



HUMAN RIGHTS COUNCIL BACKGROUND

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HRC



Introduction

“The Violation of Captive Criminals Rights”

Welcome delegates to the 15th edition of the Model Of the United Nations Instituto Oriente. As the Chair of the Human Rights Council, we are honored and grateful for you to be part of this committee.

We, as a Chair, hope that you give all your effort and the best of each delegate. This is a great opportunity to dare yourself and have a new experience. As a defender for justice, equality, and the protection of human rights, your presence will be invaluable. As your Chair we would like to guide you through this process and learning experience, help you improve your academic and diplomatic abilities, support your communication aptitudes, you will have the opportunity to engage in meaningful discussions with your fellow delegates, sharing insights, ideas, and propose solutions to tackle this critical human rights issue. Your unique perspective, empathy, and analytical skills will undoubtedly develop the debates and contribute to formulating comprehensive resolutions.

This topic was chosen because it affects all communities around the world. There have been several cases in which the government's abuses human rights of the criminals held captive, according to the United Nations Committee Against Torture (CAT). This is an aggravation of rights having so many ways of abusing the accused and it violates several fundamental rights of people, therefore we, as Chair, think that it is important to be aware of the situation that this topic has caused all over the world, all the ways it affects our societies and the psychological damage to captured people. We, as a Chair, also think this is a topic that is not widely discussed, hence it is a necessity to create conscience on this situation.

The topic of "The violation of captive criminals rights" is of utmost importance in today's world. Many governments around the globe have been accused of violating the rights of individuals who are incarcerated or detained, compromising their dignity and basic human entitlements. By addressing this issue directly, could lead on the injustices faced by prisoners and work towards implementing systemic changes that protect their rights while maintaining a secure environment.

In many cases family members, friends and people with emotional value are used to attack the inmate in a direct and personal way, without any compassion, the governments and their police forces abuse their

capacity and violate the rights of many citizens and even if many inmates are creditors of sentences for the crimes committed.

There are countries where the abuse of rights is worse than in others, but still is a hard topic in nearly every part of the world, depending on the laws, constitutions and religion in each country the punishments and sentences are handled in a different way, since it affects a large part of the population worldwide.

This also has a psychological problem in which the morality of the tortured is bent to get information and manipulate, this type of torture is based on scientific studies from areas such as psychology, medicine and neurophysiology.

The objectives are generally twofold. On the one hand, to obtain information that the captive refuses to give, because it is compromising for the country who serves. And on the other hand, to manipulate the psyche of the person, inoculating them with ideas that are not their own and achieving what is commonly known as brainwashing.

This is a great aggravation of rights since having so many psychological ways of abusing the accused violates several fundamental rights of people.

Since 2022, in the Republic of El Salvador, the current president has been abusing the human rights of captive criminals, torturing and humiliating them in a degrading way based on physical and psychological torture without taking their rights into account, otherwise the government is depriving them to have a good defense.

The president decreed the state of emergency in El Salvador as part of his security strategy, one of the phrases was "This will be their new house, where they will live for decades, mixed, without doing any more harm to the population" - Nayib Bukele, El Salvador 2023. Referring to the years and the way of life that the inmates would have.

History of the committee

In the 1940's the United Nations started a small division called the UN human rights programme, later in the 1980's the division was upgraded to the center for Human Rights, it was until the Universal Declaration of Human Rights in 1948 that the activities increase in the human rights machinery, this document reaffirm as fundamental principles of the human rights international laws that the basic elements of the human dignity are based of non-discrimination and equality for all human being.

The Human Rights Council is an intergovernmental body within the United Nations system made up of 47 States responsible for the promotion and protection of all human rights around the globe.

