



General Assembly Third

Social, Humanitarian, and

Cultural Committee

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Letter from the Secretariat

Delegates,

Welcome to the background guides for MiniMUN 2017! Whether it is your first or third Model United Nations conference, it is our hope at MiniMUN that you will continue to further expand your knowledge of MUN, world issues, and the UN itself.

The purpose of this background guide is to introduce the committee and the topic, as well as help you write your position paper. Details on position paper and submission are available under the Position Paper tab on our website:

<http://chsmiminun.weebly.com/position-papers.html>

The topics and committees were chosen to reflect the problems that our world leaders face. As a delegate, you will be stepping into the role of world leaders. You will take on perspectives different from your own, and you will push for what your country believes to be right.

We have diligently worked to make this year's topics even more captivating and advanced than previous years. If at any time, you are having trouble understanding the background guide, finding information on the topic, or writing your position paper, please contact your chairs for help. They are more than willing to assist you to make MiniMUN a productive and engaging conference!

We are very excited to see you at MiniMUN 2017!

Rogan Munro-Foulis and Christine Pang

Secretary-General and Director-General, MiniMUN 2017



Description of Committee

General Assembly (GA) is the main deliberative organ of United Nations (UN) and it has six main committees. Social, Humanitarian & Cultural Committee (SOCHUM) is 3rd Committee of the General Assembly. SOCHUM is an United Nations body designated to focus on preserving human rights and implementing fundamental freedoms all around the world. SOCHUM works in cooperation with the United Nations Human Rights Committee (UNHRC) and Economical and Social Committee (ECOSOC).

The agenda of the Third Committee of the General Assembly relates to an array of social, humanitarian affairs, and human rights issues that impact people around the world. This committee's work will focus on examining and discussing human rights, including reports of the special procedures of the UNHRC which was established in 2006. The committee will discuss questions relating to the advancement of women, protection of children, indigenous issues, the treatment of refugees, the promotion of fundamental freedoms through the elimination of racism and racial discrimination, and the right to self-determination. In addition, the Committee addresses important social development questions such as issues related to youth, family, ageing, persons with disabilities, crime prevention, criminal justice, and international drug control.

SOCHUM: <http://www.un.org/en/ga/third/>

The Human Rights of Prisoners

Introduction

Under the Universal Declaration of Human Rights (UNDHR), all human beings are “equal in dignity and rights.” However, there are groups of people worldwide whose human rights are ignored or reduced due to their status in society. Prisoners are often overlooked in the discussion of human rights because they are considered “unworthy” of human rights and basic protections. Yet according to the UNDHR, all humans deserve equal treatment. Amnesty International reported torture and other ill-treatment of prisoners in 141 countries from every world region over the past five years. Even though such a large number of countries were discovered to be participating in this practice, 155 countries are parties to the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. Clearly, this is a pressing human rights issue that must be addressed. Aside from torture, prisoners have face other issues like poor health attention and living conditions. These actions all violate human rights, which is one of the key focuses of the Social, Cultural, and Humanitarian Committee. There are also specific groups of prisoners that are vulnerable in the current prison systems such as prisoners with mental illnesses and women in the prison system. All of these groups either do not have the protection they need or many governments do not care about these groups and do not follow international rules. In order to reduce increasing prisoner abuse and improve the protection of the rights of prisoners, SOCHUM must take action in

making sure that all prisoners are treated according to international rules and regulations and that the international guidelines are appropriate for present situations. Delegates will have to look at previously existing guidelines, suggest changes that will improve protection of prisoners' rights, make new suggestions for defending prisoners' rights, and develop ways to ensure that governments and prisons follow these guidelines.

