



**GMUN 2020:
United Nations Human
Rights Council**



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Welcoming address:

Dear Delegates,

My name is Hannah Yin and it is my utmost pleasure to welcome you to GMUN 2020 as the Director of the United Nations Human Rights Council (UNHRC). As a Grade 12 student studying at Glenlyon Norfolk School, I attended my first conference three years ago and it has since resulted in my absolute passion and avid participation in diplomacy and debate. My experiences as both delegate and staff at conferences have been remarkable highlights of my time in high school. It is my sincerest hope that you will uncover a similar passion for Model UN in this committee.

The topics for this year's UNHRC have been carefully chosen to represent an engaging human rights issue in the world: Human Rights in Prisons. The topic is relevant to all 30 committee members regardless of differences and development status.

This background guide can be used as you start your preliminary research. It will include basic information on the topic, some suggestive bloc positions, and guiding questions. However, I encourage you all to conduct further research on the topic and your country. This way, you will be able to understand the country you represent and have a more focused position in the committee. Please don't hesitate to contact me via email if any questions or concerns arise.

I look forward to seeing you all virtually in December for a fun and incredible experience. I wish the best of luck to all of you with your journey in diplomacy at GMUN 2020!

Sincerely,

Hannah Yin

Director of Middle School UNHRC

Email: 21yinh@gnsmail.ca



Position Paper Policy:

A position paper is a formal document that includes a brief description of a country's stance on the topic being discussed. Although there is no set formula for a position paper, it should include a summary of the position your country holds about the issues on the agenda, relevant actions that your country has taken, and possible solutions that your country would support. The position paper should be written in third person (no personal pronouns, such as I, you, me etc. should appear).

All delegates at GMUN are required to submit a position paper. Delegates who do not submit position papers will not be considered for awards. Position papers should be submitted by midnight of November 30th. Please attach your position paper as a file and email it to 21yinh@gnsmail.ca. Each position paper will be reviewed and acknowledged for the Best Position Paper award.

Formatting:

- No longer than one page
- Typed in Times New Roman font size 11, 1.5 spacing
- Include a Works Cited in MLA citation style (not included in the page count)
- The file should be saved as your name, country representing and committee name (Ex: Jane Doe, Japan, UNHRC).



Topic Overview:

Human rights are the basis of many laws and legislation, and are centered around the well being of every human regardless of differences. According to the United Nations, human rights are “rights inherent to all human beings, regardless of race, sex, nationality, ethnicity, language, religion, or any other status”.¹ They can be considered as the cornerstone of democracy.

There are 10.35 million people in prisons worldwide.² The US has the largest number of prisoners, accounting for 25% of all prisoners globally. China, Brazil, and Russia follow suit with next three largest prisoner populations.³ All of these prisoners face similar challenges, including but not limited to, overcrowding, disease control, and human rights violations.⁴ The issue is quite complex and not as two-dimensional as it may seem. Prisons are costly to maintain and must be supervised by both the national government and international organizations (such as the UNHRC and the Human Rights Watch). However, having international organizations oversee and supervise conditions is often seen as an infringement on a country’s sovereignty, especially amongst non-democratic states. Developing countries may also face more difficulty in building and maintaining a prison in comparison to developed countries. Ideological differences between countries should also be taken into account when comparing the conditions of prisons internationally and drafting solutions.

It is crucial for all to realize that prisoners, no matter the crime, are still humans. They therefore have the right to a free trial, and to be free of inhumane and degrading treatment. When prisoners’ rights are respected, prisoners largely remain connected to society, making rehabilitative measures more effective. Multiple studies⁵ show a direct correlation between humane treatment and low recidivism rates. Thus, this issue demands global attention and urgent action.

¹ <https://www.un.org/en/sections/issues-depth/human-rights/>

² <https://www.prisonstudies.org/news/more-1035-million-people-are-prison-around-world-new-report-show>

³ https://en.wikipedia.org/wiki/List_of_countries_by_incarceration_rate

⁴ <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6039737/>

⁵ <https://www.carloalberto.org/wp-content/uploads/2019/06/no.580.pdf>



Historical Analysis:

From the dawn of modern civilization in the 3rd millennium BC, every major culture has used a form of prisons.⁶ The conditions in these institutions, often built underground, were harsh and unpleasant. Prisoners were usually treated like and sold as slaves. The Magna Carta, signed in England in 1215, was a huge milestone for prisoner and human rights.⁷ The document was the first legislation that restricted the government's judicial powers by stating that no man could be imprisoned without a trial.⁸

The first modern prison, Millbank Prison, was constructed in 1812 in Millbank, Westminster, London.⁹ The first prisons were rarely used as a punishment of its own. They were a place of confinement as people waited for their trial or other punishments. The prison conditions were barbaric, however. They were poorly maintained and therefore susceptible to deadly diseases.¹⁰

Prison reforms came about in the 19th and 20th centuries, along with war and industrialization -- and the emergence of human rights. Industrialized countries, for example England, began to adopt more refined systems (such as keeping prisoners in separate cells rather than mass rooms). The core principle of prisons were established: limiting certain human rights (to a varying degree based on offence) as a punishment for breaking the law.

