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SOCHUM

STUDY GUIDE

CONTENTS

LETTER FROM DIAS PANNEL

ABOUT THE COMMITTEE

INTRODUCTION TO THE TOPIC

HISTORICAL BACKGROUND

STATEMENT OF PROBLEMS

RECENT DEVELOPMENTS

**RELEVANT INTERNATIONAL TREATIES AND
DOCUMENT**

**PAPERWORK GUIDELINES: DRAFT
RESOLUTION**

**SAMPLE PREAMBULATORY AND OPERATIVE
PHRASES**

SAMPLE DRAFT RESOLUTION

REFERENCES

LETTER FROM THE DAIS PANEL

Distinguished Delegates,

It is truly an honor for us to welcome you all over the United Nations General Assembly Third Committee: Social Humanitarian and Cultural (SOCHUM) at the KIIT International Model UN 2018.

We hope that, all the delegates will learn a lot through an excellent atmosphere of simulation. We advise you to do the researches intensely, make wonderful networks among you and last but not the least, have fun.

We hope all the delegates will learn as well as engage a lot throughout the sessions. KIIT International MUN is an excellent platform to enhance and refine your diplomatic skills. During the committee sessions, you will have a tremendous opportunity to debate about the existing glitches and enhance your knowledge concerning recent transnational controversies. Further, you will also acquire firsthand knowledge about the structures and specified rubrics of international associations and organizations.

Please note: The study guide is not exhaustive and merely provides an overview of the Agenda of UNGA SOCHUM. The guide is meant to give our distinguished delegates a basic idea of the scope and mandate of the discussion. You are requested to do ample research and prepare yourself thoroughly before the conference begins. Please, put much emphasis on getting familiar with Rules & Procedures and Structure of MUN.

We hope to have a wonderful time, and best learning experience from this prominent platform. In case of any further questions, please do not hesitate to contact your Dais. See you all very soon!

Best Wishes,

Golam Samin Rahman (Co-Chairperson)

Dhaval Mehta (Co-Chairperson)

Srinidhi Rao Belman (Vice Chairperson)

ABOUT THE COMMITTEE

United Nations General Assembly Third Committee: Social Humanitarian and Cultural (SOCHUM) is one of the six specialized subcommittees of the General Assembly (one of the six organs of the UN). This committee was established in 1948 after the development of the Universal Declaration of Human Rights.

Year after year, the General Assembly allocates to its Social, Humanitarian and Cultural Affairs Committee, agenda items relating to a range of social, humanitarian affairs and human rights issues that affect people all over the world.

An important part of the Committee's work focuses on the examination of human rights questions, including reports of the special procedures of the newly established Human Rights Council. The Committee also discusses the advancement of women, the protection of children, indigenous issues, the treatment of refugees, the promotion of fundamental freedoms through the elimination of racism and racial discrimination, and the promotion of the right to self-determination. The Committee also addresses important social development questions such as issues related to youth, ageing, disabled persons, family, crime prevention, criminal justice, and drug control._

UN CHARTER CHAPTER IV: GENERAL ASSEMBLY

Composition

Article 9

- 1. The General Assembly shall consist of all the Members of the United Nations.**
- 2. Each Member shall have not more than five representatives in the General Assembly.**

Functions and Powers

Article 10

The General Assembly may discuss any questions or any matters within the scope of the present Charter or relating to the powers and functions of any organs provided for in the present Charter, and, except as provided in Article 12, may make recommendations to the Members of the United Nations or to the Security Council or to both on any such questions or matters.

Article 11

- 1. The General Assembly may consider the general principles of co-operation in the maintenance of international peace and security, including the principles governing disarmament and the regulation of armaments, and may make recommendations with regard to such principles to the Members or to the Security Council or to both.**

2. The General Assembly may discuss any questions relating to the maintenance of international peace and security brought before it by any Member of the United Nations, or by the Security Council, or by a state which is not a Member of the United Nations in accordance with Article 35, paragraph 2, and, except as provided in Article 12, may make recommendations with regard to any such questions to the state or states concerned or to the Security Council or to both. Any such question on which action is necessary shall be referred to the Security Council by the General Assembly either before or after discussion.

3. The General Assembly may call the attention of the Security Council to situations which are likely to endanger international peace and security.

4. The powers of the General Assembly set forth in this Article shall not limit the general scope of Article 10.

Article 12

1. While the Security Council is exercising in respect of any dispute or situation the functions assigned to it in the present Charter, the General Assembly shall not make any recommendation with regard to that dispute or situation unless the Security Council so requests.

2. The Secretary-General, with the consent of the Security Council, shall notify the General Assembly at each session of

any matters relative to the maintenance of international peace and security which are being dealt with by the Security Council and shall similarly notify the General Assembly, or the Members of the United Nations if the General Assembly is not in session, immediately the Security Council ceases to deal with such matters.

Article 13

1. The General Assembly shall initiate studies and make recommendations for the purpose of:

a. Promoting international co-operation in the political field and encouraging the progressive development of international law and its codification;

b. Promoting international co-operation in the economic, social, cultural, educational, and health fields, and assisting in the realization of human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion.

2. The further responsibilities, functions and powers of the General Assembly with respect to matters mentioned in paragraph 1 (b) above are set forth in Chapters IX and X.

Article 14

Subject to the provisions of Article 12, the General Assembly may recommend measures for the peaceful adjustment of any situation, regardless of origin, which it deems likely to impair the general

welfare or friendly relations among nations, including situations resulting from a violation of the provisions of the present Charter setting forth the Purposes and Principles of the United Nations.

