



COMMISSION ON CRIME
PREVENTION AND CRIMINAL
JUSTICE COMMITTEE
BACKGROUND GUIDE

Abbotsford Model UN 2024

Director's Letter

Dear Delegates,

Welcome to the United Nations Commission on Crime Prevention and Criminal Justice Committee of AbbyMUN 2024. My name is Simrat Kaur Matreja, and I am honoured to serve as the Director of this committee for AbbyMUN 2024 alongside the Chair, Alex Chen, and Assistant Director, Aadya Khurana.

In the fall of grade 9, I applied to join Khalsa Secondary School's first-ever Model United Nations team and attended my first conference that winter at VMUN 2023. Ever since I have been part of numerous committees as a delegate and am excited to be experiencing staffing with you all for the first time. As someone who is looking forward to studying law post-secondary, I am excited to participate in our discussion on crime prevention, rehabilitation, and the role of private prisons in the criminal justice system.

The motive of private prisons has always been to make a profit off of incarceration. This goes against the purpose of prisons, which should be to protect society and rehabilitate those who have committed crimes. The goal of our committee sessions should be to address the role of the private prison sector and how it can be improved so that there is a balance. Along with private prisons, the role of the delegates of CCPCJ will be to create a treaty to improve rehabilitation efforts during and after incarceration.

Please feel free to reach out at ccpcj.abbymun@gmail.com if you have any questions or concerns. I look forward to interacting with you all at the conference!

Sincerely,

Simrat Kaur Matreja

Director of United Nations Commission on Crime Prevention and Criminal Justice
Abbotsford Model United Nations 2024

Position Paper Policy

What is a Position Paper

Position papers are a literary statement of a nation's stance on a particular issue or topic. To ensure the accuracy of the information presented, please follow the correct format. The goal is to create a piece that illustrates a precise analytical understanding of the topic and stance discussed in the paper to the reader. For the header of your position paper, include the name of your delegation (your assigned country), your name, the committee, and the topic of discussion. Your position paper must discuss the importance of the topic, who it affects, who is involved, why the issue is important, and possible solutions. This provides a deeper understanding of the issue, guaranteeing an enlightening discussion in the committee sessions. There should also be information regarding past international action taken regarding the issue, UN action, NGOs, and resolutions. This will provide a reference when discussing possible solutions and resolutions with your fellow delegates. The next step should be to consult your respective country's stance on the issue, how the issue has affected your nation, and what policies your country would like to establish regarding the matter. To complete your position paper, include what possible solutions could be inaugurated, what your country would like to bring to the UN regarding the topic, and what plans your country would want your member nations to implement.

Formatting

Try to limit your paper to one page; this does not include citations.

Follow MLA 9 formatting guidelines for your works cited page.

- Font: Times New Roman
- Size: 12pt
- Margins: 1"
- Single Spaces

Due Date and Submission Procedure

Please submit your paper by December 13, 2024, at 11:59 pm PDT.

Position papers are mandatory if you wish to be considered for awards.

To submit your position papers, please email us at ccpcj.abbymun@gmail.com.

The email's subject should be as follows: your country's name - your name - the topic.

A follow-up email will confirm that the position paper has been received and is under review.

Committee Overview

The Commission on Crime Prevention and Criminal Justice (CCPCJ) was established by the Economic and Social Council (ECOSOC) in 1992. The committee succeeded the United Nations Committee on Crime Prevention and Control, and subsequently led to a sequence of subcommittees dedicated to crime and justice systems, such as the International Group of Experts on the Prevention of Crime and the Treatment of Offenders and the Advisory Committee of Experts on the Prevention of Crime and the Treatment of Offenders. CCPCJ addresses critical issues such as international crime, human trafficking, cybercrime, reforming criminal justice systems, and developing and monitoring policy guidance for UN crime programs. Emphasizing the development of comprehensive strategies to promote the rule of law, the committee protects human rights and improves legal frameworks worldwide.

The CCPCJ is an intermediate-level dual-delegation committee of 20 countries elected by ECOSOC based on equitable geographical distribution, with 12 African, 9 Asian, 8 Latin American and Caribbean, 4 Eastern European, and 7 Western European and other states. Like many different committees in the UN, the CCPCJ makes its decisions through thematic discussions and resolutions but cannot directly enforce them and can only recommend actions to be taken regarding international affairs. Delegates are reminded to consider this while working towards a resolution.

Rules of Procedure

This committee typically follows the average Model UN rules of procedure and flow of debate.

