

# HMUN 2025

Ensuring the safety of prisoners in prison facilities

SPC1

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**Forum:** First Special Committee

**Issue:** Ensuring the safety of prisoners in prison facilities

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## Introduction

When someone breaks the law, they get punished in accordance with the law of the nation they are incriminating/have incriminated themselves in. The typical outcome is going to jail. Even though many might think that criminals deserve to rot in prison, they still deserve basic human rights and to be treated according to the Human Rights Declaration of the United Nations and The United Nations.

Standard Minimum Rules for the Treatment of Prisoners, also known as the Nelson Mandela Rules. The third article of the Human Rights Declaration reads, "Everyone has the right to life, liberty and security of person." (United Nations), and the first rule of The United Nations Standard Minimum Rules for the Treatment of Prisoners, also known as the Nelson Mandela Rules' first rule states, "All prisoners shall be treated with the respect due to their inherent dignity and value as human beings. No prisoner shall be subjected to, and all prisoners shall be protected from, torture and other cruel, inhuman, or degrading treatment or punishment, for which no circumstances whatsoever may be invoked as a justification. The safety and security of prisoners, staff, service providers, and visitors shall be ensured at all times."(United Nations, "United Nations Standard Minimum Rules for the Treatment of Prisoners (Nelson Mandela Rules)")

Unfortunately, the prison systems don't always follow these standards. In the United States of America, "...the number of assaults that occur per 5,000 inmates - known as the "rate of assaults."" (Federal Bureau of Prisons) One of the main crimes that occur in prisons is sexual assault/abuse/violence. According to a study, " Rape provides an opportunity for spreading sexually transmitted diseases, five a matter of particular concern in prisons, where HIV infection rates are higher than in the general population" (Wolff et al.) The sexual assault inmate face could cause a domino effect and lead the assaulted prisoner to assault someone else. In addition to sexual assault, physical abuse, psychological abuse, and so much more could go on within the closed doors of a locked-up prison.

## Definition of Key Terms

### Sexual assault

“Any unwanted sexual act or behavior which is threatening, violent, forced, or coercive and to which a person has not given consent or was not able to give consent. Sexual assault is most often used in reference to a single experience.

Sexual assault can include:

- Penetration of the victim’s body (with a penis, fingers, or other objects), also known as rape
- Attempted rape
- Forcing a victim to perform sexual acts, such as oral sex or penetrating the perpetrator’s body Fondling or unwanted sexual touching
- Any type of sexual contact with someone who cannot consent, such as someone who is underage, has a physical or mental disability, or is unconscious/passed out” (Saskatoon Sexual Assault & Information Centre (SSAIC))

### Sexual Abuse

“Sexual Abuse most often (not always) involves sexually abusive acts over a longer period of time

and incorporates grooming behaviors. Grooming is a gradual, calculated process by which a sex offender draws a victim into a sexual relationship and maintains that relationship in secrecy. The grooming process involves many steps, including targeting the victim, gaining their trust, filling a need the victim has, making their relationship unique, isolating the victim from others, and eventually sexualizing the relationship.

Sexual abuse does not need to include physical contact between a perpetrator and a victim. Some forms of child sexual abuse include:

- Exhibitionism, or exposing oneself to a minor
- Masturbation in the presence of a minor or forcing the minor to masturbate
- Engaging the child in looking at, watching, or being a part of sexualized pictures
- Obscene phone calls, text messages, or digital interaction”(Saskatoon Sexual Assault & Information Centre (SSAIC))

### Sexual Violence:

“(or sexualized violence) is an all-encompassing term that includes sexual assault, sexual abuse, and sexual harassment. The word violence does not refer to physical violence but includes emotional and psychological harm.”(Saskatoon Sexual Assault & Information Centre (SSAIC))

### **Jail**

Jails are usually local facilities under the jurisdiction of a city, local district, or county. Jails are short-term holding facilities for the newly arrested and those awaiting trial or sentencing. Those sentenced to serve a small amount of time (less than a year) may be housed in the local jail for the duration of their sentence (Prison Fellowship)

### **Prison**

“Prisons are institutional facilities under the jurisdiction of the state or federal government where convicted offenders serve longer sentences. People who have been found guilty of breaking a state law are usually sent to a state prison. Those who have violated federal laws are typically sent to federal prisons located somewhere in the U.S. Some states have jails and prisons that are privately operated—usually by a corporation. The state basically contracts with these private facilities to house prisoners and does not have as much control over how the facilities are operated.” (Prison Fellowship)

