

FORUM: Human Rights Commission Sub-Commission 1

QUESTION OF: Promoting initiatives for community-based alternatives to imprisonment and greater use of early release from prison

SUBMITTED BY: Republic of the Congo

CO-SUBMITTERS: Tajikistan, Guatemala, The Philippines, State of Eritrea, Cuba, Palau, Japan, Palestine, Cyprus, North Macedonia, Brunei, Venezuela, Ecuador, Mexico, Portugal, Holy See, Guinea, Nauru, Hungary, Eswatini, League of Arab States, Saint Lucia, Indonesia, Mali, New Zealand, Barbados

THE OFFICE OF THE HIGH COMMISSIONER CONCERNING HUMAN RIGHTS (OHCHR),

Aware of the various notable repercussions of imprisonment, considering the social, economic and political reach of this complexity for only 30% reported inmates having any legitimate earnings 7 years after release, and prisoners are likely to have existing health problems on entry to prison, as they are predominantly from poorly educated and socio-economically deprived sectors of the general population,

Noting with deep concern that in the world, 9 million people are held in conditions deemed below human rights standards leading to the spread of infectious diseases,

Noting further that failure to reintegrate inmates takes a toll on the social and economic state of the governments and communities of a country,

Deeply disturbed by the fact that offenders of heinous crimes such as rape and murder would be able to reoffend, if they were to partake in community based alternatives,

Fully believing that any desire to approach the aforementioned policies will never be an attempt to consolidate impunity within the legal or jurisdictional procedures within the policies of the members of the international community,

Acknowledging the inefficiency of only using community based alternatives as a sole approach,

Having Studied the vast range of established, legally-binding documents that concern the protection of prisoners, such as the Basic Principles for the Treatment of Prisoners (GA 45/111) establishing rights under international customary law for inmates and the UN Recommendations on Life Imprisonment (ST/CSDHA/24),

Emphasizing upon the importance of the guidelines found within the United Nations Tokyo Rules, setting basic principles to promote the use of non-custodial measures and safeguards for subjects to alternatives to imprisonment,

Guided by the typifications within the United Nations Bangkok Rules, safeguarding the treatment of Women offenders and therefore meeting the needs of inmates in case of imprisonment,

1. Calls upon the international community to follow the typifications within the Basic Principles for the Treatment of Prisoners (GA 45/111), United Nations Tokyo Rules and United Nations Bangkok Rules and therefore construct diplomatic and legislative efforts to make these documents legally-binding: Promoting and fostering cooperation and awareness of the widespread of this complexity worldwide;
2. Calls for countries to utilize the inmate population, integrating them as a part of a social service which can improve the community by:
 - a) The creation of further educational systems that provide the necessary skills for basic jobs through workshops inside of prison taught by experts in their fields,
 - b) Utilizing inmates convicted of petty crimes after mentally and behaviorally approved by prison staff and psychologists in the aim of giving back to the community, by letting them

join a supervised social service to give back to society by:

- i. Allowing inmates to work on environmental activities by planting trees or doing any agricultural work,
 - ii. Offering inmates opportunities to participate in efforts to enhance public spaces and to ameliorate social order in return for their past actions,
 - iii. Giving stamps which will quantify the productive work done by inmates, and considering early release as well as visitation depending on the amount of stamps accumulated,
- c) The further utilization of inmates in performing day to day tasks required in prison such as, but not limited to:
- i. Kitchen duties,
 - ii. Cleaning duties,
 - iii. Sorting and recycling duties;

3. Strongly encourages Member States to take initiatives to improve prison conditions for inmates to meet the UN's standards of human rights regarding:

- a) Sufficient space within prison cells through means of constricting the amount of prisoners per cell to fit the maximum capacity of prisoners to be held in that space,
- b) Providing local aid to ensure basic needs such as but not limited to:
 - i. water,
 - ii. proper nutrition,
 - iii. sufficient clothing,
 - iv. mandatory health (both mental and physical) checks every 3 months,
- c) Implement consistent rules in regard to solitary confinement to restrict abuse of the system by means such as but not limited to:
 - i. having legitimate reason for confinement,
 - ii. setting the time of confinement prior to placing them in solitary,
 - iii. having a solitary confinement sentence limit of 1.5 months per case;

4. Suggests the consideration of providing new mechanisms for the handling of legal disputes over less-conflictive means concerning non-violent crimes, such as but not limited to:

- a) Restorative justice, which consists of optional fostering approaches to justice producers in order to establish a meeting between the victim and the offender to legally reach an agreement and thus tackling the conflict in a therapeutic manner,
 - i. Both the offender and the offended need to consent to the meeting, in order for it to take place,
 - ii. The offender has to be linked to a crime that does not involve any kind of physical grief,
- b) Acquittal, which is the pardoning of prisoners with the legal resource of paroles allowing sentences to be shortened;

5. Requests that all Member States seek alternatives to pretrial detention to address the overcrowding of prisons by means such as but not limited to:

- a) Reporting to the authorities when requested,
- b) Staying at a specific address,
- c) Electronic monitoring such as but not limited to;
 - i. Ankle monitoring bracelets,
 - ii. Any other possible tracking device,
- d) Surrendering legal documents such as,
 - i. Official identification,
 - ii. Driver's license;

6. Further requests the creation of Assembly for the International Promotion of the Rights of Imprisoned (AIPRI) a United Nations Organization (UNO), working as a subsidiary organ from the

Office of the High Commissioner for Human Rights (OHCHR), which will:

- a) Monitor United Nations members to be fully compliant with existing resolutions and legal agreements to foster prisoners rights,
- b) Consolidate a concrete study of the variables that determine the consequences of imprisonment in each country, as a factor to consider when taking important judicial decisions,
- c) Cooperate with individual government in efforts to find the application of valid non-custodial alternatives to foster community-based procedures for offenders;
- d) Conduct research on what system is the most effective by means such as but not limited,
 - i. Listening to inmates' problems and suggestions,
 - ii. Interviewing administrative and security officials in prisons,
 - iii. Convening professionals who are experts on the issue of incarceration;

7. Invites organs such as the United Nations Office on Drugs and Crimes (UNODC) to cooperate with the Assembly for the International Promotion of the Rights of the Imprisoned (AIPRI) to fulfill the following objectives:

- a) Reform of pre-trial detention,
- b) Reform of prison management,
- c) Alternative measures and sanctions,
- d) Social reintegration.