

HRC Study Guide

The Issue of Prison Reform



**PREPMUN
2022**



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HRC

Introductions



Welcome letter
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Welcome Letter

Dear Delegates,

Welcome to the Human Rights Council (HRC) at the 10th edition of the Preparatory Model United Nations Conference (PREPMUN). Whether you are looking for a new experience for yourself or you are coming to delve deeper into the circuits of PREPMUN, the HRC has got you covered. At the HRC, content will be easily understandable and there will be countless opportunities for you to develop your interests. At the same time, there will be enough challenges for more experienced delegates to hone their skills and delve deeper into the topic of prison reform.

The HRC is especially crucial during this period of time, where the COVID-19 pandemic has impacted countless lives. Whether you are representing a country that opposes prison reform or one that prioritises rehabilitation, there are many different stances that will be taken, and you will have to identify your own stance to best further your country's interests. In order to achieve your agenda, much diplomatic skills and lobbying will be required for the goals to be met and for the stance to be pushed out to other countries. With the human rights of incarcerated individuals all around the world at stake, it will be challenging to navigate through the different concerns such as your country's cultural interests.

The Dais believes that as long as you try your best, you will have done your country proud. Despite the responsibility you have on your shoulders, we hope that you will be able to enjoy your time here at HRC and make new friends. At the end of the day, it is not about the awards that we get, but about the invaluable friendships and memories we make along the way. Awards can only get you so far, but friendships can follow you throughout your life. During the four days of the conference, we hope that you will be able to learn more about international relations and diplomatic skills, along with having fun!

If you need to contact us, do drop us an email at prep22.hrc@gmail.com!

Regards,

Isabel, Saloni, and Binrui

Dais of the Human Rights Council

Chair Introductions

Head Chair: Isabel Koh Wei Shi

Isabel is a Year 4 student from Raffles Girls' School. A Humanities student through and through, Isabel often contemplates why she made the devastating choice of taking triple Science. Isabel has exactly three outfits appropriate for MUNs, and so she has no choice but to reuse them, the same way she reuses her Chair bios. Isabel hopes that delegates will have an enriching experience at PREPMUN 2022!

Deputy Chair: Liu Binrui

Binrui is a Year 1 student from Raffles Institution. Often trying to live up to expectations of sleeping at 9, he has discovered the art of completing homework on the same day as the deadline. Although this is his first time chairing, he hopes that delegates will have a fun time at PREPMUN because he encountered fear in MUN during his first MUN experience, although he sure had a lot of fun!

Deputy Chair: Saloni Sinha

Saloni is a Year 3 student from Gan Eng Seng School. Despite choosing to take triple science, she has zero chemistry with physics and constantly questions why she took all three in the first place. Although she's trying to live that healthy lifestyle she finds herself sleeping at 2am on most days and bakes to cope with stress. Despite being a first-time chair, Saloni hopes that all delegates will enjoy council sessions and have an amazing experience at PREPMUN 2022, and make many new friends just like she has at other MUNs.

Council Introduction

The Human Rights Council (HRC) is an intergovernmental committee under the General Assembly which aims to protect and promote universal human rights and basic freedoms, as well as deal with human rights violations. The themes addressed by the HRC are related to fundamental human rights, including torture, freedom of opinion, expression, democracy, and human trafficking.

The HRC comprises 47 Member States which are elected by the General Assembly to each serve three-year terms.

Although resolutions passed in the HRC are non-legally binding, the Council encourages cooperation between countries in initiating strong political commitments and recommendations for alleviating human rights violations.

In the past, the HRC has authorised commissions of inquiry and fact-finding missions to produce evidence of human rights infringement. These include the Myanmar Mechanism, mandated to collect evidence of international crimes and prepare files for criminal prosecution,¹ as well as the Group of Eminent Experts on Yemen established to monitor and report human rights violations in Yemen.²

The HRC has also implemented the Universal Periodic Review (UPR) to periodically and fully review human rights records of all 193 UN Member States, and raise awareness of human rights abuses in various countries. Such Reviews are used in response to situations of international humanitarian law violations that human rights treaty bodies bring up, as well as to counter impunity and increase accountability for such violations. UPR sessions are held thrice a year, and currently, 14 states are reviewed at each UPR session.

Additionally, Special Rapporteurs of the HRC are individuals who visit countries as part of fact-finding missions. Through this, they assess these countries' human rights general situations, as well as their institutional and legal situations. They will then publish their findings, conclusions and recommendations countries should undertake. An example would be a report on El Salvador, where the Special Rapporteur's visit focused on displacement caused by generalised violence, notably by organised gangs. The Special Rapporteur's recommendations included "establishing a clear

¹ United Nations Human Rights Council. "Independent Investigative Mechanism for Myanmar." Office of the United Nations High Commissioner for Human Rights. Accessed October 31, 2022 from <https://www.ohchr.org/en/hr-bodies/hrc/iimm/index>.

² United Nations Human Rights Council. "Group of Eminent Experts on Yemen." Office of the United Nations High Commissioner for Human Rights. Accessed October 31, 2022 from <https://www.ohchr.org/en/hr-bodies/hrc/yemen-gee/index>.

institutional focal point and effective coordination mechanisms”, as well as “creat[ing] a viable route for prosecution and attention to internally displaced persons”.³

³ United Nations Human Rights Council. “Report of the Special Rapporteur on the Human Rights of Internally Displaced Persons on Her Visit to El Salvador (A/HRC/38/39/Add.1) - El Salvador.” ReliefWeb, April 23,, 2018.
<https://reliefweb.int/report/el-salvador/report-special-rapporteur-human-rights-internally-displaced-persons-her-visit-el>.



HRC

The Issue of Prison Reform



“The degree of civilisation in a society can be judged by entering its prisons.”

-Fyodor Dostoevsky

Topic Introduction

As an isolated place for incarceration, prisons are an extremely fragile place prone to human rights abuses. Arbitrary imprisonment, torture, egregious overcrowding, and unsanitary conditions are rampant in prisons. As the HRC, human rights are extremely important and prisons are one place that have never been truly freed of human rights abuse. Thus, the HRC has frequently occupied itself with ensuring that required standards to be met in prison.

However, prisons around the world vary widely, with prisons in some countries like Norway using incarceration as a modus of rehabilitation, whereas other prison systems, like many in the United States,⁴ subscribe to the philosophy of punitive justice.

In the aspect of punitive justice, prisons exercise coercive power in restricting inmates' freedom against their will. As stated in Article 25 of the Universal Declaration of Human Rights, “Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.” Therefore, the onus is on prisons to safeguard the human rights of prisoners already deprived of freedom.

In the aspect of rehabilitative justice, the effectiveness of the system is questioned by many, which results in hardly any implementations of this system. This is contrasted with punitive justice, in which many believe that potential offenders will be deterred from committing crimes due to the harsh punishments that they can face. Thus, in order to uphold the beliefs of either the citizens or the government, not many countries implement rehabilitative justice in their prisons.

Given that it is increasingly believed that prison reform is imperative in protecting the rights of prisoners, many states have begun to advocate for human rights. Notable instances of international recognition in a growing push for prison reform include Articles 5 and 9 of the Universal Declaration of Human Rights, “no one shall be subjected to torture or to cruel, inhumane or degrading treatment or punishment” and “no one shall be subjected to arbitrary arrest, detention or exile” respectively. Despite this, many states still continue to house prisoners in inhumane conditions.

⁴ Selke, William L., and Steen A. Andersson. “A Model for Ranking the Punitiveness of the States.” *Journal of Quantitative Criminology* 8, no. 2 (1992): 217–32. <https://www.jstor.org/stable/23366035>.

Many factors impede the progression of upholding human rights in prisons. This includes the lack of oversight of prison systems, excessive recourse to pre-trial detention, and an expansion of the penal system that prisons are unable to keep up with. As prisons are inherently closed institutions, they also often lack transparency and accountability, therefore making prisoners particularly susceptible to human rights violations. Even existing measures like non-custodial ones, which aim to give offenders more flexible punishments, face their own set of complex challenges. If such measures are not improved and expanded upon, they are rendered ineffective and inadequate to tackle such an immense issue.