Topic Overview

Balancing the Role of Private Prisons and Rehabilitation Efforts

Private prison systems across the world face enormous criticism as a profit-seeking system, challenging the focus on revitalizing the communities' safety, and dignity. With significant costs to the state, families, and people, corporations take advantage by commercializing the prison industry and creating private prisons. By 1990, US private prison companies had such a widespread presence, averaging a daily population of approximately 7,000 prisoners. Even then, twenty years later, the number of inmates in private facilities had increased by more than 1600%, to approximately 129,000 prisoners.¹ Currently, the United States government pays private prisons for each prisoner they house to maintain the facilities.² As a result, it is predictable that

¹ Am. C.L. Union, *Banking on Bondage: Private Prisons and Mass Incarceration* 30 (2011), https://www.aclu.org/files/assets/bankingonbondage_20111102.pdf.

² Farah Mohammed, *The Problem with Privatizing Prisons*, *JSTOR Daily* (May 15, 2017), <https://daily.jstor.org/the-problem-with-privatizing-prisons/>.

private facilities have no real incentive to rehabilitate prisoners, as they stand to gain from such a large volume of inmates. Ineffective administration, overcrowding, incorrectly implemented funding, and a lack of specialized training for prison guards make it impossible to maintain security, which lowers the level of safety as well.

Furthermore, due to the overrepresentation of vulnerable populations and the inadequate care given to women, youth, and other minorities, prisons further entrench the already widening disparities between social classes.³ In addition to improving the lives of those who are jailed, prison and penal reform also helps their families, communities, and society at large. The CCPCJ aspires to a world where no individuals are denied their freedom unless required—where inmates' human rights are upheld in secure, safe prisons with respectable living conditions. Creating penal systems that are responsive to the needs of people with disabilities, age, and gender, CCPCJ would assist in the reintegration of offenders into society.

Criminal justice systems worldwide aim to properly rehabilitate inmates to minimize recidivism and build a safer society. Innovative digital technologies have the potential to improve rehabilitation programs and prison-based treatments. However, incorporating technology demands a balance of digital and in-person formats and an emphasis on human rights and ethical issues. The Nelson Mandela Rules prioritize providing convicts with education, vocational training, employment opportunities, and other support for effective reintegration into society.⁴ Most inmates will ultimately reintegrate into society. However, imprisonment has yet to have a reformative impact on its own. Conversely, it creates difficulties for the people who have run afoul of the law to confront worse. For the greatest impact, rehabilitation and social reintegration assistance should begin as early in the criminal justice process as feasible.

Nelson Mandela Rules

The widely accepted guideline for prison administration in the twenty-first century is included in the 122 clauses of the Nelson Mandela Rules. They provide explicit standards for prison personnel to maintain safety, security, human dignity, and minimal conditions for inmates. The guidelines' inception began in 1955 when the United Nations member states resolved to create and enact globally recognized minimum standards for the treatment of prisoners, after recognizing the horrors of two World Wars.⁵ With more than five years of modification, the United Nations General Assembly overwhelmingly accepted the United Nations Standard

³ United Nations Office on Drugs and Crime. 2023. "Prison Reform and Alternatives to Imprisonment." Unodc.org. United Nations. 2023.
<https://www.unodc.org/unodc/en/justice-and-prison-reform/prison-reform-and-alternatives-to-imprisonment.html>.

⁴ "March 2024." n.d. https://unicri.it/sites/default/files/2024-03/Digital%20Rehabilitation%20in%20Prisons_1.pdf.

⁵ 2021. "United Nations System Common Position on Incarceration."
https://www.unodc.org/res/justice-and-prison-reform/nelsonmandelarules-GoF/UN_System_Common_Position_on_Incarceration.pdf.

Minimum Rules for the Treatment of Prisoners in 2015, renaming them the Nelson Mandela Rules to commemorate the late South African president.

Bangkok Rules

The Bangkok Rules are also known as the “United Nations Rules for the Treatment of Women Prisoners and Non-Custodial Measures for Women Offenders” that make up the resolution adopted by the General Assembly of the United Nations Office on Drugs and Crime on 21 December 2010.

Since women make up less than 10% of those incarcerated, criminal justice institutions have failed to recognize and address their needs. Prisons are typically built with prioritization for males, from the layout and security measures to the medical care, family interaction, and educational opportunities. International norms for meeting the needs of women in the criminal justice system are also insufficient. When the UN General Assembly adopted the Bangkok Rules, also known as the United Nations Rules for the Treatment of Female Prisoners and Non-Custodial Measures for Women Offenders, in December 2010, this loophole was repaired. The rules specifically address women's various requirements and circumstances and are essential to defending the rights of female criminals and convicts. The Bangkok Rules are the first international instrument to address the needs of children in jail alongside their parents. Unanimously approved by 193 UN member nations, the rules acknowledge the gender-specific features and requirements of women in the criminal justice system. They pledged to respect and satisfy these demands.