### **Mental Health**

“Mental health is a state of mental well-being that enables people to cope with the stresses of life, realize their abilities, learn well and work well, and contribute to their community. It is an integral component of health and well-being that underpins our individual and collective abilities to make decisions, build relationships, and shape the world we live in. Mental health is a basic human right. And it is crucial to personal, community and socio-economic development.” (World Health Organization)

### **Malpractice**

“failure to act correctly or legally when doing your job, often causing injury or loss: They are accused of medical/financial/electoral malpractice” (Cambridge University Press)

## General Overview

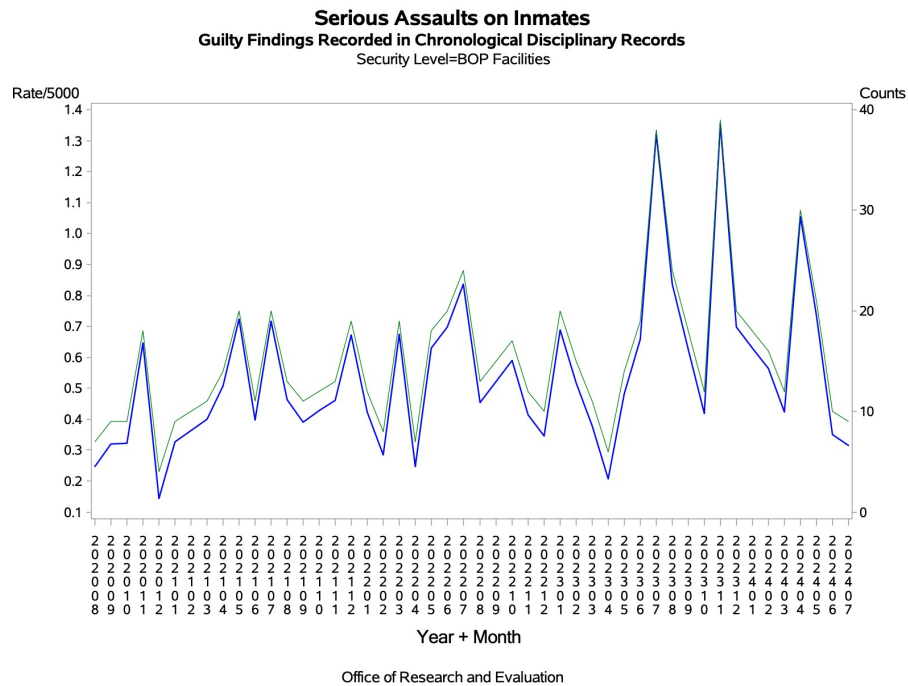
### Abuse and Violence

Prisons are notorious for their harsh environment and the abuse that goes on within their walls. The (possible) abuse that goes on in these facilities is so normalized that we see them in everyday movies and don't think twice about it. However, that is not the truth. Many factors, like inhumane treatment and so much more, lead to an environment where violence and abuse can occur.

One example is "...Illinois, where frequent reports of violence and abuse led the Federal Bureau of Prisons to announce the closure of the Special Management Unit at the Thomson federal penitentiary [in early 2023]" (Dholakia). In a study that the United States Department of Justice conducted, "The researchers collected information on 141 incidents in four different types of prisons. These included 57 fights, 34 assaults, and 47 situations that did not result in injurious force. Two hundred and nine prisoners were interviewed; 132 of them used injurious force. The culture of prisons fosters an environment that leads to particular kinds of conflict." (Edgar and Martin) Later in the study, it was mentioned that the abuse usually occurs because of wanting to get respect and power over others.

Sexual abuse and victimization are also common recurrences in prisons. The "stronger" detainee abuses the weaker one because the strong one believes they have the power to do so. A study conducted states that "... rates of sexual victimization in prison may be as high as 41% or as low as less than 1%.<sup>12</sup> A recent meta-analysis estimates a conservative "average" prevalence estimate of prison sexual assault at 1.9%" (Wolff et al.). Later on in the article, it is mentioned that rather than rape, sexual coercion is a more common form of sexual abuse. These types of heinous attacks occur more in male prisons than in female prisons. However, the abusive acts committed against female prisoners are more likely to have prison personnel involved. The sexual abuse and assault that any inmate can face not only risks their safety, but it also affects their physical health as they may contract Sexually Transmitted Diseases (STDs) and affect their psychological health as the victims, as mentioned before, are turned into puppets who are being hurt and used.

The abuse that prisoners might come across could be concerning anything. Their race, their religion, their sexual orientation, their job before getting locked up, etc.



