



Forum: Human Rights Council

Question of: Providing humanitarian living conditions for convicts in prison

Student Officer: Erik Dabelko

Position: Chair of the Human Rights Council

Email: humanrightscouncil@gym-meiendorf.de

I. Description of the Issue

Law has been established as one of the pillars of every functioning human society. Inherent in the rule of law is punishment. Without sentence, there is no incentive for individuals to abide by the structure of society which has been created. In the modern world, the most common form of punishment for committing a crime is forced internment in state-supported prison systems. Globally, as inmates are often forced to live in compartmentalized housing, conditions are found to be subpar. Even though convicted persons have broken the social contract which we abide by in order to function, the purpose of their incarceration should not be punishment but instead rehabilitation. To provide ample rehabilitation, the conditions in which imprisoned persons undergo must be productive in the final goal towards rehabilitation and reconstruction. Countries such as the United States of America contain 5% of the world's population, but 25% of its prisoners, highlighting a need for humanitarian living conditions in more economically developed countries. As prisons are spread worldwide, the aspects of this debate are important to all nations party to these agreements.

II. Definition of Key Terms

- Social Contract – The idea of a social contract is one that members of a society agree with each other and the governing body on a fundamental system of morals and political rules of behavior.
- NGO – Non-governmental Organizations are parties with specific goals related to improving a certain aspect of the world. When discussing the rights and protections of



minorities, non-governmental organizations such as the Minority Rights Group work to support disadvantaged minority groups.

- IGO – Inter-governmental Organizations are groups of state governments who meet with the establishment of a common goal. The prime example of an inter-governmental organization would be the United Nations.
- WASH – WASH, or water, sanitation, and hygiene describes the services and supplies which are recognized to be crucial to human hygiene and quality of life.

III. Background Information

Through the colonial era, some who were opposed to the concept of capital punishment developed incarceration as a form of punishment. Before this, jails were often temporary holding spaces before a punishment which often inflicted pain.¹ As housing was only temporary, the conditions which present were not considered to be of utmost importance and in some cases seen as a part of the punishment. Although the deprivation of societal liberties is a drastic resort, a well-functioning and integrated prison system focused on reintegration of offenders back into society is a necessity in our current societal format.

Living conditions of prisoners was originally thought to be a quite limited definition, concerning only the literal physical conditions of their imprisonment. This definition was gradually expanded to include things such as meals, crowding, discrimination, and treatment by staff. Each of the aspects involved in the conditions of incarcerated persons should be evaluated on an individual basis, but also in relation to how they interact and expound upon each other. As the world is evermore globalized and interconnected, states must work together to provide sufficient conditions and access to assistance which works towards rehabilitation, sharing knowledge and systems. Although this is important, societal perception of offenders is also crucial to aim of rehabilitation. Without the support of the greater society, in both infrastructure and perception, incarcerated persons will face challenges on their way to rehabilitation.

Incarcerated inmates face a number of challenges and factors which affect their everyday life, some of the most prevalent being space. There is no definitive average or set amount of space

¹ “History Of Imprisonment – Crime Museum”



per inmate worldwide, with size differing widely under different penal systems. The Standard Minimum Rules for the Treatment of Prisoners, the minimum accepted floor space for prisoners is 6 square meters.² Even then, cases of overcrowding and lack of proper personal space for inmates have occurred. Inmates are also required to be provided with sufficient WASH supplies and facilities. The ability for one to practice personal hygiene without the stresses of overcrowding and disruption is important to providing a rehabilitation-oriented experience. Prisoners are also afforded the right to areas which are kept “scrupulously clean,” as those deprived of the liberty of freedom should be allowed to enjoy the comfort of clean conditions.³

As persons under incarceration, adequate meals must be provided for the duration of their internment. Food is required to be of ample nutritional value as well and quality, conditions which have not been met by some member states. As part of the basic respect of all peoples and religions, dietary restrictions should be followed, with the deserved respect as a human being providing the justification to this call to action. As food is essential to our lives, the provision of sufficient meals to inmates is paramount to delivering humanitarian conditions in incarcerated settings.

