

KNIGHTS MODEL UNITED NATIONS INVITATIONAL CONFERENCE

UN OFFICE ON DRUGS AND CRIME: PRISON REFORM



DECEMBER 3, 2022

LETTER FROM THE CHAIR

Greetings, delegates! I am Marina Khoury, a junior at The Bishop's School. This is my fifth year as part of MUN, but my first year as a chair. I love participating in conferences, so I can't wait to help you have a great experience at KnightsMUN. I am super excited to see how you enact prison reform. It has been a long-standing issue, so I hope that you carefully consider how your solutions will change criminal justice systems from legislation to post-release. For position paper guidelines, see the Position Paper tab on the KnightsMUN website.

I. BACKGROUND

Around 1772 B.C.E., King Hammurabi of Mesopotamia created a law code to address his multiethnic constituents with as much equality as possible. Like most modern-day legal systems, his code was retributive—it punished offenders to levy justice. Crimes' contexts were largely forgone; cause and effect were applied simply: “If a man put out the eye of another man, his eye shall be put out.”¹ In other words, an eye for an eye.

Since that first legal code, criminal justice has gone through many changes. Prison was invented to substitute corporal and capital punishment. Its basic principle is that the length of detainment depends on the severity of crime. As mentioned, it is retributive in form; criminals are punished to serve their debt to society. Today, millions await release—between just 2000 and 2020, the global penal population increased by 24%.² Far from eradicating crime, however, this rapid increase in prisoners has only borne more problems. Currently, there are three main areas that prison reforms address: law, conditions, and rehabilitation.

¹ Joshua J. Mark, "Code of Hammurabi." *World History Encyclopedia*, Last modified June 24, 2021, https://www.worldhistory.org/Code_of_Hammurabi/.

² Andrea Cipriano, “Global Incarceration, Prison Capacity Expanding at ‘Alarming Rate,’” *The Crime Report*, May 11, 2022, <https://thecrimereport.org/2022/05/11/global-incarceration-prison-capacity-expanding-at-alarming-rate/>.

Legislative change is one key method of reform. As the primary point of intervention, criminal courts play a pivotal role in prison systems. When sentencing guidelines change, the amount of time that convicts spend behind bars can shift dramatically. For instance, since 2010, many countries in the Caribbean have enforced laws more harshly under the Caribbean Basin Security Initiative (a United States program targeting drug trafficking).³ As a result, the prison rate in the Americas rose 71% between 2000 and 2020.⁴ Similarly important, the application of law can alter prison demographics. Racial bias in the Canadian legal system, for example, has led to severe overrepresentation of Black and Aboriginal individuals in prison; additionally, these minorities are less likely to be granted parole.⁵

Within the legal system, many alternatives to incarceration exist. Community service hours or fines are levied for less severe crimes. A growing number of addicts are sent to court-mandated rehab instead of serving time. On top of this, some courts forgo strict retributive justice in favor of “restorative justice,” a type of mediation that allows victims and perpetrators to reflect and heal together. This option is typically implemented in select juvenile cases and has seen success—in Colorado, it decreased youth recidivism rates by 63% (meaning juveniles were 63% less likely to reoffend after taking part in restorative justice) and in New Zealand, 80% of victims said they would recommend restorative justice programs to others.⁶

Second, prison conditions are a major area of reform. In over 118 countries, prisons exceed their maximum occupancy rate; the crowding is sometimes so severe that prisoners must

³ “Caribbean Profile,” *InSight Crime*, September 15, 2017, <https://insightcrime.org/caribbean-organized-crime-news/caribbean/>.

⁴ UNODC-Inegi Center of Excellence, “Investing in prison statistics in Latin America and the Caribbean, an urgent issue,” *United Nations Office on Drugs and Crime*, May 20, 2022, <https://www.cdeunodc.inegi.org.mx/index.php/2022/05/20/investing-in-prison-statistics-in-latin-america-and-the-caribbean-an-urgent-issue/>.

⁵ “Race, Crime, and Justice in Canada,” *The John Howard Society of Canada*, October 19, 2017, <https://johnhoward.ca/blog/race-crime-justice-canada/>.

