, and both food and drinking water should be readily available. The Nelson Mandela Rules define solitary confinement as “confinement for more than 22 hours per day without meaningful human contact”. These rules declared that solitary confinement could last no longer than 15 days, could only be used as a last resort, and could not be used with pregnant or breast-feeding women.

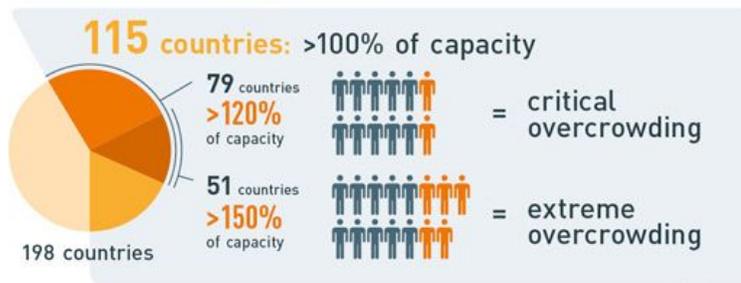
The UN Convention Against Torture, implemented in 1987, defined torture as “any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind.” It forbids any torture being used as punishment by nations around the world, especially by prison guards or workers around the world. However, physical punishment

is a reality in 15 countries. Stoning or caning are typical physical punishments that people are sentenced to in these countries (insert link). They are typically held in public and given in addition to a prison sentence. Physical punishments are also frequently given to misbehaved prisoners, especially those who do not follow orders from prison guards.

In 2010, The UN Rules for the Treatment of Women Prisoners, known as The Bangkok Rules, were adopted by the U.N. General Assembly. Since women and girls make up less than ten percent of the prison population, the Bangkok Rules highlight that “Prisons and their regimes – from the architecture and security procedures to healthcare, family contact and training opportunities – are usually designed for men.” Being the first rules to address parents in prison with their children, “The Rules are crucial to protecting the rights of women offenders and prisoners, explicitly addressing the different needs that women have and the different situations they come from.” Jordanian women, for instance, are occasionally imprisoned for their own protection from “honor killings.” The Bangkok Rules, in particular, address mothers and their situation with their children. Sometimes, mothers will have their children live with them in prison. Therefore, one goal of these laws was to provide counseling and childcare services to these women in an attempt to make them the best possible mothers they can be and reform their criminal ways. Pregnant women, as pointed out by the Bangkok Rules, have different health needs and deserve, for the sake of her child and their own well-being, to be treated in a more respected manner. “The rules require women to be treated with humanity and with dignity. For instance the use of instruments of restraint on women during labour, during birth and immediately after birth is prohibited. There is a prohibition of solitary confinement or disciplinary segregation for pregnant women, women with infants and breastfeeding mothers.”

These laws provided a much more dignified manner in which women, especially pregnant women, have to deal with incarceration.

Prison overcrowding



Core challenges



Source:

Bloc Positions

There are no specific bloc positions for this topic since each country has their own unique style of prisons and legislation on how their own prisoners can be treated. However, some areas in particular tend to have similar approaches when it comes to dealing with criminals. In scandinavian countries, for example, prisons are mainly used as a form of rehabilitation rather than solely punishment. Prisoners are treated respectfully and live in conditions comparable to a basic college dormitory. On the other hand, some countries give out physical punishments to prisoners, lashings by a whip are common as well as canning (insert link). Additionally, the United States, having the highest number of prisoners to population ratio in the world, has nearly 2.2 million prisoners, and therefore, its prisons frequently become overcrowded.

Questions to Consider

1. Are the existing standards for prisons adequate to preserve the rights of prisoners? Should the rights of a prisoner be different from others in society? If so, how, and why? If not, how, and why?
2. What is the role of prison in society? What are the goals of prison? Should prisons be used as a form of rehabilitation, solely as a punishment, and/or as a means of keeping society safe? If rehabilitation, what does that look like? If punishment,

what does that look like? If as a means of keeping society safe, what does that look like? What is society's responsibility regarding prisons?

3. How can limited resources be used to maximize prisoners' rights?
4. How can society, regardless of financial resources, resolve the problems in prisons and maximize the rights of prisoners? Can we find a comprehensive, universally applicable set of recommendations?
5. Should there be a universal rehabilitation program for prisoners to adjust back into society, so they do not end up re-offending, and in turn, reduce overcrowding?

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