This comprises:

- Substitution of suitable treatment programs or other non-custodial alternatives for the criminal judicial system.
- Productive and intentional actions while incarcerated are essential for preparing a prisoner for reintegration into society. These consist of work, education, vocational training, and more specialized programs that deal with the underlying reasons for criminal behaviour.
- Community-based programs to assist ex-offenders and ongoing care after release.⁶

Rehabilitation is changing criminal conduct and lifestyle by implementing skills and values that lead to a crime-free existence. Digital rehabilitation involves using digital technologies to provide rehabilitative services or support individuals undergoing rehabilitation programs. Digital prison rehabilitation also provides resources and assistance to those in jail or transitioning out of

⁶ United Nations Office on Drugs and Crime. 2023. “Prison Reform and Alternatives to Imprisonment.” Unodc.org. United Nations. 2023.
<https://www.unodc.org/unodc/en/justice-and-prison-reform/prison-reform-and-alternatives-to-imprisonment.html>.

prison, allowing them to live successfully and reintegrate into their communities. Rehabilitation aims to equip individuals with work and life skills through education and vocational training, as well as treat underlying reasons for crime, such as substance addiction or violence. As a result, these programs should prioritize ethics, morality, and human rights while designing and implementing them. The application of digital technology can also aid these efforts.⁷

Historical Analysis

As governments faced the challenges posed by rising jail populations in the late twentieth century, such as overcrowding, poor sanitation, and rioting, a few sought a solution to outsourcing prison management to the private sector. By the late 1990s, private prisons were operating in Australia, the United Kingdom, and the United States. In the next decade, other countries, notably Brazil, France, and South Africa, recruited private contractors to construct prisons and oversee part of their daily operations.⁸ However, poorly written contracts, a lack of oversight by contracting agencies, and the transfer of inmates with classification-level requirements to private prisons that lack the resources and capabilities to handle these inmates are typically the causes of management issues that have arisen in privatized prisons.⁹

America started transferring jails to the private sector approximately 35 years ago. Private prisons were thought to be superior to government-run ones in terms of quality and cost. Thomas Beasley stated on "60 Minutes" in 1984 that "the great incentive for us, and we believe the long-term great incentive for the private sector, will be that you will be judged on performance." The newly established Corrections Corporation of America was presided over by Mr. Beasley. Approximately 9 percent of those incarcerated today—more than 128,000 people—are housed in private prisons. Mr. Beasley's company, CoreCivic, now owns more than half of all private prison beds. Private institutions also house around 70% of the inmates in the custody of Immigration and Customs Enforcement.¹⁰

However, in the United States, private prisons have not proven to be more effective or more affordable. Their recidivism rates are close to 40 percent, which is comparable to their government-run counterparts. Furthermore, the Government Accountability Office has

⁷ United Nations Interregional Crime and Justice Research Institute, *Digital Rehabilitation in Prisons*, March 2024, https://unicri.it/sites/default/files/2024-03/Digital%20Rehabilitation%20in%20Prisons_1.pdf.

⁸ Byrne, James, Kimberly R. Kras, and Lina Maria Marmolejo. 2019. "International Perspectives on the Privatization of Corrections." *Criminology & Public Policy* 18 (2): 477–503. <https://doi.org/10.1111/1745-9133.12440>.

⁹ Austin, James, and Garry Coventry. 2001. "Bureau of Justice Assistance Monograph EMERGING ISSUES PRIVATIZED PRISONS ON." <https://www.ojp.gov/pdffiles1/bja/181249.pdf>.

¹⁰ Lauren-Brooke Eisen, "Inside Private Prisons: New Book Examines the Industry Around Mass Incarceration," *American Constitution Society*, accessed December 2, 2024, <https://www.acslaw.org/expertforum/inside-private-prisons-new-book-examines-the-industry-around-mass-incarceration/>.

repeatedly determined that there is no proof that private prisons are more economical than public ones. Unfortunately, the private prison industry is deeply ingrained in American correctional systems beyond riddance. Professionals are seeking solutions to improve these institutions. Currently, the prisons' compensation is based on the number of inmates they house. Instead, experts suggest that contracts for private prisons should be set up to increase profits only if inmates are treated humanely and given guidelines to help them avoid trouble once released. The purpose of imprisonment is to reduce crime, hence the goal should be to give private jails incentives to decrease recidivism rates.

Timeline

1844 - The first private prison was established in Louisiana, United States.¹¹ Upon privatization, the prison essentially became a labour camp, with inmates deprived of rights and being treated similarly to those enslaved in the Southern US at the time.