Prison reform is crucial in ensuring that prisons are humane environments for prisoners to be rehabilitated in, such that they are able to reintegrate into society after serving their sentence. Prisons reflect a society's true humanity; prisoners are regarded as the lowest rungs of society and often fall through the cracks of society. It remains essential to protect one of society's most forgotten and marginalised groups. Therefore, delegates must find ways to address the hurdles obstructing the success of prison reform endeavours.

Background

Prison reform refers to efforts to improve prison conditions and the effectiveness of penal systems. Reforms help prisons provide the incarcerated with a better chance for rehabilitation by way of activities made to change criminals into citizens that abide by the law, giving them a way to redeem themselves. Prison reform is necessary as it ensures that prisoners' human rights are respected, and improves their prospects for social reintegration. Although no reform is perfect, there are many key areas to focus on to make the reform an effective one.⁵

Key Issues

Delegates will need to skillfully navigate the differences in prison systems so as to effectively reform prisons, and create a more humanitarian environment for prisoners which do not infringe on human dignity, as well as allow for effective prisoner reintegration back into society.

Overincarceration and Overcrowding

An unprecedented increase in penal control has occurred in recent decades. The incarceration rate, which was roughly stable for 50 years prior to 1975, has increased approximately fivefold since 1975.⁶ In fact, by following a keystone of the standards of prisoners, the Nelson Mandela Rules, which emphasise that States are responsible for providing prisoner healthcare, prisons in around half of all surveyed countries are operating at more than their intended capacity. “Zero tolerance” policies and populist rhetoric that call for stronger law enforcement and sentencing often underpin the overuse of incarceration. Notions that harsh sentencing is effective continue to be perpetuated, despite research showing that the perceived likelihood of being apprehended deters crime more than severe sentences.⁷ According to the HRC, overincarceration can also stem from faults in the criminal justice system, a disproportionate reliance on pretrial detention, a lack of or incorrect use of alternatives to incarceration, sentencing policies, and a lack of prison oversight.⁸ Ultimately, these cause an increase in the length of average minimum sentences.

⁵ United Nations Office on Drugs and Crime. “Prison Reform and Alternatives to Imprisonment.” UNODC, 2011.

<https://www.unodc.org/unodc/en/justice-and-prison-reform/prison-reform-and-alternatives-to-imprisonment.html>

⁶ Massoglia, Michael, and William Alex Pridemore. “Incarceration and Health.” *Annual Review of Sociology* 41 (August 2015): 291–310. <https://doi.org/10.1146/annurev-soc-073014-112326>.

⁷ United Nations Office on Drugs and Crime. “United Nations System Common Position on Incarceration.” United Nations, April 2021. https://www.unodc.org/res/justice-and-prison-reform/nelsonmandelarules-GoF/UN_System_Common_Position_on_Incarceration.pdf

⁸ UN High Commissioner for Human Rights. “Human rights implications of overincarceration and overcrowding.” United Nations, August 10, 2015. <https://digitallibrary.un.org/record/848736>.

Consequently, overincarceration directly translates to the overcrowding of prisons, which is a critical issue. In many prison systems, large numbers of prisoners spend up to 23 hours in cramped accommodations. Such situations can be so drastic that prisoners may be forced to sleep in shifts, or even tie themselves to window bars so they can sleep standing up. Overcrowding impacts the prisoners' physical and mental health, leads to tension and violence among inmates, exacerbates pre-existing mental and physical health issues, and creates enormous management concerns.⁹ Such instances violate Article 5 of the Universal Declaration of Human Rights, where prisoners are made to live in inhumane conditions.

These problems have only been amplified by the COVID-19 pandemic. Since prisoners live in such close proximity, they are at a high risk of being infected. Prisons, which are already overstretched to start off with, are faced with the urgent need to contain the spread of COVID-19, and might not have the necessary resources to carry out effective infection prevention and control measures.

Disproportionate Reliance on Pretrial Detention

A fundamental principle of any criminal justice system built on the rule of law and individual liberty is the presumption of innocence. Pre-trial detention may only be utilised, according to international standards, if there are plausible concerns that the person in question has participated in the alleged crime and there is a clear risk that they may flee, obstruct justice, or commit a serious crime.

Pre-trial detainees are prisoners who have not been found guilty of the charges against them, but are awaiting trial or the conclusion of their case. As mentioned above, overcrowding of prisons can partly be attributed to the disproportionate reliance on pretrial detention. The Inter-American Commission on Human Rights has noted that the reliance on pre-trial detention is one of the most concerning and widespread problems. According to the report, “[t]he fact that many criminal statutes refer first to pre-trial custody and then include what they refer to as ‘alternatives to pre-trial imprisonment’ suggests and encourages an interpretation where pretrial incarceration is the first measure judged appropriate.”¹⁰

The broadest application of alternatives to pre-trial detention is also required by international standards. Pre-trial prisoners should, by international law, be given special privileges reflecting their

⁹ United Nations Office on Drugs and Crime. “Handbook on Strategies to Reduce Overcrowding in Prisons.” UNODC, 2013. https://www.unodc.org/documents/justice-and-prison-reform/Overcrowding_in_prisons_Ebook.pdf.

¹⁰ Penal Reform International and Thailand Institute of Justice. “Global prison trends 2020 - Penal Reform International.” Penal Reform International, May 2020. <https://cdn.penalreform.org/wp-content/uploads/2020/05/Global-Prison-Trends-2020-Penal-Reform-International-Second-Edition.pdf>.

non-convicted status. This is codified in Article 11 of the Universal Declaration of Human Rights, “Everyone charged with a penal offence has the right to be presumed innocent until proven guilty according to law in a public trial at which he has had all the guarantees necessary for his defence.” However, overcrowding and conditions in pre-trial detention facilities in most countries around the world do not uphold these privileges. Lack of consistency regarding how the presumption of innocence should be balanced against the need to safeguard the public is a nearly universal reason for the disproportionate use of pre-trial detention.

The presumption of innocence is rarely fully upheld, even in jurisdictions for which it has a solid legal and judicial foundation.¹¹ It is frequently unclear what the notion implies or how it should be used. This is made worse by the reality that the vast majority of people who have been arrested and those who have been charged lack the training, expertise, or understanding required to defend their right to be presumed innocent. They are frequently unable to properly support a request for pretrial release because they are unaware of the legal and factual standards courts use to make pre-trial decisions.¹²

Funding Gaps

According to the United Nations Office on Drugs and Crime (UNODC), the worldwide prison population has increased by more than 25% since 2000, with 11.7 million prisoners in 2019, compared to 9.3 million in 2000.¹³ Hence, due to the aforementioned slew of problems faced by prisons, prison resource demands have significantly increased. Yet, funding for many prisons has not increased in proportion to the increased resource demands. This can be attributed to many factors, one of them being the short-sightedness of governments to increase prison funding. Since prisons are largely funded by governing authorities, prison funding thus remains a low priority. Prison officials are forced to operate safe and secure prisons without enough support from authorities, whilst coping with an ever-increasing prison population. Prisoners bear the brunt of funding gaps, as their basic needs are not met and their human rights are infringed upon.

Prisoner Abuse

There is an epidemic of violence against prisoners, where many endure regular abuse by prison officials. This is mainly due to a lack of transparency and accountability in prisons, since prisons are solitary places that are not in frequent contact with the general public. Thus, officials are able to do as

¹¹ Ibid.

¹² Ibid.

¹³ Me, Angela, Enrico Bisogno, and Maurice Dunaiski et al. “Data Matters - United Nations Office on Drugs and Crime.” UNODC, 2021.
https://www.unodc.org/documents/data-and-analysis/statistics/DataMatters1_prison.pdf.

they please without being held accountable, with there being no third-party supervision in prisons. Violence in prisons is often clandestine due to the fear of retaliation if reported.

Both the direct victims and the witnesses of the abuse will encounter harms and develop mental illnesses. When exposed to an abusive environment, prisoners might develop cardiovascular disease, autoimmune disorders or certain cancers, which are further exacerbated by insufficient correctional health care.¹⁴ Based on Article 5 of the Universal Declaration of Human Rights, “No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.” Thus, this begs the question: How can prisons be supervised for abuse of prisoners to be stopped?