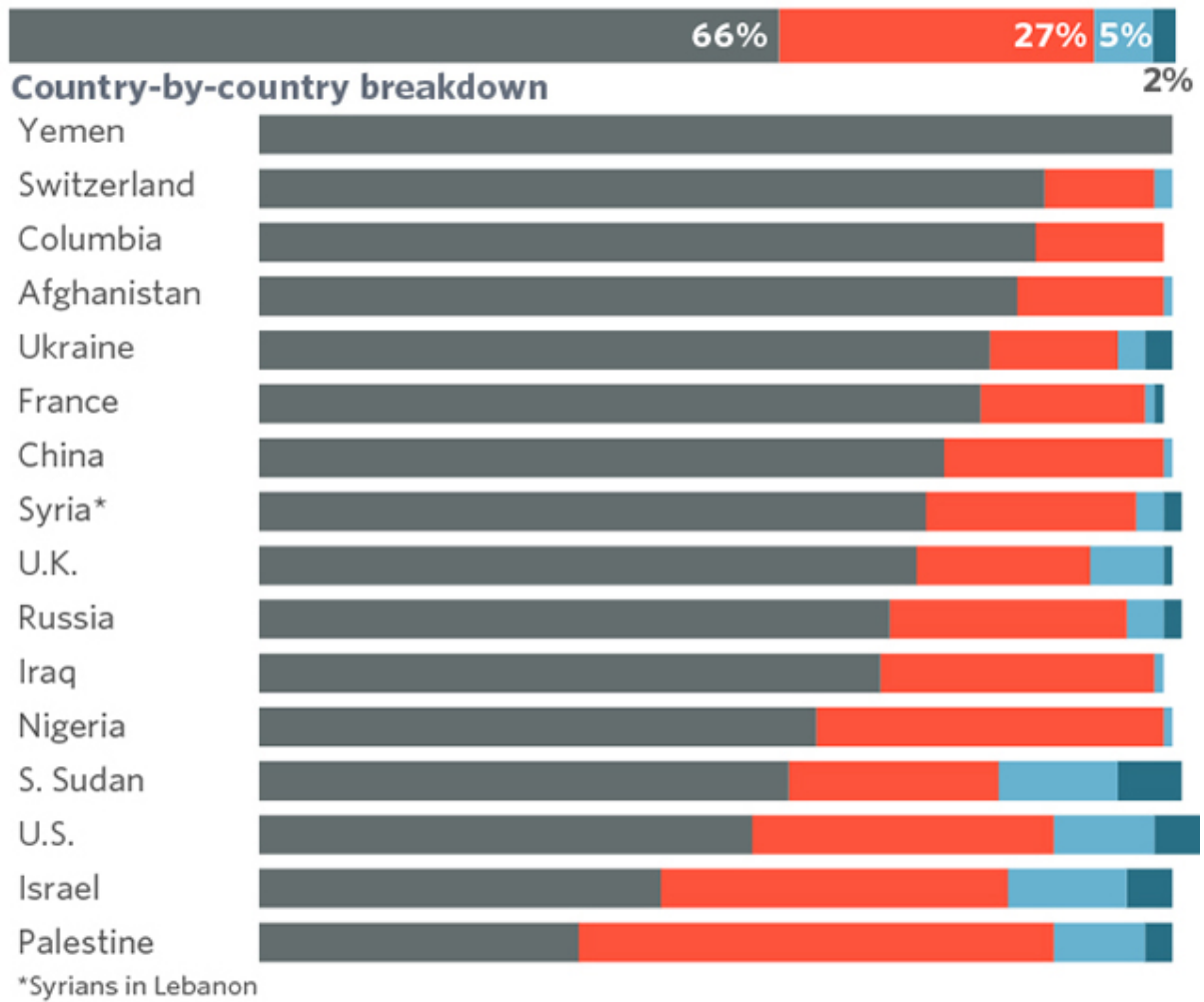
In 1998, the International Criminal Court was created by the Rome Statute to bring protection and stop the criminals of crimes against humanity to justice.

In the 21st century the UN Human Rights has developed to achieve greatest protection to the neglected populated groups; indigenous peoples, older people, people with disabilities, and people belonging to the LGBT+ community, disadvantaged sector, and also taking into account climate change and social security to prevent the violation and their consequences.

The Council employs various mechanisms, including the universal periodic review, which assesses human rights situations in all UN Member States. The Advisory Committee acts as the Council's "think tank", offering expertise and advice on human rights issues. The complaint procedure enables individuals and organizations to bring human rights violations to the attention of the Council. Additionally, the Human Rights Council works with special procedures, which were initially established by the Commission on Human Rights. These procedures involve independent experts appointed by the Council, such as special rapporteurs, to monitor, examine, advise and publicity reports on specific human rights issues or situations in particular countries;the council comprises 47 members who are elected by the General Assembly.

The purpose of this committee is to provide assistance to governments and other entities so that they can implement international human rights standards, which they have committed to, complying with the established norms. In 2014 the subcommittee on torture and other criminal treatment created a report (CAT/C52/2, paras. 72).-100) which

stipulates the analysis of human rights abuses, in 2015 it was precisely using special procedures to pay attention to the rights of prisoners.



Source: International Committee of the Red Cross

Long Term

Abuse of rights on Middle East :

There had been crimes that had been violating the law, including military crimes, crimes against humanity, arbitrary detention, abuse of torture and torture of prisoners in the Middle East and surrounding areas, creating violations of human rights.

One of the world's most dangerous prisons is located twenty miles west of Baghdad "Abu Ghraib", one of the most important case is the one at Saddam Hussein era at 2003/2004 one of the world's most notorious prisons, with torture, weekly executions, and vile living conditions. More than fifty thousand men and women no accurate count is possible were jammed into Abu Ghraib at one time, in twelve-by-twelve-foot cells that were little more than human holding pits.

The U.S military is reported to abuse human rights shortly after its ground invasion of Iraq. At the Associated Press in November 2003 Abu Ghraib prison was reported on the many abuses that they had becoming notorious for the massive number of detentions and the use of torture. Earlier at 2004 it became the subject of international outcry by the reporters detailing the abuse, torture, and deaths of its prisoners at the hands of members of the United States Armed Forces.

Another way the military's abused Iraqi prisoners was by forcing them to do sexually inappropriate things, while they recorded their acts. There is another photo of a group of naked prisoners piled clumsily on top of each other in a pyramid, also female soldiers stand in front of the prisoners to set up and make them desire a sexual act that they will not have.

Social, economical and political consequences

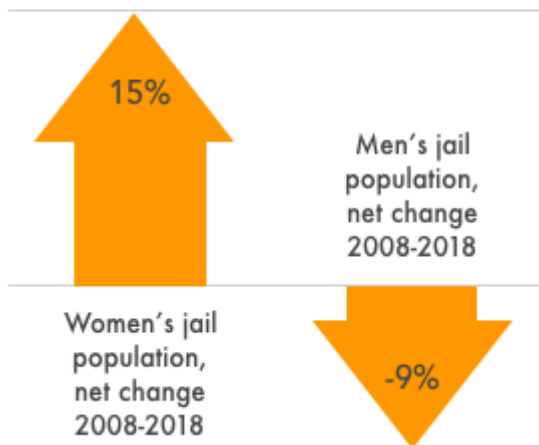
The images and stories of abuse became capacitive propaganda tools for insurgent groups in Iraq and beyond. The scandal was used to portray the U.S. as an occupier that did not respect the rights and dignity of Muslims. It diverted attention from reconstruction and stabilization efforts in Iraq. It also made it more difficult for U.S. and international organizations to gain the cooperation and trust of local communities, hindering progress in rebuilding the country.