History and Description of the Issue

National governments, international organizations, and the United Nations (UN) have all begun to realize the importance of prisoners' rights, for both prisoners of war and civilian prisoners. It is common for the rights of prisoners to be forgotten, however, the Basic Principles for the Treatment of Prisoners, a resolution adopted by the General Assembly (GA) in 1990, states that "all prisoners shall retain the human rights and fundamental freedoms set out in the Universal Declaration of Human Rights ... as well as such other rights as are set out in other United Nations covenants." There are also other UN guidelines and rules specifically targeting the treatment and rights of prisoners, including the Standard Minimum Rules (SMRs) for the Treatment of Prisoners; these rules can be seen as the first international recognition of all prisoners' rights. SMRs are a set of rules for the treatment of prisoners, and they address a variety of issues including visitations, transportation, and living conditions. Although SMRs are **not** legally binding, they are accepted by many countries as guidelines and standards for the treatment of prisoners. SMRs are separated into two parts: general rules and rules for specific cases. The first part

covers areas from personal hygiene, to tools used to restrain prisoners, and notification of death, illness, and location transfer. The second part addresses insane and mentally abnormal prisoners, prisoners under arrest or awaiting trial. Over the past few decades, several declarations have updated SMRs from its original version. Some of these changes address new issues that were not a big problem when SMRs were first written. For example, there weren't many women in prisons when the SMRs were being written, which led to a lack of female-specific guidelines; now, female prisons are more populated now than ever before. The UN Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules) specifically pertain to women prisoners, which was not as relevant an issue at the creation of SMRs. Despite these changes, there are still many areas that are not well covered in SMRs. It is important that delegates understand that SMRs are non-binding and only exist as a guideline for nations to adopt into their prison systems.

Torture Within the Prison System

Solitary Confinement and Torture Article five of the Universal Declaration of Human Rights (UNDHR) states, "No one shall be subjected to torture or to cruel, inhumane or degrading treatment or punishment." The UNDHR is the first and most effective resolution for human rights, yet many states do not follow this article on torture and unfair treatment of humans. The definition of "torture" is given as: "any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining...a confession, punishing him for

an act he...has committed or is suspected of having committed, or intimidating or coercing him...when such pain or suffering is inflicted by or...with the consent..of a public official or other person acting in an official capacity.” It is also important to note that this definition of torture is not official, and countries may interpret the definition of torture differently. This means that countries do not follow the same set of rules and definitions, which leads to some countries using torture and inhumane treatment. Despite these rules and guidelines prohibiting torture and the explicit explanation of what is considered torture, torture is still widely used in prisons today. Between January 2009 and May 2013, there have been reports of torture in prisons in 141 countries. This shows that many countries are failing to obey to the rules and guidelines set out in these declarations and resolutions.

Accountability and Lack of Enforcement

As mentioned, there are many guidelines and standards that have been recognized by the UN and acknowledged by member states. Yet countries are not legally required to obey any of the resolutions or the SMRs, so many countries do not follow them. Furthermore, because many bodies of the UN, including SOCHUM, cannot force a country into accepting a certain policy, these guidelines are not very effective when countries are not willing to use them. Currently, there are groups and committees, both inside and outside the UN, dedicated to making sure that governments obey guidelines and standards. According to Malcolm Evans, the Chair of the Subcommittee on the Prevention of Torture, his most successful projects are “national preventive mechanism visits.” Representatives of the National

Preventive Mechanisms (NPMs) regularly visit all places where people are deprived of liberty. They write reports and recommendations to improve the prison situation in the country. In terms of work outside the UN to increase accountability standards, this committee should look towards the work of the World Organisation Against Torture (OMCT). The OMCT is a group of international non-governmental organizations (NGOs) that fight against torture, executions, and all other cruel, inhuman or degrading treatment. The OMCT currently has a number of monitoring missions across the world. In these missions, the OMCT observes a country's implementation of the recommendations that they have given. Then, OMCT has communicates with authorities and citizens regarding "increased accountability for acts of torture or ill-treatment." Delegates should look towards NGOs like these to help improve government accountability and protect prisoners' rights globally.

Mental Health

There are many studies that suggest prisoners have increased rates of psychiatric disorders compared to the general population. It is also estimated that suicide rates among prisoners are four to five times higher than the general population. Thus, it is incredibly important for this committee to improve mental health standards in prisons, as the right to good health care is a human right for all. These illnesses can be treated with medication, but not all prisons have the funding or infrastructure needed to treat the prisoners. The treatment of prisoners, whether it is with medication or therapy, is recommended because of beneficial results. These results include reducing the risks of suicide and self-harm, and reducing the