The 20th century also saw major shifts in attitudes towards incarceration in many developed countries. Prisons were transformed from potentially fatal to rehabilitative and the term 'prison' was euphemized to 'correctional institutions'. Personalized sentences became favoured in order to maintain prisoners' mental health while incarcerated,¹¹ and job opportunities were also more accessible. However, this era of liberalization didn't last for long, as the number of prisoners increased and budgets tightened.¹² Many countries, with the United States leading, shifted back to the harsh "tough on crime" policies present before the shift to rehabilitation, with some amendments.

⁶ <http://www.prisonhistory.net/prison-history/history-of-prisons/>

⁷ <https://www.humanrights.com/what-are-human-rights/brief-history/magna-carta.html>

⁸ <https://www.humanrights.com/what-are-human-rights/brief-history/magna-carta.html>

⁹ https://en.wikipedia.org/wiki/Millbank_Prison

¹⁰ <http://www.prisonhistory.net/prison-history/history-of-prisons/>

¹¹ <https://www.pbs.org/wgbh/frontline/article/what-does-solitary-confinement-do-to-your-mind/>

¹² <https://howardleague.org/history-of-the-penal-system/>



Current situation:

Sanctified prisons have evolved over their existence into something of a commodity. Even in developed nations with clearly established human rights, the prison system is a subject of shame. Undocumented and forgotten, prisons often live in the shadow of public justice. The Office of the High Commissioner of Human Rights has spoken out regarding basic principles for the treatment of prisoners, saying “prisoners shall be treated with the respect due to their inherent dignity and value as human beings.”¹³ Internationally, many case studies suggest that the opposite is occurring. Prisons face crises in health, discrimination, corruption, violence/brutality and many other issues. In many cases there are no efforts of rehabilitation, and even more disheartening is that prisons are often used for means of political confinement by dictatorships or religious parties. Organizations such as Amnesty International and Human Rights Watch now exist to speak out on behalf of this, but the United Nations has seen many resolutions through with little to moderate effect. Everywhere, everyday prisoners live without their rights, dignity and justice.

To this day, the United Nations continues to use the Declaration of Human Rights (written in 1948)¹⁴ as the decree of which rights are universal for every individual. In many cases, though, the prison systems do not adhere to mandates. Many treaties and events have been held by the UN leading up to September 2015 when the *UN Standard Minimum Rules for the Treatment of Prisoners* was codified. This was the most recent and extensive work the UN published for the crises faced within prisons. Many NGOs and specialized committees have made a great effort in observing, publishing and speaking out against the disregard for rights in penitentiaries. It remains that there are systematic violations to be addressed. Since 2000, prison rates have grown by 20% and only 23% of prisoners internationally stay out of prison post-parole.¹⁵ In the first 72 hours of jail, the chance of death is triple than that in everyday life.

Prison massacres, dramatic demonstrations, and brutal guard violence receive periodic attention on the news and social media, but the deplorable everyday living conditions that are the fate of the overwhelming majority of prisoners globally go largely unnoticed. Correspondingly, with little public awareness surrounding the issue in most countries, limited progress has been made in correcting the crimes regularly committed in prisons and other places of detention. Many nations encourage ignorance towards prison insufficiencies by denying groups dedicated to human rights, journalists and other observers nearly all access to government penal facilities.¹⁶

¹³ “Basic Principles for the Treatment of Prisoners.” OHCHR. Accessed October 11, 2020.

<https://www.ohchr.org/en/professionalinterest/pages/basicprinciplestreatmentofprisoners.aspx>.

¹⁴ United Nations. “Universal Declaration of Human Rights.” United Nations. United Nations. Accessed October 11, 2020. <http://www.un.org/en/universal-declaration-human-rights/>.

¹⁵ <https://www.factretriever.com/prison-facts>

¹⁶ <https://www.hrw.org/legacy/advocacy/prisons/>



Past Actions:

The *United Nations Declaration of Human Rights* (UDHR), established in 1948, is the most significant human rights document.¹⁷ It is often recognized as the beginning of formal human rights discussions around the world. The UDHR guarantees basic prisoner rights, which includes no subjection to “torture or to cruel, inhuman or degrading treatment or punishment”.