Throughout worldwide prison populations, minority groups are often found to be overrepresented in statistical data. As the law is meant to serve as a just and fair judge to those who break a social contract, minorities should in theory be represented just as they do in the overarching population. As incarcerated persons are supposed to be treated fairly and equally, ethnicity, nationality, religion, or language should not have an effect on treatment, with this being a likely sign of a systemic bias within the according penal system as a whole.⁴

IV. Major Countries and Organizations Involved

² “The United Nations Standard Minimum Rules for the Treatment of Prisoners”

³ Ibid

⁴ Ibid



The People's Republic of China

China has faced criticism for its treatment of prisoners over the years, much of this can be linked to their concerns over prisons overcrowding, lack of transparency, restrictions on freedom of expression and association.

The United States of America

The United States has also faced criticism for its treatment of prisoners and the conditions in some of its prisons. Concerns have been raised regarding overcrowding, issues related to transparency, use of solitary confinement, and lack of opportunities for education. The US also houses around 20% of the worlds prison population at almost 2 million.

French Republic

The French Republic has had a recent problem with the overcrowding of prisons. As they continue to gain more incarcerated persons, French authorities are do not manage to follow some regulations.⁵ As the problem with overcrowding continues, the European court of human rights has condemned the French Republic for their actions.⁶

Russian Federation

The Russian Federation has recently been seen to fall quite far behind the standards seen today typically. This has grown to an extent where military contractors such as the Wagner group have openly made statements regarding their use of Russian prisoners as front-line soldiers. Combined with their known 'meatgrinder' tactics, the treatment of these prisoners is clearly inhumane.

United Kingdom of Great Britain and Northern Ireland

⁵ "Prison Observatory – Prison Conditions"

⁶ Ibid



The UK has recently been criticized for their treatment of prisoners under the COVID-19 epidemic. The Guardian reported that the isolation protocols present in UK prisons, with a majority of prisoners nationwide being isolated for 23 hours a day for prolonged periods of time (over 15 days).⁷ This under the Nelson Mandela Rules, Rule 44 equates to torture.⁸

Organizations involved (IGOs)

- United Nations Office on Drugs and Crime (UNODC)
- International Committee of the Red Cross (ICRC)
- Penal Reform International (PRI)
- World Health Organization (WHO)
- Human Rights Watch (HRW)
- Amnesty International
- Association for the Prevention of Torture (APT)

V. Previous Attempts to Solve the Issue

As the world has progressed, engagement with the humanitarian treatment and housing of prisoners has increased, although conditions have still been questionable. The Nelson Mandela Rules, or “[United Nations Standard Minimum Rules for the Treatment of Prisoners](#)” is the defined rules accepted by the United Nations, originally presented in 1955, which provide a basis for the conditions regarding incarceration. Some articles in this standard though are difficult to implement and track and therefore it has not reached as widely as hoped.

Other attempted solutions such as the International Covenant on Civil and Political Rights and the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment have provided requirements for states in their treatment of imprisoned persons, as well as what punishments they may undergo. The controlling mechanisms laid out within

⁷ Allison

⁸ “The United Nations Standard Minimum Rules for the Treatment of Prisoners”



these agreements though have had difficulty achieving their aims as states such as the Commonwealth of Australia have refused access to the independent overseeing bodies which monitor the adherence to these principles. A similar problem applies to the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, as it is not equipped with many methods to carry out the observation of its commitments.

VI. Possible Solutions

- Implementing further healthcare services, including regular health checks, mental health care services, substance abuse treatment, and access to specialized care.
- Establishing further structured and supervised outdoor activities and programs, including exercise and recreation to provide inmates with regular access to the outdoors.
- Ensuring rigorous training, accountability measures, and the promotion of a culture of respect and professionalism among guards and staff.
- Expanding educational and skill-based programs within prisons, including literacy courses, vocational training, and job placement assistance.
- Implement comprehensive measures to address gang violence, including increased staff training, enhanced security protocols and intelligence gathering.
- Provide specific methods to support incarcerated persons with dietary restrictions.
- Address issues with overcrowding through common assistance programs.