Critics of the military conflict were used to question the legitimacy of the invasion and occupation, leading to increased opposition to the Bush

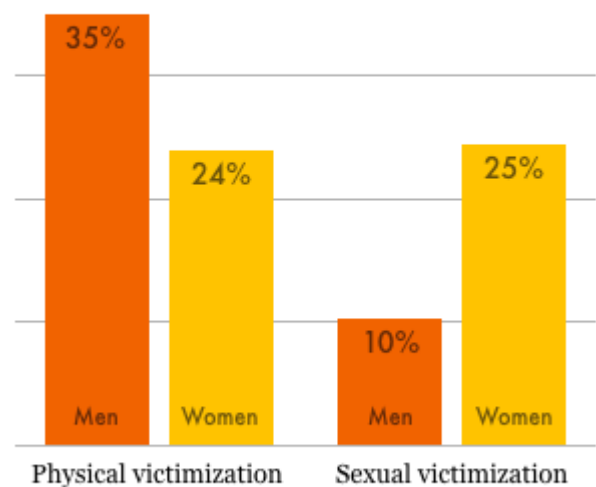
administration's policies in Iraq, also the scandal damaged the international reputation of the United States and raised concerns about the ethical conduct of U.S. military operations. It provided ammunition for critics who argued that the U.S. was not living up to its role as a global leader.

As a conclusion this scandal severely damaged the trust that the Iraqi population had in U.S. forces. The images of abuse and mistreatment fueled anti-American sentiment, making it even harder for U.S. personnel to win the hearts and minds of the Iraqi people

From 2008 to 2018, women's jail populations grew while men's jail populations shrank



People in prison experience physical and sexual violence behind bars at alarmingly high rates



Short Term

El Salvador and Nayib Bukele:

Causing a countrywide state of emergency, Nayib Bukele and the government had arrested 6,000 gang members in response to eradicate the criminal gangs, Human Rights Watch reported that they would monitor the state of emergency that had been affecting the citizens with the arbitrary detentions including the enforced disappearances and counted deaths that are in custody.

El Salvador's Legislative Assembly prolonged the state of emergency with 30 more days, it consisted on suspending the following rights; right of privacy, freedom of association and the complete process of protection. This government had helped address a wave of homicide by gangs with the conditions of leading to the violence persisted and according to the government 20,000 people were arrested "belonging to an unlawful association."

"During the first 30 days of Bukele's state of emergency, we, as a society have seen evidence of arbitrary arrests of innocent people, some of them subjected to short-term enforced disappearances, and worrying deaths in custody," said Tamara Taraciuk Broner, acting Americas director at Human Rights Watch.

Due to the lack of space on the cells that were meant for 20 people there were more than 70 people. The interns took turns sleeping while sitting up in periods of two hours, with only one toilet and often they just received one meal per day.

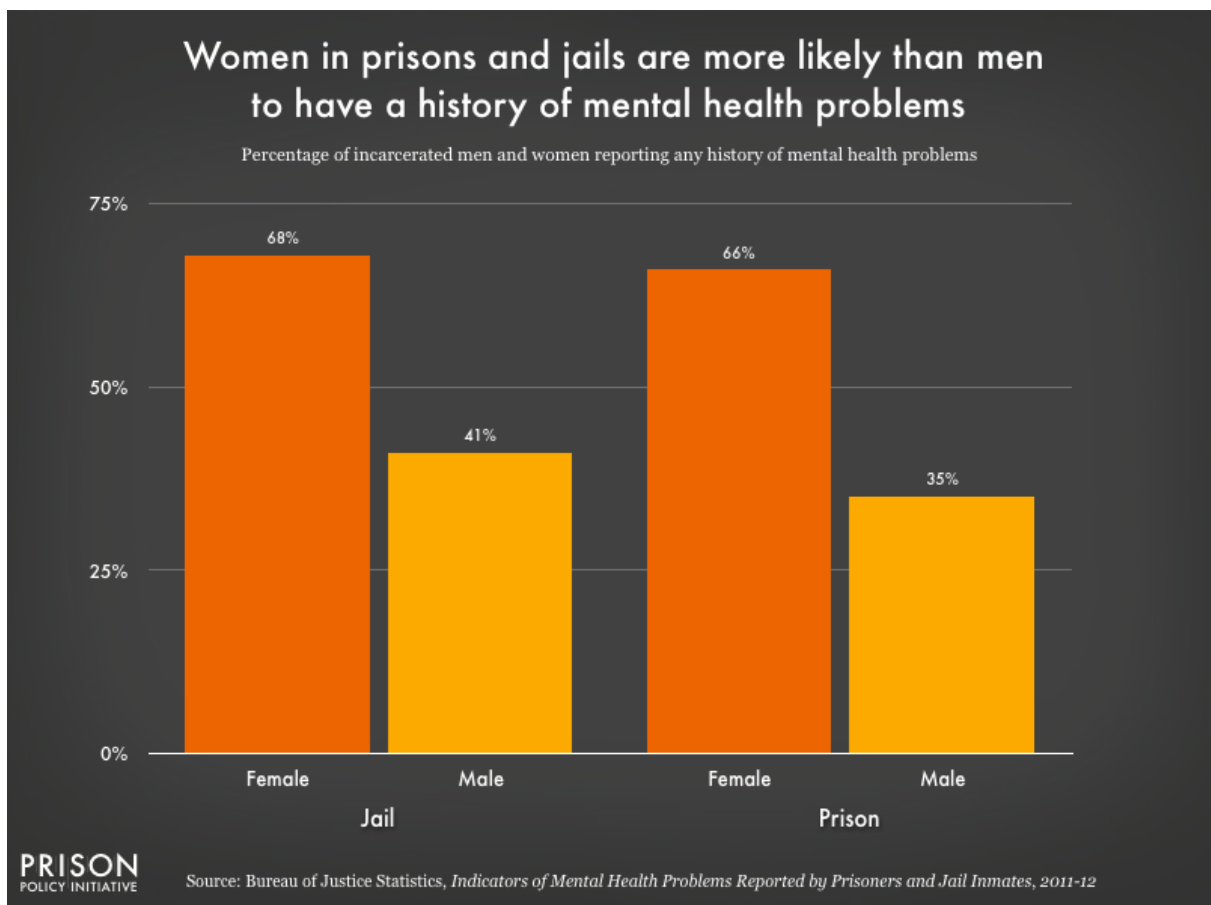
Social, economical and political consequences

