



# JejuMUN X

## Background Guide

### United Nations Office on Drugs and Crime (UNODC)

1 | Amending the international quality of prisons and universalizing the access to free trial

SDG : 3 Good health and Well-being, 11. Sustainable Cities and Communities, 16. Peace, Justice, and Strong Institutions

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# Table of Contents

Table of Contents	2
Committee Introduction	3
Agenda Introduction	4
Letter from the Chairs	5
Key Terms	6
Historical Background	7
Current State of Affairs	9
Stances of Parties	11
Possible Solutions	15
Questions to Consider	17
Bibliography	18

## Committee Introduction

The United Nations Office on Drugs and Crime (ODC) is an organization with priorities centered around tackling the worldwide issue of the abuse of drugs, crime prevention, criminal justice, international terrorism, political corruption, and maintenance of peace and stability. The committee resolves problems diplomatically for the sustainable development of all parties. Each member state of the committee is guaranteed one vote with no outstanding state possessing veto powers. In past resolutions, there have been initiatives to treaties and conventions, funding of reports on crime and drugs, encouraging policy dialogue, and monitoring whether criminal justice is being ensured around the notion of human rights. Such actions have brought evident effects such as enhanced border security, the promotion of transparency with governments, the provision of crucial intel to law enforcement, guidelines for state prisons, and the disruption of supply chains of drugs. Cooperation is essential because the majority of its funding comes from voluntary contributions mainly from member states. In the past, it has also opened up campaigns such as “Think AIDS” to dissipate the spread of HIV and AIDS, “Your No Counts” to internationally tackle corruption, “Blue Heart” to raise awareness on human trafficking, and “Do drugs Control your Life?” to convince the youth to not take drugs.

## Agenda Introduction

The UNODC is severely alarmed by the quality of prisons and the infringement of human rights where detainees are left without access to free trial. Many developing countries are facing similar challenges such as arbitrary arrests, unfair trials, restriction on freedom of expression, political interference, inadequate legal representation, lack of a centralized judicial system, and weak legitimacy and enforcement of law. North Korea's prison camps subject inmates to forced labor, torture, and inhumane treatment, and the state's isolated status makes it difficult to determine the exact conditions. The trial results are mostly predetermined by the ruling regime. Brazil and Venezuela face corruption and gangs operating openly within the prisons. Philippines' and Congo's prisons face many infrastructural constraints with poor sanitation and overcrowding. Saudi Arabia leaves its detainees with limited access to legal counsel and often has confessions obtained through coercion. Iran's judicial system has faced criticism for limited independence and lack of due process. Countries like Syria and Myanmar that face conflict are facing all the similar issues along with political dissidents and ethnic minorities being marred. Pakistan is not too different, but unique in the fact that it participates in extrajudicial killings.

However, developed countries are no exception to this case. The US's justice system prioritizes retribution over rehabilitation; therefore, pervasive dilemmas that are the root causes for prison entrances remain unaddressed. Visits by family have been reduced, lack of nutrition and preservation of food and its quality. In recent years, some corrections agencies have sought to improve life behind bars, for instance, by limiting their use of solitary confinement and increasing the number of in-prison postsecondary educational programs. Despite these efforts, prison life largely remains rife with deprivation, isolation, and violence. Russian prisons face problems with overcrowding, cross-inmate violence, inadequate healthcare, and abuse by guards. As for China, the communist party's influence on the judiciary has diminished transparency and the fair legal representation for politically sensitive cases. These countries have the resources and infrastructural potential but need to face systemic issues such as mass incarceration, racial disparities, limited police accountability, and inequality.

## Letter from the Chairs

We are Richard Park, Roy Song, and John Park from North London Collegiate School Jeju (NLCSJ). It is with our greatest honor to make your acquaintance to the UNODC at JEJUMUN X. You are part of a middle school committee with novice members who are new to the whole concept of MUN. We do realize that you may be intimidated, so we would like to give quick guidance to relax you with the upcoming preparations.

