

*Promoting and implementing good
practices for the treatment of
prisoners*

Committee Guide

Human Rights Council



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Personal Introduction

Dear most distinguished delegates,

My name is Felix Heuer and I have the great pleasure to be one of your chairs in this year's Human Rights Council. I am 20 years old, originally from Oldenburg and currently residing in the wonderful city of Münster, where I started studying business administration after my graduation in 2013.

This conference will be my sixth OLMUN, my third time chairing a committee and I am absolutely delighted with the opportunity to be part of this year's conference as well. June is getting closer and I can hardly wait to meet all of you in a few months.

Leaving out fancy closing remarks,
Yours truly, faithfully, respectfully and sincerely,

Felix Heuer

Dear Delegates,

It is my distinct pleasure to welcome you to the Human Rights Council of OLMUN 2015!

My name is Marlene Mörig; I am sixteen years old and currently attending the 11th grade of Gymnasium Bad-Zwischenahn Edewecht. OLMUN 2015 is going to be my fourth MUN conference and first time as a chair.

Model United Nation conferences are certainly something very close to my heart. Ever since I attended my first MUN conference, I was hooked by the MUN spirit. For me it is the perfect combination of politics, negotiating, public speaking and getting to know lots of interesting new people.

Outside of MUNs I like to read, to run and to listen and play music. Also I am a big fan of the TV shows House of Cards and Sherlock. I love getting to know new people from other cultures and exchanging with them about their beliefs and opinions.

I am very much looking forward to meeting you soon! I hope you will come to the conference well prepared and ready for some heated debates, exiting discussions and of course a lot of fun!

Warmest Regards,

Marlene Mörig

1. The Human Rights Council (HRC)

“All victims of human rights abuses should be able to look to the Human Rights Council as a forum and a springboard for action.”

- Ban Ki-moon, UN Secretary-General, 12 March 2007, Opening of the 4th Human Rights Council Session

As a part of the United Nations, the HRC acts as an inter-governmental body. It is responsible for promoting and strengthening global awareness of Human Rights. The HRC raises attention to international human rights violations and contributes to their ending by passing resolutions.



<http://www.un.org/apps/news/story.asp?NewsID=48952#.V>

and the rule of law. In addition, it works on integrating human rights in development efforts and in the economic sphere and on protecting human rights in conflicts and situations of instability and insecurity.

For instance, in July 2014, a special session was held to discuss the critical situation in the Gaza Strip. The same day, a resolution ensuring respect for international law in the Palestinian territories was adopted by the HRC.



<https://geneva.usmission.gov/2011/03/22/lgbtrights/>

These resolutions are binding and regulate for example a country's scope of action in certain matters. Some of its thematic priorities are the enhancement of equality and the fight against discrimination, combatting impunity and strengthening accountability

and the rule of law. In addition, it works on integrating human rights in development efforts and in the economic sphere and on protecting human rights in conflicts and situations of instability and insecurity. Currently one of the most precarious topics discussed in the HRC deals with the Islamic State and possible actions that can be taken to prevent further acts of cruelty.

The UN office in Geneva serves as the HRC's headquarter. Every three years 47 United Nations Member States are elected by the General Assembly to be

represented in the HRC. The Human Rights Council started working on 15 March 2006 after being created by the General Assembly who had passed the resolution about the creation of such a council 3 April 2006.¹

The HRC can incorporate external experts as an "Advisory Committee" and ask them for their counsel and expertise. In addition, the Complaint Procedure allows organizations and individuals to draw attention to human rights violations and entitles everybody to present them in the HRC. In "Special

¹ http://www2.ohchr.org/english/bodies/hrcouncil/docs/A.RES.60.251_En.pdf

Procedures" the HRC cooperates with special representatives, independent experts or working groups that specify on a particular country or rights situations.

2. Description of the problem

Guantanamo Bay might be a well-known case of a prison with unbearable living conditions. Still it is just one example out of many around the world. In Malawi, for instance, prisoners are facing immensely overcrowded prisons. Nevertheless this kind of inhuman conditions cannot only be observed in developing countries.

Even in highly developed countries, prisoners are not always treated in an appropriate way. A good example to show this are the so-called "Enhanced Interrogation Techniques" in the US which are considered torture by several human rights organisations.

