



UNODC

Agenda Item: Addressing Overpopulation and Human Rights Concerns in Prisons Worldwide

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1. LETTER FROM THE SECRETARY GENERAL

Dear Delegates,

It is with great pleasure that I extend a warm welcome to each delegate that has taken a piece of their time apart to participate in AKA Model United Nations 2024. As the Secretary General of this conference I am utmost excited to witness your debates concerning global issues that plague the foundation of our world.

As you gather to begin your journey, I advise you approach this agenda with great interest and an open mind to allow for ease of communication. Over many years of evolution humanity has improved their methods of communication in many ways. As a result of that organizations such as the United Nations were able to be created. Here we gather to represent and celebrate these things by trying to help with such problems.

Aka Model United Nations is a place where you will be able to enhance your communication and critical thinking skills so never shy away from taking a place upfront. Voice your ideas, discuss with others and help the only world we have be greater.

I wish you a rewarding and prosperous Model United Nations Experience.

Best Regards
HÜSEYİN CAN ÇETİNTAŞ
Secretary General

2. LETTER FROM THE COMMITTEE BOARD

Esteemed delegates of AKAMUN,

It is such an honor for us to be here as your chairs in the UNODC committee, in which we will focus on overpopulation in jail and human rights of prisoners. As the agenda, we tried to choose something timeless, involving every country and increasing in importance day by day.

The topic might not be something that you are deeply informed about, but something that we should all care about since it is important for the safety of society and the effectiveness of the judiciary systems of governments. In order to inform you about that, we tried to prepare a guide which is not that long but emphasizes the main titles that will make you familiar with all the terms you need to be.

Since we tried our best, we highly encourage you to read all the guide, but most importantly deeply research about your own country and ensure you come prepared with your speeches. Please do not hesitate to contact us with any questions about the procedures or other concerns.

Best regards

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3. INTRODUCTION TO THE COMMITTEE

a. What is UNODC?

The United Nations Office on Drugs and Crime (UNODC) has been helping make the world safer from drugs, organized crime, corruption and terrorism. We are committed to achieving health, security and justice for all by tackling these threats and promoting peace and sustainable well-being as deterrents to them.

Because the scale of these problems is often too great for states to confront alone, UNODC offers practical assistance and encourages transnational approaches to action. We do this in all regions of the world through our global programmes and network of field offices.

4. INTRODUCTION TO THE AGENDA ITEM

a. Overview of Prison Overpopulation

The size of the prison population throughout the world is growing, placing an enormous financial burden on governments and at a great cost to the social cohesion of societies. It is estimated that more than 10.1 million people, including sentenced and pre-trial prisoners, were held in penal institutions worldwide in May 2011.⁴ This means that 146 out of every 100,000 people of the world were in prison at that time. Prison populations grew in 78 percent of countries between 2008 and 2011, and in 71 percent of countries in the previous two years.

There may also be varying degrees of overcrowding in the prisons of one country. Sometimes, a few prisons located in central or urban areas, or close to the courts, have high levels of overcrowding, while the country's imprisonment rate may be comparatively low, masking the actual situation on the ground. Often pre-trial detention facilities have the highest levels of overcrowding. In some countries where different prison systems exist, such as federal and state prisons, there are very different occupancy rates and overcrowding in the two systems.

Overcrowding is generally defined with reference to the occupancy rate and the official capacity of prisons. Using this simple formula, overcrowding refers to the situation where the number of prisoners exceeds the official prison capacity. The rate of overcrowding is defined as that part of the occupancy rate above 100 per cent.

While high imprisonment rates cannot automatically be equated to overcrowding in prisons, in the majority of countries a high rate of imprisonment does lead to overcrowding. Although the pressure put on prisons by the overuse of imprisonment can be temporarily alleviated by an expansion of the prison estate, if the root causes of high imprisonment rates remain unchanged, new prisons will rapidly be filled, and the prison building programme will need to be expanded on a regular basis.

On the other hand, low imprisonment rates do not necessarily indicate that prisons are not overcrowded. In a number of countries, prisons are acutely overcrowded, despite low imprisonment rates. This may be due to the lack of adequate prison space or infrastructure, or because the geographical distribution of prisons does not meet the current requirements, with prisoners being concentrated in a few prisons, where overcrowding can be well above the national average.