The *United Nations Standard Minimum Rules for the Treatment of Prisoners*, additionally known as the “Nelson Mandela Rules,” was passed in 1955.¹⁸ According to the UN, it is used to “promote humane conditions of imprisonment, raise awareness about prisoners being a continuous part of society and to value the work of prison staff as a social service of particular importance.” The document acts as the universal minimum standard for prisons, although it is not legally binding. It includes guidelines about prisoner hygiene, clothing, bedding, exercise, discipline and punishment, complaints, outside contact, religion, medical services and education. The document operates on the basic principle that “no discrimination on grounds of race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status” should occur within prison grounds.

The Basic Principles for the Treatment of Prisoners, passed by the United Nations General assembly in 1990, is a resolution that focuses on the basic principles and ideologies of human rights.¹⁹ Many other human rights conventions and resolutions, such as the *Convention on the Elimination of All Forms of Racial Discrimination* (1965), the *International Covenant on Civil and Political Rights* (1966), the *Code of Conduct for Law Enforcement Officials* (1979), and the *Convention on the Elimination of All Forms of Discrimination Against Women* (1979) also help structure prisoner rights in the modern age.

¹⁷ <http://www.un.org/en/universal-declaration-human-rights/>

¹⁸ https://www.unodc.org/documents/justice-and-prison-reform/Nelson_Mandela_Rules-E-ebook.pdf

¹⁹ <https://www.ohchr.org/en/professionalinterest/pages/basicprinciplestreatmentofprisoners.aspx>



Possible Solutions and Actions:

Codification of Treaties and Accords

An arrangement of treaties and agreements that condemn human right violations in prisons is highly recommended. With this, nations would be held accountable to each other in the condemnation of inhumane treatment. These formal documents would offer incentives and, more importantly, disincentives. This would create long term foundations for the adoption of a more just treatment towards prisoners. This action would create new and aim to enforce existing guidelines and laws when recognizing human rights in prison.

International Monitoring Systems

Implementing protocols and the international watch of executives, prison staff and inmates could be a solution to prevent and eliminate the degradation of human rights. This would entail a surveillance form in which everyone in correctional facilities would know that their actions are watched and held to the same standards they'd be in regular communities of nations. This would allow everyone to be held accountable for the role they play in maintaining human rights in both punishment and rehabilitation.

Education and Awareness for Prisoners

Every prisoner should be aware of their basic human rights and understand what they can and can't inflict to protect their rights, as well as and what can and can't be inflicted on them. This would provide an awareness of both the rules and ideals to which the Human Rights Council strives for.

Education and Training for Staff

Prison staff ranges from wardens and guards to prison executives and, in some instances, service providers (counselling, teachers of trades, etc.). There is a large body that controls the way that penitentiaries are operated. If staff members are better trained and motivated to respect and ensure human rights, this could be a large step in reducing the number of rights violations within prisons.

Combatting Related Issues

Basic rights, such as healthcare, sanitation and religious entities, are often negligible to the prison system. Improving these is essential for the eventual elimination of cruelty from the prison system. Delegates are highly encouraged to take note of suggested topics and create innovative measures to aid in the infrastructural development of prisons.



Block Positions:

CAT: The UN Committee Against Torture

Members of the UN CAT or optional protocol committee against torture (OPCAT) include Brazil, China, France, Greece, India, Iran, Philippines and Ukraine. The SPT works as a body that develops mandates on the basis of preventive, innovative and sustained approaches to the prevention of torture and ill-treatment of prisoners.

CPT: European Committee for the Prevention of Torture

As of September 1999, a total of forty-one countries belonged to the CPT: Albania, Andorra, Austria, Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Hungary, Iceland, Ireland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Moldova, the Netherlands, Norway, Poland, Portugal, Romania, Russia, San Marino, Slovakia, Slovenia, Spain, Sweden, Switzerland, The Former Yugoslav Republic of Macedonia, Turkey, Ukraine, and the United Kingdom. The CPT or European Committee for the Prevention of Torture is the Council of Europe's official prison monitoring board. It inspects the institutions of European nations with the goal of eliminating cruel and inhuman acts of torture.

United States of America

The United States of America plays an important role in respect to this topic as it was the country with the largest prison population in the world in 2014, and has since registered the second-highest per-capita incarceration rate worldwide in 2015 with 698 inmates per 100,000 inhabitants. Moreover, the U.S.A has been facing criticism from Non Governmental Organizations (N.G.O) such as the Human Rights Watch for seemingly 'letting' inmates live in "abusive, degrading and dangerous" conditions. The Human Rights Watch has demonstrated great concern for prison rape, medical care, and abuse of mentally ill inmates in American prisons. Undoubtedly, the most international disapproval of the way the U.S.A handles its inmates came for the American military prison Guantanamo Bay, located within the borders of Cuba. Multiple sources, including detainees from Guantanamo Bay and the International Committee of the Red Cross (ICRC), which inspected the camp in June 2004, have accused the U.S military from Guantanamo of extreme human rights violations.²⁰

European Nations (including Former Soviet States; Russia, Kazakhstan, Azerbaijan, etc.)