We recognize that you have joined MUN to become better versions of yourself and also to overcome your fears of public speaking. Whether you are right or wrong, you must fearlessly express your opinions, be vocal, and stand up for your own country. Even though you may not exert the best performance in your first conference, speaking and engaging in conversations will equip you with real-life experience and oral skills for future conferences. You will learn to negotiate and sacrifice to maximize the gain of your country while simultaneously satisfying opposing parties of the deal. Us chairs were also lost ducklings in our first conferences, and did not know any of the procedures at the start. Nevertheless, it is through our little brave steps out of our comfort zones that turned us into well-established diplomats. We recommend you to be highly prepared : know your agenda and your country's stance thoroughly to be on the same page as other delegates. The procedures are difficult to learn without any experience, so participate in as many mock conferences as possible before the real conference. The chairs are there to guide you and support you, not embarrass you publicly.

In this committee, you will be discussing the agenda "Amending the international quality of prisons and universalizing the access to free trial". MUN is political, and politics always comes with a binding set of branching perspectives. We hope your background knowledge and viewpoint on events will nurture the debate of the entire community. We are expecting hands-on-action, fierce debates and calamities resolved through diplomacy, all by the culmination of the conference. We wish the best of luck in your preparation. Contact us if any questions persist.

Sincerely,

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# Key Terms

## **Penal Reform**

Efforts to improve the conditions of prisons and correctional facilities, including changes to regulations, policies, and practices to ensure the humane treatment of inmates and their rehabilitation.

## **Criminal Justice System**

The network of legal and governmental institutions designed to enforce the law, maintain social order, and administer justice, including police, courts, and correctional facilities.

## **Inmate Rehabilitation**

Programs and strategies aimed at helping incarcerated individuals reintegrate into society by addressing underlying causes of criminal behavior, providing education, vocational training, and psychological support.

## **Prison Overcrowding**

A situation where the number of inmates in a prison facility exceeds its designed capacity, often leading to substandard living conditions, increased violence, and reduced access to resources.

## **Access to Free Trial**

The fundamental right of any person accused of a crime to have a fair and public trial, including legal representation, proper legal proceedings, and the opportunity to present their case before an impartial tribunal.

## **International Human Rights Standards**

Established norms and principles that outline the basic rights and freedoms to which all individuals are entitled, regardless of nationality, including the rights of prisoners and those facing criminal charges.

## **Judicial Independence**

The concept that courts and judges should be free from external influence, ensuring their impartiality and ability to make decisions based solely on the law and facts presented, which is crucial for ensuring fair trials.

# Historical Background

The issue of amending the international quality of prisons and universalizing access to free trials within the framework of the United Nations Office on Drugs and Crime (UNODC) has deep historical roots that can be traced back to various factors, events, and attempts to address these challenges.

## **Early 20th Century: Emergence of Human Rights Norms**

The early 20th century witnessed the emergence of international human rights norms, as well as the establishment of organizations like the League of Nations. The recognition of basic human rights, including fair trial and humane treatment of prisoners, gained momentum after World War II, leading to the adoption of the Universal Declaration of Human Rights in 1948.

## **Post-World War II Era: Growth of Global Prison Populations**

In the post-World War II era, the global prison populations expanded significantly due to various factors, including the rise of organized crime, political conflicts, and the criminalization of certain activities. This growth often resulted in overcrowded prisons and inadequate conditions, raising concerns about the violation of human rights and the effectiveness of rehabilitation.

## **1966: International Covenant on Civil and Political Rights (ICCPR)**

The International Covenant on Civil and Political Rights, adopted by the United Nations General Assembly in 1966, reaffirmed the right to a fair trial and protection against torture, cruel, inhuman, or degrading treatment. However, despite the adoption of these principles, implementation remained a challenge in many countries, leading to ongoing violations.

## **1984: UN Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment**

The UN Convention Against Torture, adopted in 1984, further emphasized the prohibition of torture and cruel treatment. It called for measures to prevent such practices and highlighted the need for independent oversight of detention facilities. Nevertheless, reports of abuse and poor conditions in prisons continued.

## **Late 20th - Early 21st Century: Efforts and Challenges**

Throughout this period, various initiatives were launched by the UN, non-governmental organizations (NGOs), and regional bodies to address prison conditions and access to fair trials. However, challenges persisted due to lack of resources, political will, and varying interpretations of international standards.

## **Modern Era: Current Situation and Persistent Issues**

In the modern era, issues such as prison overcrowding, inadequate facilities, lack of rehabilitation programs, and limited access to legal representation continue to plague many countries. Political considerations, corruption, and weak judicial systems have hindered progress toward implementing effective reforms.

