

**OASIS INTERNATIONAL SCHOOL MODEL UNITED NATIONS**

General assembly

President: Alia Tarek

Vice-president: Bahira Tantawy

Guiding package

Topic (2) : Discussing the legal responsibilities of correctional

institutions to criminals

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11. **Abstract**

Correctional institutions, usually aiming to follow the country’s correctional system rules, tend to change the prisoners' treatment as they stay for a long period. Some choose to obey the country’s law, but several countries either do not have strict laws about prisoner treatment or the jailers simply do not obey the law and mistreat the prisoners, usually this is in the case where the country’s government is disregarding the prisoners’ needs. That must be stopped for the dignity and human rights of all prisoners.

Prison conditions all around the world do not meet with the requirements set out in the UN Standard Minimum Rules for the Treatment of Prisoners. That includes the lack of supplies, adequate space, good nutrition, sanitation and even the access to natural light and fresh air. The conditions may be substandard as numerous prisons are overcrowded, with the increase of sentenced individuals who have committed crimes. That is also because the prison’s service and system in general are under-funded. That may lead to insufficiency of essential elements such as medications or even a shortage of prison staff. If healthcare is not taken care of, that can also lead to many transmissible diseases, and so on. Therefore, the funding and the care of prisons are both extremely vital.

Other prisons go to extreme brutal treatment as their jailers and guards torture the prisoners. That can be caused by discrimination and criticism of certain people. Also, some prisons consider people suspected of terrorism, either if it has been proved or not, just terrorists that have to be mistreated in the most inhumane manner. An example can be when a UN investigator had information about a prisoner being tortured at the US Guantanamo Bay where various torture methods, including enhanced interrogation, have been regularly used in order to obtain information from terrorism suspects : "In addition to the long-term effects of past torture, noise and vibrations are reportedly still being used against him, resulting in constant sleep deprivation and related physical and mental disorders, for which he allegedly does not receive adequate medical attention".[[1]](#footnote-0)

1. **Introduction**

Taking into consideration that crimes have been significantly increasing all around the world, more people die everyday and chaos rises. When individuals commit a crime, it is only necessary that they are punished by a state or another authority. The punishment however needs to depend on the crime, its degree and how the correctional system is legally allowed to punish them. Correctional systems differ depending on the country, its law and how strict the government is about applying and obeying those laws. It is important to keep in mind that the degree of the crime committed does not define the prisoner, all prisoners shall be treated equally as normal human beings serving time and held in prison. Therefore, no matter how horrible their crime was, the dignity of every single human being should be secured.

Protecting and taking care of all prisoners is a must as it is what makes them alive. Instead of hurting them, violence can be substituted by hard work. Prisoners can help the prison’s staff with chores, activities and many aspects helping both the prisoners and the workers. Ensuring that each prisoner has rights, can help make the prisoners become better people, and as when they are done serving time, they will be outside of prisoner, so we have to make sure they keep living appropriately and violence or mistreatment is not the solution.

1. **Definition of key terms**
2. **Criminal :** A person who has committed a crime
3. **Correctional system :** A system controlled by a government responsible for the protection of the population from dangerous individuals and criminals (by imprisonment, probation,etc…).
4. **Penal :** “Relating to the punishment of offenders under the legal system”[[2]](#footnote-1)
5. **Probation :** “The release of an offender from detention, subject to a period of good behaviour under supervision” [[3]](#footnote-2)
6. **Correctional institution :** A penal institution maintained by the government
7. **Jailer :** The person in charge of the jail, or the prisoners in it
8. **Custodians :** People in charge of taking care or protecting something
9. **Detainees :** Person held in custody, for political reasons[[4]](#footnote-3)
10. **Inhuman :** Lacking human qualities, being cruel and brutal
11. **Police brutality :** The use of excessive and/or unnecessary force by police when dealing with civilians[[5]](#footnote-4)
12. **Background information**

While individuals lose many rights when they are imprisoned, this does not mean that they should be treated in an inhuman way. Since correctional institutions are the custodians of these individuals, they have many obligations to these individuals welfare. Every country or state has its own laws on how to handle their prisoners, it can even differ from each prison.