²⁰ "Hagamun Human Rights Council: Preventing Human Rights Violations" Haganum MUN, Accessed November 7, 2020, <https://hagamun.org/wp-content/uploads/2016/02/HRC-1-Ioana-Cobusneanu-3Jan.pdf>



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European nations have some of the best success stories internationally when it comes to the prison system. Countries like Finland and Norway have implemented rehabilitation strategies, which studies have proven to lead to very low reoffending rates. This, however, does not mean that no problems exist. Overcrowding and substandard facilities are prevalent in many countries, along with poorly trained officials and the excessive use of force, which has been reported in many countries over the years. This includes many former soviet states that have reported high instances of tuberculosis in prison and numerous instances of excessive force by guards.²¹

South and Central America Nations

The past few years have been dramatic in Latin American and Caribbean prisons, which hold a total of over half a million inmates. “Conditions continue to stagnate -- and even to worsen in some countries -- inspiring dramatic and violent forms of prisoner protest. Massacres, riots, and other violent incidents have been occurring in prisons across the region, providing further evidence of the widespread failure of Latin America's penal systems.”²²

Asian Nations

Singapore, followed by Taiwan, has the highest known incarceration rate in the region. (No information is available regarding the number of prisoners in North Korea, however.) Of Asian countries, China, India and Thailand have the largest numbers of people in confinement. China and India, the two most populous countries in the world, have the largest prison populations in the region, although India incarcerates only a fraction of the number of inmates found in China. Political prisoners and activists have remained behind bars and in state hands in many cases. Healthcare, overcrowding and a general lack of justice are some of the main issues that face the overall majority of Asian Nations.

African Nations

While it can be said that conditions have improved over the years, in most African countries, “prison conditions remain inadequate,” and issues such as the “overcrowding of prisons, lack of medical services, detention of children with adults, poor personal hygiene of inmates and the lack of an effective monitoring system” remain acute across the region.²³

²¹ “Human Rights Watch: Prison Conditions in Europe and Central Asia” Human Rights Watch, Accessed November 7, 2020, <https://www.hrw.org/legacy/advocacy/prisons/europe.htm>

²² “Human Rights Watch: Prison Conditions in Latin America and the Caribbean” Human Rights Watch, Accessed November 7, 2020, <https://www.hrw.org/legacy/advocacy/prisons/americas.htm>

²³ Schonteich, Martin “Hidden Cruelties: Prison Conditions in Sub-Saharan Africa” World Politics Review, Accessed November 7, 2020, <https://www.worldpoliticsreview.com/articles/15366/hidden-cruelties-prison-conditions-in-sub-saharan-africa#:~:text=While%20Kaggwa%20maintains%20that%20conditions,of%20an%20effective%20monitoring%20systemhttps://www.worldpoliticsreview.com/articles/15366/hidden-cruelties-prison-condition>



Discussion Questions:

1. What are the prison conditions in your country?
2. What policies or actions is your country developing and taking on the subject of prisoner and human rights?
3. Can your country help the UNHRC improve the prison conditions of other countries? How?
4. How might non-democratic countries view the issue in comparison to democratic countries?
5. How will developed countries view the issue differently from developing countries?
6. How has COVID-19 shaped and redefined prisoner rights?
7. Should prisoners be allowed to vote?

Additional Sources:

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2. A Human Rights Approach to Prison Management -- a handbook for prison staff: https://www.prisonstudies.org/sites/default/files/resources/downloads/handbook_2nd_ed_eng_8.pdf
3. United Nations Declaration on Human Rights: [https://www.un.org/en/universal-declaration-human-rights/#:~:text=The%20Universal%20Declaration%20of%20Human%20Rights%20\(UDHR\)%20is%20a%20milestone,the%20history%20of%20human%20rights.&text=It%20sets%20out%20C%20for%20the,translated%20into%20over%20500%20languages.](https://www.un.org/en/universal-declaration-human-rights/#:~:text=The%20Universal%20Declaration%20of%20Human%20Rights%20(UDHR)%20is%20a%20milestone,the%20history%20of%20human%20rights.&text=It%20sets%20out%20C%20for%20the,translated%20into%20over%20500%20languages.)
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