These tactics and the abuse can escalate the level of violence within criminal networks. Instead of deterring crime, this approach might provoke criminals to become more aggressive, leading to an increase in violence both within criminal groups and against civilians; these abuses can create a cycle of revenge and retaliation. Victims of abuse or their supporters might seek vengeance, perpetuating a cycle of violence that becomes difficult to break. This not only threatens the safety of individuals but also erodes the overall stability of communities.

As well this could create erosion of public trust in the government and law enforcement, potential human rights investigations by international organizations, economic repercussions due to decreased investor

confidence, and the potential for increased violence or instability if the situation is not addressed effectively. The fallout could extend beyond the country's borders, affecting regional relationships and cooperation as well.

It could potentially reduce foreign investment due to concerns over safety and stability, decreased tourism as a result of a negative reputation, increased costs for law enforcement and security measures, and a drain on government resources that could have been used for development initiatives. Additionally, criminal activities can disrupt local businesses, impede economic growth, and create an environment of uncertainty that discourages both domestic and international trade.



The position of the United Nations

The United Nations has long been committed to the promotion and protection of human rights, including the rights of prisoners. Through various instruments and declarations, as well as the work of UN bodies such as the Human Rights Council and the Office of the High Commissioner for Human Rights, the UN has sought to establish international standards for the treatment of prisoners and hold accountable governments for their actions. Respecting those rules. In this document, we as a Chair will examine the UN position on the rights of prisoners, the key issues related to those rights, and the challenges in implementing the UN position.

The UN position on prisoners' rights is based on a number of international instruments and declarations, including the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, and the Standard Minimum Rules for the Treatment of Prisoners. These instruments establish basic principles for the treatment of prisoners, including the right to be treated with dignity and respect, the right to access justice and a fair trial, and the right to medical care and adequate living conditions. The Human Rights Council and the Office of the High Commissioner for Human Rights, play a key role in promoting prisoners' rights by monitoring national prisoner-related policies and practices, conducting research, making recommendations and providing technical assistance to governments. The impact of the UN position on national policies and practices related to prisoners' rights varies depending on the political and social context of each country, but overall UN efforts have helped raise awareness of the importance of respecting their rights and hold governments accountable for violations of those rights.

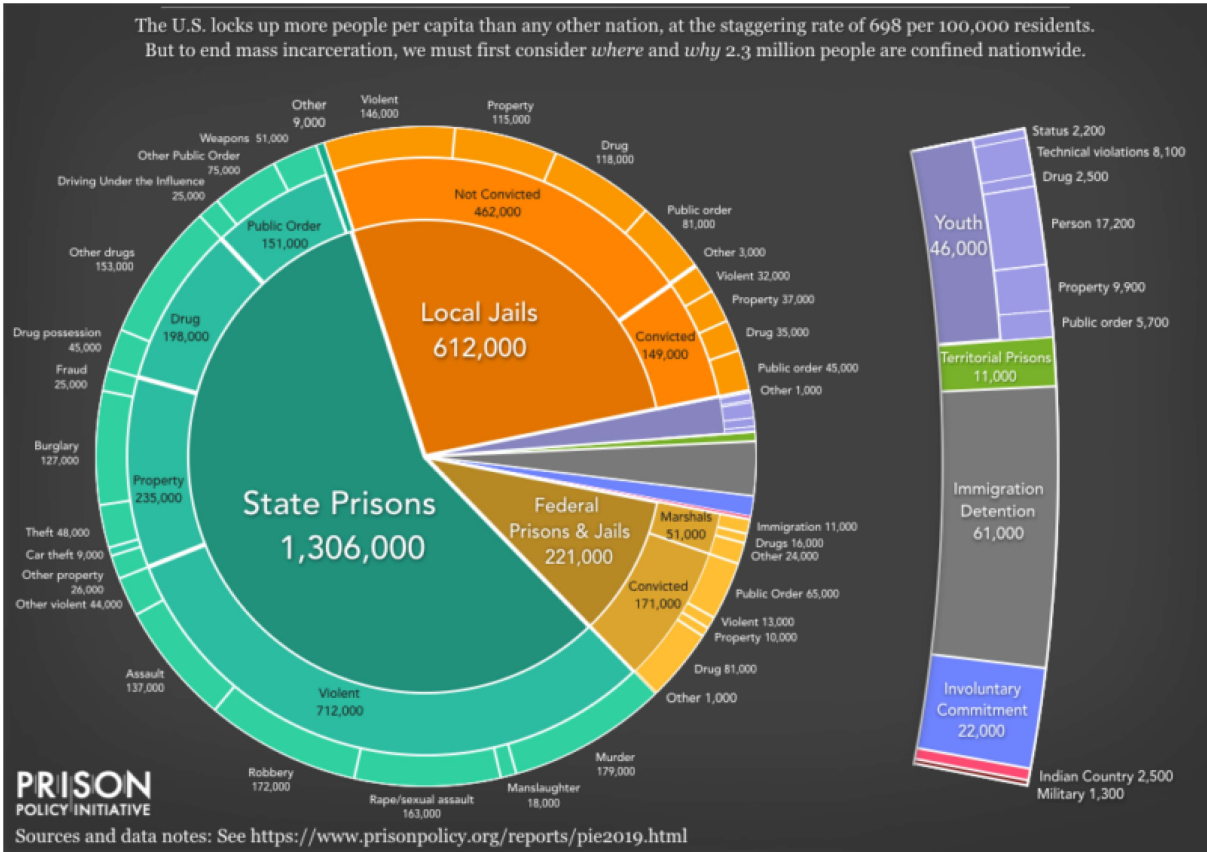
Despite the efforts of the UN to promote the rights of prisoners, a number of key issues continue to pose challenges to the realization of those rights. One of the most important issues is access to justice and a fair trial. Many prisoners around the world are held without trial or subjected to unfair trials that do not meet international standards. Other issues related to conditions of detention, such as overcrowding, bad health care and ill-treatment, also pose significant challenges. These problems are particularly acute in developing countries, where resources for prison systems are often limited. Finally, rehabilitation and