In discussing and comparing overcrowding levels in different countries it is also important to note that there is no internationally accepted standard for the minimum space requirement for each prisoner. The Standard Minimum Rules for the Treatment of Prisoners (SMR) provide that “accommodation provided for the use of prisoners and in particular all sleeping accommodation shall meet all requirements of health, due regard being paid to climatic conditions and particularly to cubic content of air, minimum floor space, lighting, heating and ventilation”.

5. CAUSES OF OVER POPULATIONS

a. Inefficient Legal Processes & Delayed Justice

A number of international instruments establish principles and minimum rules for the administration of justice and offer detailed guidance to states to ensure equal access to justice for all those who come in contact with the criminal justice machinery. However, in many countries minimum guarantees set out in international treaties and standards are not provided to those who come in contact with the criminal justice system, which can lead to arbitrary arrests, prolonged pre-trial detention and unfair trials that result in the imprisonment of innocent people or to excessively harsh sentences. Socially and economically marginalized groups, rural populations in developing countries and particular groups who experience multiple layers of discrimination in all spheres of life, such as minority groups and women, are those most affected.

Improving people’s access to justice is essential to ensure fairness and equality before the law in each individual case, as well as to strengthen trust and confidence in the justice system and people’s cooperation with it. Trust in the justice system itself has been identified as a factor that can help reduce crime and imprisonment, because a system that is perceived to be legitimate “may get by with less severe sanctions, while a system in crisis may wish to uphold its credibility by increasing penalties. And a legal system whose norms and procedures are experienced as fair and legitimate may be complied with by the people because the system is felt to be worth following.”

Delays encountered in the processing of cases before a final sentence is passed have a significant impact on the size of the pre-trial prison population in many countries. While in some countries detainees will spend only short periods in pre-trial detention, in many others pre-trial detention periods can extend to months and years. In capital cases in particular, prisoners may spend up to ten years or more awaiting trial.

b. Harsh Sentencing and Lack of Alternatives

When poverty and lack of social support to the disadvantaged are combined with a “tough on crime” rhetoric and policies which call for stricter law enforcement and sentencing, the result is invariably a significant increase in the prison population. Sometimes described as warehousing, the increased population typically comprises an overrepresentation of the poor and marginalized, charged with petty and nonviolent offences. Although unrelated to crime rates this situation is fuelled by media stories which promote tough action to combat crime despite the absence of evidence to demonstrate the link between rates of imprisonment and crime rates. Indeed, punitive criminal justice policies have had an impact on the growth of the prison population and overcrowding in prisons in a significant number of countries. Courts in many countries today are more likely to sentence offenders to imprisonment and impose longer sentences than they did a decade ago.⁵² In many countries, non-violent offenders who have committed minor crimes are increasingly likely to be imprisoned, rather than being dealt with at the first stage of the criminal justice process by way of a caution, fine, suspended sentence, or restorative justice measure. Community-based non-custodial alternatives are often overlooked in favour of the deprivation of liberty.

The United Nations Standard Minimum Rules for Non-custodial Measures (The Tokyo Rules)⁹¹ Rule 2 provides that “In order to provide greater flexibility consistent with the nature and gravity of the offence, with the personality and background of the offender and with the protection of society and to avoid unnecessary use of imprisonment, the criminal justice system should provide a wide range of noncustodial measures, from pre-trial to post-sentencing dispositions. The number and types of non-custodial measures available should be determined in such a way so that consistent sentencing remains possible.” Rule 2 states that “The development of new non-custodial measures should be encouraged and closely monitored and their use systematically evaluated.”

In many countries legislation includes a limited range of alternatives. As a result courts do not have many options at their disposal, appropriate to the seriousness and nature of the offence. Alternatives, which take into account the socio-economic status of the offender and his or her rehabilitative requirements, are most often lacking.

It is also important to note that perverse outcomes occur as a result of “alternatives to imprisonment” being used not as alternatives to prison, but as alternatives to other non-custodial sanctions. They may even be imposed as an alternative to liberty, for example, where a caution would have been issued to a minor offender with no further action, had an alternative not been available.