Having good correctional institutions is based on the economical status and the rise of prison rates of each country or state. A country with economic stability or growth can offer better correctional institutions while combating crimes thus can decrease prisons rates.

The United Nations human rights council has imposed a set of rules on how inmates should be treated. The set of rules include right to human dignity, rights to communication with the outside world, rights to be released of the due date and most importantly right to basic human needs such as healthy food, medical and mental health care, access to drinkable water and hygienic living space.

The term police brutality has been used since 1872 when a police officer was beating a civilian that had just been under arrest. Police brutality defines violent actions by police officers towards prisoners or citizens, against the law. Now it has become a common act that occurs in prison by police officers and prison guards. Some of these guards are very violent and their violence might lead to the death of the inmate.

As a result of armed conflicts, many civilians are deprived of liberty and security. Therefore, the International Humanitarian Law aims to protect and has protected those civilians when armed conflicts occur. The rules of prisoners of war protection were first detailed in the 1929 Geneva Convention, then were polished in the third 1949 Geneva Convention, also in Additional Protocol I of 1977.

Enhanced interrogation is a type of interrogation that is commonly used in correctional institutions and it is based on the use of violence, torture, humiliation and fear on suspects and prisons. Enhanced interrogation techniques that are most commonly used are dietary manipulation which is prohibiting all kinds of food and putting the prisoners in a diet that consists of only water. Another type of enhanced interrogation is embarrassment, for example they put the prisoners in embarrassing situations such as standing for a prolonged period of time completely nude or use a technique called the abdominal slap that is done to punish certain prisoners and insult them.

1. **Major Countries Involved**

**The United States of America** : is the country with the most prison rates as 724 people per 100,000 get imprisoned each year. The United states has a correctional population of 2,298,000 prisoners in 2016. In advance in the United States’ Eighth Amendment to the United States Constitution forbids cruel and unusual punishment to inmates. Even the Supreme Court of the United States has held that cruel and unusual punishment to prisoners may be inhumane treatment that violates basic human rights and that it should not be tolerated or used in correctional institutions. Despite that, the united states has some of the most violent and cruel prisons around the world. The prison staff uses violence with prisoners as well as they don't offer them good medical treatment nor do they offer access to healthy food. Furthermore, the CIA uses several enhanced interrogation techniques that violate basic human rights.

**The Russian Federation**: is the country with the second most rising prison population in the world, with 581 people per 100,000 imprisoned each year. It is home for three of the most brutal prisons in the world: Butyrka, Vladimir Central, and Petak Island. The petak islands prison is probably one of the most cruel as it gets very cold there, there isn’t much communication with the outside world and it lacks right to basic human needs such as washing facilities. Correctional institutions in Russia use violence, fear and torture as a form of discipline to punish their prisoners.

**The Federative Republic of Brazil**: holds a record of one of the countries with the deadliest prison riots. In 2017 there was a conflict between two criminal organizations and their allies within the prison that caused several prison riots within the month of January, that lead with over 140 people being killed. These prison riots are caused by overpopulation and overcrowding in the prisons is brazil as well as the use of violence and torture. Overcrowded prisons makes it hard for prison staff or guards to be in control.

1. **Major Organizations involved:**

**Penal Reform International**: was founded in 1989 in London. It is an international nongovernmental organization working criminal justice reform worldwide. This organization is now combating overcrowding in prisons, which is a very serious issue. Overcrowding is one of the causes of poor prison conditions around the world. It is also potentially one of the biggest problems facing prison systems as it results to the lack of privacy that can cause serious threats such as amplify mental health problems and increase rates of violence and suicide.

**American civil liberties union**: the ACLU is a nongovernmental organization that is founded in the united states. This organization is aiming to ensure that their nation's prisons, jails, and detention centers comply with the Constitution, domestic law, and human rights principles. As the United States is the country with the highest increase in prison rates in the world and it is also the only democracy in the world that has no independent authority to monitor prison conditions and enforce minimal standards of health and safety this organization is dedicated to combat unsatisfactory medical health care, civilian liberties in prison and cruel and inhuman conditions such as violence, overcrowding and sexual abuse.