1865 - As a result of the American Civil War, slavery is outlawed, but not for prison inmates, who were subjected to horrific torture and intense labour every day until their deaths.¹² From 1880 to 1904, around 10% of the state of Alabama's profits came from labour in private prisons.¹³

1981 - The US government cracks down heavily on drug possession, leading to a six-fold increase in incarcerations from 50,000 in 1980 to 400,000 in 1997.¹⁴ To solve the overcrowding problems in prisons, many privately owned prisons sprung up across the US, from 5 in 1988 to 100 in 2008.¹⁵ This event gave rise to the popularity of private prisons today.

1983 - CoreCivic, a private prison company, was founded by Thomas Beasley, Doctor R. Crants, and T. Don Hutto. This company later became the world's largest private prison company, with 106 facilities across the United States, Australia, South Africa, and the United Kingdom.¹⁶

¹¹ <https://time.com/5405158/the-true-history-of-americas-private-prison-industry/>

¹² *Ibid*

¹³ *Ibid*.

¹⁴ <https://www.britannica.com/topic/war-on-drugs>

¹⁵ <https://www.criminaljusticeprograms.com/articles/private-prisons-vs-public-prisons/>

¹⁶

<https://www.motherjones.com/politics/2016/06/cca-corrections-corporation-america-private-prisons-company-profile/>

1990 - The first privately owned prison in Australia, the Borallon Correctional Centre, was opened.¹⁷ This marked the first private prison opened outside US borders.

1992 - The first privately owned prison in the UK, the HMP Wolds, was opened.¹⁸

2001 - The first privately owned prison in South Africa, Mangaung Prison, was opened.¹⁹

2009 - A court in Israel strikes down a proposal to open a privately owned prison, citing that it violates the human dignity of the prisoners.²⁰

2017 - The US Department of Justice states in a report that private prisons have more safety and security incidents compared to state-owned prisons.²¹

Current Situation

Many countries around the globe still have yet to build or adopt private prisons, but are currently discussing the merits of having such a facility in their own country. A majority of private prisons lie in the United States, United Kingdom, Australia, or New Zealand, where private prisons hold anywhere from 10 to 20 percent of their incarcerated population.²² Some countries, such as France, have a hybrid private-public prison system, where the state runs security and hires guards, while private companies are in charge of making food and cleaning up the facility, and as a result, do not fall in the category of having fully privatized prisons.

The main benefit of private prisons today is still the same as when they were first opened many decades ago, which was to relieve stress from current state-owned prisons and to reduce the costs of housing inmates. Many countries considering opening such prisons themselves are mainly drawn by the prospects of handing off the job of incarcerating inmates to a private company, reducing costs and workload on themselves. In addition, these prisons are also very profitable: in 2016, CoreCivic generated \$4 billion USD in revenue.²³ However, many efforts to open more private prisons worldwide are stalling due to criticism of the private prison model.

¹⁷ www.aic.gov.au/sites/default/files/2020-05/tandi036.pdf

¹⁸ www.instituteforgovernment.org.uk/sites/default/files/publications/Prisons%20briefing%20final.pdf

¹⁹ <https://www.defenceweb.co.za/security/civil-security/days-of-private-prisons-in-sa-numbered/>

²⁰ <https://versa.cardozo.yu.edu/opinions/academic-center-law-and-business-v-minister-finance>

²¹ oig.justice.gov/reports/2016/e1606.pdf

²² <https://www.ipsnews.net/2013/08/more-countries-turn-to-faltering-u-s-prison-privatisation-model/>

²³ <https://www.criminaljusticeprograms.com/articles/private-prisons-vs-public-prisons/>

Many critics of private prisons argue that because these prisons get their profits by having more people detained, they are incentivized to keep as many people there as possible and to try and get more prisoners instead of trying to rehabilitate and reintegrate people into society. Private prisons are operated on a contractual basis with the government based upon how many prisoners are at the prison and how long each prisoner is serving—the larger these numbers, the more money the prisons receive.

In addition, because these facilities operate for profit (unlike most state-owned jails, which are non-profit), critics argue that a lot of cost-cutting is put in place so that the company maximizes profit. As a result of these cost cuts, private prisons often have concerning sanitary and dietary conditions, fewer trained or involved guards, and more scuffles and fights. Consequentially, violence and conditions in these facilities are often worse compared to state-owned prisons.²⁴ However, improvement of the private prison system to satisfy more governments around the globe is possible.

