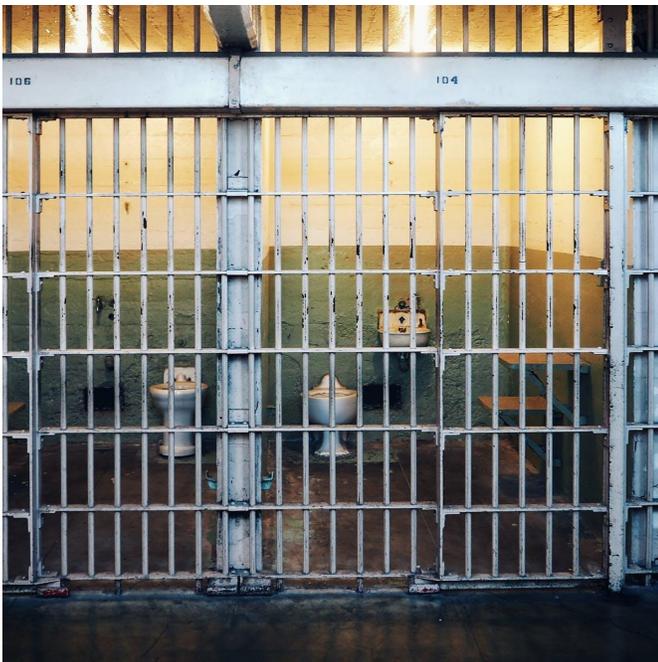


**Forum:** United Nations Commission on Crime Prevention and Criminal Justice(CCPCJ)

**Issue:** The question of the prioritization of punishment or the rehabilitation of prisoners in prison systems.

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## Introduction

### Key Terms

Prison  
Punishment  
Confinement  
Prisoners  
Incarcerate  
Inmates  
Judicial Institutions  
Rehabilitate  
Recapacitate

Throughout the existence of mankind, **prisons** have always existed as a form of **punishment** or a measure of **confinement** for the **prisoners**.

People would be **incarcerated** for a specific period of time depending on the crime or offense committed, and sometimes would even be killed for their actions. This leads to the following question; How should incarcerated criminals be treated moving forward?

In past years, **inmates** have been severely mistreated, abused, and forced to live in inhumane and grim conditions. However, over time, governments have altered the way they run their prison and the ways punishments are carried out towards the prisoners. These changes occur for reasons including but not limited to ethical considerations, cultural changes, and changes in government. Currently, some **judicial institutions** still punish prisoners by stripping certain privileges from them and by forcing them to live in confined places with other prisoners. Systems that incarcerate prisoners by using such methods are called punitive correctional systems, which focus on the idea that punishment can change a prisoner's behavior and deter prisoners from engaging in criminal activities.

Even though many countries still prioritize punishment in prison systems, other countries have decided to take a different approach on how to move forward with the lives of prisoners. Such countries have developed institutions or programs that try to **rehabilitate**, **recapacitate**, and educate prisoners into becoming functional, constructive members of society. These institutions' goals are to "improve the likelihood that offenders will lead a productive, crime-free life upon release from prison by addressing the

underlying factors that led to their criminal activity" (lao.ca.gov). They also focus on teaching classes regarding technology and engineering, and also by offering post-release services seeking to help released prisoners adapt to being a part of society. This method that focuses on the reintegration of prisoners into society is called rehabilitative incarceration .

**Comprehension Questions:**

What do you think rehabilitation should look like?

## **Definition of Key Terms**

**Prisons:** A place of confinement for persons held in lawful custody.

**Punishment:** The infliction or imposition of a penalty as retribution for an offense.

**Confinement:** The state of being forced to stay in a place in which you cannot leave

**Prisoner:** A person deprived of liberty and kept under involuntary restraint

**Incarceration:** The act of holding or keeping someone in prison

**Inmate:** A person confined to an institution such as a prison or jail.

**Judicial Institutions:** System of courts that adjudicates legal disputes/disagreements and interprets, defends, and applies the law in legal cases.

**Rehabilitation:** The action of restoring someone to health or normal life through training and therapy during/after imprisonment, addiction, or illness.

**Recapacitate:** To rehabilitate prisoners so that they have the capacity/ability to reintegrate into society.

**Comprehension Question:**

Should prisons prioritize **rehabilitation** over **punishment**?