Article 15

- 1. The General Assembly shall receive and consider annual and special reports from the Security Council; these reports shall include an account of the measures that the Security Council has decided upon or taken to maintain international peace and security.**
- 2. The General Assembly shall receive and consider reports from the other organs of the United Nations.**

Article 16

The General Assembly shall perform such functions with respect to the international trusteeship system as are assigned to it under Chapters XII and XIII, including the approval of the trusteeship agreements for areas not designated as strategic.

Article 17

- 1. The General Assembly shall consider and approve the budget of the Organization.**
- 2. The expenses of the Organization shall be borne by the Members as apportioned by the General Assembly.**
- 3. The General Assembly shall consider and approve any financial and budgetary arrangements with specialized agencies referred to in Article 57 and shall examine the**

administrative budgets of such specialized agencies with a view to making recommendations to the agencies concerned.

Voting

Article 18

1. Each member of the General Assembly shall have one vote.
2. Decisions of the General Assembly on important questions shall be made by a two-thirds majority of the members present and voting. These questions shall include: recommendations with respect to the maintenance of international peace and security, the election of the non-permanent members of the Security Council, the election of the members of the Economic and Social Council, the election of members of the Trusteeship Council in accordance with paragraph 1 (c) of Article 86, the admission of new Members to the United Nations, the suspension of the rights and privileges of membership, the expulsion of Members, questions relating to the operation of the trusteeship system, and budgetary questions.
3. Decisions on other questions, including the determination of additional categories of questions to be decided by a two-thirds majority, shall be made by a majority of the members present and voting.

Article 19

A Member of the United Nations which is in arrears in the payment of its financial contributions to the Organization shall have no vote in the General Assembly if the amount of its arrears



equals or exceeds the amount of the contributions due from it for the preceding two full years. The General Assembly may, nevertheless, permit such a Member to vote if it is satisfied that the failure to pay is due to conditions beyond the control of the Member.

Procedure

Article 20

The General Assembly shall meet in regular annual sessions and in such special sessions as occasion may require. Special sessions shall be convoked by the Secretary-General at the request of the Security Council or of a majority of the Members of the United Nations.

Article 21

The General Assembly shall adopt its own rules of procedure. It shall elect its President for each session.

Article 22

The General Assembly may establish such subsidiary organs as it deems necessary for the performance of its functions.



INTRODUCTION TO THE TOPIC

Agenda: Prison Reforms with Special Emphasis on Treatment of Convicts and Right of Under Trail.

Throughout the world, imprisonment and other forms of detention are the chief actions imposed on people who are suspected of having violated any criminal law and are therefore under trial or will be under trial, or have actually been convicted of committing a criminal offence.

Correction facilities and penal institutions (such as prisons, jails etc) imprison about 11 million individuals across the world. The United States holds the highest number of prisoners – about 2.2 million – followed by China, Russia, and Brazil.

However, throughout the countries of the world, prisoners have to face disturbing actuality that is beyond the knowledge of the general public: several forms of human rights violations, including torture, are prevalent, while overlong and corrupted legal procedures and scarcity of access to fair trials aggravate the problem. Further, overcrowding is a harsh reality faced by most prisons, leading to numerous dreadful conditions in relation to sanitation, accommodation, and health. Overcrowding leads to some seriously dire situations such as the dispersion of HIV/AIDS and other fatal diseases, which is significantly more common amongst prisoners and inmates when compared to the general civil populations.



A prison being overused causes a series of mutually reinforcing challenges in responding properly to the social reintegration requirements of suspects and convicted criminals, whilst also violating the rights of suspects who are innocent. Unfair convictions of suspects based on political preference, race, religion, social status etc. is also a common violation of human rights, and must be consequently addressed by the General Assembly.

The increasing rate of imprisonment worldwide, alongside overuse of pre-trial detention, and cumbersome trial procedures, aggravate the existing problem of overcrowding. Prison conditions in many countries fail to meet the minimum requirements outlined in the UN Standard Minimum Rules for the Treatment of Prisoners. Lack of adequate space, drinking water and nutrition, poor sanitation, lack of natural light and fresh air are common inadequacies of most prisons across the world. Conditions are often worse in detention facilities for those under trial, where detainees should be presumed innocent until proven guilty. One of the purposes of prisons is that criminals should be assisted in achieving social reintegration after release. The provision of purposeful activities to achieve this, including educational and vocational training programs, therapy and treatment for problems such as drug addiction etc. are lacking in many prison systems, largely due to the lack of acknowledgment and realization of the rehabilitative goals of imprisonment. Healthcare services in prison systems, are mostly below-standard and under-funded, branded





by the scarcity of staff and of essential medications. The use of violence and torture against prisoners commonly occurs in insecure prisons which lack monitoring, and are carried out by undertrained or abusive staff, as well as other prisoners. There are also cases when authorities purposefully target prisoners. Meanwhile, the majority proportion of male prisoners in comparison to female prisoners, has led to a general disregard for the gender-specific needs of women. Furthermore, there is a significant absence of appropriate oversight and inspection mechanisms by independent bodies in most prison systems. The independent monitoring of prison systems is a substantial safeguard against torture and ill-treatment in detention facilities.

The 2016 prison riot, in Alabama, USA, is one of the recent signals that the lives of inmates in prisons are unbearable. In the prison riot in Alabama, for example, overcrowding and poor design were considered as the motivators of the riot.

It is of paramount importance to acknowledge that every convicted prisoner (let alone those under trial), no matter the magnitude of their crimes, must be provided the fundamental human rights as outlined by the United Nations Declaration of Human Rights and related documents such as the International Covenant on Civil and Political Rights and United Nations Basic Principles for the Treatment of Prisoners.

