

## Economic and Social Council (ECOSOC)



Use this background guide as a starting point, but be sure to use the resources around you to dive deeper into the topic (the school library, online articles, etc.). I've listed a few questions to consider, but as you do your own research think about the other faces to this issue. I look forward to hearing your creative and practical solutions to the topics at hand

This year ECOSOC will be discussing two difficult topics:

1. Standard Rules for Treatment of Prisoners
2. Promoting the Involvement of Woman and Youth in Government

## Economic and Social Council (ECOSOC)

The Economic and Social Council (ECOSOC), one of the six main organs of the United Nations established by the UN Charter in 1946, is the principal body for coordination, policy review, policy dialogue and recommendations on economic, social and environmental issues, as well as for implementation of the internationally agreed development goals. ECOSOC serves as the central mechanism for the activities of the United Nations system and its specialized agencies. It is also responsible for supervising the subsidiary and expert bodies in the economic, social and environmental fields. Some of those more well-known bodies are the International Labour Organization (ILO), World Health Organization (WHO), International Monetary Fund (IMF), and the Commission on Science and Technology Development (CSTD). The Council is made up of 54 member states, out of the 194 UN member states, which are elected each year by the UN General Assembly for overlapping three-year terms. <sup>1</sup>

### Standard Rules for Treatment of Prisoners

Statement of the Problem:

According to the Universal Declaration of Human Rights (UDHR), all human beings “are equal in dignity and rights,” however, these aren’t always accessible to everyone.<sup>2</sup> There are groups of people worldwide, such as prisoners, whose rights are often diminished or ignored. Prisoners are often overlooked in the discussion of human rights because they are considered “unworthy” or that it is “their ‘fault’” if they are not treated with dignity. Yet under the UDHR, all humans are equal in dignity and rights.

Amnesty International is a global movement of more than 7 million people in over 150 countries and territories who campaign to end abuses of human rights. Amnesty International reported torture of prisoners in 141 countries around the world, even though 155 countries signed the UN convention against Torture and Other Cruel, Inhuman or Degrading Treatment of Punishment.<sup>3</sup> Prisoners have also been subjected to other ill-treatments, such as poor living conditions and inadequate healthcare groups such as foreign prisoners, prisoners with mental illnesses, women, and juveniles in the prison system are especially vulnerable to the lack of proper treatment.

The issue on how to treat prisoners internationally has been a long-debated topic, despite this we have seen increasing prisoner abuse and a lack of protection of the rights of prisoners. This weekend, ECOSOC must take action to ensure that all prisoners have standard rules of treatment that protect prisoners’ human rights.

### **History of the Problem**

The first formal recognition of prisoner’s rights was in 1899 at the First Hague Peace Convention, also known as the International Peace Conference of 1899. It detailed how a prisoner of war must be treated, what rights they have, and how the State government is allowed to interact with them.<sup>4</sup> Since the International Peace Conference of 1899, the United Nations, national governments, and international organizations have passed several laws and resolutions to take action towards this issue.

Several years later, the United Nations General Assembly passed the Basic Principles for the Treatment of Prisoners in 1990 in hopes to standardize the treatment of prisoners, military and civilian, and to recognize the rights that prisoners have. It states that “except for those limitations that are demonstrably necessitated by the fact of incarceration, all prisoners shall retain the human rights and fundamental freedoms set out in the Universal Declaration of Human Rights, and, where the State concerned is a party, the International Covenant on Economic, Social and Cultural Rights, and the International Covenant on Civil and Political Rights and the Optional Protocol thereto, as well as such other rights as are set out in other United Nations covenants.”<sup>5</sup> The United Nations has passed several resolutions specifically targeting prisoner’s rights and many nations have also recognized the importance of not discriminating against prisoners.

On August 30, 1955, the First UN Congress on the Prevention of Crime and the Treatment of Offenders adopted the Standard Minimum Rules for the Treatment of Prisoners (SMRs). They were then approved by ECOSOC in resolutions in 1957 and 1977. Since SMRs were adopted in 1957, they have been universally acknowledged as the minimum standard for the treatment of

prisoners. They represent one of the most well-known standards among the UN standard on crime prevention and criminal justice.

Although the SMRs are non-enforceable guidelines, many countries have accepted them as the basic standards when dealing with the treatment of prisoners. The SMRs are separated into two parts – rules of general application and rules applicable to special categories. The first section covers areas such as accommodation, personal hygiene, instruments of restraint, and notification of death, illness, and transfer. The second section covers prisoners under sentence, insane and mentally abnormal prisoners, prisoners under arrest or awaiting trial, civil prisoners, and persons arrested or detained without charge.<sup>6</sup>

Since the SMRs, many more guidelines have been passed to address the issues not specifically addressed or relevant when SMRs was passed. Some of these issues include female-specific guidelines on overpopulation, foreign prisoners, solitary confinement and torture.