## Current Situation

Currently, most governments opt for the punitive incarceration method as it is much cheaper and requires fewer institutions. There are many types of prisons nowadays including minimum security, low security, medium security, high security, maximum security, supermax facilities, psychiatric, and sometimes federal or state prisons depending on the government. Different prisons are used for different types of prisoners but all of them are similar in the fact that they mostly focus on punishment or rehabilitation. Using the rehabilitative method requires a separate location (like rehabilitation or rehab, for short, centers) other than a prison, many resources to help prisoners, medical supplements to help deal with possible mental health issues, and many professionals like psychologists/psychiatrists and doctors. Regardless of the costs, rehabilitation has proven it is successful in helping prisoners grow as people, reintegrate into society, and even helps many reduce their sentences due to good behavior in prison.

## **Punitive Incarceration**

Punitive incarceration refers to the method that many prison systems use, which consists of punishing incarcerated criminals in order to change their behavior and make them act in a certain way. This method, also referred to as retributive justice, may be very traumatic and scarring to the prisoners and may cause many of them to develop mental health disorders and have difficulty adapting/rejoining society. "The basic idea of

rehabilitation through imprisonment is that a person who has been incarcerated will never want to be sent back to prison after they have been set free. It is hoped that an inmate's experiences while locked up will leave such a lasting impression that a former prisoner will do whatever it takes to avoid a second term" (crimemuseum.org). Many countries around the globe utilize this method of punishment in their prison systems, even though they are considered immoral. Because of the nature of this method, many countries are looking for new methods to incarcerate, and reduce the returning percentage of criminals.

## **Rehabilitative Incarceration**

Rehabilitative Incarceration is the method of imprisonment where the government focuses on helping criminals become better people, treating them both mentally and physically, and reintegrating them back into society as soon as possible. This method is far more expensive than the punitive method as it involves more resources and installations but it succeeds in helping decrease the amount of returning prisoners. Some governments also choose to provide help to already released prisoners in the form of psychologist and doctor appointments or helping them find jobs that are willing to hire former prisoners. There are different types of rehabilitation programs for prisoners that help in different ways. The education rehabilitation helps cover growth in learning and functional skills. Inmates that participated in this program are 43% less likely to commit a crime and return to incarceration within three years than those who did not. The employment rehabilitation program gives prisoners the opportunity to engage in prison work programs while incarcerated so that they have an easier time getting work once they are released. The counseling rehabilitation program allows criminal justice and mental health professionals to provide guidance to inmates throughout the duration of their sentence. The wellness program is about physical and mental wellness which brings clarity and purpose to many inmates during their sentence. The community rehabilitation program is made for people that have already left the system. This program involves a support group where ex-prisoners can talk about some of the issues they are facing and can help each other deal with them. Having a support system within the community helps an ex-offender stay that way.

## Substance Abuse

Substance abuse refers to the usage of a drug or illicit substances for purposes other than those for which they are meant to be used, or in high amounts, which is very harmful and can cause severe effects like overdose and death to its consumer. In US prison systems, over 85% of the population has an active substance dependence disorder or were imprisoned due to crimes related to such substances. This shows how such substances and drugs play a very significant role in the lives of these prisoners. Incarcerated prisoners who have substance dependence disorders are more likely to overdose, and possibly die once released from prison. Following that logic, by reducing drug usage both outside and inside of prisons, criminal activity would decrease worldwide and prisoners' behavior would improve, and would be less prone to violence and to criminal activities.

## Mental Health

Mental Health issues refer to a wide range of conditions that affect your mood, thinking, and behavior. Examples of such issues include depression, anxiety disorders, addictive disorders, and eating disorders. In the US, around 37% of imprisoned people have a history of mental health problems. Many times such issues are left untreated which can, consequently, lead to catastrophic disasters or irreversible damages to the prisoner or to others. "We lock up people with mental health problems when we should really be treating these people in the community" ([www.apa.org](http://www.apa.org)). However, in some prison systems, prisoners who face such issues, receive the recommended treatment and can successfully recover from them.

## Incarceration during COVID-19

Covid-19 was something that tragically affected the whole world. Economies were greatly impacted by the effects of the pandemic, affecting millions of people all around the world. Also, many people became infected and died due to the virus. Prisons were also

significantly affected during the pandemic. In fact, prisons were a very dangerous place to be during the pandemic, due to the fact that many prisons are overcrowded, allowing the fast transmission of the virus. Combining that with the poor sanitary conditions, and lack of treatment for prisoners, allowed the virus to spread rapidly and kill many people, spreading over 5 times faster than the overall rate.