reintegration into society after release is another key prisoners' rights issue, as many prisoners face significant barriers to reintegration due to social stigma and lack of support.

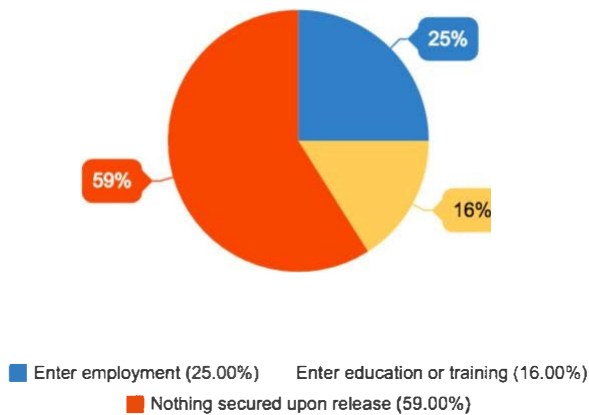
As stated by "Social Reintegration as a Human Right" on October 16, 2019 in Geneva, Switzerland (on the occasion of the review of Mexico). At the time in the country there are currently 304 penitentiary centers that house 200 thousand 753 people deprived of liberty, of which 94.79% are men and 5.21% women, for which another piece of information in this important document was "Prison abuse Informal Preventive" has as a consequence the confinement of people in torturous spaces and the overcrowding of penitentiary centers, however these actions did not change much the state of politics in Mexico and other nations with the same situation.

The United Nations wishes to end the use of prisons for profit in order to end violence and abuse for political purposes in prisons and other acts in favor of prisoners are legal rehabilitation, monitoring of detention conditions and their processes and the promotion of the protection of human rights, these are works to ensure the prevention of torture, cruel, inhuman and degrading treatment in these prisons.

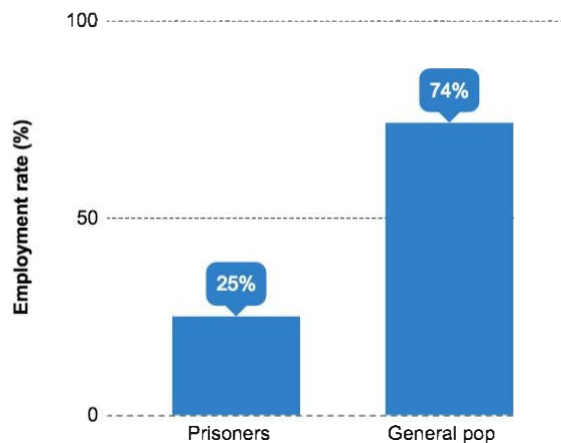
Despite the efforts of the United Nations to promote the rights of prisoners and set international standards for their treatment, a number of challenges remain in the implementation of the UN position. A major challenge is the lack of political will and resources to implement international standards on prisoners' rights, particularly in developing countries. Resistance from national authorities, including prison authorities and law enforcement agencies, is another major challenge. Finally, the limited awareness and participation of civil society and the public in promoting prisoners' rights can also pose obstacles to the realization of those rights. Addressing these challenges will require sustained efforts by the UN and other actors to raise awareness on their rights, provide technical assistance to governments, and build supportive coalitions for the promotion and protection of those rights.



What happens to prisoners once they are released?



Released prisoners are a 3 times less likely to find employment



Controversy Points

● Why is the topic controversial?

In recent months this has been a subject with different opinions, many consider this as an abuse of capacity by governments while many others consider these correct actions, even the media have different positions depending on their country of origin and the current of their governments. The countries of Central America and Western countries are the great example of violence and abuse of human rights within their prisons. In recent months, another great country with controversial opinions is Russia, due to the fact that it is in an armed conflict.