Therefore, to ensure the rights of convicts and those under trial, it is of utmost importance that prison reform is effectively





implemented in criminal justice systems worldwide. Reform of the prison system should always acknowledge the necessities relating to the reform of the criminal justice system as a whole and use an integrated, multi-disciplinary strategy to attain meaningful impact. Therefore, reform initiatives will generally need to encompass all aspects of criminal justice not just limited to prison systems, such as the judiciary prosecution, access to rights to ensure a fair trial, police service etc.



HISTORICAL BACKGROUND

Bridewell House of Correction, opened in London in 1552, was the world's first prison. Since then, prison have becomes the most common method to hold criminals accountable through taking away their rights. Currently, imprisonment is the harshest United Nations approved sanction. However, prisons were initially structured to offer criminals the chance to contribute to society by forcing them to take part in labor work. Otherwise, prisons detained individuals pending punishment or trial. Even though they were rarely used as punishment on their own, prisons were poorly maintained and consequently deadly. After the early 1800s, prisons became the standard method for punishments in industrialized countries, replacing capital punishment amongst other retributive practices.

The 19th century introduced convicts and those under trial to the state prison, resulting in a phase shift towards retributive justice. These prison systems were plagued by poor organization, human rights abuse, extremely poor living conditions etc. These made them liable to prospects of prison reform. For example:

In the United Kingdom: John Howard was one of the prominent reformers of the 18th century. He denounced the imprisonment system as disorganized, barbarous and filthy. He called for wide-ranging reforms including the installation of paid staff, outside inspection, a proper diet etc. Religious groups, like the

Quakers and Evangelicals, played considerable roles, as they promoted the idea of a prison reform centering on personal redemption. Then, the UK's Prison Act of 1898 reaffirmed that the primary purpose of imprisonment was rehabilitation.

In the United States: During the colonial period in America, punishments were severe. After independence, many states amended their criminal punishment laws. However, human rights abuses remained in prison systems. One of the first prison reform groups, the Philadelphia Society for Alleviating the Miseries of Public Prisons, was created in 1787. They intended to alleviate the severe conditions in local jails and prisons, where prisoners had their clothes robbed by other inmates, and jailers tended to charge helpless prisoners for heat, food, and clothing, amongst other basic necessities. Most prison reformers called for the use of stern, rigid discipline in prisons during the mid-1800s. Dorothea Dix, a prominent prison reformer, fought for the rights of mentally-ill prisoners – after she was appalled to discover that mentally-ill prisoners were chained to the walls and given little clothing and no heat in one of the jails she had visited. In the 1860s, overcrowding became a common phenomenon in prisons. After inspecting prisons in 18 different states, two prominent prison reformers, Enoch Wines and Theodore Dwight, created an important report explaining the flaws in the prison system and suggesting solutions for reformation.

The trend of reformation and rehabilitation continued into the 20th century, which was separated through the Progressive Era of the early 1900s and the Rehabilitative Era of the 1970s. The Progressive Era included accomplished professionals studying penology, who believed that each prisoner's problems could be solved by integrating science – indeterminate sentences and individualized treatment was some of the options suggested by these professional reformers. The following Rehabilitative Era continued a similar philosophy behind imprisonment– even prisons were renamed to “correctional institutions”. Creating job opportunities and ensuring the psychological health of inmates were the primary aims of this era.

By the time of the early 1980s, the growing quantity of criminals and those under trial, and scarcity of housing led to a premature conclusion to the Rehabilitative Era. There was a growing sense of disappointment in the use of prisons as a reformative tool, which subsequently led to previous beliefs that they were more appropriate as strictly methods of inflicting punishment. Most industrialized nations, such as the United States of America, restored their punishment-focused policies, even though there was evidence of the fact that rehabilitation programs had helped decrease recidivism (habit of criminals relapsing after release) and performing a vital role in assisting criminals' transition back into society. During the 20th century, the very foundations of prisoner rights and human rights themselves were built in the form of the

United Nations Declaration of Human Rights and The Convention against Torture and Other Cruel, Inhumane or Degrading Treatment or Punishment. However, many of today's biggest issues in prison systems were as common back then, notwithstanding the back and forth alteration between the rehabilitation and retribution policies.



STATEMENT OF PROBLEM

Overcrowding.

Overcrowding, characterized as a condition where the most extreme assessed limit is surpassed in the number of prisons available, is the base issue that influences essentially every other human rights concern in jail. Since nations around the globe, including the United States, have embraced a "get tough on crime" approach, overcrowding has moved toward becoming as omnipresent as it is hindering. More than 115 nations have prisons surpassing their official limit; of which have prison systems holding more than twofold their ability, while another 28 nations have prisons working anywhere between 150% to 200% of their designated limit. In comparison, there are prison systems, for example, those of Monaco, Ukraine, and Japan with a significant measure of empty jail space. It should be noted that, an entire 89 national prison systems have under 100% of their actual capacity, however overcrowding can still exist given the varying circumstances of every prison. In any case, overcrowding is in a violation of the UN Standard Minimum Rules for the Treatment of Prisoners that approaches that all convenience accommodated the utilization of prisoners "meet the requirements of health." It should be noted that the UN's rules for the treatment of prisoners are not issued discretionarily. Overcrowding, while while not immediately pressing, creates a volatile atmosphere that is

harmful to the prisoner's health and the prison systems itself. If this continues to remain uncurbed, Overcrowding can be a contributing factor to widespread disease either contagious or psychiatric; negatively influence social rehabilitation programs and prompt general lack of regard among prisoners and jail laborers.

Health of Prisoners.