When appropriately developed, based on a thorough analysis of the composition of the prison population, when adequate investment is made in the structures and services necessary for the effective implementation of non-custodial sanctions and measures, when the support and input of the community is harnessed and effective legislative measures are taken to avoid an increase in the volume of sanctions imposed, alternatives to imprisonment can be effective in contributing to the reduction of the prison population.

6. HUMAN RIGHTS CHALLENGES

a. Prisoners' Rights

Individuals are sent to prison as punishment, not for punishment. Prison reformers and the international community have long recognized that prisoners are human beings and must therefore be awarded the same fundamental rights and freedoms. As Coyle and colleagues have stated:

People who are detained or imprisoned do not cease to be human beings, no matter how serious the crime of which they have been accused or convicted. The court of law or other judicial agency that dealt with their case decreed that they should be deprived of their liberty, not that they should forfeit their humanity.

The revised United Nations Standard Minimum Rules for the Treatment of Prisoners are now known as The Nelson Mandela Rules in honour of the legacy of the late President of South Africa, a committed advocate for prison reform, who "had to spend 27 years in prison in the course of his struggle for human rights, democracy, and the promotion of a culture of peace"

By definition, human rights are applicable to all human beings. Like any other human being, prisoners are entitled to recognition of their rights. While this understanding has underpinned the efforts of prison reformers for more than two centuries, it was during the period following the Second World War that the recognition of prisoners as "bearers of human rights" became increasingly prominent at both national and international levels (van Zyl Smit, 2010, p. 507). Indeed, since the end of the Second World War, a significant body of international standards and norms related to crime prevention and criminal justice have emerged (see UNODC, 2006). While the main human rights legal treaties, such as the Universal Declaration of Human Rights (GA Resolution 61/295), the International Covenant on Civil and Political Rights (GA Resolution 2200A (XXI)), the Convention against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment (GA Resolution 39/46), and the Convention on the Rights of the Child (GA Resolution 44/25) contain references to the treatment of all persons deprived of their liberty, there are various international standards and norms which focus specifically on prison management and the treatment of prisoners.

b. Living Conditions and Health

Evidence suggests that while the effects of imprisonment vary from individual to individual, for many people prison can produce detrimental and long-lasting change, and that certain conditions can aggravate those changes. While the official purposes of imprisonment do not include harming prisoners, "imprisonment invariably does harm". Furthermore, the more harsh or extreme nature of the prison environment, the greater the suffering and the deeper the damage on the individuals who are incarcerated. Spartan conditions, poor treatment, the use of solitary confinement and overcrowding are liable to exacerbate the negative effects of imprisonment, as well as undermine prisoners' efforts to adapt and survive prison life, or to reform. Conversely, rehabilitative and supportive environments are more

likely to address prisoners' risk and needs, stimulate efforts at change, and increase the chance of reducing recidivism and improving public safety.

Imprisonment is often justified on the grounds of protecting the public from dangerous criminals, but prisons are generally filled with poor, vulnerable, stigmatized and powerless people who are "more likely to be harmed individuals than seriously dangerous to society". As Stern pointed out: "The prison is the magnifying mirror which reflects and enlarges the unresolved social problems of the society which it serves".

Research has consistently shown that prisons worldwide are made up of individuals who are disproportionately affected by significant health problems. Across jurisdictions, the rates of poor mental health in prisons far exceed the rates in the general population, and in many places suicide is the leading cause of death in prison. As Fuller and colleagues stated in 2017: "Incarcerating pretrial and convicted criminal offenders with serious mental illness is so common today that jails and prisons are routinely called the 'new Asylums'. Furthermore, a report by the United Nations Special Rapporteur on the right to health noted that: "Prison itself becomes a determinant of poor health as a result of poor conditions of detention, the provision of health care under surveillance and/or a lack of access to health care, the enormous psychosocial pain and hopelessness linked to being deprived of liberty, and untreated pre-existing health conditions attributable to the conditions of living in poverty".

