



# NOVICE 43

## HUNTINGTON BEACH HIGH SCHOOL



6th Legal  
Reforming the Detention and  
Treatment of Prisoners

Samantha Vu  
Ryley Barry  
Max Duong

## Welcome Letter

Dear Delegates,

On behalf of the Huntington Beach High School Model United Nations Program, we would like to welcome you to our Novice 43 conference!

Our annual Novice conference upholds the principles and intended purpose of the United Nations. Delegates can expect to partake in a professional, well-run debate that simulates the very issues that those at the United Nations discuss every day. Both novel and traditional ideas will be shared, challenged, and improved.

It is our hope that all delegates will receive the opportunity to enhance their research, public speaking, and communication skills as they explore the intricacies of global concerns through various perspectives, some of which may be very different from their own. We hope their experiences here give them new insight and values that they can apply outside of the realm of Model UN for the betterment of the world community.

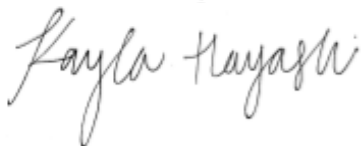
Although we will be entertaining a new style of a virtual conference, we hope all delegates will experience a fruitful and enhancing debate. Please do not hesitate to approach our Secretariat or Staff Members with any questions or concerns that you may have throughout the day. We wish the best to all our participants and hope that they may share a fulfilling experience with us! Enjoy the conference.

Sincerely,



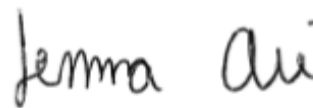
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**Summer Balentine**  
*Secretary-General*



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**Kayla Hayashi**  
*Secretary-General*



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**Jenna Ali**  
*Secretary-General*



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**Hailey Holcomb**  
*Secretary-General*

## Meet the Dias

### Samantha Vu

Hello Delegates! My name is Samantha Vu and I am a junior at HBHS. I am honored to be given the opportunity to chair Novice 43 and look forward to a captivating debate abounding with comprehensive ideas and perspectives. Although I have dedicated myself to the MUN program, I also enjoy expressing my interests in dance, digital editing and design, and computing. On campus, I am involved in the APA dance program alongside the Link Crew and NHS Executive Board. Additionally, I love to travel, bake, and sleep in whenever time allows. I can't wait to "see" you all in debate!

### Ryley Barry

Hello delegates, my name is Ryley Barry and I'm ecstatic to be chairing for you all! As a junior at HBHS, my passions lie within international relations, which derives from my engagement in MUN, and language learning, primarily in Spanish and American Sign Language. On campus, I'm actively involved as a member of the National Honors Society's Executive Board and as a student representative for UCI's Diversity, Inclusion, and Racial Healing Program. In my free time, you'll mainly find me bingeing Netflix, taking my dog on a walk, or catching some extra hours of sleep. I'm excited to hear all of your discussions throughout the conference!

### Max Duong

Hello Delegates, my name is Max Duong and I am currently a Junior at HBHS. I am super excited to join all of you in debate and looking forward to our stimulating talks on the topic. I have participated in the MUN program provided by our school for the last three years and I hope to continue on with it next year. When I am not consuming my time with MUN, I'm usually using DoorDash or Postmates to deliver my Chipotle. I enjoy spending time with friends, finding new artists to listen to, and playing video games (when I have time to spare). I really hope to have a fun and interesting committee!

**All Papers are due on April 18th, 2021 by 11:59pm to**  
**6thlegalnovice@gmail.com**

# REFORMING THE DETENTION AND TREATMENT OF PRISONERS

## BACKGROUND

The early beginnings of modern imprisonment began in London by a philosopher named Jeremy Bentham. The concept of a facility to contain and restrain criminals would form the foundation for a punishment that would withhold prisoners for extended periods of time.<sup>1</sup> Popularity of the judicial approach started to take root in the 19th century, with the original purpose being to intimidate citizens from committing crime. As those who were found guilty of crimes they committed persisted, inmates had been forced to perform gruesome, intense labor and lived in harsh conditions. Although in later years, prisons became a place for rehabilitation and transforming prisoners to leading, productive members of society.

In theory, modern day prisons exist to protect public safety and general peace through convicting those who violate national law. Its main purposes include retribution, incapacitation, deterrence, and rehabilitation.<sup>2</sup> This process is designed to punish and remove criminals from society and transform them into law abiding citizens. However there are many flaws within the system.