possibility of reoffending after release. Reoffending is the act of committing another crime within two years of release. Therefore, the treatment of mental illnesses in prisoners can be beneficial to public safety. When prisoners with mental illnesses are released back into society without treatment, they may be dangerous to the people and environment around them. Possible solutions to this issue have been explored. Many recommendations require changes in laws and practices to accommodate mentally ill prisoners. For example, it has been recommended to carefully screen prisoners as they enter prison to make sure that medication needs, possibilities of self-harm, and other risks associated with mental illnesses in the prisoners are identified. Delegates should use examples like these when considering how this committee can improve prisoners' rights and their mental health. It is important to remember the lack of international guidelines when dealing with prisoners' mental health specifically, which is something SOCHUM can work toward providing.

Neglected Needs: Girls in the Criminal Justice System

The Bangkok Rules specifically address the needs of female prisoners. After the introduction of the Bangkok Rules in 2010, the Interagency Panel on Juvenile Justice (IPJJ) published a report in 2014 that explained problems girls face with the criminal justice system. The report, titled "Neglected Needs: Girls in the Criminal Justice System", also contains recommendations for improving the rights of girls. Some of the issues the report mentions that girls face are specific health, hygiene and sanitary needs. The report mentions the issue of the lack of dedication from

governments to follow the Bangkok Rules, which is also an issue affecting the rights of all prisoners. In this report from the IPJJ, it emphasizes the discrimination in the criminal justice system. Often times, girls have do not have access to lawyers and other legal representation, due to the fact they may be dependent on family members for financial assistance to be able to afford legal defense in their court trials. It is even more difficult if the family abandons the girl due to the shame they may face. The report also includes recommendations for eliminating this discrimination by suggesting that girls receive “timely, effective, specialized and competent legal representation” and that they are only imprisoned as a last resort. This could prevent the girl from being imprisoned and also helps educate the family on how to deal with the situation. The usage of imprisonment as a last resort is especially important to girls who are mothers. This is meant to not only protect mothers, but also the child, as a mother’s imprisonment can have a devastating effect on a child. Delegates should recognize that further attention need to be spent on protecting the new faces in prisons. There is an increasing number of girls in prisons, and they need to be protected.

Maintaining Foreign Policy

The political stability and history of a country influences the human rights of prisoners. Therefore, delegates should research the policies and beliefs of their own country. This can include the following: whether or not the country has adopted and followed international standards like SMRs and the Bangkok Rules, the situation within prisons in the country, and the emphasis of prisoners’ rights by the

government. Finally, keep in mind that while delegates should stick to their own country's policy at all times, the solutions to this issue should be able to be used by many or all member states rather than just one country specifically. Many governments may either lack the resources to improve the human rights of prisoners or choose to spend their money on different things. It is important that delegates distinguish which section their country falls into, as that will influence their own policies on this topic.

Committee Mission

The task of improving the standards and guidelines relating to the rights of prisoners is not entirely new to SOCHUM. Delegates can gather information from many different sources, some of them UN, and use the information as inspiration for new ways of improving the situation. Delegates must consider what major aspects need to be revised or changed, and how these changes will occur. As a whole, the Committee must focus on two main aspects: choosing which parts need to be revised and updated and how this would happen, and the creation of possible policies that would encourage more Member States to follow guidelines that have been adopted. Topics such as mental health and torture in prisons should be discussed, as well as other areas that require improvement. It is also important to consider the crucial role NGOs play in the advocacy and protection of prisoners' rights. In the section about the enforcement of guidelines, delegates must consider many things. Many developing countries do not have the political stability or economic ability to ensure that prisoners' rights are rightly respected. SOCHUM can suggest new ways of

aiding these countries in the implementation of new and existing guidelines. There are many ways of encouraging countries to follow UN guidelines and delegates should consider these while thinking of edits for SMRs.

Questions to Consider

1. Does your country use any of the declarations or standards included in this guide in their own prisons?

2. Does your country have a history of violating the human rights of prisoners? Have they done anything to fix the situation?

3. Are there large populations of women and girls in your country's prisons? Has your country changed any laws or policies to accommodate them?

4. What changes should be made to the Standard Minimum Rules and/or UN Declaration of Human Rights that would make them more effective?

5. How should the UN and NGOs go about encouraging countries to adopt these policies?