Overcrowding and a noticeable lack of healthcare personnel in jails have resulted in grave situations in jails. While diseases like tuberculosis and hepatitis spread easily in prisons, the flow of HIV/AIDS is a standout amongst alarming health concerns in prisons. With drug use and needle sharing, tattooing with crude and unsterile equipment, high-risk intercourse and rape all in close proximity, prisons are the ideal environment for the spread of HIV. Prisoner immune systems that are now compromised by overcrowding caused conditions like, stress, malnutrition, drugs and violence, effortlessly fall prey to illness. Thus, HIV is between 6 to 50 times (6:1 in USA, 10:1 in France, 50:1 in Mauritius) as common within jails as general adult populations, and much higher for imprisoned women. When even the most fundamental healthcare and living conditions are inaccessible to prisoners, it is obvious that life-saving treatment for HIV is a luxury that many prisoners can't hope to get. Obligatory HIV testing is additionally

a practice implemented by some prison authorities, which is an unmistakable breach of human rights.

Taking into account that overcrowding forces prisoners into close quarters, there are unavoidably heightened tensions that enable increased violence, riots, and sexual abuse. Likewise, there are also disproportionately high levels of mental illness and suicide. The World Health Organization reported that “at least half of all prisoners struggle with personality disorders, and over a million prisoners suffer from serious mental disorders like psychosis or depression.” Not only are there obvious causes such as the deprivation of liberty and communication that are inherent within imprisonment, but there are also other factors of prison environment that make them conducive to mental disorders; they include overcrowding, squalid and depressing environments, poor or lack of food, insufficient health care, lack of purposeful activities, the availability of drugs, and either too much or too little private time. Since many people with pre-existing mental disorders are arrested and imprisoned, the result is that there are both people with mental illness entering prisons and prisoners developing those illnesses.

Torture.

Torture usually happens among prisoners when overcrowding is combined with with insecure facilities and undertrained or abusive staff; however, when prison authorities target prisoners, a



new situation arises. Torture is defined by the UN Convention as "the intentional infliction of severe physical or mental pain or suffering for purposes such as obtaining information or a confession, or punishing, intimidating or coercing someone," and is under all circumstances illegal. Nevertheless, there are a plenty of well-known torment cases in prisons around the world, while considerably more cases go under the radar. Torture takes many forms. For instance, the CIA was known for using waterboarding, a method that makes the individual experience a consistent feeling of suffocating, on suspects of the 9/11 attacks. One of the most widely recognized strategies utilized for torment is isolation. While it may not appear as promptly excruciating as different methods, lone repression, a condition of finish confinement with practically no human connection for up to years, can be impeding to the psychological wellness of prisoners, causing them to experience hallucinations, panic attacks, and extreme distress from the lack social interaction. Solitary constraint has likewise been connected with suicide, yet is still an ordinary practice in numerous prisons around the world.

General Respect.

With the goal for there to be peace in prisons, there should be a solid, conscious connection between prisoners and prison guards. However, basic courtesy towards prisoners is missing when guards are not adequately trained or acquainted with their obligations.



Outside of the exceptionally promoted occurrences of gatekeepers utilizing trepidation and degradation tactics in North Korea and Syria, most nations have had instances of guards ill-treating prisoners more often than we may think.

The Standard Minimum Rules for the Treatment of Prisoners likewise plots that there will be no segregation "on grounds of race, shading, sex, dialect, religion, political or other sentiment, national or social inception, property, birth or different status," yet prisoners of conscience - individuals who are detained for simply those reasons—are in any case plentiful. Most of these prisoners of conscience have originated in the Middle East, Iran, Azerbaijan, and Bahrain. Given the recent onset of Islam phobia from religion driven terrorist attacks, nations should guarantee that there is regardless no separation for prisoners on the basis of their background of and beliefs. Restricted access to specific books and nourishments additionally deter certain prisoners from practicing their religious beliefs. While most European countries have eradicated disenfranchisement, the right to vote is as yet not given to prisoners in the UK, USA, and India, stripping detainees of their democratic rights.

RECENT DEVELOPMENTS

Argentina

Overcrowding, abuse by prison authorities, inadequate facilities, and inmate violence proceed in Argentina's prisons. The National Penitentiary Office, which Congress made in 2003 to administer government penitentiaries and ensure prisoners' rights, announced the rough passing's of eight government prisoners between the months of January and June 2017, however the statistics make no clear mention of who the perpetrators are. The office, moreover documented roughly 300 instances of torture or ill-treatment in government penitentiaries between January and May 2017, after 608 cases in 2016.

Abuse by prison authorities remains a major issue. Security officials at times utilize excessive power against prisoners, in spite of a 2011 guarantee by the government in at minimum 19 of Argentina's 23 territories to ensure that power is utilized proportionately. The Provincial Commission for Memory, an independent open body made by the provincial legislative body, detailed that in 2016, people a day either died in detention—mostly due to preventable causes, in facilities that are often plagued by poor medical treatment—or after being shot during clashes with police forces in Buenos Aires province.



On August 1, Santiago Maldonado, a 28-year-old craftsman, disappeared while visiting a Mapuche indigenous community in Cushamen, in the southern territory of Chubut. On August 14, as per media reports, two individuals from the Mapuche community pronounced under the watchful eye of the judge examining the case that they saw the Gendarmerie, a government security drive take Maldonado from a demonstration. In October, his body was found close to a river in the territory. The judge exploring the case said that underlying consequences of Maldonado's post-mortem examination uncovered he apparently did not have wounds injuries caused by third parties, and some and some forensic experts reportedly claimed that his body had spent up to 60 days under the water. At the time of writing, the judge was still investigating the circumstances of his death.

Australia

Human Rights Watch findings in 14 different prisons in Western Australia and Queensland found that prisoners with handicaps encounter torture, harassment, physical and sexual violence from prisoners and staff. Due to a distinct deficiency of staff sensitivity and training, prisoners with disabilities are frequently subject to ill treatment and punishment because of their inability and wind up disproportionately represented in punishment units.