## **Previous Attempts to Address the Issue**

Previous attempts to address these challenges have included capacity-building programs, technical assistance, and international dialogues. However, the complexity of the issue, differing legal traditions, and reluctance to cede sovereignty have often impeded comprehensive solutions.

Despite these challenges, the ongoing commitment of the UN, regional bodies, and civil society to uphold human rights and improve prison conditions remains steadfast. The UNODC, as a specialized agency focusing on crime prevention and criminal justice, is uniquely positioned to foster international cooperation and facilitate meaningful dialogue to address the multifaceted issues surrounding prison quality and access to fair trials. As the international community continues to grapple with these challenges, the importance of collaborative efforts and innovative solutions becomes increasingly evident.



## Current State of Affairs

Currently, the international landscape regarding prison standards is marked by significant disparities in the treatment and conditions of detainees across different countries. While international human rights instruments, such as the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules), set out guidelines for the treatment of prisoners, implementation varies widely.

Numerous countries lack adequate resources to provide humane and rehabilitative conditions within their prisons. Overcrowding, inadequate healthcare, and instances of abuse or torture persist in many places, undermining the principles of human dignity and rights. Independent monitoring mechanisms, though present in some countries, often face challenges in terms of transparency, effectiveness, and the ability to enforce compliance.

The current state of ensuring universal access to free trials is marked by both progress and challenges. While many countries have legal frameworks that emphasize due process and the right to a fair trial, disparities in implementation persist. Vulnerable populations, including marginalized communities, migrants, and refugees, often face barriers to accessing legal representation and fair trial procedures.

Awareness about free trial rights varies among citizens, with disparities often arising from differences in education, economic status, and cultural factors. Technology has begun to play a role in improving trial procedures, but the adoption and accessibility of these innovations remain uneven across jurisdictions.

International cooperation on extradition and mutual legal assistance is enshrined in various agreements, yet challenges persist due to differing legal systems, political considerations, and resource limitations. This can result in delays or barriers to ensuring timely and fair trials, particularly in cases involving transnational crimes.

Inefficiencies in the current status quo include:

- **Disparities in Implementation:** The enforcement of international prison standards and free trial rights is inconsistent across countries due to variations in legal systems, resources, and cultural attitudes towards punishment and justice.
- **Lack of Transparency:** Inadequate transparency and accountability mechanisms make it difficult to assess and address human rights abuses, substandard prison conditions, and violations of fair trial rights.
- **Access Barriers:** Vulnerable and marginalized populations often face obstacles in accessing legal representation, leading to unequal protection of their rights and the perpetuation of social inequalities.
- **Technological Divide:** The uneven adoption of technological innovations can result in unequal access to fair trial procedures, disadvantaging those in remote or underserved areas.

- **Fragmented International Cooperation:** Inconsistent cooperation on extradition and mutual legal assistance can lead to delays and challenges in ensuring the fair trial rights of individuals accused of transnational crimes.

It is essential for the UNODC to address these inefficiencies and work toward a more equitable and just international framework for prison standards and access to free trials.

## Stances of Parties

### Afghanistan

Afghanistan acknowledges the need for improved international prison standards and universal access to free trials. Given its history of conflict, Afghanistan emphasizes the importance of rebuilding its justice system and ensuring fair trials for its citizens. The country seeks international support and capacity-building to strengthen its legal institutions and adhere to international human rights standards.

### Australia

Australia places a strong emphasis on the rule of law and access to fair trials. It supports efforts to standardize international prison conditions and enhance legal protections. Australia believes that a balance must be struck between security concerns and upholding detainees' rights. It advocates for transparent and accountable monitoring mechanisms to ensure the humane treatment of prisoners.

### Brazil

Brazil highlights the importance of addressing the root causes of crime and promoting rehabilitation within prisons. It supports efforts to establish international prison standards that prioritize human rights. Brazil has taken steps to improve its own prison system, focusing on reducing overcrowding and enhancing vocational and educational programs for inmates.

### Canada

Canada is a vocal advocate for human rights and due process. It firmly supports the universal access to free trials and the prohibition of torture and inhumane treatment. Canada emphasizes the need for independent monitoring mechanisms to ensure compliance with international standards. It has actively engaged in capacity-building initiatives to promote justice and accountability globally.