(Federal Bureau of Prisons, "2024-Nov-Code101-Inmates.pdf")

### Mental Healthcare and Healthcare

Medical malpractice can easily occur in prison institutions. When we are to look at it in a mental health sense, "The different kinds of malpractice in mental health [treatments] could be but are not limited to neglecting the patient, prescribing the patient unnecessary medication, ignoring self-harm/suicidal signs, failing to gain a full medical history on the patient, misdiagnosing the patient, not listening and disregarding the patient, belittling the patient, and violating caregiver-patient confidentiality." (Hillhouse) Psychological damage is no less important than any other type of harm that can be implicated in the inmates. As I mentioned before, the psychological they face in institutions could lead them to torment others in a psychological manner/physical manner.

When we look at it in a healthcare manner, " Over half of state prisoners and up to 90% of jail detainees suffer from drug dependence, compared with only 2% of the general population. Hepatitis C is nine to 10 times more prevalent in correctional facilities than in communities. Chronic health conditions, such as asthma and hypertension, and mental health disorders also affect prisoner populations at rates that far exceed their prevalence in the general population."(Alex et al.) Since the care is low, the rate of Sexually Transmitted Diseases such as HIV and AIDS spread is also high in prisons. Healthcare is something that is neglected in prisons as it is not deemed urgent in such environments.

## Treatment

Prisons usually say that the conditions that the prisoners are kept in are exceptional. In some cases, the government even states, so the reality is that the government might be kept in the dark about what is going on in the prisons. To state a few examples of what prisoners have been through. A detained man in Greece said, "He complained in particular about the conditions of his detention, notably claiming that in [the] Delta wing, he had shared a small cell with one other prisoner, with an open toilet, which often failed to work, in hot, cramped conditions with little natural light and no ventilation." (Greece). Overall, the multiple examples given on the horrendous conditions the criminals faced and their poor treatment established how the prisoners aren't in an environment where their safety is not a concern.

In addition, some of the prison protocols that are followed also badly affect the safety and health of prisoners. One of the punishments for prisoners who (can be deemed to) act out of order or who were committed to prison for an extreme crime or for any other particular reason can be subjected to solitary confinement. Solitary confinement can be described as "Some form of short-term isolation from the rest of the prison population is used almost everywhere as punishment for breaches of prison discipline" (Penal Reform International) When someone is put into solitary confinement, they can lose all sense of time, self and develop symptoms such as insomnia, suicidal tendencies, hallucinations, Post-traumatic stress disorder (PTSD) and so much more. Not to mention, the harsh and abusive treatment of the prisoners will not only affect their time inside the walls of prisons but will also affect how they act if they were to become parolees.

Also, if prisons only focus on punishing their prisoners, the detainees won't get rehabilitated. When a prisoner commits a crime, they might not be aware of the severity of their actions, etc. One of the ways these prisoners could be taught what is right and wrong is through rehabilitation programs. If these types of programs are neglected, prisoners are not likely to change their actions. Risking the safety of everyone within the prison and the safety of everyone outside if they were to get out on parole.

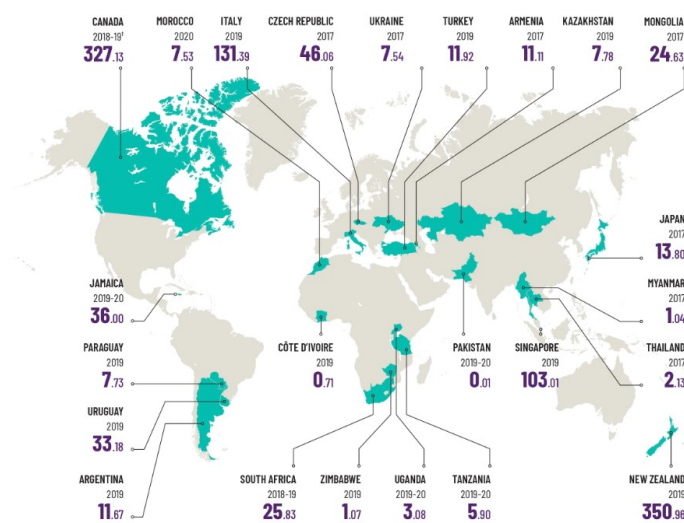
## Overcrowding

"Prisons in over 118 countries exceeded their maximum occupancy rate"(Penal Reform International, "Overcrowding"). Prisons being overcrowded is not just a space issue. When prisons exceed their capacity, the conditions of the life the prisoners will be living won't be up to any international standards. When prisons are overcrowded, prisoners cannot get the limited privacy they are entitled to, cannot get the medical care they need, could be faced with more violence and

abuse, and receive the proper nutritional values they need. They might be more prone to pick up an infection/disease due to the number of people sharing the same utilities/spaces and so much more. As prisons continue to not care about their maximum limit, they are putting the lives of all their prisoners at risk.