Potential Solutions

Strict Judicial Regulation and Oversight

Strict judicial oversight is a pragmatic solution for private prisons and rehabilitation centers globally for transparent compliance with human rights.²⁵ The key components of the approach are government-authorized monitoring bodies and judicial panels. Government-authorized monitoring bodies are groups of specialized private prison inspectors that assess the private prisons for healthcare, hygiene, food, and the quality of rehabilitation programs. The benefits of this component are enhanced accountability and promoted transparency in the functioning and maintenance of the private prisons. The second component of the solution is judicial panels that are crucial for reviewing contracts, operations, and outcomes of private prison systems. This is a comprehensive approach to uplifting society and a responsible step towards a brighter future.

Ensuring Accordance With International Standards

The purpose of accordance with international standards is maintaining and ensuring rehabilitation programs that are uniform globally and follow internationally recognized guidelines. The key frameworks include the UN standard minimum rules for the treatment of prisoners—Nelson Mandela rules for male prisoners and Bangkok rules for female prisoners.²⁶ The Nelson Mandela Rules are the minimum set standards for the humane treatment of prisoners. These include living conditions and the fostering of reintegration. The Bangkok rules are more

²⁴ oig.justice.gov/reports/2016/e1606.pdf

²⁵ <https://www.unodc.org/unodc/en/justice-and-prison-reform/prison-reform-and-alternatives-to-imprisonment.html>

²⁶ <https://www.penalreform.org/issues/prison-conditions/standard-minimum-rules/>

gender-specific for females and include menstruation products, maternity care, and protection from gender-based violence. UDHR and ICCPR imply these rules globally. These rules benefit human rights credibility and security and the fostering of trust globally with set standards.

Mandate Standardized Rehabilitation Programs

The standardization and mandate of rehabilitation programs are a way to stop a chronic relapse of crime by the people charged guilty. Rehabilitation programs are a huge aspect of helping society become a safer place for all.²⁷ The fundamental elements of rehabilitation programs are education, mental health counselling, physical training sports, and creative work. All these aspects help reduce recidivism as they help tackle the root causes of criminal behaviour, which include lack of education or substance use. Private prisons are supposed to provide these rehabilitation programs, but several private prisons globally fail to offer rehabilitation programs due to financial backlash and a lack of incentives. A mandate on rehabilitation programs is necessary for a global change toward the reduction of crime as they address the foundation of criminal activities and criminal minds.²⁸

Increased Budget for Private Prisons

Private prisons were formed to address the main issue of increased cost and easier management of prisoners. However, private prisons today fail to provide basic living conditions and necessities to the prisoners due to excessive cost-cutting. Many private prisons around the world have unsanitary living conditions with minimal to no access to potable drinking water, food, and rehabilitation centers. An increased budget for private prisons from each nation's government and the right distribution of this amount will result in better prisons that follow the UN and human rights guidelines. Prisons are not meant to be comfortable, but they need to follow certain standards so they are liveable and do not cause the death of prisoners due to unhygienic conditions. An increased budget can be a great step towards improving private prisons.²⁹

Bloc positions

In Favor of Privatization

- *Australia*

Australia has a favourable judgment towards the privatization of prisons and rehabilitation systems.³⁰ Private prisons are a growing part of Australia's justice system. Currently, Australia is

²⁷ <https://www.britannica.com/procon/private-prisons-debate>

²⁸ <https://bcrehab.org/applications/project-grant/>

²⁹ https://www.prisonpolicy.org/research/economics_of_incarceration/

³⁰ <https://www.theguardian.com/australia-news/2023/dec/24>

home to seven private prisons and rehabilitation centers. Some specific states in Australia, like Victoria, have adopted private prison systems due to the cost benefits and operational efficiency. People in propositions state that private prisons are cost-effective and help in managing the crime branches and the crowding in government-run prisons in Australia.

On the other hand, critics in Australia criticize their private prison systems, stating that these prisons do not follow human rights guidelines and do not have stable rehabilitation programs. Recently, a private prison in Queensland transitioned back to the public control system due to the lack of transparency and high staff and prisoner assault rates. These events have led to a divided stance on the matter of privatization and rehabilitation centers, but Australia does continue to have private prisons. The government ensures the public and global allies that they are tackling the issues relating to lack of transparency in the private prison systems and want to work towards better rehabilitation programs. Although Australia's government calls to improve transparency, accountability, and reliance are the biggest struggles while working with privately owned companies. The future is uncertain regarding private prisons in Australia, but currently, Australia holds its position in the bloc of being in favour.³¹

- *United States of America*

The United States of America is in favour of private prisons and rehabilitation centres.³² This is because private prisons are a huge part of the USA's correctional system—8% of the USA's prisoners are in private facilities. Major companies, like the GEO company, benefit from these facilities, especially in areas like illegal immigrant detention. The USA is in favour of the privatization of prisons due to the widespread use of prisons, immigration detention, and economic support. Private prisons are an effective way to increase cost efficiency and an easier detainment of prisoners that leads to less crowding in public prisons.