### China

China emphasizes its commitment to sovereignty and non-interference in domestic affairs. While it acknowledges the importance of human rights, it underscores the diversity of legal systems across the world. China believes that international prison standards should be adapted to fit each country's unique circumstances and that progress should be made through dialogue and cooperation.

### Colombia

Colombia recognizes the challenges posed by its history of conflict and organized crime. It supports international efforts to improve prison conditions and enhance access to free trials. Colombia has implemented legal reforms to ensure due process rights, but it acknowledges the ongoing need to address systemic issues in its justice system.

## **Egypt**

Egypt emphasizes the importance of security and stability in its approach to the topic. It believes that prison standards should prioritize the prevention of radicalization and terrorism. While Egypt acknowledges the significance of fair trials, it also highlights the complexities of addressing these issues within the context of regional security challenges.

## **France**

France is a strong advocate for human rights and the rule of law. It supports the development of comprehensive international prison standards that prioritize detainees' rights. France emphasizes the need for transparent and independent monitoring mechanisms to ensure accountability. It has been actively engaged in capacity-building initiatives in various regions.

## **Germany**

Germany places a high value on the protection of human rights and access to justice. It supports efforts to standardize prison conditions globally and ensure fair trial rights. Germany emphasizes the importance of international cooperation in matters of extradition and legal assistance, while also promoting the rehabilitation and reintegration of offenders.

## **India**

India recognizes the importance of fair trials and justice for all citizens. It supports the establishment of international prison standards that respect human rights. India acknowledges the challenges of its own densely populated prison system and seeks assistance in modernizing and improving its facilities while ensuring detainees' rights.

## **Iran**

Iran emphasizes its commitment to its legal and cultural values while acknowledging the significance of human rights. It believes that international prison standards should be respectful of each country's sovereignty. Iran seeks to improve its own justice system while addressing concerns raised by the international community.

## **Italy**

Italy places a strong emphasis on international cooperation and the protection of human rights. It supports efforts to enhance access to free trials and improve prison conditions worldwide. Italy believes in the importance of shared responsibility in addressing global challenges related to justice and human rights.

## **Japan**

Japan emphasizes its commitment to justice and accountability. While it acknowledges the importance of international prison standards, Japan believes that the focus should also be on promoting crime prevention and rehabilitation. Japan has been actively engaged in capacity-building initiatives in the Asia-Pacific region.

### **Mexico**

Mexico advocates for the protection of human rights and the rule of law. It supports the establishment of international prison standards that ensure the dignity and fair treatment of detainees. Mexico has undertaken legal reforms to enhance access to free trials and is committed to addressing the challenges posed by organized crime.

### **Nigeria**

Nigeria acknowledges the need to improve its justice system and prison conditions. It seeks international support in enhancing access to free trials and rehabilitating offenders. Nigeria recognizes the importance of addressing issues such as corruption and institutional weaknesses to ensure the effective implementation of fair trial rights.

### **Pakistan**

Pakistan emphasizes its commitment to justice and the protection of human rights within its legal framework. It believes that international prison standards should be respectful of cultural and legal diversity. Pakistan seeks assistance in addressing challenges related to terrorism and extremism while ensuring due process rights.

### **Peru**

Peru supports international efforts to enhance access to free trials and improve prison conditions. It emphasizes the importance of rehabilitation and vocational programs for inmates. Peru has taken steps to modernize its justice system and seeks to learn from best practices across the globe.

### **Russian Federation**

The Russian Federation underscores its commitment to sovereignty and non-interference. It supports the importance of international dialogue on prison standards but believes that each country should adapt these standards to its unique context. The Russian Federation places an emphasis on regional cooperation and stability.

### **Saudi Arabia**

Saudi Arabia emphasizes its commitment to security and the protection of society. It believes that international prison standards should be considerate of cultural values and regional security challenges. Saudi Arabia has undertaken legal reforms to enhance its justice system while addressing concerns raised by the international community.

### **South Africa**

South Africa places a strong emphasis on human rights and access to justice. It supports efforts to standardize international prison conditions and enhance legal protections. South Africa believes that fair trial rights are essential to a just society and has been engaged in capacity-building initiatives across the African continent.

### **Thailand**

Thailand acknowledges the importance of human rights and due process while considering its own domestic challenges. It believes that international prison standards should be adaptable to local contexts. Thailand seeks to improve its justice system and enhance the rehabilitation of offenders.