Brazil

In January, in excess of 650,000 adults were in a jail in Brazil, as per the National Council of Justice. The most official report about overcrowding, from 2014, demonstrated offices lodging 67 percent a bigger number of prisoners than they were designed to safely hold.

Overcrowding and understaffing make it almost impossible for prison authorities to keep up control inside numerous jails, leaving prisoners powerless against violence. In January, in excess of 120 prisoners died in three states, allegedly because of gang violence. Another 22 prisoners had just been slaughtered in October 2016. Health and legal services are deficient in many prisons, and only a marginal percentage of inmates have access to educational and work opportunities. Pre-trial detainees are frequently held with convicted prisoners, in violation of international standards and Brazilian law.

Judges in just around 40 percent of jurisdictions see prisoners immediately after arrest, as required by worldwide law, according to the non-profit Institute for the Defence of the Right to Defence, Such “custody hearings” enable judges to decide who ought to be in preventive detention and who should be set a free pending trial. Without custody hearings, detainees are frequently held up for many months to see a judge for the first time; 34 percent of people

in Brazilian prisons were awaiting trial in January. At the time of publication, Congress was examining a bill to make custody hearings mandatory nationwide.

Such hearings can possibly be a ground-breaking weapon against police abuse of prisoners since they enable judges to identify abuse not long after capture. In São Paulo, nonetheless, a 2017 report by the not-for-profit Conectas found that judges, prosecutors, and public defenders neglected to guarantee the correct investigation of allegations of mistreatment in hundreds of custody hearings.

Cuba

Security officers rarely present arrest orders to justify detaining critics. In some cases, detainees are released after receiving official warnings, which prosecutors can use in subsequent criminal trials to show a pattern of “delinquent” behavior.

Detainment is frequently utilized pre-emptively to keep individuals from taking an interest in quiet walks or gatherings to talk about governmental issues. Prisoners are regularly beaten, debilitated, and held incommunicado for a considerable length of time or days. The Ladies dressed in White (Damas de Blanco) a

gathering established by the spouses, moms, and little girls of political detainees like the Cuban Commission on Human Rights, need to meet official Prison Condition standards.

Prisons are jam packed, Detainees are compelled to work 12-hour days and are punished in the event that they don't meet production goals. According to former political prisoners. Inmates have no effective complaint mechanism to seek redress for the ill treatment. The individuals who speak against the government or participate in hunger strikes and other forms of protest regularly persevere through extended solitary confinement, beatings, restrictions on family visits, and are denied medical care. While the government allowed select members of the foreign press to conduct controlled visits to a handful of prisons in 2013, it continues to deny international human rights groups and independent Cuban organizations access to its prisons.

Congo

Ecuador has been plagued with overcrowding and poor facilities since time immemorial despite the fact that the government had invested close to a million dollars towards the construction of appropriate detention centres. In fact in 2016, in the Turi prison in Azuay, a leaked video shows prison officials inflicting torture over naked prisoners, while simultaneously putting them through unnecessary electric shocks. This lead to a collection of lawyers

launching a habeas corpus petition seeking better treatment in these prison facilities. This petition was upheld by the judiciary, shining a fresh ray of hope. Although the Attorney General's office did launch an investigation into the leaked videos, a series of events lead to the content being deemed as an act of overreach of authority while performing a public duty, as opposed to being labelled a case of torture.

Following this, in February, the Attorney General's office refused to implicate the accused and so the judge dismissed the petition against all the officers accused of misbehaviour in the above case.

The Gambia

Jail conditions, however, remained dire, with detainees lacking proper lodging, sanitation, nourishment, and satisfactory medicinal care. The government significantly reduced prison overcrowding by pardoning more than 250 prisoners in February and March 2017. On September 21, Barrow marked a UN settlement submitting the Gambia to abolish capital punishment.

Iran

Iranian courts, and especially revolutionary courts, frequently missed the mark with respect to providing fair trials and used admissions acquired under torture as proof in court. The

authorities routinely limit prisoners' access to legal advice, particularly during the investigation period.

Several people accused of national security violations experienced an absence of satisfactory access to medicinal care in detainment. In August, experts declined to permit the hospitalization of Arash Sadeghi, a 30-year-old human rights protector, who experienced stomach related complications following his long term hunger strike in February. Zeinab Jalalian, a Kurdish prisoner who is serving a life imprisonment jail sentence in Khoy jail in West Azarbaijan region, is supposedly in earnest need of medicinal treatment for her eye. In 2017, a few political detainees in Rajai Shahr including Saeed Shirzad, a child rights activist, embarked on a hunger strike to protest their prison conditions

Israel and Palestine

In April and May, several Palestinian detainees burned through 40 days on hunger strike looking for better conditions. As of November 1, Israeli specialists incarcerated 6,154 detainees on what they consider security grounds, the overwhelming majority Palestinian, including 3,454 convicts, 2,247 pre-trial detainees and 453 administrative detainees held without charge or trial, according to the Israeli Prison Service.

RELEVANT INTERNATIONAL TREATIES AND DOCUMENT

The International Bill of Human Rights consists of the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, and the International Covenant on Civil and Political Rights and its two Optional Protocols.

Human rights had already found expression in the Covenant of the League of Nations, which led, inter alia, to the creation of the International Labor Organization. At the 1945 San Francisco Conference, held to draft the Charter of the United Nations, a proposal to embody a "Declaration on the Essential Rights of Man" was put forward but was not examined because it required more detailed consideration than was possible at the time. The Charter clearly speaks of "promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language or religion" (Art. 1, para. 3). The idea of promulgating an "international bill of rights" was also considered by many as basically implicit in the Charter.