Although different programs have been implemented to favor and help improve the living conditions of captive criminals, due to the different positions of the countries, it has not been possible to achieve a balance between nations.

● What positions are there on the topic? In favor or against?

There are positions both in favor and against this topic, and some of the positions are as follow:

In Favor:

-In some countries they argue that strict and sometimes unfair treatment of captive criminals, including harsh punishments, serves as a warning to potential offenders and it also provides a sense of retaliation to victims and society.

-The supporters of tougher measures assert that strict confinement, especially for the most dangerous criminals, ensures public safety by preventing them from committing further crimes. This emphasizes the importance of holding individuals accountable for their actions and believes that harsh consequences discourage repeating offenses.

-Some people and countries believe that severe punishment provides a sense of justice to victims and their families, helping them cope with the trauma of the crimes suffered

-And this is not in all cases, but when involving criminal groups or national security threats, some argue that strict treatment, including

restricted rights, is necessary to prevent harm to a country and its citizens.

Against:

-Emphasizing the need for rehabilitation programs that help captive criminals reintegrate into society as productive citizens, reducing repetition.

-Concerning human rights, the stress that all individuals, including captive criminals, possess dignity and should be treated with respect, regardless of their actions.

-There is a strong part of the population who thinks that addressing the root causes of criminal behavior, such as poverty and lack of education, is more effective in reducing crime than punitive measures.

-A really important point is the importance of adhering to international legal standards and ethical principles, even when dealing with individuals who have committed severe crimes. Organizations such as the National Institute of Criminal Justice express the need of focusing on rehabilitation, mental health support, and education and how this can lead to lower rates of relapse and a more productive society.

-Restorative justice practices encourage offenders to take responsibility for their actions, make amends to victims, and contribute positively to their communities.

-Opponents of the death penalty highlight issues such as the risk of executing innocent individuals, lack of proven deterrence, and the potential for human error in legal proceedings.

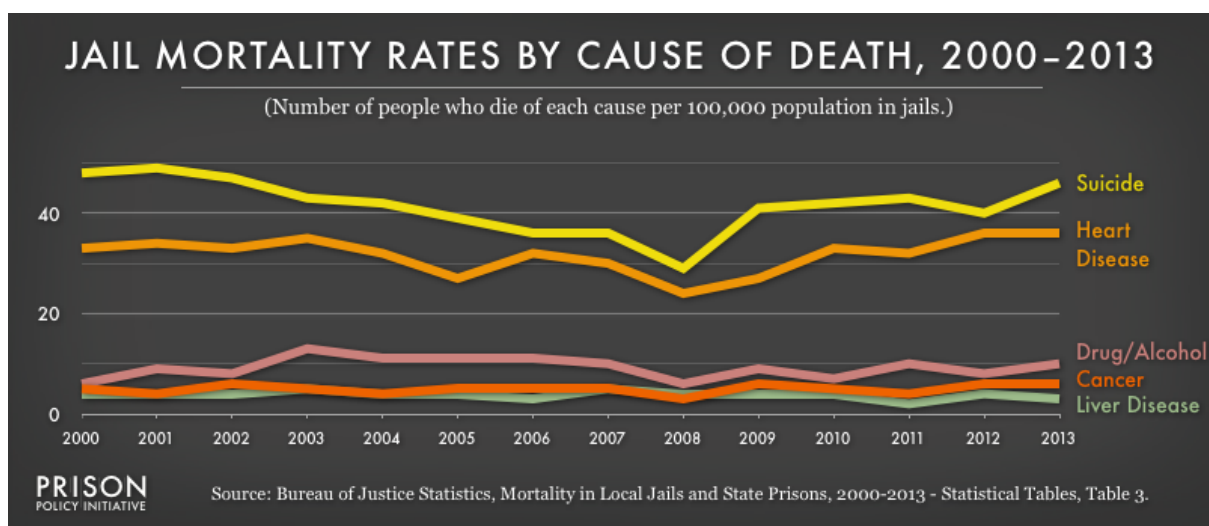
- Why is there a debate?

This is a really controversial topic, therefore there are a lot of debates around this, principally because of the different philosophies of each country and criminal justice system, some countries prioritize retribution (longer sentences and tougher punishments) and on the other side, other nations focus more on rehabilitation, offering education and programs to help prisoners to reintegrate into society, for example Norway's approach to incarceration emphasizes rehabilitation. Inmates are provided with education, vocational training,

and therapy to address their issues, with the goal of promoting reintegration.

In the social way some politicians lean for stricter sentencing to answer public concerns about crime rates, even if research shows that rehabilitative measures could be more effective in reducing criminal behavior. Television shows and movies often depict harsh treatment of prisoners, contributing to the public perception that captive criminals deserve severe punishment.

Some specific ways of dealing with criminals are debatable because of their consequences, as the use of the death penalty raises ethical questions about the state's right to take a human life. Some argue that it violates the right to life, while others firmly believe it serves as a just punishment for heinous crimes, another one is solitary confinement has been criticized for violating human rights due to its potential to cause severe psychological harm and the last one, corporal punishment such as flogging, is accepted in some countries as a form of punishment for certain offenses. However, it is considered a violation of human rights and banned in other parts of the world.



Objectives

On behalf of the United Nations Human Rights Council, this committee is deeply concerned about the current situation. We, as Chair, are looking for respect, justice and equality for everyone who suffers these violations.

As a Chair, we hope that all delegates investigate the topic and make a significant debate, looking for the best solution to eradicate a significant part about this conflict, and extend their knowledge on this topic.