Data from the World Health Organization (WHO) ' Health in Prisons' project which has collected data on the health of prisoners in most European countries for over 20 years, summarizes some of the key issues:

- Up to 40% of prisoners suffer from a mental health problem and up to 15% suffer from severe and enduring mental illnesses, such as schizophrenia, bipolar disorder and autism disorders. Over half of young prisoners have conduct disorders and around a third of young women in prison suffer from major depression.
- Tuberculosis rates in prisons are up to 84 times higher than in the general population.
- Many people entering prison have a severe drug problem.
- Rates of HIV and hepatitis C infection are much higher among prisoners than among people living in the outside community.
- Prisoners are seven times more likely to commit suicide than people at liberty.
- Young people in prison are especially vulnerable and are 18 times more likely to commit suicide than those in the outside community.
- Between 64% and 90% of prisoners smoke tobacco, whereas the average smoking rate for the general population in Europe is 28%.
- Incarcerated women are far more likely to have had traumatic experiences in early childhood than incarcerated men, such as early sexual, mental and physical abuse. Half will also have experienced domestic violence. Many women in prison are mothers and usually the primary or sole caregivers for their children. Around 10,000 babies and children in Europe are estimated to be affected by their mother's imprisonment

c. Violence and Exploitation

Violence and the exploitation of individuals' right to life constitute significant issues within the prison environment. Acts of violence in prisons create substantial obstacles to the rehabilitation and reintegration of individuals into society. Moreover, prisoners subjected to such physical and psychological violence may develop serious physical and mental health issues. The sources of such violence may arise from conflicts between prisoners or, in some cases, from prison staff. Examples of the consequences of such violence include physical pain or conditions such as depression.

Exploitation attempts by other prisoners on an individual can sometimes delay the process of reintegration into society, or, in some cases, it leads the individual to a path of no return. One of the reasons for this problem may be the necessity of sheltering inmates who may pose a threat to each other in an environment where the prison population is high.

Information obtained from various UN sources summarizes violence and exploitation in prisons as follows:

- Overcrowding is a significant driver of violence in prisons. Studies indicate that prison systems operating over capacity create environments of heightened stress, leading to violence among inmates and against staff. For instance, the UNODC notes that overcrowding fosters physical abuse and exploitation, especially in understaffed facilities.
- Vulnerable groups, including women and children, are disproportionately affected by exploitation in prison systems. The Mandela Rules highlight the risks of sexual abuse and trafficking faced by female inmates and the need for gender-sensitive approaches to mitigate such risks.
- Violent extremist prisoners often exploit others in facilities lacking adequate monitoring. UNODC emphasizes the importance of specialized training for prison staff to prevent radicalization and ensure security while respecting human rights.
- In some prison systems, forced labor and exploitation for profit have been reported. This includes coercion of prisoners into unpaid labor under inhumane conditions. Penal Reform International discusses how such exploitation violates international human rights norms.
- UNODC reports highlight the prevalence of custodial violence, including cases of torture, as a major issue globally. Strategies for reducing abuse include improved oversight and accountability mechanisms.

7. INTERNATIONAL FRAMEWORKS & CASE STUDIES

a. Global Standards & International Cooperations

Over recent decades, significant efforts have been made by the international community to address the challenge of reforming prisons, and developing effective, ethical and humane approaches to both the resort to imprisonment and prison management. In this section, we further investigate this development, particularly focusing on the international standards and norms that are relevant to improving prison systems, and to reducing the harms of imprisonment.

International standards for the treatment of prisoners:

- UN Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules) (2015)
- Basic Principles for the Treatment of Prisoners (GA Resolution 45/111)
- Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment (GA Resolution 43/173)
- Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules) (2010)
- Standard Minimum Rules for the Administration of Juvenile Justice (Beijing Rules) (1985)
- Rules for the Protection of Juveniles Deprived of their Liberty (GA Resolution 45/113)
- Standard Minimum Rules for Non-Custodial Measures (Tokyo Rules) (1990)
- Principles of Medical Ethics relevant to the Role of Health Personnel, particularly Physicians, in the Protection of Prisoners and Detainees against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (GA Resolution 37/194)
- Safeguards guaranteeing protection of the rights of those facing the death penalty (1984)