Within the detainment process, facilities hold many disparities for racial, sexual, and disabled minorities creating room for discrimination. For example, in the US, black people are five times more likely to be incarcerated than a white person for an equal crime such as smoking marijuana.<sup>3</sup> Additionally, their prison population is double their total representation in the US. Bias continues to play a detrimental role in the criminal justice system through racial profiling and disproportionate victimization of crime. Therefore, the growing acknowledgement of these issues causes distrust between communities and law enforcement thus questioning its equitability.<sup>4</sup> Moreover, the current conditions within many prisons are unfit for women. A 2007 study from the Bureau of Justice Statistics reported 20% of inmates, especially women, were victims of physical and sexual assault. Caused by overcrowding, poor supervision, and accessibility to weapons, reforming the jail environment is necessary in limiting the underlying motivation behind sexual assault and violence against women.<sup>5</sup> Furthermore, 53% of female prisoners reported having a current medical problem, compared to their male companions whom only 35% reported to have.<sup>6</sup> Despite mounting stronger immune systems, women are also 8 times more likely to diagnosed with cancer. Nonetheless, one of the largest forms of discrimination often neglected by prisons includes the handling of physical and mental disabilities. Disabled people make up  $\frac{1}{3}$  of the prison population, yet still continue to be unjustly punished for their lack of compliance due to these disabilities. Many officers are not properly trained to handle deaf, blind, or mentally ill patients. Impairments such as diabetes, asthma, dyslexia, ADD,

hypertension, and substance abuse affect large proportions of prisoners but nevertheless are ignored.

Another important factor to notice is sanitation. Prison overpopulation and poor sanitation have formed a common ground for contagion. The ability to access safe water, frequent shower sessions, clean clothes, latrines, and proper toiletries should be guaranteed in all prisons. However, these necessities are not accessible in every prison which allow for a series of issues to occur. Holding over a 300% capacity rate, prisons in Benin have become littered in disease. Hepatitis, syphilis, and more recently COVID-19 continue to easily spread throughout these enclosed facilities.<sup>7</sup> Several prisons lack inmate access to clean water and an adequate exposure to clean air.<sup>8</sup> Roughly 88% of deaths from diarrheal diseases are due to lack of sanitation and poor hygiene practices.<sup>9</sup> Thus, the current state of prisons usually fail to meet many hygienic requirements outlined by International Committee of The Red Cross.<sup>10</sup>

In contrast to that of the U.S. prison systems inclination for punishment, Norway and its Norwegian criminal justice system aims for restorative justice and rehabilitating their prisoners.<sup>11</sup> With a population of 5.328 million, fewer than 4,000 offenders found to be guilty remain behind bars.<sup>12</sup> In addition to this, Norway appears to have one of the lowest recidivism rates: steadily remaining at 20%. In comparison, the U.S. has one of the highest recidivism rates at 76.6%, re-arresting them within the span of five years.<sup>13</sup> Within Norway's "restorative justice" methods, prisoners are aimed to stay in conditions and surroundings that maintain the idea of normalcy. Rather than being treated as animals in harsh, unsanitary conditions, Norwegian detainees are treated as people and are even given opportunities in order to prepare them for the outside world. These include metal working, woodworking, and assembly workshops. These efforts are shown to be successful where former ex-convicts are able to find work and reintegrate themselves back into society. However, the Norwegian prison system faces a drawback when financing the inmate per year cost - almost double that of other Western European countries and nearly four times as much as the U.S. It can be argued that the benefits outweigh the negatives: increased employment, reduction in criminal justice system expenditures, and less crimes being committed.<sup>14</sup> Moreover, Norway's imprisonment sentences can only last up to a maximum of 21 years. Thus limiting and alleviating the chance for overcrowding and amassing surplus funds to invest in improving prison conditions. Developing a perfect balance between economic expense, quality of living, punishment, and rehabilitation is vital in reducing recidivism rates thus expanding the success of prisons.

## UNITED NATIONS ACTION

Since its inception, the United Nations has been committed to upholding international legislation to maintain justice, as demonstrated under Article 1 of the United Nations Charter.<sup>15</sup>



Moreover, under the passage of the Universal Declaration of Human Rights, an international agreement emphasizing the importance of civil liberties on an individualized and domestic basis, Article 5 upholds that no individual “shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment” universally.<sup>16</sup>

However, specific action was not taken in regards to the treatment of prisoners until the 1955 First UN Congress on the Prevention of Crime and the Treatment of Offenders which established the fundamental United Nations Standard Minimum Rules for the Treatment of Prisoners. Under the UN Standard Minimum Rules, 122 rules encompass a variety of areas requiring regulation and maintenance within prisons including accommodation, discipline and punishment, institutional personnel, and work among others.<sup>17</sup> The UN Standard itself centers on prisoner rehabilitation and eventual reintegration into society as seen under Rule 60. Furthering this, the UN Standard creates the distinction between persons arrested without charge, civil prisoners, prisoners awaiting trial, prisoners with mental disabilities or health conditions, and prisoners under sentence.<sup>18</sup> However, understanding the changing nature of prisons, particularly the rise of technological advancements, in 2011 the Open-ended Intergovernmental Expert Group was established in order to revise the UN Standard Minimum Rules.<sup>19</sup> As a result, under A/RES/70/175, The Nelson Mandela Rules were established in 2015, named in honor of Nelson Mandela: the former South African President that spent 27 years in prison after advocating for equality and the ending of the South African apartheid. The Nelson Mandela Rules, a revised document now fully addressing generalized imprisonment along with the children of imprisoned parents under Rule 7, now functions as the primary international legislation for prisoner incarceration.<sup>20</sup>