## **Major Parties Involved and Their Views**

### **USA:**

The USA has the highest prison population, in which over 2 million people are currently held at state or private prisons. Concerning the treatment of prisoners in prison systems, the USA mainly focuses on the aspect of punishment and violence towards its prisoners. We are able to see this as described by Equal Justice Initiative, a non-profit organization who is fighting for human rights in prison systems: "People who need medical care, help managing their disabilities, mental health and addiction treatment, and suicide prevention are denied care, ignored, punished, and placed in solitary confinement.". From this quote we are able to see how US utilizes a punitive and abusive approach in addressing its prisoners in hopes for them to change their behavior and quit doing crimes

### **Russia:**

Russia has a prison population of around 600 thousand people. Similar to the USA, Russia also utilizes a punitive approach to control and regulate prisoners in prisons. A prisoner in a Russian prison said "prisoners were forced to work in a sewing workshop for 16-17 hours a day, with barely any days off, only four-hours sleep per night and were subjected to constant threats by the prison authorities.". From this quote, we can directly see how Russian prisons mistreat, abuse, and oppress their prisoners, showing that prioritize the punishment of prisoners over anything else

### **Sweden:**

In the past decade, the number of prisoners in Sweden has dropped from

5,722 to 4,500 in a population of 9.5M. "The country has closed a number of prisons, and the recidivism rate is around 40%, which is far less than in the U.S. and most European countries" (mic). Sweden is a perfect example of the benefits of the rehabilitative method as it has the lowest reoffending rate in all of Europe at only 16%. Prisoners in Swedish prisons are allowed to study and participate in university courses so that they can get new jobs when they are released. Prisons all over Sweden have started closing as the number of people being arrested has dropped so severely. Inside the prisons, inmates are treated with respect, have more freedom, and can communicate with visitors and non-prisoners easier than in other countries. Prisoners also have access to libraries and apprentice courses in learning different skills.

### **Norway:**

Twenty-four years ago, Norway moved away from a punitive justice system and started focusing more on rehabilitation. It has "consistently ranked number one on a number of lists entailing the best, most comfortable prisons in the world" (borgenproject.org). Norway's prisons focus on providing spaces that promote comfort, healing, and inclusivity and, changing its attitude and approach towards inmates, it is releasing high-functioning prisoners back into society. "Norway's incarceration rate was at only 75 per 100,000 people. In addition, since developing its new prison system in the 1990s, its recidivism rate has decreased from around 60-70% to only 20% in recent years" (borgenproject.org). This is because Norway strongly focuses on restorative justice rather than focusing on punishment and the mistreatment of its prisoners. Norway has the primary goal of reintegrating its prisoners as stable contributors to communities which is accomplished by creating jail cells that are similar to small, dorm rooms. Many prisons in Norway have completely banned the use of cell bars in their architectural design and now have "open" style cells. "In the maximum-security Halden prison, each prisoner has a toilet, shower, fridge, and a flat TV screen with access to kitchens and common areas".

## UN Involvement

Over the years, the United Nations has taken action to increase the judicial system and prison system's focus from punishment to rehabilitation in many different ways. Their efforts have not gone unnoticed and have produced change that has been beneficial to all of society and has decreased future crime due to a decrease in the number of returning prisoners.

### **The Roadmap for the Development of Prison-based Rehabilitation Programmes**

In 2017, the United Nations Office on Drugs and Crime (UNODC) released The Roadmap for the Development of Prison-based Rehabilitation Programs. This guidebook discusses how a prison term is perceived as incarcerating a criminal but that, in the future, true justice cannot be limited to punishment. Countries should begin focusing on rehabilitating criminals, lowering future crime risks, and fostering a more peaceful and inclusive society. This is why the international standards express that "imprisonment should not be limited to the deprivation of liberty. Rather, it should include opportunities for prisoners to obtain the knowledge and skills that can assist them in their successful reintegration upon release, with a view to avoiding future offending" (UNODC). The four primary justifications for investing in education, training, and work programs for convicts in prison are highlighted in this new guidebook. The reasons are:

- First, providing opportunities for inmates to learn new skills and gain work experience would help them to avoid committing crimes once they are released, thereby benefiting public safety.
- Second, providing constructive activities in prisons helps to make life in prison more similar to life outside - referred to as the principle of "normalization" - which is vital for facilitating a prisoner's social reintegration into the community after release.
- Third, education, vocational training, and employment programs help maintain order, safety, and security because inmates who participate in constructive activities and are actively engaged are less likely to participate in disruptive activities.

