

## **CLEIMUN2020**

“The Question of Prisoners Rights in Areas of Conflict”

A Research Report

COMMITTEE: Human Rights

QUESTION OF: The Question of Prisoners Rights

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### **Introduction & Background**

Across the entire world there is an estimated 10.35 million people incarcerated. The United States has the highest prison rates with 724 people incarcerated out of 10,000 while Russia has the second highest prison rate at 581 people per 10,000. Much of the world lowest prison rates exist in developing countries but in places such as Kenya these prisons are subjected to overcrowding as they do not have the proper staff or facilities necessary to handle the prison population. Of the prison population the majority is taken up by men, especially ones from impoverished backgrounds and due to bias criminal justice systems many minority groups whether due to ethnicity, nationality, sexuality, or social background are discriminated against causing minorities to be arrested, prosecuted, and imprisoned at higher rates.

Between 2000 and 2015 studies such as the Global Prison Trends series, United Nations (UN) reports, and individual countries prison data statistics all show a trend of declining crime rates within their countries, but a growing trend of people being imprisoned. From 2000 to 2015 the world saw a growth rate of the prison population by 20% which was slightly higher than the

world population growth rate in the same period of time. This increase is largely due to dysfunctional criminal justice systems in which many countries either to quickly prosecute and imprison people or the standard severity of certain crime like non-violent drug possession are incarceration as opposed to a fine or parole system that keeps people out of prisons and only watch over them.

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### **How can prisoners rights be guaranteed in other countries, especially in areas of conflict?**

As stated in the first line of the General Assembly resolution 45/111 adopted December 14 1990, “all prisoners shall be treated with the respect due to their inherent dignity and value as human beings.” However, it is extremely hard to ensure that prisoners rights are guaranteed, especially in areas of conflict or with prisoners of non-government groups such as terrorist organizations or rebel groups. This issue is due to lack of ability to monitor these prisoners and the volatile situation and environment the prisoners are subjected to. For dire situations like this it's often important for the prisoners safety to be guaranteed during negotiations between groups or countries in the middle of any given conflict as an incentive to ensure the prisoners safety.

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### **Why are these prisoners being incarcerated?**

It's important to consider the crimes that these prisoners have been incarcerated for. In the world's highest ranking prison incarceration rate, the United States's Federal Bureau of Prisons (BOP) shows that the most common crime for prisoners to be incarcerated for drug offenses, making up 45.3% of inmates. In the fourth edition of the Penal Reform Internationals

series *The Global Prison Trends 2018* edition shows that drug related crimes are the leading global cause for imprisonment, many of which are cases of non-violent drug offenders such as people caught with illegal substances but not under the influence of them at the time of arrest.

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**What are the current living conditions these prisoners face and are they currently at human standards?**

Research on the conditions that prisoners live in vary across the world as prisons are either state run, private, or little data can be found due to the country they are located in. As previously stated, while developing countries may have lower prison rate world wide, they are the most common places for overcrowding. Data shows that prisoners exceed official prison capacities in over 120 countries the highest rates of overcrowding occur in El Salvador at 310%, Benin at 363%, the Philippines at 316%, and Macedonia at 136%. It should be noted these countries individually determine the official capacity of any prison so these numbers may only be showing the start of a much larger prison overcrowding issue. A 2017 report that was issued by the UN High Commissioner for Human Rights found that overcrowding had a direct correlation to a number of human rights violations and issues that negatively affect the life and wellbeing of prisoners. Issues such as lack of sufficient guards and staff to accommodate the number of prisoners, quick spread of diseases and sickness within the prison population due to a lack of sufficient healthcare services and supplies and living supplies.

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**Past Efforts**

Past UN efforts to establish a humane standard for treatment of prisoners have been taken, many of which have been countries reagreeing to the standard set by the General Assembly resolution 45/111 adopted December 1, 1990. Other efforts have been continuous research studies conducted by the UN and various committees such as the Human Rights Council (HRC). A recent General Assembly resolution adopted in 2015 was the United Nations Standard Minimum Rules for the Treatment of Prisoners or the Nelson Mandela Rules, was passed “to set out what is generally accepted as being good principles and practice in the treatment of prisoners and prison management” which

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### **Possible Solutions**

There are a number of variables that need to be taken into account as a delegate when discussing the rights of prisoners. Those being the country's laws in which the prisoner is under the jurisdiction of and the ability to monitor and insure prisoners rights while respecting the national sovereignty of other nations. The goal of this topic is to ensure the rights of prisoners so many solutions will involve reinforcing past practices at ensuring prisoners rights, while also making sure those rights are being carried out by the country responsible for the prisoners. The very root of this issue is the growing number of people being incarcerated, finding a way to change and or lessen the likelihood of someone being sent to prison for committing a crime, especially the world wide non-violent drug crime rate is a start at stemming the number of prisoners whose rights need to be insured. The second part of the issue will be handling the prisoners already incarcerated around the world, this will entail providing more space for prisoners to curb overcrowding and bring about safer living conditions, providing basic medical

supplies and treatment. These possible solutions can only be built on by debate and bipartisan work among delegates in an effort to end a problem that affects over 10 million people across the globe.

## Work Cited

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