The committee of the Human Rights Council will be demanding the delegates to participate in and give all of their effort for this MUNIO, as a Chair we would encourage the delegates to participate actively and respectfully with other delegates and help them in what would be possible.

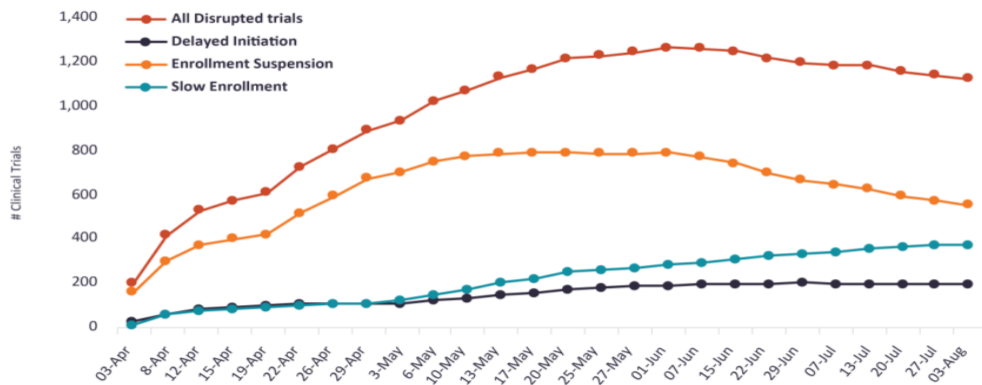
After explaining this, the Chair proposes the delegates to inform themselves about the following subject- matter;

- Showing how captive criminal rights affect other citizens and their current lifestyle, without them being related.
- Discover which countries have the higher percentage of these violations and their changes because of the new governments.
- Find out the amount of cases that happen per year in different countries, compare them and analyze the situations.
- To know how important it is to defend the rights of the prisoners, and study their living situation.
- Knowing their rights and the way they can defend themselves, of which aspects they are being violated.
- Why this issue psychologically affects the population having in mind all the divisions of these methods.
- In what ways does the government abuse their own capacity with prisoners, even if many inmates are not creditors of sentences.
- Involve all participant countries to reach a diplomatic fair agreement that each country can be part of.

- How many reports have been obtained in a lapse of one year on each delegation and how does the delegation manage those reports.
- Who does, as citizens manage this issue and what actions does society take to change it?

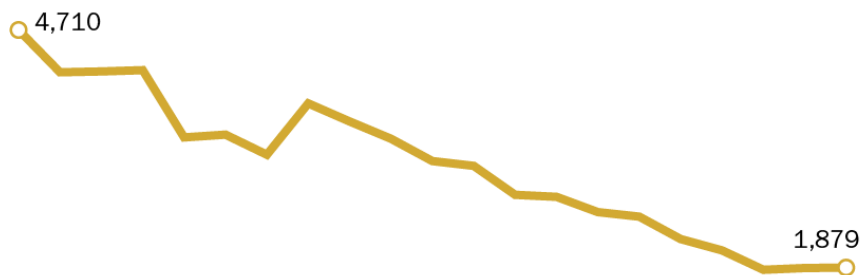
Last but not least, the Chair thinks it is important not only to learn about this conflict, but to have a magnificent model and a great experience where our delegates could find friends with their rivals. We, as Chair, hope all the members of the committee have a memorable time.

Clinical Trial Disruptions



The number of federal criminal defendants opting for a trial has fallen 60% in two decades

Number of federal criminal defendants whose cases went to trial, by fiscal year



Conclusion

As it has been explained in the document, the Human Right Council is looking for justice and equality for people whose rights have been treated incorrectly. As it has been already mentioned, the violation of captive criminal rights is a really delicate and important topic, therefore it is necessary to learn and discuss it.

In different countries governments abuse the rights of inmates by forcing them to do inappropriate things and having them in really bad conditions. Perhaps this is not a topic society listens to frequently because it happens in jail, but it is a problem that happens in a lot of countries nowadays. A recent event about it, is that in El Salvador, Nayib Buckele's government abuses their prisoners in different ways and each one of those is not humanistic, they have abuse their human rights such as; torture, deaths in custody and arbitrary detentions, particularly of young men in developing neighborhoods. Since 16 months ago, El Salvador has been under a state of emergency where approximately 70,00 of captive criminals have been arrested.

Therefore, as the Human Rights committee we, as Chair, desire that this model would be valuable and useful for society, that each country involved raise awareness of their actions and seek a change in their way of life to fulfill the rights of prisoners and validate their process of a just and conflict-free form of government.