To further address vulnerable groups within society, the Office of the United Nations High Commissioner for Human Rights’ Resolution 45/111, or the Basic Principles for the Treatment of Prisoners, emphasizes the importance of human dignity and the elimination of discrimination on numerous grounds.<sup>21</sup> This resolution works in cooperation with Sustainable Development Goal 16: Peace, Justice, and Strong Institution which “promotes the rule of law at the national and international levels [to] ensure equal access to justice for all” regardless of one’s given background.<sup>22</sup> The implementation of this concept can be seen within the 2010 UN Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (otherwise recognized as the Bangkok Rules),<sup>23</sup> which addresses the vulnerability of expectant mothers or mothers with children within prisons, and the United Nations Rules for the Protection of Juveniles Deprived of their Liberty in order to aid vulnerable youths.<sup>24</sup>

In terms of recent developments, with UN prison reform expert Philipp Meissner recently finding that prisoners have been disproportionately impacted by COVID-19, with 527,000 individuals infected out of a total 11 million internationally, the United Nations has taken significant steps to combat this issue.<sup>25</sup> One example of a successful response to the COVID-19 crisis within prisons can be seen in Uganda’s Joint Global Initiative on The Management of Violent Extremist Prisoners and The Prevention of Radicalization to Violence in Prisons which is

classified as a joint-agreement between the European Union, the UNODC, Uganda, and the United Nations Counter-Terrorism Centre. This initiative included the donation of over 40 hospital beds and 16 water tanks alongside video conferencing materials enabling the holding of virtual court hearings and due process of law.<sup>26</sup>

## CASE STUDY: CUBA

Located east of the North Atlantic Ocean, west of the Gulf of Mexico, and south of the Caribbean Sea, Cuba appears to be the perfect habitat to restrain and control prisoners. Whilst relatively isolated and gradually opening its borders to tourism, Cuba remains to be a hotspot for criminal activity being the sixth highest country with incarceration rates: 510 per 100,000 populace.<sup>27</sup> A population of 11.33 million residents, the land mass hosts one of the most secure prisons in the world - Guantanamo Bay. However, as Cuba is run by a militarized government, it subjects itself to advocating intimidation, harassment, short-term detentions, and long-term imprisonments on the basis of questionable, unruly charges.<sup>28</sup> The prison is characterized as a stronghold of inhumane treatment, mimicking that of a Russian-style penitentiary system. The Cuban administration have designed and participated in cruel, degrading treatments and torture, where detainees face psychological and physical abuse.<sup>29</sup> Testimonies include, but are not limited to: forced drug intake, beatings, sexual assault and degradation, religious persecution, sleep deprivation and bombardments of blinding pepper sprays.<sup>30</sup> In addition within Guantanamo Bay, hunger strikes frequently occur where prisoners against their will are force-fed with tubes forcibly shoved up their noses into their stomachs. Through their removal of essential necessities such as sanitary measures and medical assistance, the camps would collectively force their prisoners into submission.<sup>31</sup> As days continue within the Cuban facility, detainees are interrogated and “requested” to comply with the procedures at hand. Moreover, if found to be causing trouble or acting out of line, guards admitted prisoners to solitary confinement; having no contact or interaction with anyone for weeks.<sup>32</sup> Treated as if they are livestock, prisoners in Guantanamo Bay are held in confined, small windowless steel cells and surrounded by thick concrete walls. Furthermore, permission for recreation or staying outside the walls consists only for a few minutes.

In recent months, the COVID-19 pandemic has affected the early release of inmates, reaching numbers up to 6,600 prisoners; the largest release of detainees in decades. However, as prisons in Cuba are attempting to avoid the spread of the virus within their overcrowded, inhumane environments, penalizations of “offenses related to COVID-19” continue and 335 suspects have been sentenced for jail time.<sup>33</sup>

## QUESTIONS

1. What actions has your nation taken to help marginalized groups or otherwise prevent discrimination within prison facilities?
2. Seeing the recent rise of COVID-19, what solutions remain viable to prevent the spread of infectious diseases and other ailments among prisoners?
3. How will your nation work to combat the resource gap in prisons located in lesser developed countries compared to more developed countries?
4. Has your country taken any steps towards preventing the overcrowding of prisons? If so, can that be applied internationally and how?
5. In what ways will your nation work to ensure that the UN, along with other nations, can be held accountable for any proposed reforms?
6. Should the treatment of prisoners arrested without charge, civil prisoners, and prisoners with mental disabilities or health conditions, among many others, remain uniform? If not, if which ways should treatment differ?
7. With torture still utilized informally in 130 countries and systematically in 100, in what ways can nations ensure the protection of prisoners from violence, such as assault, rape and torture?
8. Within what nation(s) has the implementation of rehabilitation and reintegration efforts proven successful or failed? What lessons can be learned from such examples in order to implement sustainable solutions?

## ENDNOTES

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