### Budgetary Issues

Keeping a proper prison running is expensive. There are a lot of expenses that need to go towards the facilities, the food, the clothing, the workers, etc. Some more fortunate countries may have the chance to do so than others. In the picture at the end of the paragraph, the more fortunate countries are easy to see. Those nations may have a better chance of giving a more ordinary life to their prisoners. However, “Prisons are not a political priority” (Hirschberger). Since prisons aren’t viewed as urgent, the amount of money governments supply to these institutions isn’t the highest. Since some nations don’t give prisons an adequate amount of money, the facilities cannot cover the costs of their basic human rights such as healthcare, proper living conditions, and so much more. In some nations, the amount is so low that it is hard to do anything with the money that a prisoner can get for a day, a meal, etc.



Map showing budget allocated per person in prison per day (in Euros) – see [Global Prison Trends 2020](#), page 16 for more information.

(Hirschberger)



## Timeline of Key Events

Date	Event
<b>1948</b>	The Universal Declaration of Human Rights.
<b>1957</b>	The United Nations Standard Minimum Rules for the treatment of Prisoners (the Nelson Mandela Rules)
<b>23rd of March 1976</b>	International Covenant on Civil and Political Rights (article 10 states that everyone should be treated rightfully without discrimination)
<b>10th of December 1984</b>	The “Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment” being adopted (United Nations, “Convention against torture and Other Cruel, Inhuman or degrading treatment or Punishment”).
<b>1987</b>	The “European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT)” (Council of Europe).
<b>1989</b>	The establishment of the Penal Reform International, PRI. (this organization aims to make sure the justice system ensures human rights).
<b>2015</b>	The UNODC publicizing the “Handbook on Dynamic Security and Prison Intelligence.

## Major Parties Involved

### Council of Europe

The Council of Europe works towards ensuring the safety and treatment of the prisoners within their borders. They are trying to change the way prisoners are treated by publishing rules and regulations and so much more.

## Norway

In the past, they took an approach where they punished the prisoners for what they had done rather than trying to help them. This caused the criminals who were released to go back into the real world to not change their ways and commit crimes again. After realizing this, they changed how they approached criminals. The new system prioritized rehabilitating criminals with prisons like the Halden Prison. These lavish prisons aim to teach the prisoners to change and become better people while treating them fairly. After Norway adopted this new system, the positive effect this reform had was quite evident, "Before Norway's prison reforms in the 1990s, the country had a recidivism rate in the range of 60% - 70%. Today, Norway's recidivism rate based on re-conviction within two years is

20%, the lowest rate in the world." (First Step Alliance)

## Penal Reform International

"Penal Reform International (PRI) is a non-governmental organization working globally to promote criminal justice systems that uphold human rights for all and do no harm. We work to make criminal justice systems non-discriminatory and protect the rights of disadvantaged people. We run practical human rights programs and support reforms that make criminal justice fair and effective."(Penal Reform International, "About Us - Penal Reform International")

## Prison Fellowship International

A non-governmental organization that aims to solve the issue of overcrowding and inhumane treatment and tries to encourage proper rehabilitation opportunities for prisoners.

## Russian Federation

Russia has been served with many lawsuits concerning the treatment that goes in within their prisons concerning foul treatment, not taking security measures, treatment and procedure in solitary confinement, and restraining convicts.