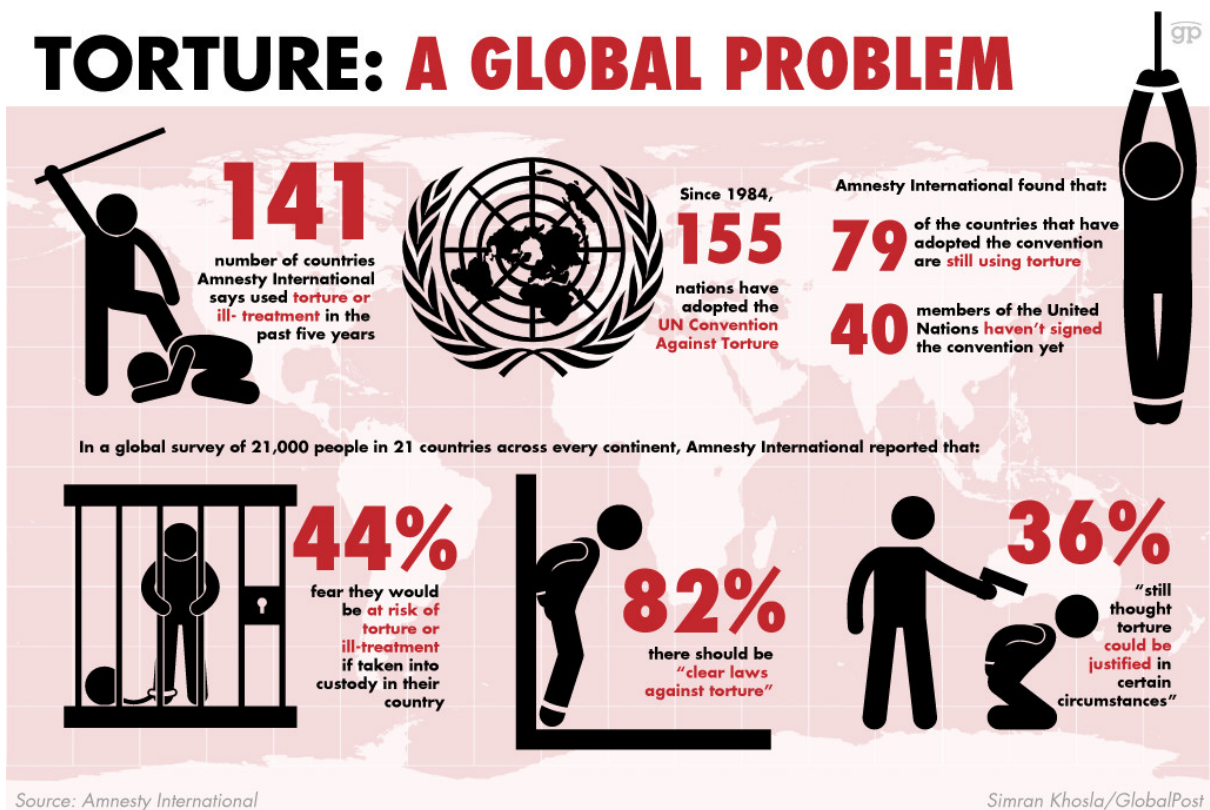
The Model of the United Nations of the Instituto Oriente, is one of the biggest and most helpful experiences our school offers, that is why we, as Chair hope all delegates would give all of their effort for this model to be unforgettable, and all of us have a memorable experience, we, as Chair, are extremely proud of each one of you, for being committing this amazing experience and for having the guts to participate in this, also, we, as Chair are really thankful for choosing Human Rights as your committee, our purpose is for you to take great learning and above all, an unforgettable moment.

We, as Chair, want our delegates to be aware that the importance is not in the country or nation that you represent. The importance of this model is given thanks to the effort and dedication that you as a delegate complement in the debate, in each document and that everything you decide contribute has been previously analyzed and written in a structured way to be able to correctly all your contributions, we, as Chair, trust that regardless of your delegation you will contribute

one hundred percent of yourself so that in this way you can also enjoy this model.

The human rights council is grateful to have you this time. We as your Chair recognize you for being part of one of the most important organs in the United Nations, thank you for being part of this change.

“Looking for justice in a world of differences”



Countries

United State of America:

In the United States of America, the imposition of sentences that contravene the provisions of international law is practiced systematically, thus making the United States the country with the largest number of people in prison in the world with 1.6 million prisoners. Some of these injustices are; disproportionate terms of imprisonment, the imposition of automatic sentences, no possibility of parole and the criminalization of young offenders who are tried as if they were adults.

Russian Federation:

Detentions in this nation are classified as Six weeks of 'hell', while they are transferred from one place of detention to another, they are beaten and subjected to electric shocks during interrogations, without really understanding where they are or the reason for their detention. In the five months of the military conflict in Ukraine, hundreds of Ukrainian civilians have disappeared, after being detained by Russian soldiers and confined in basements.

Republic of El Salvador :

Since the inauguration of President Nayib Bukele in 2022, the nation and his government have taken decisive measures against criminals, including torture in different ways, as well as respect for his citizenship with cases such as breaking into the coexistence of houses, with the excuse of national investigation.

Islamic Republic of Iran :

In this republic, injustice is carried out with methods of deception, making the accused and his family believe that he has a lawyer who defends him, when in reality it is not true and the prisoner did not have access to a fair trial or a defense. This year, authorities have also significantly increased the global number of executions for all crimes, reaching a minimum of 282 so far in 2023.

Countries in G5:

1. United State of America
2. Russian Federation

3. French Republic
4. United Kingdom of Great Britain and Northern Ireland
5. People's Republic of China

Members of the organization:

6. Republic of Ecuador (Latin American and Caribbean States Group)
7. Japan (Asia and Pacific States Group)
8. Republic of Malta (Southeast European and Other States Group)
9. Republic of Mozambique (African States Group)
10. Swiss Confederation (Western European and Other States Group)

Countries invited to the debate and listening countries:

11. Bolivarian Republic of Venezuela
12. Federal Republic of Brazil
13. Islamic Republic of Afghanistan
14. Islamic Republic of Iran
15. Islamic Republic of Iraq
16. Islamic Republic of Pakistan
17. Morocco
18. Nicaragua Republic
19. North Korea
20. Palestine State
21. People's Republic of China
22. Republic of Colombia
23. Republic of El Salvador
24. Republic of India
25. Russian Federation
26. Socialist Republic of Vietnam
27. State of Israel
28. Syrian Arab Republic
29. Ukraine
30. United States of Mexico

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Conclusion:

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