1. **The United Nations involvement**

The United Nations has a very crucial and authoritative role towards solving this problem. This topic that involves using violence in prisons has become a subject that concerns several UN committees such as the human rights council, the United Nations office of drugs and crimes, the security council and the general assembly. The United Nations human rights council has put out a list on the basic principles on the treatment of prisoners. The United Nations office of drugs and crimes has put out a concept note on prison reform and alternatives to imprisonment[[6]](#footnote-5). The note presents how the UNODC is going to deliver technical assistance that will help countries to reform their prison systems in line with UN standards.

On the 14th of December 1990, a resolution numbered 45/111 that was put out which was adopted and proclaimed by the General Assembly that sets the basic principles and laws of on how prisoners and inmates should be treated.

1. Possible solutions

1- Provide Access to health care facilities in prisons for the inmates, such as clinics

2- Use high technological instruments such as security cameras to secure prisons and other correctional institutions to prevent violent riots

3- Send UN rapporteurs to prisons with high percentage of violence and police brutality every month in order to decrease the use of violence and to ensure the application of the constitution

4- Provide aid to the countries with high percentage of prison overcrowding to prevent the death of inmates and maintain control over prisons and inmates

5- Hold more surprise visits by members of the Committee against Torture for Prisons with the aim of ensuring that the humanitarian rights of prisoners are respected.

1. Guiding questions

* What is the stance of your country on this matter?
* How do violent prisons affect your country and its citizens?
* Which countries are most affected by police brutality against prisoners?
* What are the consequences of the inhumane conditions in prisons ?
* How does violence and torture against prisoners violate human rights?
* To what extent does your country respect and enforce the rights of prisoners?
  + How does your country make efforts in order to fight police brutality, and inhumane conditions in prisons and protect its inmates ?

1. Useful links:

* <https://www.bbc.com/news/world-latin-america-38534769>
* <https://www.ncbi.nlm.nih.gov/books/NBK64123/>
* <https://www.unodc.org/documents/justice-and-prison-reform/UNODC_Prison_reform_concept_note.pdf>
* <https://www.ohchr.org/Documents/Publications/training11Add3en.pdf>
* <https://www.thrillist.com/travel/nation/the-world-s-worst-prisons-thailand-russia-and-china-top-our-list>

1. Bibliography:

* Prison Reform and Alternatives to Imprisonment, UNODC : <https://www.unodc.org/documents/justice-and-prison-reform/UNODC_Prison_reform_concept_note.pdf> consulted on july 19 2019
* Prison reform organizations: <https://centerforprisonreform.org/prison-reform-organizations/> consulted on july 16 2019
* 9 treatment issues specific to prisons : <https://www.ncbi.nlm.nih.gov/books/NBK64123/> consulted on july 15 2019
* Rights of prisoners : <https://goaprisons.gov.in/rightsandduties.aspx> consulted on july 18 2019
* Prison law : <https://www.hg.org/prison-law.html> consulted on july 15 2019
* Most violent prisons in the world : <https://degrees.criminaljusticedegreehub.com/search?publisher=770> consulted on july 17 2019

1. *Torture still being carried out at Guantanamo Bay despite US denials, says UN investigator*

   <https://www.independent.co.uk/news/world/americas/torture-guantanamo-bay-detention-centre-9-11-conspirator-un-human-rights-investigation-pentagon-a8109231.html> , consulted on the 11th of July 2019. [↑](#footnote-ref-0)
2. Google Dictionary [↑](#footnote-ref-1)
3. Google Dictionary [↑](#footnote-ref-2)
4. Google Dictionary [↑](#footnote-ref-3)
5. What is police brutality?, <https://thelawdictionary.org/article/what-is-police-brutality/>, consulted on the 15th of July [↑](#footnote-ref-4)
6. Prison Reform and Alternatives to Imprisonment, UNODC : <https://www.unodc.org/documents/justice-and-prison-reform/UNODC_Prison_reform_concept_note.pdf> consulted on july 19 2019 [↑](#footnote-ref-5)