Despite the prominence of private prisons, President Biden recently signed an executive order in 2021 to set limitations.³³ This initiative was taken due to human rights concerns and a lack of transparency in private prisons. Many private prisons across the USA reported racial treatment discrimination and poor rehabilitation systems. This executive order was concerning the Department of Justice that ordered the phasing out of contracts with private companies so that the USA's justice system was not dependent on private companies. This change has not been implied for a significant amount of time, and due to the change in government, the future policies are now in the hands of President Trump, but the separate states are still in favour of private prisons and rehabilitation centres.

³¹ <https://www.aic.gov.au/sites/default/files/2020-05/tandi036.pdf>

³² <https://www.sentencingproject.org/reports/private-prisons-in-the-united-states/>

³³

<https://www.aclu.org/news/criminal-law-reform/president-bidens-order-to-ban-private-prisons-faces-a-persistent-international-challenge-the-u-s-marshals-service>

- *France*

France's stance is complex due to the mixed module system they follow for prisons, but it leans in favour of the privatization of prisons.³⁴ Like many other nations globally, France also explored privatization of prisons for improved economic systems and less crowding in public prisons. More than a third of France's prisons are partly run by private companies, but none of them are entirely privatized. The reasons for such a widespread yet partial privatization are human rights concerns. The French government has also taken steps to address the issues faced by prisoners in public prisons; they include working towards a pragmatic solution for the resources provided in private prisons.

France recently signed a penal code for the improvement of prisons and rehabilitation programs in the French justice system. The proposition towards privatization is due to the flexibility of operations and innovations for the future. The French government has maintained that privatization is used to help with the state's cost efficiency while improving rehabilitation services and prison situations. Since the 1980s, when private prisons were introduced in France, the country has been in favour of privatization, but due to rising human rights concerns and the lack of resources, the French government has nuanced its privatization stance and wants to increase public prisons. This is today's stance, but the future depends on the impacts of policies.

- *United Kingdom*

The United Kingdom is in favour of privatization of prisons and rehabilitation centres. A huge aspect of the UK's correctional system relies on private prisons for easier management of prisoners and a cost-efficient mode of prisoner detainment. Private prisons started coming into existence in the UK in the early 1990s. Privatization has enabled the government to be more cost-efficient and decrease the crowds in public prisons. Private prisons have also led to innovation in the UK's justice system, as private companies have been able to introduce more comprehensive and inclusive rehabilitation efforts.

On the other hand, many critics advocate that private prisons have poor living conditions and high assault rates. In 2018, the privately managed prison HMP Birmingham was moved back to public control due to high assault rates and human rights violations. Such situations have led to higher and stronger regulations and greater accountability. The United Kingdom prioritizes rehabilitation efforts in both public and private prisons. These efforts include mental health support, substance abuse, and unemployment issues. Overall, the United Kingdom is in favour of

³⁴ <https://shs.cairn.info/journal-gouvernement-et-action-publique-2023-2-page-115?lang=en>

privatization, but the government is cautious with these efforts as the country follows a pragmatic approach towards their correctional and judicial system.³⁵

Neutral

- Canada

Canada's stance on private prisons is neutral, as it has minor experience with private prisons. Until today, Canada has only had three private prisons that were unsuccessful due to the lack of resources. Canada's first prison operated from 2001-2006. This prison was located in Penetanguishene, Ontario, and was called the Central North Correctional Centre. The government found a better facility that was safer and that provided better rehabilitation and other resources; hence, this facility was shut down. Two other private prisons were also unsuccessful. The prisons were located in Ontario and New Brunswick, respectively.

The prison in Ontario was called Project Turnaround, and it operated from 1997-2004. The other private prison was known as the Miramichi Youth Detention Center, which was discontinued in the 1990s. Canada holds a neutral stance with a strong incline towards public management. The reason for this is an unsuccessful past with private prisons and a lack of experience. The federal government sheds light on the challenges with accountability and human rights violations when the prisons operate under a private company. Even though Canada currently does not have a private prison system, they are not against this idea. Viewing the successful private systems of the USA and Canada leaves room for opportunities shortly.³⁶

- Chile

Chile has a mixed stance on the privatization of prisons. Chile follows a hybrid model regarding their justice system. The government manages all the core correctional responsibilities, and private companies provide food, electricity monitoring, facility management, and other services. Chile's hybrid justice system is a pragmatic approach toward privatization and is an ideological inclusion of a private system. Chile has advocated against the complete privatization of prisons due to human rights concerns and institutional skepticism. Chile's government strongly believes that a partial justice model aids in a safer and better country stance.