⁶ David Newton, “Restorative Justice and Youthful Offenders,” *FBI Law Enforcement Bulletin*, October 6, 2016, <https://leb.fbi.gov/articles/featured-articles/restorative-justice-and-youthful-offenders>.

sleep in shifts, on top of one another, or even tied to bars so that they can sleep while standing.⁷

The overcrowding can exacerbate other problems as well, like emergency response systems. This June, a fire in a Colombian prison that was 17% over capacity killed 51 people and injured 24.⁸ Sanitation, too, is of widespread concern. Poor sanitation facilitates the spread of diseases, including COVID, hepatitis, and HIV. Even serious health concerns like high arsenic content in drinking water slip through the cracks.⁹

Finally, rehabilitative programs are crucial to successful prison reform. Around the world, recidivism rates are disturbingly high. Many factors contribute to this, including mental health issues, drug addiction, and poverty. In fact, in 2003, there were three times as many severely mentally ill Americans in prison than in psychiatric hospitals.¹⁰ This suggests that prisoners could benefit from counseling or psychiatric services. Poverty, too, can increase recidivism rates. After release from prison, convicts often have difficulty finding jobs because of their criminal records. On top of this, “status crimes,” or crimes based on one’s condition (not to be confused with “status offenses,” or laws only applicable to minors), can keep the most vulnerable in jails. These crimes include sleeping and camping in public, panhandling, and creating makeshift tents—all of which specifically target the homeless.¹¹

⁷ “Overcrowding,” *Penal Reform Initiative*, 2021,

<https://www.penalreform.org/issues/prison-conditions/key-facts/overcrowding/>.

⁸ Stefano Pozzebon, “Colombian prison riot sparks fire, killing 51 people,” *CNN*, June 28, 2022,

<https://www.cnn.com/2022/06/28/americas/colombia-prison-brawl-fire-intl-latam/index.html>.

⁹ “Lack of drinking water, sanitation found major issues in prisons across Sindh,” *DawnNews*, June 26, 2013,

<https://www.dawn.com/news/1020875/lack-of-drinking-water-sanitation-found-major-issues-in-prisons-across-sindh>.

¹⁰ Megan J. Wolff, *Fact Sheet: Incarceration and Mental Health* (New York: Weill Cornell Medicine Psychiatry, 2017),

<https://psychiatry.weill.cornell.edu/research-institutes/dewitt-wallace-institute-psychiatry/issues-mental-health-police/fact-sheet-0>.

¹¹ Liz Wolfe, “The Laws Cities Use To Make Homelessness a Crime,” *Daily Beast*, May 5, 2017,

<https://www.thedailybeast.com/the-laws-cities-use-to-make-homelessness-a-crime>.

II. UN ACTIONS

The United Nations has created several guidelines on prison facilities and prisoners' treatment. Its actions are guided by the Standard Minimum Rules for the Treatment of Prisoners, created in 1955, which were revised in 2015 and henceforth known as the Nelson Mandela Rules.¹² The Rules outline medical, hygienic, and disciplinary expectations. In addition, under the 2015 Doha Declaration, member states committed to international cooperation and the pursuit of equitable, effective justice.¹³

In practical reforms, the UN primarily supports rehabilitative programs. It has created several documents for technical assistance, including the "Introductory Handbook on the Prevention of Recidivism and the Social Reintegration of Offenders."¹⁴ In addition, the UN supports the creation of national brands of products made by prisoners in work programs; it hopes that this will help decrease job discrimination against felons.¹⁵

III. QUESTIONS TO CONSIDER

As you can see, there are many different opportunities for prison reform. As you brainstorm solutions, some questions to keep in mind are:

1. Would this reform best be implemented at the sentencing level (in courts), inside of prisons, or as part of a post-release program?
2. What role would the UN play in implementing this reform? Is international cooperation considered?
3. What could prevent overlong prison sentences while ensuring perpetrators meet justice?

¹² "Nelson Mandela Rules," *United Nations*, https://www.un.org/en/events/mandeladay/mandela_rules.shtml.

¹³ United Nations, *Doha Declaration*, 2015, available at https://www.unodc.org/documents/congress/Declaration/V1504151_English.pdf.

¹⁴ "Rehabilitation and social reintegration of prisoners," *UNODC*, <https://www.unodc.org/dohadeclaration/en/topics/prisoner-rehabilitation.html>.