Past UN Action

UN Standard Minimum Rules for the Treatment of Prisoners

The Nelson Mandela Rules, introduced in 2015, refer to the revised version of the Standard Minimum Rules for the Treatment of Prisoners (SMR) which was first adopted in 1955. Since then, the Nelson Mandela Rules have been the universally acknowledged minimum standard for the detention of prisoners and play a significant role in the development of correctional laws and practices.¹⁵

The revised Rules contain significant new guidance for prison management in nine thematic areas, including but not limited to medical and healthcare services, investigations of deaths in custody, disciplinary measures, and staff training.¹⁶ Notably, the revised Rules provide guidelines on the use of searches, especially stringent regulation of intrusive searches of prisoners, and set a constraint on the use of solitary confinement for the first time in international standards.¹⁷

To further bolster the revised Rules, the UNODC developed a Roadmap for the Development of Prison-based Rehabilitation Programmes, which expounded on effective strategies and measures for reducing the prospect of criminals reoffending by addressing the difficulties that offenders, especially those who have been incarcerated, experience in reintegrating into society.¹⁸

¹⁴ Widra, Emily. “No Escape: The Trauma of Witnessing Violence in Prison.” Prison Policy Initiative. Prison Policy Initiative. December 2, 2020. <https://www.prisonpolicy.org/blog/2020/12/02/witnessing-prison-violence..>

¹⁵ United Nations General Assembly. “United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules).” Resolution. New York City: United Nations General Assembly, Seventieth Session, January 8, 2016. <https://atlas-of-torture.org/en/entity/sb41y/ltmucxl4g1pqv20rudi>.

¹⁶ United Nations Office on Drugs and Crime. “The United Nations Standard for the Treatment of Prisoners.” UNODC. https://www.unodc.org/documents/justice-and-prison-reform/Brochure_on_the_UN_SMRs.pdf.

¹⁷ Penal Reform International. “Historic Update of International Prison Standards by the UN.” Penal Reform International, December 15, 2021. <https://www.penalreform.org/news/10071/>.

¹⁸ United Nations Office on Drugs and Crime. “Roadmap for the Development of Prison-Based Rehabilitation Programmes.” Roadmap for the Development of Prison-based Rehabilitation Programmes. United Nations, 2017. https://www.unodc.org/e4j/data/_university_uni_/roadmap_for_the_development_of_prison-based_rehabilitation_programmes.html.

In general, prisoners have historically been treated like second-class citizens. Against this backdrop, the Nelson Mandela Rules play a cornerstone role in standardising the treatment of prisoners. Prisons with disastrous conditions will be encouraged by the Rules to raise prison conditions to stipulated conditions. Implementing the revised Rules also gives States and convicts both legal support and guidance so as to reduce the ill-treatment of prisoners. The revised Rules signify a step closer to reforming prisons into more humane environments and safeguarding the rights of people already deprived of their liberty.¹⁹

UN Standard Minimum Rules for Non-Custodial Measures

The Tokyo Rules, established in 1990, provide a set of fundamental principles to encourage the usage of non-custodial measures (alternatives to prison sentences) along with minimum safeguards for anybody facing prison alternatives.²⁰

They aim to promote greater involvement in the community and a sense of responsibility towards the community among offenders. Member states develop non-custodial measures based on their own legal systems so as to have alternatives to prisons.

Non-custodial measures would help provide more flexibility depending on the extent of the offence and the background of the offender. The measures vary from pre-trial to post-sentencing dispositions. Discretion by the judicial or other authorised authority is to be exercised at all stages of the proceedings by ensuring full accordance with the rule of the law. This could protect the dignity of the offender based on the non-custodial measure employed.

UN Rules for the Treatment of Women Prisoners and Non-Custodial Measures for Women Offenders

Established in 2010, the Bangkok Rules is a set of 70 rules which fill a long-standing gap in the international standards of treatment of female prisoners. The Rules seek to address the unique needs of female prisoners that criminal justice systems frequently do not meet. Additionally, the Rules represent the first international measure to address the needs of children in prison with their parents. The Bangkok Rules supplement the existing Nelson Mandela Rules and the Tokyo Rules on alternatives to imprisonment.

¹⁹ Gilmour, Andrew. “The Nelson Mandela Rules: Protecting the Rights of Persons Deprived of Liberty” United Nations. Accessed October 31, 2022 from <https://www.un.org/en/un-chronicle/nelson-mandela-rules-protecting-rights-persons-deprived-liberty>.

²⁰ Penal Reform International. “International Standards.” Penal Reform International. Accessed October 31, 2022, from <https://www.penalreform.org/issues/alternatives-to-imprisonment/international-standards>.

Gender-sensitive alternatives to pre-trial detention and sentencing post-conviction that address common causes of offending are listed. These include on-site childcare facilities and counselling services for victims of domestic sexual abuse.²¹ It is mandated that searches be conducted only by trained female staff in accordance with established procedures. Alternative screening methods like scans are also being used to replace strip searches and invasive body searches.²²

The execution of many of the Rules does not necessitate the use of additional resources. However, a significant commitment to investing in the training of prison employees, policymakers, prison administrators, and others who interact with women in the criminal justice system remains necessary.

²¹ Penal Reform International. “UN Bangkok Rules on Women Offenders and Prisoners – Short Guide.” Penal Reform International, July 2013. <https://cdn.penalreform.org/wp-content/uploads/2013/07/PRI-Short-Guide-Bangkok-Rules-2013-Web-Final.pdf>.

²² United Nations Office on Drugs and Crime. “The Bangkok Rules.” UNODC, 2015. https://www.unodc.org/documents/justice-and-prison-reform/Bangkok_Rules_ENG_22032015.pdf.

Scope of Debate

Prevention of Recidivism

Within the justice system, recidivism is defined as “a person’s relapse into criminal behaviour, often after the person receives sanctions or undergoes intervention for a previous crime”.²³ Such an issue often perpetuates due to factors such as one’s socioeconomic status, education levels, and systemic racial discrimination.

Recidivism can hinder convicts from accessing federal student aid, higher education, and housing resources, leaving them in dismal economic conditions,²⁴ which means that they will have no choice but to commit crimes for its material benefits, thus clogging the criminal justice system and preventing its effective function.

In justice systems that aim to minimise the number of repeat offenders, the key issues at hand behind recidivism have to be immediately addressed, in order to ensure the continual, safe, and maintained assimilation of released prisoners back into society, with the necessary resources for such societal re-entry.²⁵

States have implemented a wide range of policies to tackle recidivism, such as education and employment programmes, yet with little change in rates of a released prisoner re-offending.

When it comes to educational programmes, different kinds have been implemented, such as those based upon different courses and vocations. In most developed states today, these are available in the majority of prisons; however, their effectiveness is limited by, among others, security concerns, lack of availability of placements in such courses, and strict requirements on who can access such educational resources. Despite this, the good behind education has to be acknowledged: A 2010 tri-state study in the United States found that education programmes in prison reduced recidivism rates by almost 30%, while another across eight American states found that prison recidivism rates dropped from 49% to 20% upon inmates receiving access to education.²⁶

²³ National Institute of Justice. “Recidivism.” National Institute of Justice. Accessed October 31, 2022 from <https://nij.ojp.gov/topics/corrections/recidivism>.

²⁴ RED Inc. “The Impact of Recidivism.” RED - Stop Recidivism, 2021. <https://stoprecidivism.org/impact-of-recidivism/>.

²⁵ Benecchi, Liz. “Recidivism Imprisons American Progress.” Harvard Political Review, August 8, 2021. <https://harvardpolitics.com/recidivism-american-progress>.

²⁶ Esperian, John H. “The Effect of Prison Education Programs on Recidivism.” *Journal of Correctional Education* 61, no. 4 (2010): 316–34. <http://www.jstor.org/stable/23282764>.