Key among the standards and guidelines that relate directly to improving prison conditions and the treatment of prisoners, is the Standard Minimum Rules for the Treatment of Prisoners (SMRs), first adopted in 1955 by the Congress on the Prevention of Crime and the Treatment of Offenders. Although not legally binding, the SMRs were approved by Member States in 1957, have since become the "universally acknowledged minimum standards for the management of prison facilities and the treatment of prisoners, and have been of tremendous value and influence in the development of prison laws, policies and practices in Member

States all over the world". In 2015, the original Rules were revised and updated with a view to incorporate advances in international law and correctional science. The revised United Nations Standard Minimum Rules for the Treatment of Prisoners are now known as The Nelson Mandela Rules in honour of the legacy of the late President of South Africa, a committed advocate for prison reform, who "had to spend 27 years in prison in the course of his struggle for human rights, democracy, and the promotion of a culture of peace"

The Nelson Mandela Rules were approved by the General Assembly of the United Nations in December 2015. The Preliminary Observations to the Rules set out what the rules aim to achieve and how they should be interpreted, recognizing the variety of legal, social, economic and geographic conditions and contexts that exist around the world.

The Rules (2015) deal with the essential features of day-to-day prison life and provide a valuable and much more detailed complement to the general principles contained in the legally binding Conventions. To increase the impact of the Nelson Mandela Rules (2015) worldwide, and to assist countries to apply them in practice, UNODC has launched a Global Strategy on Addressing Prison Challenges , focusing on (a) reducing the scope of imprisonment, (b) improving prison conditions; and (c) supporting social reintegration programmes for prisoners, including initiatives upon release.

Of significance, UNODC has published a Checklist for Internal Inspection Mechanisms , which provides a useful practical tool for countries around the world to assess compliance with the Nelson Mandela Rules in a systematic and measurable way.

OPCAT requires independent monitoring bodies to visit prisons in States parties in order to prevent torture and other cruel, inhuman or degrading treatment or punishment. In many countries, inspectorates, ombudsmen, courts, committees and other bodies work to oversee the treatment of prisoners, their contact with the outside world, the conditions in which they are kept, the nature of disciplinary and grievance procedures, the provision of rehabilitation programmes, their access to health care and the work of prison staff. Furthermore, the development of regional treaties and standards, as well as the role of regional judicial institutions are a useful measure to assess the implementation and provision of prisoners' rights across different jurisdictions.

b. Regional Perspectives

Regional treaties and standards

- African Charter on Human and People's Right (1986)
- American Convention on Human Rights (1969)
- American Declaration on the Rights and Duties of Man (1948)
- Inter-American Convention to Prevent and Punish Torture (1987)
- European Code of Ethics for Prison Staff (2012)

- European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (1987)
- European Convention on Human Rights (1950)
- European Prison Rules (2006)
- Principles and Best Practices on the Protection of Persons Deprived of Liberty in the Americas (2008)

Regional judicial bodies

- African Court on Human and People's Rights
- European Court of Human Rights
- Inter-American Court of Human Rights

The various treaties and guidelines from Africa, the Americas, and Europe reflect a shared global commitment to protecting the rights and dignity of people, especially those in detention. The **African Charter on Human and Peoples' Rights (1986)** is one of Africa's key human rights documents. It prohibits torture, inhuman, or degrading treatment and promotes justice and fairness for all individuals, including prisoners. This charter stresses the importance of treating prisoners with respect and ensuring that overcrowding does not lead to conditions that violate their human rights.

In the Americas, several important instruments address the rights of prisoners and the conditions in detention facilities. The **American Declaration on the Rights and Duties of Man (1948)** is one of the oldest human rights documents in the region. It recognizes every person's right to humane treatment, including those in detention. The **American Convention on Human Rights (1969)** builds on this by guaranteeing the right to a fair trial and protection from cruel or inhumane treatment under its Articles 5 and 8. Additionally, the **Inter-American Convention to Prevent and Punish Torture (1987)** focuses on preventing torture and ensuring that detention facilities meet humane standards. This treaty is particularly important because overcrowding often leads to conditions that can be considered degrading or even torturous. To further improve the situation, the **Principles and Best Practices on the Protection of Persons Deprived of Liberty in the Americas (2008)** provide detailed recommendations for reforming detention systems. These principles suggest alternative sentencing methods, such as probation or community service, to reduce the reliance on imprisonment for minor offenses. They also call for better prison infrastructure and access to healthcare and rehabilitation programs.