## **Current Situation**

### Expert Group on the Standard Minimum Rules for Treatment of Prisoners

Even in recent years, the UN has made strides to keep the discussion prisoners' rights at the forefront. In the General Assembly resolution 65/230 in 2010, titled "Twelfth United Nations Congress on Crime Prevention and Criminal Justice," they requested the creation of an open-ended intergovernmental expert group "to exchange information on best practices, as well as national legislation and existing international law, and on the revision of the existing United Nations standard minimum rules for the treatment of prisoners so that they reflect recent advances in correctional science and best practices."<sup>7</sup> These recommendations would then be shared with the General Assembly. Since its creation the group has met on four separate occasions - Vienna from January 31st to February 2nd, 2012, Buenos Aires from 11th to the 13th of December, 2012, Vienna from 25th to the 28th of March, 2014 and Cape Town from 2nd to the 5th of March, 2015 - and has drafted recommendations to the SMRs.<sup>8</sup>

### Nelson Mandela Rules

On December 17th, 2015, the UN General Assembly unanimously adopted the revised Standard Minimum Rules, also known as the "Nelson Mandela Rules" in honor the late President of South Africa "who spent 27 years in prison in the course of his struggle for global human rights, equality, democracy and the promotion of a culture of peace." There were eight substantive areas that were revised – respect for prisoners' inherent dignity, medical and health services, disciplinary measures and sanctions, investigations of deaths and torture in custody, protection of vulnerable groups, access to legal representation, complaints and independent inspection, and training of staff.<sup>9</sup>

## Concerns

Despite the passage of the SMRs, there have been many instances of violation of prisoner's rights. On April 24th, 2014, hundreds of Palestinian prisoners in Israel started a hunger strike to protest the fact that they were imprisoned without charges or trials and the inadequate treatment they received. In response to this, Israel passed an amendment to the Prisons Act that allows force-feeding of prisoners. This issue took two years before this amendment was upheld by the High Court of Justice.<sup>10</sup>

There have been many resolutions and guidelines that have been recognized by the UN and the member states, yet there is no legal obligation for these countries to follow the regulations and enforce it within their borders. This happens for a few reasons. First, that the governments find the SMRs as an inconvenience and feel more comfortable with existing guidelines. Second, many bodies of the UN, including ECOSOC, does not have the power to force member states to follow the guidelines listed in a resolution.

The UN has formed a Subcommittee on Prevention of Torture to help countries in establishing procedures to help governments protect prisoner's rights. Malcolm Evans, Chair of the Subcommittee, noted that one of his most successful undertakings had been "national preventive mechanism visits." It has helped countries including Honduras, Republic of Moldova, and Senegal with these preventative procedures. Unfortunately, the Subcommittee has a 10 year backlog of visits.<sup>11</sup>

## **Questions to Consider**

1. Despite the resolutions that have been passed thus far, what areas of the treatment of prisoners does it not take into account? Is anything outdated? Look at the suggestions given by the Expert Group to identify what areas need to be focused on first.
2. How can the UN and ECOSOC hold countries accountable to the promises they make by signing the resolutions on prisoner rights if they can't force countries to follow the guidelines?
3. Currently there are many bodies within the UN responsible for re-evaluating and modifying prisoner's rights and assisting countries in implementation. Some of those bodies are listed here in the background guide, but how can the UN increase efficiency in the implementation and evaluation of prisoner's rights?
4. How does treatment differ between a prisoner and a detainee? Should they be treated differently? What are the conditions like?
5. What is the path to rehabilitation, both in prison and once the prisoner has been released? How is society treating ex-convicts once they have been released?

## **Possible Bloc Positions**

The state of prisoners' rights in a country depends on the social history of the country and the political stability. The following blocs are divided by geography because countries close to each other tend to have similar prison environments; however, it is important to keep in mind that there are exceptions to every bloc. Delegates must research their own country's policies and beliefs. While it is important to adhere to their own country's position, the solutions to this issue should apply to many, if not all, member states.

### Sub-Saharan Africa

Prison conditions are extremely poor across Africa with major issues being overcrowding and lack of sanitation. Additionally, torture is commonly used to extract confessions and is a deeply rooted practice in the culture of the security forces across several countries in Africa. While the situation in this region is troubling, many countries have taken several steps to manage the issue.

### South and Central America

Poor prison conditions are common throughout the region with the key issue being overcrowding. Reports of torture and abuse don't often have effective investigations, either because of lack of resources or countries choose to spend the funds elsewhere.

## Eastern Europe and Central Asia

Torture and ill-treatment of prisoners are common practices for law enforcement to obtain information. This practice is deeply ingrained in the cultures of many of the countries from the former Soviet Union. Prisoners face other poor conditions that lead to medical issues. Additionally, gay and transgender inmates often suffer twice as badly.<sup>12</sup>

## Western Europe and North America

This bloc of countries generally provides better treatment to prisoners compared to the rest, however the major issue is overcrowding in prisons and ill-treatment of prisoners within counter-terrorism operations. Additionally, while it is rare to see torture, when it does occur it is common for those incidents to go un- or severely under punished.

## Asia-Pacific Region

Since many countries in this region have torture ingrained in their culture, torture is used commonly, but investigations of these methods are extremely rare. Furthermore, prison conditions are harsh throughout the region. Some countries require prisoners to work in inhumane or dangerous conditions and punishments are common if the work is done too slowly or if the prison rules are not followed.

## **Key Terms**

Torture - any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him, or a third person, information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity. It does not include pain or suffering arising only from, inherent in, or incidental to, lawful sanctions.,

Cruel - willfully or knowingly causing pain or distress to others; or enjoying the pain or distress of others; or causing or marked by great pain or distress

Imprison - To confine in a prison or jail after sentenced

Jail - An area of imprisonment where prisoners are held for a short period of time on not serious charges. Typically run by local law enforcement

Prison - An area of imprisonment where prisoners are held for long periods of time on more serious charges. Typically run by state or federal government

Holding facility/ Detention center  - Where detainees (not prisoners) are held as they await trial

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## Thank you

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## Original Background Guide Link

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