As for employment programmes, a similar diversity of solutions have attempted to be implemented, such as work release centres, where inmates are transferred near the end of their sentence and released daily to work in the outside world,²⁷ or prison labour opportunities, where prisoners are allowed to participate in paid work on prison grounds. These measures are limited by a lack of job placement assistance, which is heavily reliant on the relationship of the prison with employers who are able and willing to give incarcerated, or recently-released, inmates employment, or due to the inability of the prisoners themselves to find meaningful work due to a lack of any substantial education and skills. Such factors drastically decrease the number of prisoners that such employment programmes can help.²⁸

This brings forth the question: How should prisons act in order to tackle recidivism rates in their localities, bearing in mind the factors that may limit the effectiveness of existing measures?

Accountability and Transparency

Due to the secretive and enclosed nature of prisons, accountability is simply not upheld to the highest degree.²⁹ Delegates will need to discuss how to buffer HRC mechanisms so as to ensure transparency in prisons, while navigating through the tricky tune many governments sing of “commercial confidentiality”.³⁰ It is common for government officials to deny access to public records regarding prison deaths, suicides and beatings, since they believe such records are the property of the criminal justice agency rather than the property of the public. Government actors often justify their resistance to transparency on the premise that the release of such documents could hamper security or interfere with prosecutions. The unwillingness of governments and prisons to disclose information stalls attempts to scrutinise the operations of public and private prisons alike.³¹ This begs the question: To what extent should information on prisons be revealed to the public?

Furthermore, the privatisation of prisons and profit motives pose a significant impediment to prison reform. Private prisons are even more susceptible to a lack of transparency as they are not subjected to

²⁷ Kalra, Aditi Sharma. “Employment preparation scheme to replace work release scheme for Singapore's prison inmates.” Human Resources Online, September 2, 2022. <https://www.humanresourcesonline.net/employment-preparation-scheme-to-replace-work-release-scheme-for-singapore-s-prison-inmates>.

²⁸ McKean, Lise, and Charles Ransford. *Current Strategies for Reducing Recidivism*. Center for Impact Research, 2004.

²⁹ Geraghty, Sarah, and Melanie Velez. “Bringing Transparency and Accountability to Criminal Justice Institutions in the South.” *Stanford Law and Policy Review* 455 22, no. 2 (June 1, 2011). <https://law.stanford.edu/publications/bringing-transparency-accountability-criminal-justice-institutions-south/>.

³⁰ Freiberg, Arie. “Commercial Confidentiality, Criminal Justice and the Public Interest.” *Current Issues in Criminal Justice* 9, no. 2 (November 1, 1997): 125–52. <https://doi.org/10.1080/10345329.1997.12036761>.

³¹ Geraghty, Sarah, and Melanie Velez. “Bringing Transparency and Accountability to Criminal Justice Institutions in the South.” *Stanford Law and Policy Review* 455 22, no. 2 (June 1, 2011). <https://law.stanford.edu/publications/bringing-transparency-accountability-criminal-justice-institutions-south/>.

the same regulations as government-run prisons.³² Private prisons came about largely because governments were unable to keep up with the demands and costs that came with an overpopulated prison system, and began outsourcing correctional facilities to private entities.³³ Privatisation has thus led to government agencies relinquishing some of their rights, accountability, and transparency standards, while freeing themselves of the constraints associated with the demands of managing prisons.³⁴

In doing so, the issues of accountability and transparency faced by government prisons are only amplified when run by private actors, due in part to their profit-making goals. Funds from the government spent on ensuring such accountability and transparency of the incarceration process have little marginal benefit for the private prison's revenue on the whole - leading them to often be neglected.

Establishment of Alternatives to Imprisonment

Imprisonment remains a common punishment for crime, which is believed to be able to deter prisoners from reoffending and potential offenders from offending, but it is not a cure-all for crime prevention and the social reintegration of offenders. In such instances, alternatives to imprisonment may be viable. Some alternatives include non-custodial sanctions as described and recommended by the Tokyo Rules which guarantee a proportionate sanction to the crime while still respecting the offender's human rights.

However, the expansion of such alternatives is not without its challenges. It continues to be impeded by barriers such as nonexistent or inadequate legal frameworks, lack of resources and infrastructure to fund the implementation of such measures, and lack of trust in offenders from authorities and the public. It is imperative that the public trusts and supports these offenders, since many alternatives to imprisonment require them to serve in the community, and there must be support from the public for the offenders to feel cared for and be reintegrated into society. Moreover, it is important to note that simply implementing alternatives to imprisonment may be insufficient. To ensure that concrete results are shown and changes do lead to a reduction in imprisonment, care needs to be taken. Still, this might be infeasible for countries that lack the economic means, manpower, and resources to set up and maintain these alternatives.

³² Vilher, Libbi. "Private Prisons and the Need for Greater Transparency: Private Prison Information Act". *Brooklyn Journal of Corporate, Financial & Commercial Law* 12, no. 1 (December 12, 2017). <https://brooklynworks.brooklaw.edu/bjcfcl/vol12/iss1/19>.

³³ Ibid.

³⁴ Headley, Andrea, and Jean-Claude Garcia-Zamor. "The Privatization of Prisons and Its Impact on Transparency and Accountability in Relation to Maladministration." *International Journal of Humanities Social Sciences and Education* 1 (January 1, 2014): 23–34.

Improvement of Prison Oversight

Lack of oversight of places of detention is also a factor contributing to overincarceration and overcrowding. There are reports of improper record keeping in places of detention even to the extent that authorities do not know the exact number of detainees held at any given time or their status, and are unaware of their living conditions. Owing to infrequent or absent visits to places of detention, prosecutors and/or the judiciary lack a proper understanding of the levels of overcrowding and consequences of overincarceration.³⁵

Many countries have traditionally relied on court oversight, where state prisons would be monitored by federal judges. Court oversight has had some degree of success, with a decreased rate of harmful practices such as rampant violence. However, court oversight is simply insufficient since it does not nip the problem of overcrowding and inhumane prison conditions in the bud. It only serves as a stop-gap solution to raise prison conditions up to constitutional minimums only after problems have drastically deteriorated and does not continually strive towards and foster a humane prison culture.³⁶ Other solutions to ensure prisons are continually improving will need to supplement court oversight.

³⁵ UN High Commissioner for Human Rights. “Human rights implications of overincarceration and overcrowding.” United Nations, August 10, 2015. <https://digitallibrary.un.org/record/848736>.

³⁶ Deitch, Michele. “Independent Oversight Is Essential for a Safe and Healthy Prison System.” Brennan Center for Justice, November 3, 2021. <https://www.brennancenter.org/our-work/analysis-opinion/independent-oversight-essential-safe-and-healthy-prison-system>.

Potential Solutions

Independent Oversight of Prisons and Complaint Mechanisms

Taking into account the pressing need to increase transparency and accountability of prisons, independent oversight can be more frequently utilised to ensure that prisoners are humanely treated.

Prison systems subject to oversight by a body can be independent, able to access and inspect prisons and prison documents upon demand, and able to speak confidentially with prisoners and staff.³⁷ Prisoners should have the right to make complaints about any aspect of their treatment to independent bodies, and such complaint mechanisms should be accessible, confidential, fair and thorough.

An independent body that monitors and regulates prisons could more effectively increase the transparency of prisons and reduce bias and conflict of interest. It is critical that monitoring be done by a number of reliable organisations and institutions. The independent control provided by organisations like national preventive mechanisms, national human rights institutions, and civil society helps authorities keep an eye on overpopulation and aid in its elimination.

Additionally, regular monitoring of detention facilities is crucial for resolving the problems of over-incarceration and overcrowding since it improves the efficiency and transparency of the criminal justice system and enables the early detection and management of these occurrences. It also remains crucial that the judiciary and prosecutors possess such oversight authority so they are aware of the current circumstances when making decisions about imprisonment.