· Finally, remuneration schemes associated to work programs allow inmates to sustain themselves and their families while also generating income for prison administrations to sustain such programs and to further improve prison conditions. (UNODC)

This handbook also shows multiple studies and other forms of evidence that show how a focus on prisoner rehabilitation has decreased overall crime and improved the lives of ex-convicts. (Link to handbook:

[https://www.unodc.org/documents/justice-and-prison-reform/17-05452\\_ebook.pdf](https://www.unodc.org/documents/justice-and-prison-reform/17-05452_ebook.pdf))

### **Doha Declaration**

The Doha Declaration, adopted at the conclusion of the 13th United Nations Congress on Crime Prevention and Criminal Justice, stresses the need of expanding efforts to help the rehabilitation and social reintegration of inmates into society. With the purpose of constructing a more rehabilitative approach to prison management, the Global Program is bringing this declaration into practice and implementing the use of fair, humane, and effective criminal justice systems. These programs are the most cost-effective and beneficial strategies to keep prisoners from reoffending, both for the benefit of the inmates and for the improvement of public safety.

### **Further UNODC Support**

UNODC is also supporting “the creation of national brands of prison products aimed at enhancing prisoners' work and products with a view to generate income for prisoners, increase their self-esteem, qualifications, and employability upon release, as well as, more generally, to raise awareness in the general public that prisoners are a continuous part of society” (UNODC). UNODC also declared that they are working on a new technical guide for the creation or improvement of a national brand of prisoner products derived from programs that meet international standards. This guide will concentrate on the protection of inmates' rights as well as the criteria for the organizational setup and marketing of these brands. This project will improve the lives of inmates in prison, lowering their chances of reoffending after they are released. It also assists inmates in gaining more experience while incarcerated, making it easier for them to obtain work once they are released.

## Timeline of Events

Year	Name	Description	Effects
1000 BC	Records of the First Prison	The earliest records of prisons come from the ancient civilizations of Mesopotamia in Egypt. These prisons were stationed in underground dungeons, where prisoners awaited their punishment	Dictated the main format of prisons
1166	First Draft of the English Legal System	The First concept of jury and trial was Commissioned by Henry II	Gave basis as to how prisoners are sentenced as of today
1215	Magna Carta is signed	Magna Carta, a very significant prison legislation document signed by King John, which stated that no man could go to prison without a fair trial. This is considered the starting process of giving prisoners more rights.	This documents caused many nations to acknowledge the idea of a fair and equal trial for prisoners
1890s	Changes in correctional institutions	Many prisons around the globe started modifying their facilities. The changes included giving more space for such prisoners as well as installing plumbing	This change allowed many prisoners to be able to finally live in adequate conditions
1945	UN Charter Act created	Foundational Treaty of UN, which upholds the many standards of Human rights, including the treatment of prisoners in prisons	This treaty advocates for human rights of prisoners giving them a voice

1955	United Nations Standard Minimum Rules for the Treatment of Prisoners is created	Document stating the basic needs and necessary accommodations for what is considered as being a good principle of the treatments of prisoners and establishing such institutions	This document caused many penitentiaries institutions to be modified to uphold the new rights prisoners were given
1974	The Rehabilitation of Offenders Act (ROA)	This act allows prisoners to be given a chance to not disclose their sentences when allowed to apply for jobs. This makes the process of reintegration of prisoners into society easier.	This act aided immensely the reintegration of prisoners back into society following their release from prison
1980	The Civil Rights of Institutionalized Persons Act (CRIPA)	Federal law implemented by the US government in all of its states, which has its purpose to protect the rights of all people in correctional facilities	This law caused prisoners in the US to have more rights in penitentiaries institutions
1990	Basic Principles for the Treatment of Prisoners	A document, created by OHCHR, addresses the adequate treatment of inmates where. Over 40 countries signed and ratified this document. It includes many clauses as well as "With the participation and help of the community and social institutions, and with due regard to the interests of victims, favorable	This document has aided prisoners in over 40 countries to finally be able to be incarcerated in humane conditions and to be effectively reintegrated into society once their sentence is over

conditions shall be created for the reintegration of the ex-prisoner into society under the best possible conditions