However, this is not the focus of our committee's subject. Aspects to rather focus on are, for example, hygienic standards in prisons, reintegration into society, sufficient food supply, the question of freedom of religion in prisons and if torture could be a real option e.g. to obtain information. Furthermore you might raise the question of separation of men and women and of teenagers and adults. Another approach to the debate could be the improvement of the public interest in the situation of prisoners. Therefore countries could be supported in publishing annual reviews on the situation in their prisons.

In addition to that you should take the differences between the cultures, religions and traditions, political systems, habits and values in different countries into consideration.

Nonetheless, a common base, promoting integrated and homogenous standards, on the fundament of human rights, has to be found.

In conclusion, the respect of everybody's individual dignity and human rights are essential when talking about the treatment of prisoners. As article five of the Universal Declaration of Human Rights (UDHR) states, no one shall ever be subjected to torture or cruel, inhuman or degrading treatment or punishment. These guiding principles have been adopted by many other treaties and declarations.

Many states agree that all possible solutions and standards should be focused on reintegration of prisoners into society.

3. Current media reports



Guantánamo Diary: A tale of American torture

Source: Aljazeera America 01/20/15



Carandiru and the scandal of Brazil's medieval prison system

Source: Amnesty.org, 04/15/2013



Georgia prison abuse film prompts staff suspension

Source: BBC News Europe 09/19/12



20,000 North Koreans held in huge prison camp have simply 'disappeared', claim human rights group

Source: Dailymail.co.uk 09/07/13



Sabaneta Prison Riot Kills At Least 15 Inmates In Latest Instance Of Jail Violence In Venezuela

Source: Huffington Post 09/17/13



Guantánamo officials faked letter from inmate's mother who could not write

Source: The Guardian 01/15/15

4. Previous measures by the United Nations

On 30 August 1955, the UN Congress on the Prevention of Crime and the Treatment of Offenders adopted the Standard Minimum Rules for the Treatment of Prisoners (SMRs). The Economic and Social Council finally approved them in resolutions on 31 July 1957 and 13 May 1977. Briefly, the SMRs can be divided into two parts. The first one sets out rules of a rather general application, while the second one goes more into detail, classifies the different categories of prisoners (e.g. the ones who are already sentenced and the ones who still await their trial) and how to treat them differently.

After that, on 16 December 1966, the "International Covenant on Civil and Political Rights" (ICCPR) was adopted by the UN General Assembly. In cooperation, the ICCPR and the International Covenant on Economic Social and Cultural Rights (ICESCR) set up what is known as the "International Bill of Human Rights".

Having ratified the convention, states are obliged to preserve their citizens' civil, political and basic human rights, for instance the right to life, human dignity, freedom from torture, ill-treatment and arbitrary detention or the right to a fair trial. The convention states that:

"1. All persons deprived of their liberty shall be treated with humanity and with respect for the inherent dignity of the human person.

2. (a) Accused persons shall, save in exceptional circumstances, be segregated from convicted persons and shall be subject to separate treatment appropriate to their status as unconvicted persons;
(b) Accused juvenile persons shall be separated from adults and brought as speedily as possible for adjudication.

3. The penitentiary system shall comprise treatment of prisoners the essential aim of which shall be their reformation and social rehabilitation. Juvenile offenders shall be segregated from adults and be accorded treatment appropriate to their age and legal status."²

Article 10 might be one of the most relevant ones. As of April 2014, the Covenant has been signed by 74 states and ratified by 168.³

On European level, the "European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment" entered into force 1 February 1989. Based on the "European Convention on Human Rights", the special aspect of this treaty is its focus on preventing torture or any other kind of degrading treatment of prisoners. For instance, it contains an agreement on

² <http://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx>

³ https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-4&chapter=4&lang=en

regular unannounced visits by a delegation of independent experts who investigate the conditions in prisons and, if the convention is not implemented properly, discuss arrangements for renovating the institutions.

5. Two Extremes – Two special examples

The two following examples illustrate the fact that there wide differences between penal institutions from different parts of the world. These illustrations are absolutely non-judgmental and should not serve as negative or a positive exemplary.

5.1 San Pedro Prison, Bolivia

El penal de San Pedro (Saint Peter's Prison), also known as San Pedro prison, is located in the city of La Paz and houses approximately 1,500 inmates, making it the largest jail in Bolivia.