In order to reduce overcrowding, over-incarceration, and their associated deleterious impacts, it is beneficial for the implementations of independent complaints procedures that are operating properly and are available to all detainees, to act as a fundamental safeguard against the ill-treatment of prisoners. These processes must be completely available to detainees.³⁸

Alternatives to Imprisonment

The availability of a range of measures at the pretrial and sentencing stages is necessary to make alternatives to detention effective, including affordable bail, automatic bail for the majority of offences, monetary fines, electronically monitored house arrest, community service, juvenile punishment, supervision of parolees, and remission or commutation of sentences. Alternatives to detention should, however, not only be outlined in legislation but also put into action. It is crucial that

³⁷ FAMM. "Prison reform and oversight." FAMM, June 7, 2021. <https://famm.org/our-work/prison-reform/>

³⁸ UN High Commissioner for Human Rights. "Human rights implications of overincarceration and overcrowding." United Nations. August 10, 2015. <https://digitallibrary.un.org/record/848736>.

the system of alternatives to detention is operated effectively and is appropriately resourced in order to guarantee that there is support from the prosecuting services, the judiciary, and the general public.³⁹

That being said, even though many of these options are mandated by law, they are either not used at all or are completely disregarded. The percentage of people being held without bail in prisons is one of the indicators used to gauge progress toward UN 2030 Sustainable Development Agenda Goal 16 of ending world poverty. The UN has conceded that little progress has been made as of 2019. Globally, there are three million individuals in pre-trial custody, and at least 46 countries — mostly in Africa and south and western Asia — have more people in pre-trial detention than there are persons who have been found guilty.⁴⁰ Investments in the availability, quality and use of alternatives to imprisonment continue to be overlooked.⁴¹

Sequential Intercept Model

In the United States alone, there are more than 2 million people incarcerated and around 95% of them return to society in poor health condition, exacerbated during their stays in prison.⁴² Evidence from the American Academy of Family Physicians (AAFP) shows that people who have been incarcerated are three times more likely to contract infectious diseases such as Human Immunodeficiency Virus (HIV) and chronic illnesses including hypertension, asthma and cervical cancer. Additionally, around 74% of them are diagnosed with mental health issues.⁴³

The Sequential Intercept Model identifies five points where community-based alternatives should be employed instead, them being, law enforcement, initial court hearings, prisons, re-entry and lastly community corrections. Healthcare is included in every step of the model.

Prisons should have a healthcare system that is similar to the standard of healthcare in the society. This means permission should be granted for appropriate screening and timely treatment. Lastly, the

³⁹ Ibid.

⁴⁰ Penal Reform International. “Executive Summary.” 2020. <https://cdn.penalreform.org/wp-content/uploads/2020/04/Global-Prison-Trends-2020-Executive-Summary-in-English.pdf>.

⁴¹ United Nations Office on Drugs and Crime. “United Nations System Common Position on Incarceration.” UNODC. April 2021. https://www.unodc.org/res/justice-and-prison-reform/nelsonmandelarules-GoF/UN_System_Common_Position_on_Incarceration.pdf.

⁴² The Sentencing Project. “Criminal Justice Facts.” The Sentencing Project. 2016. <https://www.sentencingproject.org/criminal-justice-facts/>.

⁴³ Prison Policy Initiative. “Mental Health.” Prison Policy Initiative. Accessed October 31, 2022 from https://www.prisonpolicy.org/research/mental_health.

integration of sexual and reproductive care into care plans and the provision of facilities to accommodate for hospice patients.⁴⁴

Healthcare plays a critical role in prison reform. Thus, it is up to delegates to decide how to include and prioritise the care for the health of incarcerated individuals.

Parole-Based Programmes

As mentioned earlier, recidivism is a problem that must be considered in the context of prison reform. Parole-based programmes can assist the reintegrate of ex-convicts into society. A convict can be released on parole after serving part of a maximum sentence and displaying good behaviour and they would be supervised by parole officers. Parole violations can lead to the inmate being rearrested.

Studies have found that being released on parole reduces the likelihood of re-conviction within a year of release by 10%,⁴⁵ proving that parole-based programmes have much potential to mitigate recidivism rates. Despite that, parole-based programmes are hindered by challenges. Due to limited funding, parole caseloads can exceed 100 per case manager in an area, resulting in difficulty providing each parolee with adequate time and attention.⁴⁶

Still, while parole is more popularly adopted within the Western world, parole-based programmes could also be rolled out to other regions where an effective framework can be established.

⁴⁴ Commonwealth Medicine. "The Role of Health Care in Criminal Justice Reform." Commonwealth Medicine. Accessed October 31, 2022 from <https://commed.umassmed.edu/blog/2018/07/17/role-health-care-criminal-justice-reform>.

⁴⁵ Ooi, Evam. "The Effect of Parole Supervision on Recidivism." NSW Bureau of Crime Statistics and Research. February 2022. https://www.bocsar.nsw.gov.au/Pages/bocsar_publication/Pub_Summary/CJB/CJB245-Summary-The-effect-of-parole-supervision-on-recidivism.aspx.

⁴⁶ McKean, Lise, and Charles Ransford. *Current Strategies for Reducing Recidivism*. Center for Impact Research, 2004.

Non-Incarceration of Minor Offenders

Large-scale incarceration has produced a string of undesirable ripple effects and impaired the prospects of millions of individuals – the collateral consequences of incarceration. Families of prisoners often suffer mental and emotional distress; many prisoners themselves experience inhumane conditions in prisons, and carry the stigma of being an ex-convict after being released.

However, such impacts can be reduced by reducing the bloated prison population of many member states. 39% of the United States prison population – many serving sentences for minor, non-violent crimes – are behind bars for reasons not primarily associated with public safety, and they can be released with little consequence to public safety.⁴⁷

Eliminating incarceration for low-level, non-violent offences can counter challenges like the overpopulation of prisons, and mitigate the distress prisoners and their loved ones experience. This could be implemented towards those offences that are committed as a result of drugs or one's mental well-being. Eliminating incarceration for non-violent offences could work in tandem with non-custodial measures and mete out sentences only to more severe crimes. There is an added possibility of the elimination of incarceration of first-time low-level offenders, where more focus could be placed on rehabilitation instead of punitive measures. In this way, a possibility to reduce overcrowding in prisons while still maintaining the safety and security of the public is created.

⁴⁷ Eisen, Lauren-Brooke and Inimai Chettiar. “39% Of Prisoners Should Not Be in Prison.” Time, December 9, 2016. <https://time.com/4596081/incarceration-report/>.

Case Studies

Norway

Since the 1990s, Norway has started the implementation of prison programmes, its recidivism rate has decreased from around 60-70% to only 20% in recent years.⁴⁸ Rather than resorting to draconian punitive measures, Norway has the primary goal of reintegrating prisoners into society as stable contributors to the economy. The maximum-security Halden Prison gives its prisoners the option to enrol in yoga classes and at other places, inmates can choose to learn woodworking or even have access to studios.⁴⁹ These programs ensure prisons create a humane environment, instead of one that cultivates violence and unsafe conditions. This feature reduces recidivism since many prisoners commit recidivism due to the outside world, where they are unable to get a job, which causes them to go back to their way of crime. Based on the Strain theory, individuals from unskilled manual backgrounds are more likely to commit crimes, as they are pressured to achieve material wealth.

Apart from prison programmes, Norway has also made an effort to improve its prison infrastructure. Many prisons in Norway have made the effort to resemble prison cells as small dorm rooms. At the Halden Prison, each prisoner has a toilet, shower, fridge and a flat television screen with access to kitchens and common areas. Many prisons have also banned bars in its architectural design and only have “open” style cells.⁵⁰ This feature, as well as a great emphasis on rehabilitation throughout every facet of the Norwegian prison system, has dramatically reduced recidivism rates, widely considered to be the lowest in the world at approximately 20%,⁵¹ compared to more than 40% in the United Kingdom,⁵² and nearly 50% in the United States.⁵³

The implementation of the Norwegian Correctional Service has also ensured the presence of an oversight to prison systems, since many prison systems infringe on human rights due to the lack of supervision which leads to the abuse of power.⁵⁴ Thus, with the implementation of a third party whose purpose is to ensure that standards of prisons are met through reports yearly, there is oversight of prisons which ensures that prisons will have to uphold human rights.