The government of Chile ensures that the prisons follow a set standard of rules and there is no corruption. Along with this, private companies can assist the government with a more dependable and smooth-running justice and prison system. Chile's stance remains neutral due to

³⁵

https://prisonreformtrust.org.uk/wp-content/uploads/old_files/Documents/private%20punishment%20who%20profits.pdf

³⁶ https://johnhoward.ab.ca/wp-content/uploads/docs/PrivatizationofCorrections_1998.pdf

its hybrid model.³⁷ The country works hand in hand with several private companies while maintaining the government as the head of the prison system. In conclusion, Chile uses selective privatization that addresses specific needs while preserving the government as the oversight for important correctional features. The future shifts would likely depend on policy shifts and the outcomes of the practices today. Hence, Chile has a neutral stance.

- *Japan*

Japan holds a neutral stance on the privatization of prisons. Japan does not allow private companies to control prisons, but the country has issued contracts to private companies for the building and maintenance of public prisons in the country. Japan does not allow prisons to be run by private companies due to the lack of transparency and the loss of power from the government.³⁸ Even though Japan is not in favour of private prisons, rehabilitation centres are a growing legal reform.

The Japanese government and justice system strongly believe that rehabilitation is a better alternative to punishment. These rehabilitation programs are inclusive of all genders, ages, and disabilities. Many programs are specifically dedicated to youth to help them be an acceptable aspect of the greater society instead of a destructive one. Japan is also exploring other alternatives to prison systems and rehabilitation programs that include therapy programs and the contracts of maintenance of prisons to private companies. Japan's neutral status focuses on the maintenance of government control while enhancing rehabilitation practices. The lack of prisons being run by private companies keeps doors open for a switch from public to partial privatization in the future depending upon the outcomes of the prison and justice practices today.³⁹

- *Mexico*

Both public and private prisons exist in Mexico. Currently, prisons in Mexico face a lot of challenges, including human rights violations, overcrowding, abuse and criminal activities. The government has been trying to overcome these issues by enforcing strict policies and regulations but the situations remain unpleasant. Private prisons are not widespread in Mexico and remain minimal concerning the correctional system of the country. Despite the overcrowding in prisons, the government of Mexico is focusing on improving the public prisons of the country for better management of the correctional system rather than switching to privatization. Rehabilitation efforts in public prisons offer limited access to the detainees and are not designed to cater to the different problems faced by prisoners.⁴⁰

³⁷ <https://justice-trends.press/advancing-chiles-correctional-services-through-strategic-reforms/>

³⁸ https://projects.iq.harvard.edu/files/us-japan/files/21-05_nagase.pdf

³⁹ <https://www.ojp.gov/ncjrs/virtual-library/abstracts/prison-industry-japan>

⁴⁰ <https://insightcrime.org/news/brief/mexico-to-build-2-private-prisons-by-year-end/>

Mexican prisons are also famous for drug smuggling and other illicit activities due to low supervision and minimal support provided by rehabilitation programs.⁴¹ Many youths faced with criminal charges are unable to cope with these allegations and get back on track due to the limited access to rehabilitation and mental health outreach programs. The Mexican government has taken initiatives to improve the public facilities regarding their correctional system for a brighter future. To conclude, the current status of Mexico is neutral towards privatization, as the government has openly never been against it but is focusing on improving the public systems and the future depends on the outcomes of today's policies.⁴²

- *Philippines*

The Philippines does not have a consistent stance on the privatization of prisons. The prisons in The Philippines are currently overcrowded and human rights violations are a part of every other prison in The Philippines.⁴³ The country faces congestion in prisons, and hence the government has considered a public-private partnership. People in favour of this system advocate for privatization, as that would lead to prisons with better-managed facilities. Whereas, people in opposition believe that the privatization of prisons leads to a lack of transparency and that private companies keep their profits over detainees. Several policymakers have commented that private prisons will be a step towards better infrastructure and an efficient society that could also highlight rehabilitation efforts that could lead to a better and more civilized society.

