LEGGE RHYTHMS DIPLOMACY SUMMIT

United Nations Human Rights Council

Dates - 9th and 10th September 2017



**BACKGROUND GUIDE**

**AGENDA**

**“RIGHTS OF PRISONERS”**

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**Message from the Executive Board**

Dear Delegates of the UNHRC,

It is an honor and privilege to welcome you to the LRDS 2017! This background guide will give you a basic outline of the agenda. It is a sincere advice that this background guide shall be treated as one of the resources in your research and that you are expected to research far beyond this guide.

At this point, I would also like to remind you that your knowledge on the agenda is very important, however there are certain other aspects of the conference that are equally important as well.

• Mandate

Every committee and specialized agency has a very specific mandate. The discussion of an agenda and proposal of solutions should be within the mandate of the UNHRC.

• Procedure

The purpose of putting in the procedures in any committee is to ensure a more organized and efficient debate. Although the executive board shall be strict with the procedure, the discussion of agenda will be our priority. So, don ‘t restrict your suggestions because of hesitations regarding procedures.

• Foreign Policy

Following the foreign policy of your country is the most important aspect in a Model UN Conference. This is what differentiates a Model UN from any debating format. Violation of Foreign Policy is the worst thing a delegate can do.

• Research

Knowledge about the history of UNHRC, the Agenda and all the aspects of the agenda helps the delegate to contribute more effectively in the Council. A well- researched delegate is always appreciated by the executive board.

Do read through the footnotes; Looking forward to a memorable conference.

Chinmay Sharma Priya Gupta

Chair; UNHRC Vice Chair; UNHRC

Email: [chinamysharma11@gmail.com](mailto:chinamysharma11@gmail.com) [priyagupta2489@gmail.com](mailto:priyagupta2489@gmail.com)

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**Position Paper**

A position paper is a brief overview of a country’s stance on the topics being discussed by a committee. Though there is no specific format the position paper must follow, it should include a description of your positions your country holds on the issues on the agenda, relevant actions that your country has taken, and potential solutions that your country would support. At Vancouver Model United Nations, delegates should write a position paper for each of the committee’s topics. Each position paper should not exceed one page, and should all be combined into a single document per delegate.

Formatting Position papers should:

— Include the name of the delegate, his/her country, and the committee — Be in a standard font (e.g. Times New Roman) with a 12-point font size and 1-inch document margins — Not include illustrations, diagrams, decorations, national symbols, watermarks, or page borders — Include citations and a bibliography, in any format, giving due credit to the sources used in research (not included in the 1-page limit)

**About**

The United Nations Declaration of Human Rights (UNDHR), one of the fundamental documents from which a multitude of human rights agreements subsequently spawned, states that all human beings are equal in dignity and rights. Unfortunately, there are situations where conditions go unchecked by any regulatory authority, taking away the rights of those imprisoned due to the nature of their crime, POW (Prisoners of War) status, or even a “beneath human” status. UNDHR, however, guarantees equal treatment, or at least a standard minimum treatment, to all people, regardless of the nature, situation, and degree of their transgressions.[[1]](#footnote-2)

**Historical background**

The treatment of prisoners moved into international focus after the United Nations was created following WWII. Because laws concerning the rights of prisoners are created in the UN and at the national level, national sovereignty is a frequent and pressing issue. On December 10, 1948, the General Assembly (GA) adopted the Universal Declaration of Human Rights, which states that human beings have certain unalienable rights that cannot be removed under any circumstance, including imprisonment. It also states that no person may be subjected to arbitrary arrest, imprisonment or detention, arbitrary meaning that there is no legal justification. Still, in many countries, detainees are held for long periods without due process and convicted in trials where these UN standards are ignored. Following this, many resolutions on the rights of prisoners have passed the GA such as **resolution 663, The Standard Minimum Rules for the Treatment of Prisoners in July 1957, and amended in 1977**. It details the rights that prisoners should have and that all nations should respect these rights. **Resolutions 37/193 and 4/173** passed by the GA aim to protect prisoners from torture and abuse. Despite this, many countries allow torture and other inhumane treatment to gain information or a confession from a detainee and, in many instances, to punish detainees. In December of 1990, the General Assembly adopted **resolution 45/111**, Basic Principles for the Treatment of Prisoners. Although these documents set up a legal framework for the treatment of prisoners, none detail how countries can enforce these guidelines within their own borders. Because of this, lawmakers in individual nations face the challenge of incorporating the principles of the documents into their nations’ legal codes, which often results in the UN’s decisions to be ignored or inadequately fulfilled and the neglection of prisoners’ legal protections.[[2]](#footnote-3)