⁴⁸ Dorjsuren, Bolorzul. “Norway's Prison System Benefits Its Economy.” The Borgen Project, January 6, 2021. <https://borgenproject.org/norways-prison-system/>.

⁴⁹ Ibid.

⁵⁰ Ibid.

⁵¹ Denny, Meagan. “Norway's Prison System: Investigating Recidivism and Reintegration.” CCU Digital Commons. <https://digitalcommons.coastal.edu/bridges/vol10/iss10/2/>.

⁵² Ministry of Justice. “Proven Reoffending Statistics: January to March 2020.” Ministry of Justice National Statistics. Accessed October 31, 2022 from <https://www.gov.uk/government/statistics/proven-reoffending-statistics-january-to-march-2020/proven-reoffending-statistics-january-to-march-2020>.

⁵³ Herscowitz, Eva & Van Bramer, James. “US Recidivism Rates Stay Sky High.” The Crime Report, July 30, 2021. <https://thecrimereport.org/2021/07/30/us-recidivism-rates-stay-sky-high/>.

⁵⁴ Kriminalomsorgen. “About the Norwegian Correctional Service.” Kriminalomsorgen. Accessed October 31, 2022 from <https://www.kriminalomsorgen.no/informasjon-paa-engelsk.536003.no.html>

Norway has also made an effort to have alternatives to imprisonment. In Norway, fines are the most used type of sanction, in which it is used for all minor offences and a substantial part of the middle-ranged offences.⁵⁵ It was stated that fines were representing around 40 to 60% of all sanctions imposed by the court, which was contrasted with Norway's imprisonment rate, which as of 2014 was a mere 75 per 100,000 people.⁵⁶ By providing alternatives to imprisonment, there will be less overcrowding and fewer resources spent on housing the prisoners. However, Norway's situation presents an ideal that remains difficult to attain for countries that lack resources and a transparent prison system, or that may still have an overreliance on pre-trial detention.

Russia

In 2018, a video was leaked of Russian guards torturing prisoner Yevgeny Makarov in a prison in Yaroslavl, a city north of Moscow. It could be seen from the footage that Makarov was being held down on the table, and was surrounded by multiple guards that were beating his feet with truncheons. Some of the guards were found guilty but were released immediately because of the time spent in pre-trial detention. This assault had happened more than a year before the video was leaked online. Back in 2017, Makarov's complaint was rejected, as an investigator concluded that the prison guards had used "appropriate" force. Following Makarov's release, he issued a statement to reporters stating that following the video of the assault's leak, he was placed in solitary confinement for more than 80 days.⁵⁷

After being notified about this, the United Nations Human Rights investigators condemned Russia, insisting that Russia halt the torture of prisoners and prosecute the offenders, including the prison guards caught on video beating Makarov.⁵⁸

From this, it is shown that the lack of prison oversight had caused the offenders to be charged by the law only after the situation had deteriorated to the point that attention from the public and the UN have been placed on it.

⁵⁵ Lappi-Seppälä, Tapio. "Community Sanctions as Substitutes to Imprisonment in the Nordic Countries." *Law and Contemporary Problems* 82, no. 1 (March 11, 2019): 17–50. <https://scholarship.law.duke.edu/lcp/vol82/iss1/3>.

⁵⁶ Dorjsuren, Bolorzul. "Norway's Prison System Benefits Its Economy." The Borgen Project, January 6, 2021. <https://borgenproject.org/norways-prison-system/>.

⁵⁷ BBC News. "Russian Court Acquits Prison Bosses in High-Profile Torture Case." BBC News, November 19, 2020. <https://www.bbc.com/news/world-europe-55004413>

⁵⁸ Nebehay, Stephanie. "Russia Must End Torture, Prosecute Prison Guards: U.N." Edited by Roche, Andrew. *Reuters*, August 10, 2018, sec. everythingNews. <https://www.reuters.com/article/us-russia-rights-un-idUSKBN1KV137>.

Many human rights activists had also stated how it was difficult to trace the violence in prisons. Human rights commissioner for the Yaroslavl region Sergei Baburkin had commented, based on conversations with the prison wardens, that there had been physical violence and that everything was recorded. He also said that he was also able to speak to Makarov and that the prisoner told him that he feared for his life.⁵⁹

Olga Romanova, a Russian journalist and human rights activist, had reported that prisons were becoming increasingly secretive about their records because of the corruption occurring and that torture was being used to prevent the truth from being revealed.⁶⁰

The beating of prisoners is a direct infringement on human rights and the justice system's lack of assistance for prisoners results in them being forced back into crime, ultimately leading to further recidivism. The inability of any legal punishment of these prison officers due to their abuses even despite repeated complaints to supervisory authorities exposes the lack of accountability and transparency that plagues Russian prisons, a fact noted by many activists. This then results in widespread corruption, so even if not all officers are morally unjust, it is difficult to stop the systemic abuse of power in prisons by some officers. With justice pursued only when the seriousness of the issue attracts enough public attention, resulting in many going unnoticed by local and international communities, this thus highlights a potent problem with prisons not receiving an appropriate degree of oversight over their governance.

Haiti

In 2018, the World Prison Brief ranked Haiti's prisons as the world's most overcrowded prison, at 4.5 times over the official capacity.⁶¹ Since prison facilities are overstretched to accommodate 454.4% of their normal capacity,⁶² each prisoner is allocated less than 0.5 square metres of space.⁶³ Forced to sleep in shifts, prisoners live in inhumane conditions which violates Article 5 of the Universal Declaration of Human Rights.⁶⁴

⁵⁹ Deutsche Welle. "Activists say Russia torture scandal no isolated case." Deutsche Welle. July 26, 2018. <https://www.dw.com/en/russia-prison-torture-scandal-no-isolated-case-activists-say/a-44841367>

⁶⁰ Ibid.

⁶¹ Fast, Paul Shelter. "Restorative Justice and the Prison System in Haiti." *Intersections* (blog), August 6, 2018. <https://mccintersections.wordpress.com/2018/08/06/restorative-justice-and-the-prison-system-in-haiti/>

⁶² Misachi, John. "The World's 10 Most Overcrowded Prison Systems." WorldAtlas, February 22, 2018. <https://www.worldatlas.com/articles/the-world-s-10-most-overcrowded-prison-systems.html>

⁶³ Ibid.

⁶⁴ United Nations. "Universal Declaration of Human Rights." United Nations. Accessed October 31, 2022 from <https://www.un.org/en/about-us/universal-declaration-of-human-rights>

Further, such egregious overcrowding deprives prisoners of proper nutrition. On 23 June 2022, an official stated that at least eight inmates died at an overcrowded prison in Haiti that had run out of food two months prior, adding to the dozen of deaths under similar circumstances this year.⁶⁵ This situation can be attributed to a combination of underfunding and overincarceration.

Firstly, Haiti's underfunded prisons are unable to meet the daily living necessities of their prisoners. Based on World Hope International, in 2021, due to inconsistent and inadequate supplies, around ten thousand Haitian inmates have extremely limited access to daily necessities such as food, water and healthcare, with many often receiving less than one meal per day.⁶⁶

Secondly, the overuse of pretrial detention exacerbates the overcrowding of prisons, causing limited resources to be stretched even more thinly. 70% of the Haitian prison population is composed of individuals in pre-trial detention and prolonged pre-trial detention.⁶⁷ Most pretrial detainees are held for from a few weeks to several months before trial, but there were still a significant number of cases of pretrial detention that stretched for a period of 2 years.⁶⁸

While Haiti presents one of the most severe instances of prison overcrowding, it is salient to note that this situation is far from unique to Haiti's prisons.

⁶⁵ Associated Press in Port-au-Prince. "Haiti: Dozens of Inmates Starve to Death as Malnutrition Crisis Engulfs Prisons." The Guardian. Guardian News and Media, June 23, 2022. <https://www.theguardian.com/world/2022/jun/23/haiti-prisons-starvation-un-deaths-crisis>.

⁶⁶ World Hope International. "Food En Route to Hungry Haitian Pre-Trial Detainees & Inmates." World Hope International, December 5, 2021. <https://worldhope.org/pr-food-en-route-haiti/>.