The Preparatory Commission of the United Nations, which met immediately after the closing session of the San Francisco Conference, recommended that the Economic and Social Council should, at its first session, establish a commission for the promotion of human rights as envisaged in Article 68 of the Charter. Accordingly, the Council established the Commission on Human Rights early in 1946.

At its first session, in 1946, the General Assembly considered a draft Declaration on Fundamental Human Rights and Freedoms and transmitted it to the Economic and Social Council "for reference to the Commission on Human Rights for consideration . . . in its preparation of an international bill of rights" (resolution 43 (I)). The Commission, at its first session early in 1947, authorized its officers to formulate what it termed "a preliminary draft International Bill of Human Rights". Later the work was taken over by a formal drafting committee, consisting of members of the Commission from eight States, selected with due regard for geographical distribution.

Universal Declaration of Human Rights

The Universal Declaration of Human Rights was adopted and proclaimed by the General Assembly as a common standard of achievement for all peoples and all nations, to the end that every individual and every organ of society, keeping this Declaration constantly in mind, shall strive by teaching and education to promote respect for these rights and freedoms and by progressive measures, national and international, to secure their universal and effective recognition and observance, both among, the peoples of Member States themselves and among the peoples of territories under their jurisdiction.

The forty-eight States voted in favor of the Declaration, none against, with eight abstentions. In a statement following the voting, the President of the General Assembly pointed out that adoption of



the Declaration was "a remarkable achievement, a step forward in the great evolutionary process. It was the first occasion on which the organized community of nations had made a Declaration of human rights and fundamental freedoms. The instrument was backed by the authority of the body of opinion of the United Nations as a whole, and millions of people -men, women and children all over the world- would turn to it for help, guidance and inspiration.

The Declaration consists of a preamble and 30 articles, setting forth the human rights and fundamental freedoms to which all men and women, everywhere in the world, are entitled, without any discrimination.

Article 1, which lays down the philosophy on which the Declaration is based, reads:

All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.

The article thus defines the basic assumptions of the Declaration: that the right to liberty and equality is man's birthright and cannot be alienated: and that, because man is a rational and moral being, he is different from other creatures on earth and therefore entitled to certain rights and freedoms which other creatures do not enjoy.

Article 2, which sets out the basic principle of equality and nondiscrimination as regards the enjoyment of human rights and





fundamental freedoms, forbids "distinction of any kind, such as race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or other status".

Article 3, the first cornerstone of the Declaration, proclaims the right to life, liberty and security of person -a right essential to the enjoyment of all other rights. This article introduces articles 4 to 21, in which other civil and political rights are set out, including: freedom from slavery and servitude; freedom from torture and cruel, inhuman or degrading treatment or punishment; the right to recognition everywhere as a person before the law; the right to an effective judicial remedy; freedom from arbitrary arrest, detention or exile; the right to a fair trial and public hearing by an independent and impartial tribunal; the right to be presumed innocent until proved guilty; freedom from arbitrary interference with privacy, family, home or correspondence; freedom of movement and residence; the right of asylum; the right to a nationality; the right to marry and to found a family; the right to own property; freedom of thought, conscience and religion; freedom of opinion and expression; the right to peaceful assembly and association; and the right to take part in the government of one's country and to equal access to public service in one's country.

Article 22, the second cornerstone of the Declaration, introduces articles 23 to 27, in which economic, social and cultural rights -the rights to which everyone is entitled "as a member of society" -are





set out. The article characterizes these rights as indispensable for human dignity and the free development of personality, and indicates that they are to be realized "through national effort and international cooperation". At the same time, it points out the limitations of realization, the extent of which depends on the resources of each State.

The economic, social and cultural rights recognized in articles 22 to 27 include the right to social security; the right to work; the right to equal pay for equal work; the right to rest and leisure; the right to a standard of living adequate for health and well-being; the right to education; and the right to participate in the cultural life of the community.

The concluding articles, articles 28 to 30, recognize that everyone is entitled to a social and international order in which the human rights and fundamental freedoms set forth in the Declaration may be fully realized, and stress the duties and responsibilities which each individual owes to his community. Article 29 states that "in the exercise of his rights and freedoms, everyone shall be subject only to such limitations as are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society". It adds that in no case may human rights and fundamental freedoms be exercised contrary to the purposes and principles of the United Nations. Article 30 emphasizes that no



State, group or person may claim any right, under the Declaration, "to engage in any activity or to perform any act aimed at the destruction of any of the rights and freedoms set forth" in the Declaration.

The first document that specifically addressed the treatment of offenders and set out certain minimum standards that should be maintained in order to not derogate the human rights of the offenders was Standard Minimum Rules for the Treatment of Prisoners which was Adopted by the First United Nations Congress on the Prevention of Crime and the Treatment of Offenders, held at Geneva in 1955, and approved by the Economic and Social Council by its resolutions 663 C (XXIV) of 31 July 1957 and 2076 (LXII) of 13 May 1977. The preliminary observations are as the follows:

1. The following rules are not intended to describe in detail a model system of penal institutions. They seek only, on the basis of the general consensus of contemporary thought and the essential elements of the most adequate systems of today, to set out what is generally accepted as being good principle and practice in the treatment of prisoners and the management of institutions.
2. In view of the great variety of legal, social, economic and geographical conditions of the world, it is evident that not all of the rules are capable of application in all places and at all times. They should, however, serve to stimulate a constant endeavor to

overcome practical difficulties in the way of their application, in the knowledge that they represent, as a whole, the minimum conditions which are accepted as suitable by the United Nations.