Europe has developed some of the most detailed frameworks to protect the rights of prisoners and improve detention conditions. The **European Convention on Human Rights (1950)** is one of the most influential documents in this region. Its Article 3 prohibits torture and inhuman or degrading treatment, and this provision has been upheld in many cases by the European Court of Human Rights. The **European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (1987)** created the European Committee for the Prevention of Torture (CPT), which monitors prisons and detention centers to ensure compliance with human rights standards. In addition to these legal instruments, practical guidelines like the **European Prison Rules (2006)** and the **European Code of Ethics for Prison Staff (2012)** emphasize the importance of treating prisoners with respect and managing detention facilities ethically and efficiently. These documents also promote the use of non-custodial measures, such as house arrest or electronic monitoring, to help reduce overcrowding.

Across all these regions, the treaties and principles share common goals. They highlight the need to protect prisoners from torture and other inhuman treatment, which is often exacerbated by overcrowding. They also stress the importance of reducing pretrial detention by ensuring faster and fairer trials. Many of these instruments advocate for alternatives to imprisonment, such as community service, fines, or rehabilitation programs, to decrease the number of people in prisons. Lastly, they focus on rehabilitation rather than punishment, aiming to help prisoners reintegrate into society and reduce the chances of reoffending. These regional efforts show that while the context and challenges may vary, the commitment to ensuring human dignity and improving prison conditions is universal.

ICRC has a decades-long history of humanitarian engagement in Cambodia, and has been visiting prisons for over 20 years. In the early 2000s, the institution began to work with the Cambodian authorities in an attempt to mitigate the combined effects on prisoners' lives of long-term lack of investment in facilities and steadily rising numbers of prisoners. Access to safe drinking water, ventilation, sewage systems and kitchens were all improved. It became clear, however, that there was a need to identify and respond to root causes of prison overcrowding if ICRC's efforts, and those of the Cambodian authorities, were to continue to deliver any benefit to the prisoners.

For over half a century, ICRC has been visiting jails and prisons in the Philippines to ensure they afforded decent and humane conditions of detention. In 2007, the ICRC supported a "Call for Action" initiative with the objective of tackling the problem of overcrowding.

In India, a comprehensive project, which started with prison visits organized by the Commonwealth Human Rights Initiative (CHRI), an international NGO, had an impact on the size of the pre-trial prison population. CHRI, which undertook prison visits in Madhya Pradesh, Chhattisgarh, and Rajasthan, realized that it was necessary to make available a common platform for functionaries of criminal justice agencies to find ways of improving

interdisciplinary coordination. As a result, regional workshops for the orientation of non-official prison visitors were organized and higher officials of the judiciary, police, prisons, prosecution, and probation services were invited to chair different sessions. As a part of the strategy to involve a wide array of criminal justice officials, the cooperation of constitutional bodies such as the State Human Rights Commissions and the State Commissions for Women was also solicited.

The “Prison Policy Council” in Panama, brings together the Ministry of Governance, the Court of Justice, Attorney General, the Ombudsman, the prison administration, the Congress, churches, lawyers, the University, the police and human rights NGOs, among others, with the objective of defining prison policy, presenting recommendations about infrastructure, counselling programmes and training, as well as analysing the situation in prisons, and trying to find coordinated solutions to challenges faced.

i. Unique Concerns in Conflict Zones

The security situation within prison systems in fragile and conflict-affected contexts is usually weak, compounded by underlying structural deficiencies, inadequate staffing and poor detention conditions. Overcrowding is a common issue; of the 57 fragile contexts, 42 report prison population totals exceeding their official capacities, including 16 countries exceeding them by 200 percent and 6 by 300 percent. Facilities in such settings generally lack the infrastructure and expertise to counter the security threats they face, and authorities are unable to ensure the safe custody, health and wellbeing of detainees. Escapes, protests and other security incidents are common.