⁶⁷ Slough, Tara. "Impact Evaluation of USAID Haiti PROJUSTICE Program Pretrial Detention Component." United States Agency for International Development, April 2017. https://pdf.usaid.gov/pdf_docs/pa00mz6b.pdf

⁶⁸ Fuller, Anne, Philippe Texier, Michel Brosseau, Dilia Lemaire, and Patrick Pierre-Louis. "Prolonged pretrial detention in Haiti." *Vera Institute of Justice* (June 2002). <http://ijdh.org/wordpress/wp-content/uploads/2012/02/MINUSTAH-Report.pdf>.

Key Stakeholders

Proponents of Prisoner Rehabilitation

Proponents of rehabilitation, notably the Nordic countries, veer away from a punitive “lock-up” approach and instead focus on rehabilitating prisoners through therapeutic interventions. Prison reform is built on the goals of reducing recidivism rates via educational and vocational programmes, and prioritising the humane treatment of prisoners. Instead of existing solely as a punitive measure, prisons are seen as a platform by which prisoners are rehabilitated. Countries which espouse rehabilitation and social reintegration of prisoners generally have lower recidivism rates and more humane prisons. This leads to the improved and stabilised life quality of ex-prisoners and reduces costs associated with incarceration. Successful rehabilitation of prisoners entails the following: adequate healthcare access, maintaining ties with the outside world, and learning new skills with the goal of reintegration into society once released.

Proponents of Punitive Measures

Proponents of punitive justice see punishment as an end in itself. Traditionally, control-oriented prisons which favour punitive justice have been viewed as the most effective form of prison management. In punitive justice, punishments for offenders are proportionate to the severity of their intentionally committed crimes.

In countries where retributive justice is the norm, the prison has become a medium to mete out retributive penal policies, isolating offenders from the rest of society. Prisons have become facilities to contain and manage prisoners in conditions of maximum security and in the process, violate basic human rights of liberty. Coupled with prison overcrowding and poor living standards, this has led to a disproportionate rate of mental health conditions and suicides in prisoners compared to the general population. A lack of rehabilitative opportunities for prisoners deprives them of social mobility. Families of prisoners are also burdened, as they tend to experience emotional and mental distress. Despite all this, proponents of punitive justice continue to defend such methods since punitive justice tackles the issue of crime. The threat of punishment will deter people from committing a crime, and therefore, reduce the crime rate in society.

Questions a Resolution Must Answer (QARMA)

1. How can the human rights of prisoners be better respected?
2. What can be done to reduce overcrowding within prisons?
3. What can be done in the prison system to reduce recidivism?
4. How can countries be encouraged by the HRC to improve their prison and justice systems?
5. What can the HRC do to supplement existing measures such as the Tokyo Rules?

Conclusion

Our prisons and our philosophy on punishment require an overhaul. Various measures have been implemented to accelerate prison reform and mitigate the devastating effects prisons have on prisoners. Despite all this, prison reform still remains a seemingly insurmountable issue. The lack of focus and priority given to prison reform by governments causes it to be overlooked when policies are being made. This compounds existing problems prisons encounter, such as funding gaps and overcrowding. Effective and sufficient prison reform efforts require a holistic and concerted approach to shift towards alternatives to imprisonment.

Bibliography

- “Alternatives to Imprisonment and Restorative Justice 12. United Nations Standard Minimum Rules for Non-Custodial Measures (the Tokyo Rules).” n.d. https://www.unodc.org/pdf/criminal_justice/UN_Standard_Minimum_Rules_for_Non-custodial_Measures_Tokyo_Rules.pdf.
- Andrew, Jane. ‘Prisons, the Profit Motive and Other Challenges to Accountability’. *Critical Perspectives on Accounting* 18, no. 8: 877–904. December 2007. <https://doi.org/10.1016/j.cpa.2006.08.003>.
- Associated Press in Port-au-Prince. “Haiti: Dozens of Inmates Starve to Death as Malnutrition Crisis Engulfs Prisons.” *The Guardian*. Guardian News and Media, June 23, 2022. <https://www.theguardian.com/world/2022/jun/23/haiti-prisons-starvation-un-deaths-crisis>.
- BBC News. “Russian Court Acquits Prison Bosses in High-Profile Torture Case.” BBC News, November 19, 2020. <https://www.bbc.com/news/world-europe-55004413>
- Benecchi, Liz. “Recidivism Imprisons American Progress.” *Harvard Political Review*, August 8, 2021. <https://harvardpolitics.com/recidivism-american-progress>.
- Commonwealth Medicine. “The Role of Health Care in Criminal Justice Reform.” *Commonwealth Medicine*. Accessed October 31, 2022 from <https://commed.umassmed.edu/blog/2018/07/17/role-health-care-criminal-justice-reform>.
- Denny, Meagan. “Norway's Prison System: Investigating Recidivism and Reintegration.” *CCU Digital Commons*. <https://digitalcommons.coastal.edu/bridges/vol10/iss10/2/>.
- Deitch, Michele. “Independent Oversight Is Essential for a Safe and Healthy Prison System.” *Brennan Center for Justice*, November 3, 2021. <https://www.brennancenter.org/our-work/analysis-opinion/independent-oversight-essential-safe-and-healthy-prison-system>.
- Deutsche Welle. “Activists say Russia torture scandal no isolated case.” *Deutsche Welle*. July 26, 2018. <https://www.dw.com/en/russia-prison-torture-scandal-no-isolated-case-activists-say/a-44841367>
- .
- Dorjsuren, Bolorzul. “Norway's Prison System Benefits Its Economy.” *The Borgen Project*, January 6, 2021. <https://borgenproject.org/norways-prison-system/>.
- Eisen, Lauren-Brooke and Inimai Chettiar. “39% Of Prisoners Should Not Be in Prison.” *Time*, December 9, 2016. <https://time.com/4596081/incarceration-report/>.
- Esperian, John H. “The Effect of Prison Education Programs on Recidivism.” *Journal of Correctional Education* 61, no. 4 (2010): 316–34. <http://www.jstor.org/stable/23282764>.
- FAMM. “Prison reform and oversight.” *FAMM*, June 7, 2021. <https://famm.org/our-work/prison-reform/>.

- Fast, Paul Shelter. "Restorative Justice and the Prison System in Haiti." *Intersections* (blog), August 6, 2018. <https://mccintersections.wordpress.com/2018/08/06/restorative-justice-and-the-prison-system-in-haiti/>.
- Freiberg, Arie. "Commercial Confidentiality, Criminal Justice and the Public Interest." *Current Issues in Criminal Justice* 9, no. 2 (November 1, 1997): 125–52. <https://doi.org/10.1080/10345329.1997.12036761>.
- Fuller, Anne, Philippe Texier, Michel Brosseau, Dilia Lemaire, and Patrick Pierre-Louis. "Prolonged pretrial detention in Haiti." *Vera Institute of Justice* (June 2002). <http://ijdh.org/wordpress/wp-content/uploads/2012/02/MINUSTAH-Report.pdf>.
- Geraghty, Sarah, and Melanie Velez. "Bringing Transparency and Accountability to Criminal Justice Institutions in the South." *Stanford Law and Policy Review* 455 22, no. 2 (June 1, 2011). <https://law.stanford.edu/publications/bringing-transparency-accountability-criminal-justice-institutions-south/>.
- Gilmour, Andrew. "The Nelson Mandela Rules: Protecting the Rights of Persons Deprived of Liberty" United Nations. Accessed October 31, 2022 from <https://www.un.org/en/un-chronicle/nelson-mandela-rules-protecting-rights-persons-deprived-liberty>.
- Headley, Andrea, and Jean-Claude Garcia-Zamor. "The Privatization of Prisons and Its Impact on Transparency and Accountability in Relation to Maladministration." *International Journal of Humanities Social Sciences and Education* 1 (January 1, 2014): 23–34.
- Herscowitz, Eva & Van Bramer, James. "US Recidivism Rates Stay Sky High." *The Crime Report*, July 30, 2021. <https://thecrimereport.org/2021/07/30/us-recidivism-rates-stay-sky-high/>.
- "International Standards." Penal Reform International. Accessed October 31, 2022, from <https://www.penalreform.org/issues/alternatives-to-imprisonment/international-standards/>.
- Kalra, Aditi Sharma. "Employment preparation scheme to replace work release scheme for Singapore's prison inmates." *Human Resources Online*, September 2, 2022. <https://www.humanresourcesonline.net/employment-preparation-scheme-to-replace-work-release-scheme-for-singapore-s-prison-inmates>.
- Kriminalomsorgen. "About the Norwegian Correctional Service." *Kriminalomsorgen*. Accessed October 31, 2022 from <https://www.kriminalomsorgen.no/informasjon-paa-engelsk.536003.no.html>
- Lappi-Seppälä, Tapio. "Community Sanctions as Substitutes to Imprisonment in the Nordic Countries." *Law and Contemporary Problems* 82, no. 1 (March 11, 2019): 17–50. <https://scholarship.law.duke.edu/lcp/vol82/iss1/3>.