Once you pass the entrance and the security gate you will not see the typical inside of a prison. Instead you will face a strange microcosm within these walls, having its own social community: Many of the inmates have jobs inside their community, sometimes they are living with their families and even pay rent for accommodations. Some of the cells actually have cable television, kitchens and private bathrooms. You can see children playing in the yard, there are several market stalls, hairdressers, restaurants and a hotel.



http://farm4.static.flickr.com/3499/3193187070_153b761c63.jpg?v=0



[1http://farm4.static.flickr.com/3340/3305805731_9d30911d05.jpg?v=0](http://farm4.static.flickr.com/3340/3305805731_9d30911d05.jpg?v=0)

San Pedro has its own set of rules and regulations, managed by the eight annually democratically elected section committees, including a leader and a financial secretary. The eight sectors and their facilities differ from miserable to luxurious, depending on your financial situation. The whole prison is completely inmates-run without any uniformed prison officials inside.

The most important source of income originates from the cocaine trade, which is significantly prospering around the jail. Although tourism is illegal in San Pedro, many entrants, most of times backpackers, get access to a tour by bribing the guards outside. Left to take care of themselves the originally only male inmates formed a society characterized by violence, drugs and corruption. The police does not interfere in the prison in any way.

5.2 Halden Prison, Norway

Halden fengsel, better known as Halden Prison, is a Norwegian high-security prison with a capacity of 250 prisoners. The jail is renowned for its very different approach regarding the treatment of their prisoners.



http://content.time.com/time/photogallery/0,29307,1989083_2137374,00.html

Created with a major focus on rehabilitation the main purpose was providing an environment that is very similar to life outside. That is why there are no barred windows and the prison offers a variety of activities and facilities, such as a soccerfield and a rock-climbing wall to exercise, and even a recording studio with professional music teachers and a huge selection of instruments. In addition to that Halden Prison has a library with books, magazines, CDs and DVDs.

During the construction of the building roughly \$1 million were spent on



http://content.time.com/time/photogallery/0,29307,1989083_2137372,00.html

design in order to simulate the life outside of prison so that prisoners keep considering themselves as part of the society. The official job description of the unarmed guards says they should motivate the inmate "so that his sentence is as meaningful, enlightened and rehabilitating as possible. For this purpose, there is a lot of interaction between the guards and the

prisoners, e.g. eating meals together or common sporting activities. Halden Prison has its own small hospital, including a dentist's office, so appropriate health care can be guaranteed.

6. Something to think about during your research

When you made it to this part of our committee guide, you read a lot about a variety of topics referring to the treatment of prisoners. But what is the right way to start your research? To answer that question, we wrote down some specific sections you should think about. Try to find information about your country with reference to the mentioned fields of the topic. That should serve as a good starting point of your research.

6.1 Separation by gender and age

If separation by gender is not given, the result is a high risk for women and adolescents of being harassed by physically stronger inmates. Apart from that, the treatment of young prisoners should differ from the one of older inmates because often the development and education of imprisoned juveniles are not completed.

6.2 Hygiene and Healthcare

Also in the matter of hygiene and healthcare, there is a large range of different realization within the prisons: From own hospitals and dental offices to no healthcare at all, everything can be found. Regarding the aspect of hygiene, there are examples for hygienic facilities which have to be shared by hundreds of people.

6.3 Labor and education

In certain penal institutions, the inmates are forced to intense physical work, sometimes characterized by unreasonable working conditions. In other prisons they have the chance to earn money for their work and even the opportunity to receive professional education in specific jobs.

6.4 Religion and cultural freedom

Safe rooms where the inmates have the possibility to practice their religion are not always available, on the contrary there are many cases of religious oppression and discrimination of ethnic minorities.

6.5 Therapy and reintegration

Reintegration is a standard goal of life in prison, conducted by many countries. Trying to evaluate the mistakes made by the respective inmate and thereupon prepare them for life after their imprisonment plays an essential role in the treatment of prisoners. On the other hand, there are jails where the inmates simply serve a sentence without any psychological therapy.

6.6 Accommodation

How should a cell be equipped? Differing from luxury single cells without any bars in front the windows, including an own bathroom, a mini-fridge and a flat-screen TV, to overcrowded cells without any minimum part of furnishing, such as beds, there are many different opinions on this question.

7. What you should bring to the conference

You will be required to bring a policy statement and a draft resolution to OLMUN 2015. The policy statement should be a short and precise statement of your delegation or organization in order to clarify its opinion on the topic. The policy statement or sometimes also called position paper serves as a basis for your resolution. Please send us your statements by the **14th of June** to hrc@olmun.org. That gives us the opportunity to provide you with useful feedback, which can be used in the process of creating your draft resolution. The mentioned draft resolution is the key element of your work during the time in the committee. It functions as the expression of your ideas in the role of a

delegate of a country and therefore it is an important device of communication between the delegates, especially during the lobbying process in the committee.