3. On the other hand, the rules cover a field in which thought is constantly developing. They are not intended to preclude experiment and practices, provided these are in harmony with the principles and seek to further the purposes which derive from the text of the rules as a whole. It will always be justifiable for the central prison administration to authorize departures from the rules in this spirit.

4. (1) Part I of the rules covers the general management of institutions, and is applicable to all categories of prisoners, criminal or civil, untried or convicted, including prisoners subject to "security measures" or corrective measures ordered by the judge.

(2) Part II contains rules applicable only to the special categories dealt with in each section. Nevertheless, the rules under section A, applicable to prisoners under sentence, shall be equally applicable to categories of prisoners dealt with in sections B, C and D, provided they do not conflict with the rules governing those categories and are for their benefit.

5. (1) The rules do not seek to regulate the management of institutions set aside for young people such as Borstal institutions or correctional schools, but in general part I would be equally applicable in such institutions.

(2) The category of young prisoners should include at least all young persons who come within the jurisdiction of juvenile courts. As a rule, such a young person should not be sentenced to imprisonment.

Then came the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment that were adopted by General Assembly resolution 43/173 of 9 December 1988, these principles outlined and focused upon the principle of rule of law and laid down the procedural framework to be adopted in the process established by law. To enunciate further, some of the principles are reproduced below:

Principle 9

The authorities who arrest a person, keep him under detention or investigate the case shall exercise only the powers granted to them under the law and the exercise of these powers shall be subject to recourse to a judicial or other authority.

Principle 12

1. There shall be duly recorded:

- (a) The reasons for the arrest;**
- (b) The time of the arrest and the taking of the arrested person to a place of custody as well as that of his first appearance before a judicial or other authority;**
- (c) The identity of the law enforcement officials concerned;**
- (d) Precise information concerning the place of custody.**

2. Such records shall be communicated to the detained person, or his counsel, if any, in the form prescribed by law.

Principle 37

A person detained on a criminal charge shall be brought before a judicial or other authority provided by law promptly after his arrest. Such authority shall decide without delay upon the lawfulness and necessity of detention. No person may be kept under detention pending investigation or trial except upon the written order of such an authority. A detained person shall, when brought before such an authority, have the right to make a statement on the treatment received by him while in custody.

The Beijing Rules along with the United Nations Rules for the Protection of Juveniles Deprived of their Liberty focused upon the treatment of juveniles and ways to tackle juvenile delinquency.

The fundamental perspectives are reproduced below:

1. The juvenile justice system should uphold the rights and safety and promote the physical and mental well-being of juveniles.

Imprisonment should be used as a last resort.

2. Juveniles should only be deprived of their liberty in accordance with the principles and procedures set forth in these Rules and in the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (The Beijing Rules).

Deprivation of the liberty of a juvenile should be a disposition of last resort and for the minimum necessary period and should be



limited to exceptional cases. The length of the sanction should be determined by the judicial authority, without precluding the possibility of his or her early release.

3. The Rules are intended to establish minimum standards accepted by the United Nations for the protection of juveniles deprived of their liberty in all forms, consistent with human rights and fundamental freedoms, and with a view to counteracting the detrimental effects of all types of detention and to fostering integration in society.

4. The Rules should be applied impartially, without discrimination of any kind as to race, colour, sex, age, language, religion, nationality, political or another opinion, cultural beliefs or practices, property, birth or family status, ethnic or social origin, and disability. The religious and cultural beliefs, practices and moral concepts of the juvenile should be respected.

5. The Rules are designed to serve as convenient standards of reference and to provide encouragement and guidance to professionals involved in the management of the juvenile justice system.

6. The Rules should be made readily available to juvenile justice personnel in their national languages. Juveniles who are not fluent in the language spoken by the personnel of the detention facility should have the right to the services of an interpreter free of charge whenever necessary, in particular during medical examinations and disciplinary proceedings.



7. Where appropriate, States should incorporate the Rules into their legislation or amend it accordingly and provide effective remedies for their breach, including compensation when injuries are inflicted on juveniles. States should also monitor the application of the Rules.

8. The competent authorities should constantly seek to increase the awareness of the public that the care of detained juveniles and preparation for their return to society is a social service of great importance, and to this end active steps should be taken to foster open contacts between the juveniles and the local community.

9. Nothing in the Rules should be interpreted as precluding the application of the relevant United Nations and human rights instruments and standards, recognized by the international community, that are more conducive to ensuring the rights, care and protection of juveniles, children and all young persons.

10. In the event that the practical application of particular rules contained in sections II to V, inclusive, presents any conflict with the rules contained in the present section, compliance with the latter shall be regarded as the predominant requirement.

Principles of Medical Ethics relevant to the Role of Health Personnel, particularly Physicians, in the Protection of Prisoners and Detainees against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment



Principle 1 Health personnel, particularly physicians, charged with the medical care of prisoners and detainees have a duty to provide them with the protection of their physical and mental health and treatment of disease of the same quality and standard as is afforded to those who are not imprisoned or detained.

Principle 2 It is a gross contravention of medical ethics, as well as an offence under applicable international instruments, for health personnel, particularly physicians, to engage, actively or passively, in acts which constitute participation in, complicity in, incitement to or attempts to commit torture or other cruel, inhuman or degrading treatment or punishment

Principle 3 It is a contravention of medical ethics for health personnel, particularly physicians, to be involved in any professional relationship with prisoners or detainees the purpose of which is not solely to evaluate, protect or improve their physical and mental health.

PAPERWORK GUIDELINES: DRAFT RESOLUTION

What is a draft resolution?

In most international organizations, decisions that are made on certain subject matters are stated in a written form, in different types of documents that often carry a different weight when it comes to their translation into a specific course of action or implementation.