Massoglia, Michael, and William Alex Pridemore. "Incarceration and Health." *Annual Review of Sociology* 41 (August 2015): 291–310. <https://doi.org/10.1146/annurev-soc-073014-112326>.

McKean, Lise, and Charles Ransford. *Current Strategies for Reducing Recidivism*. Center for Impact Research, 2004.

Me, Angela, Enrico Bisogno, and Maurice Dunaiski et al. "Data Matters - United Nations Office on Drugs and Crime." United Nations, 2021. https://www.unodc.org/documents/data-and-analysis/statistics/DataMatters1_prison.pdf.

Ministry of Justice. "Proven Reoffending Statistics: January to March 2020." Ministry of Justice National Statistics. Accessed October 31, 2022 from <https://www.gov.uk/government/statistics/proven-reoffending-statistics-january-to-march-2020/proven-reoffending-statistics-january-to-march-2020>.

Misachi, John. "The World's 10 Most Overcrowded Prison Systems." WorldAtlas, February 22, 2018. <https://www.worldatlas.com/articles/the-world-s-10-most-overcrowded-prison-systems.html>.

National Institute of Justice. "Recidivism." National Institute of Justice. Accessed October 31, 2022 from <https://nij.ojp.gov/topics/corrections/recidivism>.

Nebehay, Stephanie. "Russia Must End Torture, Prosecute Prison Guards: U.N." Edited by Roche, Andrew. *Reuters*, August 10, 2018, sec. everythingNews. <https://www.reuters.com/article/us-russia-rights-un-idUSKBN1KV137>.

Office of the United Nations High Commissioner for Human Rights. "Special Procedures of the Human Rights Council." Accessed October 31, 2022 from <https://www.ohchr.org/en/special-procedures-human-rights-council>.

Ooi, Evann. "The Effect of Parole Supervision on Recidivism." NSW Bureau of Crime Statistics and Research. February 2022. https://www.bocsar.nsw.gov.au/Pages/bocsar_publication/Pub_Summary/CJB/CJB245-Summary-The-effect-of-parole-supervision-on-recidivism.aspx.

Penal Reform International. "Historic Update of International Prison Standards by the UN." Penal Reform International, December 15, 2021. <https://www.penalreform.org/news/10071/>.

Penal Reform International. "International Standards." Penal Reform International. Accessed October 31, 2022, from <https://www.penalreform.org/issues/alternatives-to-imprisonment/international-standards>.

Penal Reform International. "UN Bangkok Rules on Women Offenders and Prisoners – Short Guide." Penal Reform International, July 2013. <https://cdn.penalreform.org/wp-content/uploads/2013/07/PRI-Short-Guide-Bangkok-Rules-2013-Web-Final.pdf>.

Penal Reform International and Thailand Institute of Justice. "Global prison trends 2020 - Penal Reform International." Penal Reform International, May 2020.

<https://cdn.penalreform.org/wp-content/uploads/2020/05/Global-Prison-Trends-2020-Penal-Reform-International-Second-Edition.pdf>

Prison Policy Initiative. “Mental Health.” Prison Policy Initiative. Accessed October 31, 2022 from https://www.prisonpolicy.org/research/mental_health.

RED Inc. “The Impact of Recidivism.” RED - Stop Recidivism, 2021. <https://stoprecidivism.org/impact-of-recidivism/>.

Selke, William L., and Steen A. Andersson. “A Model for Ranking the Punitiveness of the States.” *Journal of Quantitative Criminology* 8, no. 2 (1992): 217–32. <https://www.jstor.org/stable/23366035>.

Slough, Tara. “Impact Evaluation of USAID Haiti PROJUSTICE Program Pretrial Detention Component.” United States Agency for International Development, April 2017. https://pdf.usaid.gov/pdf_docs/pa00mz6b.pdf

The Sentencing Project. “Criminal Justice Facts.” The Sentencing Project. 2016. <https://www.sentencingproject.org/criminal-justice-facts/>.

UN High Commissioner for Human Rights. “Human rights implications of overincarceration and overcrowding.” United Nations, August 10, 2015. <https://digitallibrary.un.org/record/848736>.

United Nations. “Universal Declaration of Human Rights.” United Nations. Accessed October 31, 2022 from <https://www.un.org/en/about-us/universal-declaration-of-human-rights>.

United Nations General Assembly. “United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules).” Resolution. New York City: United Nations General Assembly, Seventieth Session, January 8, 2016. <https://atlas-of-torture.org/en/entity/sb41y1tmucx14g1pqv20rudi>.

United Nations Human Rights Council. “Group of Eminent Experts on Yemen.” Office of the United Nations High Commissioner for Human Rights. Accessed October 31, 2022 from <https://www.ohchr.org/en/hr-bodies/hrc/yemen-gee/index>.

United Nations Human Rights Council. “Independent Investigative Mechanism for Myanmar.” Office of the United Nations High Commissioner for Human Rights. Accessed October 31, 2022 from <https://www.ohchr.org/en/hr-bodies/hrc/iimm/index>.

United Nations Human Rights Council. “Report of the Special Rapporteur on the Human Rights of Internally Displaced Persons on Her Visit to El Salvador (A/HRC/38/39/Add.1) - El Salvador.” ReliefWeb, April 23, 2018. <https://reliefweb.int/report/el-salvador/report-special-rapporteur-human-rights-internally-displaced-persons-her-visit-el>.

United Nations Office on Drugs and Crime. “Handbook on Strategies to Reduce Overcrowding in Prisons.” UNODC, 2013.

https://www.unodc.org/documents/justice-and-prison-reform/Overcrowding_in_prisons_Ebook.pdf.

United Nations Office on Drugs and Crime. “Prison Reform and Alternatives to Imprisonment.” UNODC, 2011.

<https://www.unodc.org/unodc/en/justice-and-prison-reform/prison-reform-and-alternatives-to-imprisonment.html>.

United Nations Office on Drugs and Crime. “The Bangkok Rules.” UNODC, 2015.

https://www.unodc.org/documents/justice-and-prison-reform/Bangkok_Rules_ENG_22032015.pdf.

United Nations Office on Drugs and Crime. “United Nations System Common Position on Incarceration.” UNODC, April 2021.

https://www.unodc.org/res/justice-and-prison-reform/nelsonmandelarules-GoF/UN_System_Common_Position_on_Incarceration.pdf.

Vilher, Libbi. “Private Prisons and the Need for Greater Transparency: Private Prison Information Act”. *Brooklyn Journal of Corporate, Financial & Commercial Law* 12, no. 1 (December 12, 2017). <https://brooklynworks.brooklaw.edu/bjcfcl/vol12/iss1/19>.

Widra, Emily. “No Escape: The Trauma of Witnessing Violence in Prison.” Prison Policy Initiative, December 2, 2020. <https://www.prisonpolicy.org/blog/2020/12/02/witnessing-prison-violence..>

World Hope International. “Food En Route to Hungry Haitian Pre-Trial Detainees & Inmates.” World Hope International, December 5, 2021. <https://worldhope.org/pr-food-en-route-haiti/>.