**Current Situation & The Problem**

On August 18th, 2016 The United States Department of Justice announced it would stop using privately operated prisons for federal prisoners. The department’s Office of the Inspector General had recently concluded that private facilities are less safe and less effective than those run by the Bureau of Prisons that are not privately operated. While this decision could improve right protections for prisoners now and in the future. Some examples of the mistreatment of prisoners goes into food, staff sexual abuse, beatings, abuse by stun gun and baton. Prisoners at Myanmar Labor camps are being punished in ways that violate existing laws. The Myanmar Labor camp prisoners receive inadequate food and healthcare while prison authorities are trying to extract all their labor. The current prison system in Myanmar and its regulations do not meet the United Nations Standard Minimum Rules for the Treatment of Prisoners (SMR), the standards set by international law, the legal provisions of other Asian nations, domestic laws of other countries and many other international declarations and United Nations conventions. Your background guides should not focus specifically on Myanmar, but can focus on Myanmar or other similar global situations. The problem with Myanmar Labor camps is the Myanmar prison system does not meet United Nations regulations, so the United Nations must discuss what to do with non- complying countries. Recently, prison food made news with a viral video from Buzzfeed that cited various court cases throughout the United States. The nutraloaf has been used as punishment in American prisons for years, but was recently banned in New York prisons. This move was applauded by Human Rights Groups across the world. According to the United Nations, the standard minimum rules for the treatment of prisoners says every prisoner shall be provided by the administration at the usual hours with food of nutritional value adequate for health and strength, of wholesome quality and well prepared and served. The problem with nutraloaf is nutraloaf is viewed as a disgusting form of punishment that should have been banned a century ago. In a 1978 Supreme Court case, **Hutto v. Finney**, (please do add citation of the case) a group of Arkansas prisoners successfully sued over their conditions, including being fed nutraloaf. Nutraloaf is a form of punishment because it deteriorates the mental health of the prisoner, as argued by a multitude of prisoner rights organizations. [[3]](#footnote-4)

**Relevant Documents:**

1. The Universal Declaration of Human Rights http://www.un.org/en/universal­declaration­human­rights/
2. Resolution 45/111,
3. Basic Principles for the Treatment of Prisoners [http://www.ohchr.org/EN/ProfessionalInterest/Pages/BasicPrinciplesTreatmentOf Prisoners.aspx](http://www.ohchr.org/EN/ProfessionalInterest/Pages/BasicPrinciplesTreatmentOf%20Prisoners.aspx%20)
4. Resolution 37/193, Torture and other cruel, inhuman or degrading treatment or punishment

<http://www.un.org/documents/ga/res/37/a37r193.htm>

**Expert Group on the Standard Minimum Rules for the Treatment of Prisoners**

In the past few years, the UN has indeed made efforts to improve the treatment of prisoners. The GA requested in 2011, through its **resolution 65/230 entitled “Twelfth United Nations Congress on Crime Prevention and Criminal Justice,**” that the Commission on Crime Prevention and Criminal Justice establish “an open-ended intergovernmental expert group.” 122 The purpose of this expert group is to make recommendations to the Commission on how to proceed with the treatment of prisoners. They do this through exchanging information on best practices, best national legislations, and existing international laws relating to prisoners’ rights.123 This information would then be shared with the GA. The group also proposes revisions for the existing SMRs, so that “they reflect recent advances in correctional science and best practices.”124 The group has been established and they have already met three times: once in Vienna, Austria, from 31 January to 2 February 2012, once in Buenos Aires, Argentina, from 11-13 December, and another in Vienna, Austria, from 25-28 March 2014. In exchange, the Secretariat is preparing a working paper which examines the adopted international instruments, standards and norms, recognizes guidelines and principles, identifies rules in the SMRs that may have to be revised, and develops proposals for discussion among all Member States.125 Delegates should examine what changes have been proposed and use these proposals as guidelines for other possible ideas that can improve prisoners’ rights. The changes the expert group can bring will signify a concrete beginning to the improvement of the treatment of prisoners worldwide. As a committee, SOCHUM can help the process by supporting the work done by the group and ensuring that they receive the information they need to make quality proposals.[[4]](#footnote-5)

**Bloc Positions**

The treatment of prisoners is different in every nation, and while many countries may align with the ideology behind past UN legislation on this topic, they can still be unwilling to commit to the allocation of funds and the course of action needed for the implementation of the UN’s decisions.

The African Union created the Special Rapporteur on Prisons and Conditions of Detention in Africa

(SRP), standing as regional mechanism focused on the improvement of prison conditions.

**Tip**

When researching your country's stance, a beneficial way to break down the different schools of thought is becoming familiar with country alliances (such as who are the G8?). Schools of thought can often be broken down by region (poor African Nations, Asia, Europe). Or, depending on the topic, it can be broken down into things like religion or possession of nuclear weapons. [[5]](#footnote-6)

**Committee’s Mission:**

This Committee must address these issues (and others) to end prisoner mistreatment:

1. Overcrowding in prisons
2. Solitary confinement treatment and Bar Fetters
3. Continuation of labor camps
4. Beatings of prisoners
5. Enforcement of United Nations treaties
6. Sexual assualt in prisons
7. Speedy Trial

**Happy Researching!**

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1. <https://mun.nd.edu/assets/217917/sochum_backgroundguide.pdf> [↑](#footnote-ref-2)
2. <http://www.ohchr.org/Documents/Publications/training11Add3en.pdf> [↑](#footnote-ref-3)
3. <https://www.icrc.org/eng/war-and-law/protected-persons/prisoners-war/overview-detainees-protected-persons.htm> [↑](#footnote-ref-4)
4. <http://www.imuna.org/sites/default/files/SOCHUM.pdf> [↑](#footnote-ref-5)
5. <http://www.hg.org/prisoners-of-war.html> [↑](#footnote-ref-6)