Once all delegations have been distributed and we have received the final list of HRC delegates, we will send you an example of a resolution and a policy statement. For further information on how to write the required papers, check the OLMUN Handbook in the download section.

Apart from that, please read the document "Rules of Procedure" (also available on the OLMUN homepage), in which the basic processes of the conference are described. Especially for those of you who participate in a MUN-conference for the first time, this is very helpful to get a first impression of what is expecting you in June.

As you may have noticed, good preparation is necessary to make a productive debate possible. Please fulfil these tasks to make our common time comfortable and memorable.

If you have any questions or problems, whether it is regarding the topic, the research, the draft resolution, the policy statement, the course of events or any other issue, do not hesitate to contact us at hrc@olmun.org.

8. Research

Let us tell you something about the research. The first thing that crosses your minds will probably be: Wikipedia. Well, Wikipedia is a very good starting point for your research and gives you an overview but nothing more than that. The really useful thing about Wikipedia is the part at the bottom of every page: the references. In the references you can find the original source of the information and often a link to another website where more detailed information can be found. In the following we copied you some of the links we used to create this committee guide in order to help you with the preparation. And if you think those links are not helpful, we are pretty sure you know how to use Google (or Bing for Microsoft admirer) on your own. But seriously if you have any trouble with the preparations please do not hesitate to contact us and we will definitely try our best to help you!

9. Sources

The HRC:

<http://www.ohchr.org/en/hrbodies/hrc/pages/hrcindex.aspx>

<http://www.ohchr.org/EN/Pages/WelcomePage.aspx>

<http://www.ohchr.org/EN/HRBodies/CCPR/Pages/CCPRIndex.aspx>

Previous Measures by the UN:

<https://www.aclu.org/human-rights/faq-covenant-civil-political-rights-iccpr>

http://www.unodc.org/pdf/criminal_justice/UN_Standard_Minimum_Rules_for_the_Treatment_of_Prisoners.pdf

<http://www.auswaertiges->

[amt.de/cae/servlet/contentblob/360794/publicationFile](http://www.auswaertiges-amt.de/cae/servlet/contentblob/360794/publicationFile)

<http://www.penalreform.org/resource/standard-minimum-rules-treatment-prisoners-smr/>
<http://www.humanrights.com/what-are-human-rights/international-human-rights-law-continued.html>
<http://www.humanrights.ch/en/standards/ce-treaties/cpt/>
<http://www.institut-fuer-menschenrechte.de/menschenrechtsinstrumente/euoparat/europaeisches-uebereinkommen-zur-verhuetung-von-folter-cpt.html#c2596>
<http://www.cpt.coe.int/en/documents/ecpt.htm>

Two extremes – two examples

San Pedro Prison:

http://news.bbc.co.uk/2/shared/spl/hi/picture_gallery/06/americas_inside_a_bolivian_jail/html/1.stm
<http://www.abc.net.au/foreign/stories/s963744.htm>
http://en.wikipedia.org/wiki/San_Pedro_prison#cite_note-BBCPJ-1

Halden Prison Norway:

<http://www.theguardian.com/society/2012/may/18/halden-most-humane-prison-in-world>
http://content.time.com/time/photogallery/0,29307,1989083_2137373,00.html
<http://content.time.com/time/printout/0,8816,2000920,00.html>

The Death Penalty:

<http://deathpenalty.procon.org/view.resource.php?resourceID=002000>
<http://www.amnesty.ch/de/themen/todesstrafe/info/geschichte-der-todesstrafe>
<http://www.amnestyusa.org/pdfs/DeathPenaltyFactsMay2012.pdf>
<http://www.faz.net/aktuell/wissen/medizin/anaesthesie-schmerz-in-der-todeskammer-1228427.html>
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<http://newsok.com/condemned-mans-last-words-lead-to-questions-about-lethal-injection-cocktail-in-oklahoma-u.s./article/3932043>

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<http://www.amnesty-fulda.de/Bilder/logo1.jpg>
<https://khampoua.files.wordpress.com/2014/06/bbc-news-europe.png?w=272&h=103>
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http://thesolutionsproject.org/wp-content/uploads/2014/11/huffpost_3line.png