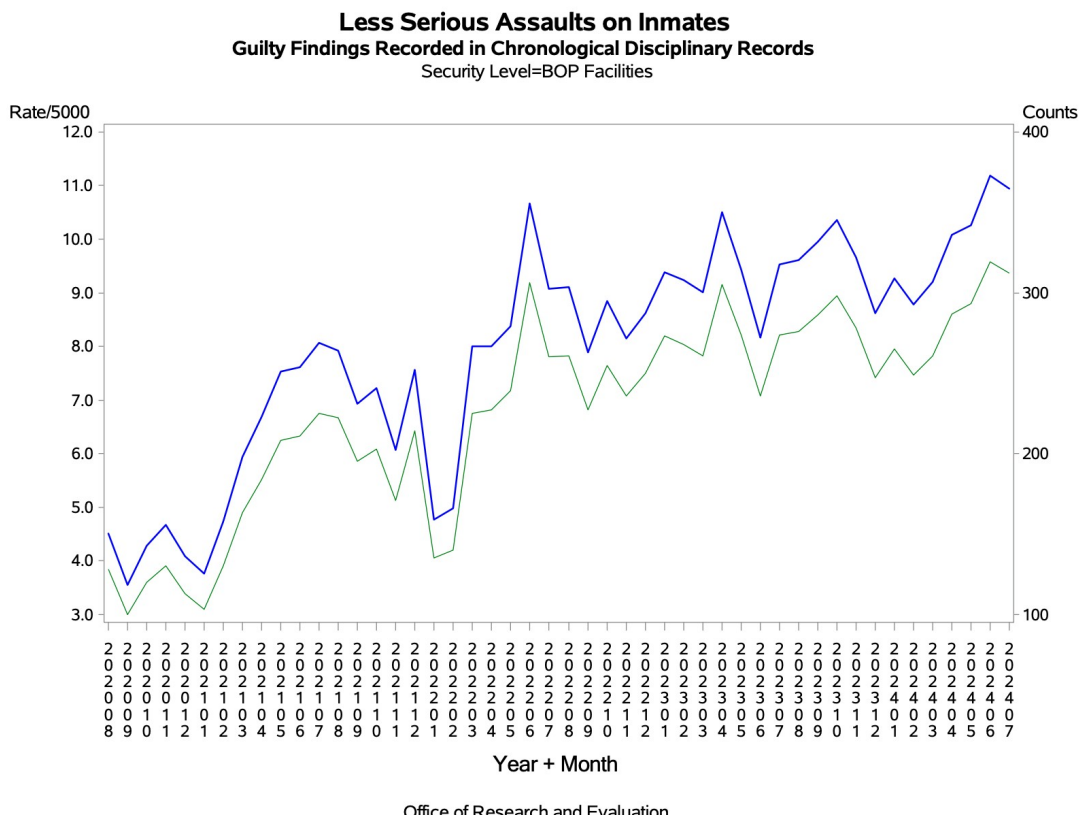
## United Nations

The United Nations (UN) has come up with different sets of rules and treaties in order to ensure the safety and fair treatment of prisoners. They work towards this by implementing the Human Rights Declaration and the United Nations Office on Drugs and Crime (UNODC) Handbook on Dynamic Security and Prison Intelligence.

**United States of America**

The United States has a big overcrowding in their prisons. At least 11 of their prison facilities are deemed overcrowded. In addition, The U.S. has published a report on the various attacks that have occurred in their facilities. A study states that “Rates of sexual victimization varied significantly by gender, age, perpetrator, question wording, and facility. Rates of inmate-on-inmate sexual victimization in the previous 6 months were highest for female inmates (212 per 1,000), more than four times higher than male rates (43 per 1,000).” (Wolff et al.)

However, The U.S. is also trying new tactics to change solitary confinement. In Colorado, the prison system is putting sanctions on who they can place into solitary confinement. The institutions have realized the harm that solitary confinement can cause and increase the severity of the mental health of the prisoners. Thus, they are pioneering to find new ways to approach this issue.



(Federal Bureau of Prisons, 2024-Nov-Code224-Inmates.pdf)

**Possible Solutions**

- Properly training staff
- Trying to find new ways to invest more money into the system
- Make a safe place where prisoners can report
- Inspections

- Encouraging healthcare workers/companies to help out pro bono
- Finding new ways to secure prisons
- Try to establish different prisons to get rid of overcrowding

## Further Reading

- [https://www.unodc.org/pdf/criminal\\_justice/UN\\_Standard\\_Minimum\\_Rules\\_for\\_the\\_Treatment\\_of\\_Prisoners.pdf](https://www.unodc.org/pdf/criminal_justice/UN_Standard_Minimum_Rules_for_the_Treatment_of_Prisoners.pdf) This is a UN resolution on the standard treatment of prisoners. Has many good ideas and bylaws countries should stand by. It could help further one's understanding of the issue.
- [https://www.echr.coe.int/documents/d/echr/fs\\_detention\\_conditions\\_eng](https://www.echr.coe.int/documents/d/echr/fs_detention_conditions_eng) This link mentions many nations' negligence when it comes to the care and treatment of prisoners. If you want to learn more about what your delegation has done or get intel on other delegations, this link could be very useful.
- [https://www.unodc.org/documents/justice-and-prison-reform/Nelson\\_Mandela\\_Rules-Book.pdf](https://www.unodc.org/documents/justice-and-prison-reform/Nelson_Mandela_Rules-Book.pdf) The link to the Nelson Mandela Rules. A great starting point to understand issues that are/were going on in prisons.
- <https://www.un.org/en/about-us/universal-declaration-of-human-rights> Always good to keep the Declaration of Human Rights in mind. Could help boost your argument and give you some perimeters.

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