¹⁵ "Rehabilitation and social reintegration of prisoners," *UNODC*, <https://www.unodc.org/dohadeclaration/en/topics/prisoner-rehabilitation.html>.

4. How would this reform impact other parts of the justice system?
5. Who would pay for this reform?
6. Does this reform target specific groups? What are the participation requirements?
7. Is this reform feasible? Over what period of time?

IV. HELPFUL RESOURCES

- <https://www.unodc.org/dohadeclaration/en/topics/prisoner-rehabilitation.html>
- <https://www.penalreform.org/issues/prison-conditions/key-facts/overcrowding/>
- <https://www.prisonpolicy.org/global/2021.html>
- <https://leb.fbi.gov/articles/featured-articles/restorative-justice-and-youthful-offenders>
- <https://www.prisonstudies.org/world-prison-brief-data>

V. BIBLIOGRAPHY

“Caribbean Profile.” *InSight Crime*, September 15, 2017.

<https://insightcrime.org/caribbean-organized-crime-news/caribbean/>.

Cipriano, Andrea. “Global Incarceration, Prison Capacity Expanding at ‘Alarming Rate.’” *The Crime Report*, May 11, 2022.

<https://thecrimereport.org/2022/05/11/global-incarceration-prison-capacity-expanding-at-alarming-rate/>.

“Lack of drinking water, sanitation found major issues in prisons across Sindh.” *DawnNews*, June 26, 2013,

<https://www.dawn.com/news/1020875/lack-of-drinking-water-sanitation-found-major-issues-in-prisons-across-sindh>.

Mark, Joshua J. "Code of Hammurabi." *World History Encyclopedia*. Last modified June 24, 2021. https://www.worldhistory.org/Code_of_Hammurabi/.

Wolff, Megan J.. *Fact Sheet: Incarceration and Mental Health*. New York: Weill Cornell Medicine Psychiatry, 2017.

<https://psychiatry.weill.cornell.edu/research-institutes/dewitt-wallace-institute-psychiatry/issues-mental-health-policy/fact-sheet-0>.

Ndemere, Benon. “Water, sanitation and hygiene are crucial in prison settings.” *International Rescue Committee*, December 10, 2015,

<https://www.ircwash.org/blog/water-sanitation-and-hygiene-are-crucial-prison-settings>.

“Nelson Mandela Rules,” *United Nations*,

https://www.un.org/en/events/mandeladay/mandela_rules.shtml.

Newton, David. “Restorative Justice and Youthful Offenders.” *FBI Law Enforcement Bulletin*, October 6, 2016,

<https://leb.fbi.gov/articles/featured-articles/restorative-justice-and-youthful-offenders>.

“Overcrowding,” *Penal Reform Initiative*, 2021,

<https://www.penalreform.org/issues/prison-conditions/key-facts/overcrowding/>.

Pozzebon, Stefano. "Colombian prison riot sparks fire, killing 51 people." *CNN*, June 28, 2022. <https://www.cnn.com/2022/06/28/americas/colombia-prison-brawl-fire-intl-latam/index.html>.

"Race, Crime, and Justice in Canada." *The John Howard Society of Canada*, October 19, 2017, <https://johnhoward.ca/blog/race-crime-justice-canada/>.

"Rehabilitation and social reintegration of prisoners," *UNODC*, <https://www.unodc.org/dohadeclaration/en/topics/prisoner-rehabilitation.html>.

United Nations, *Doha Declaration*, 2015, available at https://www.unodc.org/documents/congress/Declaration/V1504151_English.pdf.

UNODC-Inegi Center of Excellence. "Investing in prison statistics in Latin America and the Caribbean, an urgent issue." *United Nations Office on Drugs and Crime*, May 20, 2022, <https://www.cdeunodc.inegi.org.mx/index.php/2022/05/20/investing-in-prison-statistics-in-latin-america-and-the-caribbean-an-urgent-issue/>.

Wolfe, Liz. "The Laws Cities Use To Make Homelessness a Crime." *Daily Beast*, May 5, 2017, <https://www.thedailybeast.com/the-laws-cities-use-to-make-homelessness-a-crime>.