### **Turkey**

Turkey underscores its commitment to justice and human rights. It supports the development of international prison standards that prioritize detainees' well-being and access to free trials. Turkey believes that independent monitoring mechanisms play a crucial role in ensuring accountability.

### **United Arab Emirates**

The United Arab Emirates emphasizes its commitment to security and stability. It supports efforts to establish international prison standards that respect cultural values and regional challenges. The UAE has undertaken legal reforms to enhance its justice system while seeking to maintain its own legal traditions.

### **United Kingdom**

The United Kingdom is a vocal advocate for human rights and the rule of law. It supports international efforts to enhance access to free trials and improve prison conditions. The UK emphasizes the importance of transparent monitoring mechanisms to ensure accountability and has been engaged in capacity-building initiatives globally.

### **United States of America**

The United States places a strong emphasis on the protection of individual rights and the rule of law. It supports the development of international prison standards that ensure humane treatment and due process. The U.S. has undertaken legal reforms to enhance its justice system and emphasizes the importance of transparency and accountability.

# Possible Solutions

## **Strengthening Legal Aid Systems**

Delegates could explore mechanisms for enhancing legal aid services to ensure that individuals, particularly those from marginalized communities, have access to competent legal representation. This could involve establishing partnerships with legal NGOs, pro bono initiatives, or funding mechanisms to provide quality defense for accused individuals.

## **Promoting Rehabilitation Programs**

Addressing prison quality entails focusing on rehabilitation programs aimed at reducing recidivism rates. Delegates might consider sharing best practices for vocational training, educational opportunities, and mental health support within correctional facilities to aid in the reintegration of inmates into society.

## **Implementing Independent Oversight**

Delegates could discuss strategies for establishing independent oversight bodies to monitor and assess the conditions of detention facilities, including compliance with international human rights standards. Such bodies could include representatives from civil society, legal experts, and international organizations.

## **Capacity Building and Technical Assistance**

To tackle the issue at its roots, delegates might consider proposing capacity-building programs and technical assistance to support countries in reforming their criminal justice systems. This could involve sharing expertise, resources, and best practices to improve both prison quality and access to free trials.

## **Alternative Dispute Resolution Mechanisms**

Exploring the use of alternative dispute resolution methods, such as mediation and restorative justice, could offer delegates an avenue to address the backlog of cases in judicial systems. These methods could promote swifter resolution of cases, reducing the strain on prisons and ensuring fair trial access.

## **Encouraging International Cooperation**

Delegates could emphasize the importance of international cooperation in addressing these challenges. Sharing experiences, exchanging knowledge, and providing financial support among countries could help in building effective strategies tailored to individual contexts.

## **Raising Public Awareness**

Addressing prison quality and fair trial access requires public engagement and awareness. Delegates might consider advocating for campaigns that inform citizens about their rights, the importance of a fair judicial process, and the need for improved prison conditions.

## **Incentivizing Compliance**

Delegates could explore ways to incentivize countries to adhere to international human rights standards. This could involve creating mechanisms that link international trade agreements, development assistance, or other incentives to the implementation of reforms in prisons and the justice system.



## Questions to Consider

1. How can countries effectively reconcile their unique legal systems and cultural norms to contribute meaningfully to the development of universally accepted prison standards?
2. What specific measures can countries implement to ensure that prison facilities uphold detainees' human rights while also addressing security concerns?
3. How can countries with varying levels of governance establish and maintain independent monitoring mechanisms that effectively oversee the implementation of international prison standards?
4. What strategies can countries employ to overcome resource limitations and build the necessary capacity to meet updated prison standards?
5. How can countries collaborate to collect accurate and reliable data on prison conditions and use this information to drive evidence-based policy decisions?
6. How can countries balance the preservation of their legal traditions with the need for legal reforms that guarantee free and fair trials for all individuals?
7. What innovative methods can countries employ to raise public awareness about the importance of free trials and due process rights?
8. How can countries collaborate to ensure that vulnerable groups, such as refugees and marginalized populations, have equal access to legal representation and fair trial procedures?
9. What role can technology play in enhancing access to free trials, and how can countries ensure its equitable distribution and utilization?
10. How can countries foster international cooperation to ensure that individuals accused of crimes have access to fair trials, regardless of their location or nationality?

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