When a country or region is in conflict, criminal justice systems— police, courts and prisons may collapse along with other core government functions, and without the rule of law, impunity reigns. Human rights violations become widespread and people in prison may have no mechanism to seek justice or redress. In these situations, women and children are particularly at risk. The military may take over control of prisons, or they may be run by different warring factions. Groups fighting the incumbent government are likely to set up their own justice systems, including unofficial detention facilities. Many prisons in fragile and conflict-affected areas suffer from chronic overcrowding due to the mass imprisonment of fighters and the collapse of court systems.

The daily challenges faced in all prison settings are magnified in fragile and conflict affected areas, and the problems impacting broader society are reflected within prisons. Common issues include shortages of food, medical supplies and equipment due to a failing economy, and damage or disruption to supply chains. Services, goods and rehabilitation programmes are likely to be cancelled or disrupted. Regular contact with family and friends may not be possible.

c. Successful Prison Reforms

Prison and penal reform offers benefits not only to the lives of incarcerated individuals but to their families, communities and to society as a whole. UNODC is working towards a world in which no one is deprived of their liberty unless strictly necessary; a world in which prisoners' human rights are respected in safe and secure prisons with decent conditions; a world in which penal systems are gender-, age- and disability-responsive; and in which ex-prisoners are supported to reintegrate as full members of our societies

UNODC believes that effective prison reform is dependent on the improvement and rationalisation of criminal justice policies, including crime prevention and sentencing policies, and on the care and treatment made available to vulnerable groups in the community. Reform of the prison system should therefore always take into account the needs relating to the reform of the criminal justice system as a whole and employ an integrated, multi-disciplinary strategy to achieve sustainable impact. Thus, reform initiatives will usually need to also encompass criminal justice institutions other than the prison service, such as the judiciary, prosecution and police service, as relevant.

i. Norway: The Rehabilitation Model

In the 1990's, Norway had a problem. Roughly 70% of all released prisoners recommitted crimes within two years of release. That rate is nearly equal to the recidivism rate in the United States today. At that time, Norway's prison system was structured similar to the prison system in the United States. It was built on the idea that punishment is a deterrent. Prisoners were often given lengthy sentences in harsh conditions to send a message to others. However, Norwegian lawmakers realized that the existing system wasn't working. Crime was high, as was recidivism. Prisons were plagued with assaults, riots, and escapes. The system needed reform. Norway's government acted boldly, completely overhauling the country's prison system. Today, Norway's prison system has become a model for the rest of the world, and some states in the U.S. are following Norway's lead. Norway's recidivism rate is much lower and prisons are now safer and more peaceful.

Norway has 57 prisons with a total of 3,600 cells, 70% of which are high-security cells. The largest prison has 400 cells, while the smallest has only 15. The average Norwegian prison has 70 cells.

One of the biggest differences between the incarceration systems of Norway and the USA is that Norway does not have large, centralized jails. Instead, Norway utilizes a system of small, community-based correctional facilities that focus on rehabilitation and reintegration into society.

There's a rehabilitative reason for having so many prisons in a relatively small country. The Norwegian government believes that incarcerated individuals should be geographically close to their homes, so they can maintain relationships with spouses, friends, and family.

Many Norwegian prisons allow prisoners to have visitors up to three times per week. They even allow conjugal visits with spouses. There is a strong emphasis placed on relationships so that incarcerated individuals have a strong support system after their release.

Norway's criminal reform laws in the 1990s didn't just overhaul the nation's prisons, but also the way people are sentenced. Life sentences were eliminated, and were replaced with maximum 21-year sentences.

No matter how violent the crime, until recently, the longest sentence a criminal could receive was 21 years. In fact, convicted mass murderer Anders Behring Breivik was sentenced to 21 years for killing 77 people in 2011. Norway recently amended their penal code to allow for 30-year maximum sentences for certain crimes including genocide, crimes against humanity, and other war crimes.