1990	Norway's Rehabilitation Program	Norway's prison systems have evolved into spaces that focus on rehabilitation and reintegration, rather than on punishment. Their method of managing such correctional facilities is attributed and considered to best in the world, and many places are starting evolve their prisons into something similar as of norway's	This change in the prison system, has influenced the prison systems around the globe to apply a more rehabilitative approach
1992	Prison Security Act	An act, accepted in the UK, is passed in order to address how prisoners should be treated in case of a revolt or rebellion.	Advocated for prisoner rights following a rebellion
2017	Prison Reform and Redemption Act	This bill has its purpose to give more rights to prisoners such as not being allowed to go to prison pregnant and improve conditions of productive activities in prisons	Allowed prisoners in the US to gain more rights

## [Past International Action](#)

### **The National Prison Project**

Founded in 1972, by the American Civil Liberties Union(ACLU), the National Prison Project is an organization that actively seeks to ensure that prisons and correctional

facilities in the US are complying with the many different laws and regulations necessary to treat prisoners. Their main goals include reducing overcrowding, improving medical care, and eliminating maltreatment in many prisons around the US.

### **The Humans Right Watch:**

Is an NGO (Non-governmental-organization) founded in 1978 responsible for defending and advocating the rights of people in over 100 countries. This organization pressures organizations, governments, and policymakers to respect human rights. In regards to prisoner treatment, this organization has been actively addressing many issues, such as sexual abuse and bad conditions, in prisons all around the globe.

### **The Criminal Justice Policy Foundation:**

Is a charitable organization founded in 1989 whose aim is to educate the public and influence policymakers to make changes regarding the criminal justice system. It is responsible for advising other organizations on possible strategies for reforming the approach to crime prevention, criminal justice, and drug policies

### **UNDC:**

Is a UN office founded in 1997 whose purpose is to “contribute to global peace and security, human rights and development”. In regards to prison reforms, it is actively assisting many countries in reforming their prison systems by creating a very large scope of possible ideas, such as different alternatives of imprisonment, in regards to changes in prison systems.

## **Possible Solutions**

This issue is of the utmost importance for CCPCJ as a worldwide shift in focus from punishment to rehabilitation would decrease the amount of returning prisoners

and future crime, in general, a lot which is both beneficial for prisoners and for society as a whole. Too many countries focus on punishing prisoners and treating them like animals which is a serious problem that has to change as it is unethical and will not decrease crime rates as much as rehabilitation does.

As mentioned previously, one of the greatest issues with prison systems is that there are not enough opportunities for inmates to positively socialize and grow as people while in prison. They are treated inhumanely and most of their privileges are stripped from them. This makes prisoners uncooperative and prevents many from focusing on rehabilitation. These programs and systems would help integrate prisoners and would allow them to help each other become better members of society. Another possible solution would be to install rehabilitation specific institutions in countries so that prisoners can have a designated place to get support in any way they need. These institutions could be a safe space for prisoners to take classes and get more education if needed, to talk to psychologists or psychiatrists, to have medical appointments, and to work on improving their ethical and moral values in order to become functioning, constructive members of society.

### **Sustainable Development Goal (SDG)**

This issue deeply relates to SDG sixteen; Peace, Justice, and Strong Institutions. The SDG is as follows; "Promote peaceful and inclusive societies for sustainable development, provide access to justice for all, and build effective, accountable, and inclusive institutions at all levels." This issue relates to this SDG since it addresses how prisoners may be inhumanely treated in some prison systems, and many organizations and prison systems are trying to change that by providing different rehabilitation opportunities for prisoners,

## Appendix

### Useful Links for Research

I. The World Factbook, CIA.gov:

<https://www.cia.gov/the-world-factbook/>.

This website will help delegates complete their country profile and provide a lot of information about their countries. It is useful to read the whole country profile as sometimes delegates might find something about their country's positions on certain issues that could also potentially help with issue bulletins/graphic organizers.

II. Rehabilitate or punish? - American Psychology Association (APA)

<https://www.apa.org/monitor/julaug03/rehab>.

This site is about the downsides of the punitive method of incarceration (specific to the U.S. but can be applied worldwide to a certain extent as humans are similar across the globe) and how it is affecting prisoners. It also talks about ways to help shift to a rehabilitative method and some of the core problems with prisons like, for example, the lack of psychologists on hand.

III. Rehabilitation vs. Incarceration: Rehabilitation in the Criminal Justice System - Oxford Treatment Center

<https://oxfordtreatment.com/rehab-vs-prison/>.

This website goes into detail comparing rehabilitation and incarceration and touches on many valuable elements to consider when thinking about this issue. Some of these

elements include the link between addiction and incarceration, prison-based drug treatment programs, life after prison release, rehab instead of jail time, and why recovery is the best choice

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