VII. How to Prepare as a Delegate

The Human Rights Council is a wonderful experience in which old and new delegates are able to work together to form new and engaging solutions. As a delegate you will have the chance to prepare unique solutions from your delegation's perspective which shape the resolution to your benefit. Delegates are expected to research their positions extensively, presenting their findings in position papers. These are made up of, a quick analysis of one's own country, followed by an exhibition of the state's interests and perceptions of the issue at



hand. Delegates must submit 2-3 position papers but be prepared for opening speeches and debate on all issues. Position papers are to be submitted to both chairs of the Human Rights Council no later than the 10th of September 2023. Delegates are encouraged to work together to delve into the wealth of information present regarding each issue and their state. Well produced position papers submitted on time are a factor in the awards process. Participants in MUNoH 2023 are also reminded to show respect to their fellow delegates and staff, with the reminder of possible repercussions if deemed necessary.

VIII.UN Resolutions

- General Assembly Resolution 45/111 – Basic Principles for the Treatment of Prisoners
 - <https://www.ohchr.org/en/instruments-mechanisms/instruments/basic-principles-treatment-prisoners>
- ECOSOC Resolution 2002/112 - Basic Principles on the Use of Restorative Justice Programmes in Criminal Matters
 - <https://www.un.org/en/ecosoc/docs/2002/resolution%202002-12.pdf>
-

IX. Useful Links

- United Nations Congresses on Crime Prevention and Criminal Justice 1955-2010
 - https://www.un.org/en/conf/crimecongress2010/pdf/55years_ebook.pdf
- United Nations System Common Position on Incarceration
 - https://www.unodc.org/res/justice-and-prison-reform/nelsonmandelarules-GoF/UN_System_Common_Position_on_Incarceration.pdf
- Living Space Per Prisoner in Prison Establishments: CPT Standards
 - <https://rm.coe.int/16806cc449>
- The Nelson Mandela Rules: Protecting the Rights of Persons Deprived of Liberty
 - <https://www.un.org/en/un-chronicle/nelson-mandela-rules-protecting-rights-persons-deprived-liberty>



- The United Nations Office of the High Commissioner of Human Rights
 - https://www.ohchr.org/en/ohchr_homepage
- Penal Reform International
 - <https://www.penalreform.org>
- European Convention for the Prevention of Torture and Inhumane or Degrading Treatment or Punishment
 - <https://rm.coe.int/16806dbaa3>

X. **Sources**

Allison, Eric. “Treatment of UK Prisoners during Covid Meets UN Definition of Torture | Prisons and Probation | The Guardian.” *The Guardian*, The Guardian 20 July 2022, <https://www.theguardian.com/society/2022/jul/20/treatment-of-uk-prisoners-during-covid-meets-un-definition-of-torture>

“History Of Imprisonment – Crime Museum.” *Crime Museum*, <https://www.crimemuseum.org/crime-library/famous-prisons-incarceration/history-of-imprisonment/>

“Prison Observatory – Prison Conditions.” *Prison Observatory – Home*, http://www.prisonobservatory.org/index.php?option=com_content&view=category&layout=blog&id=13&Itemid=116#CONDITIONS_OF_IMPRISONMENT

The United Nations Standard Minimum Rules for the Treatment of Prisoners. The United Nations Office on Drugs and Crime, https://www.unodc.org/documents/justice-and-prison-reform/Nelson_Mandela_Rules-E-ebook.pdf

United Nations System Common Position on Incarceration. United Nations, April 2021, https://www.unodc.org/res/justice-and-prison-reform/nelsonmandelarules-UN_System_Common_Position_on_Incarceration.pdf [GoF/](#)