While Norway can sentence a criminal for up to 30 years, most sentences are not even close to this length of time. More than 60% are less than three months, and almost 90% of sentences are less than a year long.

ii. Rwanda: Community-Based Justice Initiatives (Gacaca Courts)

During the 1994 genocide in Rwanda, up to one million people perished and as many as 250,000 women were raped, leaving the country's population traumatized and its infrastructure decimated. Since then, Rwanda has embarked on an ambitious justice and reconciliation process with the ultimate aim of all Rwandans once again living side by side in peace.

In the years following the genocide, more than 120,000 people were detained and accused of bearing criminal responsibility for their participation in the killings. To deal with such an overwhelming number of perpetrators, a judicial response was pursued on three levels: the International Criminal Tribunal for Rwanda, the national court system, and the Gacaca courts. **The International Criminal Tribunal for Rwanda:** The International Criminal Tribunal for Rwanda (ICTR) was established by the United Nations Security Council on 8 November 1994. The Tribunal has a mandate to prosecute persons bearing great responsibility for genocide and other serious violations of international humanitarian law committed in Rwanda between 1 January and 31 December 1994.

The national court system: Rwanda's national courts prosecute those accused of planning the genocide or of committing serious atrocities, including rape. By mid-2006, the national courts had tried approximately 10,000 genocide suspects. In 2007, the Rwandan government abolished the death penalty, which had last been carried out in 1998 when 22 people convicted of genocide-related crimes were executed. This development removed a major obstacle to the transfer of genocide cases from the ICTR to the national courts, as the ICTR draws to a close.

The Gacaca court system: To address the fact that there were thousands of accused still awaiting trial in the national court system, and to bring about justice and reconciliation at the grassroots level, the Rwandan government in 2005 re-established the traditional community

court system called “Gacaca” (pronounced GA-CHA-CHA). In the Gacaca system, communities at the local level elected judges to hear the trials of genocide suspects accused of all crimes except planning of genocide. The courts gave lower sentences if the person was repentant and sought reconciliation with the community. Often, confessing prisoners returned home without further penalty or received community service orders. More than 12,000 community-based courts tried more than 1.2 million cases throughout the country.

iii. Brazil: Semi-Open Prisons

Brazil has one of the most crowded prison systems in the world, housing more than 835,000 inmates in facilities designed for a little more than 580,000 people. But not all prisoners face the same conditions and restrictions. In Brazil, there are three types of prison regimes: closed, semi-open and open.

Closed Regime: The closed regime is Brazil’s most restrictive form of imprisonment, applied to those who have committed serious crimes or have been sentenced to more than eight years in prison. In the closed regime, inmates are confined to a cell, closely supervised and have limited access to work and educational opportunities.

Semi-Open Regime: The semi-open regime allows inmates some degree of freedom and autonomy. It’s generally for those who have been sentenced to four to eight years in prison or have served at least one-sixth of their sentence in the closed regime. In the semi-open regime, inmates can work or study outside the prison during the day but must return to a dormitory-like facility at night. Inmates can also request temporary leave for special occasions.

Open Regime: The open regime is the most lenient form of imprisonment, applied to those who have been sentenced to up to four years in prison or have served at least one-sixth of their sentence in the semi-open regime. In the open regime, inmates don’t need to stay in a prison facility but must comply with certain rules, such as reporting regularly to a judge, attending social service programs and not leaving their city of residence without permission

8. QUESTIONS A RESOLUTION SHOULD ADDRESS

1. What can be the strategies to readjustment in prisons to make imprisonment more rehabilitative?
2. Should private prisons be allowed in all countries? If it is, What can be the consequences? What role can NGOs play in the private prison system?
3. What can be done regarding the imprisonment of women and children to prevent overcrowding in prisons?
4. How can governments balance public safety with the need to reduce prison overcrowding through alternatives to incarceration?
5. Should there be global minimum standards for prison conditions? If so, how should they be enforced?
6. How can transitional programs be improved to ensure smoother reintegration of former prisoners into society, thereby reducing reoffending rates?
7. What role should education, vocational training, and mental health programs play in reducing recidivism among released prisoners?
8. How can improved prison staff training help reduce human rights abuses and improve living conditions in overcrowded prisons?

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