One of such documents, which is often a product of fierce negotiations and debate in many international organizations such as the UN, is a resolution. Within the United Nations, a resolution is a formal text that is adopted in general by any UN body. In practice, however, mostly the General Assembly and its subsidiary organs as well as the Security Council adopted resolutions on a regular basis.

A United Nations resolution mostly contains provisions on specific subject matters of concern. According to the Articles 10 – 14 of the UN Charter, General Assembly resolutions are considered non-binding recommendations when dealing with substantive matters. When dealing with procedural matters, internal to the United Nations system, they are binding upon its members. Security Council resolutions, however, are according to Article 25 of the UN Charter binding, and UN member states have a legal obligation to carry out its decisions in accordance with the Charter. Resolutions normally require a simple majority to pass that is 50% plus one (except in the Security Council).

Why a draft resolution?

Preparing a draft resolution that should serve as a basis for your committee's deliberations is an important component of your preparations for the substantive work within the committee.

The drafting of a resolution will help you consolidate and put into a framework the amount of knowledge you have gathered during your research on the subject matter as well as the national position of your country. You will be also able to more clearly define what your country wants to achieve with the resolution and what it tries to avoid being included in it. When preparing by yourself a draft resolution you will be much more aware of what you really want and on which information your argument will be based upon – a good starting point for successful negotiations.

How to draft a resolution?

A resolution is a de facto one sentence, which is made up of three major parts. It begins with the name of the issuing body along with the names of the sponsors and signatories (sponsors are the countries who agree with all the points in the resolution, signatories are the countries who are ready to discuss the resolution), continues with the perambulatory part describing the reasons behind an action to be taken and ends with an operative part in which a specific course of action is recommended or decided upon.

The preamble of a draft resolution states the reasons for which the committee is addressing the topic and highlights past international action on the issue. Each clause begins with a present participle (called a perambulatory phrase) and ends with a comma.

Perambulatory clauses can include:

- References to the UN Charter;**
- Citations of past UN resolutions or treaties on the topic under discussion;**
- Mentions of statements made by the Secretary-General or a relevant UN body or agency;**
- Recognition of the efforts of regional or nongovernmental organizations in dealing with the issue; and**
- General statements on the topic, its significance and its impact.**



Operative clauses identify the actions or recommendations made in a resolution. Each operative clause begins with a verb in its present tense (called an operative phrase) and ends with a semicolon. Operative clauses should be organized in a logical progression, with each containing a single idea or proposal, and are always numbered. If a clause requires further explanation, bulleted lists set off by letters or roman numerals can also be used. After the last operative clause, the resolution ends in a period.

It is important to note that Operative Clauses can only call for actions that the body concerned has the power to carry out.



SAMPLE PREAMBULATORY AND OPERATIVE PHRASES

Perambulatory Phrases

Affirming	Expecting	Having examined
Alarmed by	Emphasizing	Having received
Approving	Expecting	Keeping in min
Bearing in mind	Expressing it's appreciation	Noting with deep concern
Believing	Fulfilling	Nothing with satisfaction
Confident	Fully aware	Noting further
Contemplating	Emphasizing	Observing
Convinced	Expecting	Reaffirming
Declaring	Expressing it's appreciation	Realizing
Deeply concerned	Fulfilling	Recalling
Deeply conscious	Fully aware	Recognizing
Deeply convinced	Further deploring	Referring
Deeply Disturbed	Further recalling	Seeking
Deeply Regretting	Guided by	Taking into consideration
Desiring	Having adopted	Taking note
Emphasizing	Having considered	Viewing with appreciation
		Welcoming

Operative Phrases

Accepts	Encourages	Further
Affirms	Endorses	recommends
Approves	Expresses its	Further requests
Authorizes	appreciation	Further resolves
Calls	Expresses its hope	Has resolved
Calls upon	Further invites	Notes
Condemns	Deplores	Proclaims
Confirms	Designates	Reaffirms
Congratulates	Draws the attention	Recommends
Considers	Emphasizes	Regrets
Declares accordingly	Encourages	Reminds
Deplores	Endorses	Requests
Designates	Expresses its	Solemnly affirms
Draws the attention	appreciation	Strongly
Emphasizes	Expresses its hope	condemns
	Further invites	Supports
	Further proclaims	Takes note of
	Further reminds	Transmits
		Trusts

SAMPLE DRAFT RESOLUTION

Draft Resolution 1.0

General Assembly Third Committee

Sponsors: United States, Austria and Italy

Signatories: Greece, Tajikistan, Japan, Canada, Mali, the Netherlands and Gabon

Topic: Strengthening UN coordination of humanitarian assistance in complex emergencies

The General Assembly,

Reminding all nations of the celebration of the 50th anniversary of the Universal Declaration of Human Rights, which recognizes the inherent dignity, equality and inalienable rights of all global citizens, [use commas to separate perambulatory clauses]

Reaffirming its Resolution 33/1996 of 25 July 1996, which encourages Governments to work with UN bodies aimed at improving the coordination and effectiveness of humanitarian assistance,

Noting with satisfaction the past efforts of various relevant UN bodies and nongovernmental organizations,

Stressing the fact that the United Nations faces significant financial obstacles and is in need of reform, particularly in the humanitarian realm,

- 
- 1. Encourages all relevant agencies of the United Nations to collaborate more closely with countries at the grassroots level to enhance the carrying out of relief efforts;**
 - 2. Urges member states to comply with the goals of the UN Department of Humanitarian Affairs to streamline efforts of humanitarian aid;**
 - 3. Request that all nations develop rapid deployment forces to better enhance the co-ordination of relief effort of humanitarian assistance in complex emergencies.**

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