The UN has urged the Government of the Philippines to look into other alternatives to be able to manage their justice system more efficiently and implement social and public rehabilitation programs rather than entirely relying on the private or public jail systems. The justice system in the Philippines is mainly influenced by the cultural and economic aspects of the country and in the matter of this issue, they contradict each other. Economically, the country should explore the idea of privatization in greater detail due to cost efficiency, whereas culturally, critics believe that human rights and the rehabilitation of the detainees are more important than economic benefits. Due to all the following reasons, The Philippines is neutral and the future depends on the alternative solutions explored by the country's government.⁴⁴

- *Singapore*

Singapore has never clearly stated their stance on private prisons but its rules and regulations are very strict around the areas of prisons and its justice system. The government emphasizes its rehabilitation program to be able to tackle the root causes of criminal behaviour. Singapore's

⁴¹ <https://www.nytimes.com/2009/08/11/world/americas/11prisons.html#>

⁴² <https://www.prison-insider.com/countryprofile/prisonsofmexico>

⁴³ <https://www.omct.org/en/resources/statements/philippines-new-maximum-security>

⁴⁴ <https://www.scribd.com/document/476088595/Umeran-Belmonte-Legality-of-Private-Prisons>

prisons follow strict guidelines for human rights and prison resources. Their rehabilitation programs are equipped to provide education, vocational training, mental health support and skills and knowledge to be able to reintegrate the inmates towards the betterment of the greater society upon release.

These rehabilitation programs are important to be able to form a safer society and state and redirect the inmate's notion from crime to areas more productive for the country. Some key elements of Singapore's prison system are low recidivism rates, strict management and rehabilitation programs. The recidivism rate in Singapore is 20%, which is very low compared to several other countries. This is due to the strict management and regulations followed by the justice system. Singapore has never been clear about the privatization of prisons but they have never clearly opposed the idea either, which is why their stance is concluded to be neutral. The future policies for Singapore depend upon the outcomes of their policies today; hence, there are many options for improvements and innovations in upcoming times.⁴⁵

Not in favour

- *Belgium and Egypt*

Egypt has a very rigid criminal justice system due to its political climate. In 2014, 683 people were sentenced to death while 492 were given life sentences in the rural town of Minya after only two hearings—which the defendants were barred from attending. Such injustices and inconsistencies in sentencing and judging are to some extent condoned by the increasingly draconian state. As a result, the prison system in Egypt is largely state-run to preserve the power and control of the government.⁴⁶

- *India*

Private prisons do not exist in India. The country's prisons are run by India's government under the "Prison Act of 1894," which dates back to the colonial era. The Indian government has been focusing on the modernization and reformation of the prisons in India but has shown no interest in privatizing the private prison systems. The opposition to private prisons has several reasons; these include state responsibility and transparency, human rights concerns, cost efficiency and rehabilitation programs. Currently, all prisons in India are under the government's control to provide full transparency and follow all the human rights guidelines.

The country also has rehabilitation centers that are run both by private companies and the government and address several issues. These rehabilitation centers provide support and help improve prisoners struggling with physical and mental health and substance abuse. Despite the existence of these accessible rehabilitation centers, several challenges persist, including a lack of

⁴⁵ <https://www.prison-insider.com/countryprofile/prisons-singapore>

⁴⁶ <https://tcf.org/content/commentary/the-rise-of-egypts-prison-industrial-complex/>

infrastructure and hygiene. The Indian government is working towards improving their prisons and rehabilitation facilities for a better future. To conclude, the prisons in India are state-run and India does not plan to change that any time soon. India does have rehabilitation centers that need improvement and the government of India pledges towards this improvement.⁴⁷

- *Netherlands*

The government of the Netherlands is in opposition to private prisons due to the inhumane treatment of the prisoners. The prison system is and historically has been public-oriented and the main focus has been rehabilitation to tackle the root causes of criminal activities. The rehabilitation efforts in the country also include digitalized monitoring and community services. Prisons also provide mental health and substance abuse support and this has led to the lowest reverse detention rates globally. The Dutch criminal correctional system is primarily based upon rehabilitation and many senior police officers believe that without rehabilitation, prisons make a detainee's mind more destructive.

The Dutch government highlights the importance of outreach and counselling programs in prisons and their aid in the reduction of crime. Privatization of prisons leads to a lack of transparency between the prisons' situations and the government; hence, the Dutch government has not explored the possibility of private prisons. Given these reasons and practices, the Netherlands is firmly against the privatization of prisons but still is considered to be one of the safest countries overall.⁴⁸ The Dutch system prioritizes transparency for the public and the reintegration of the prisoners to be able to help the greater society and have a safe country. To conclude, rehabilitation efforts are very important to the Dutch criminal correctional system but there are no possibilities of private prisons shortly.⁴⁹

Guiding Questions

1. Why should private prisons follow globally set standards and rules in their respective countries?
2. How do private prison systems support or undermine the goals of rehabilitation programs and their importance?
3. What are the financial implications of private prisons and rehabilitation systems? Are private prisons cost-effective for the majority of the countries globally?

⁴⁷ <https://ili.ac.in/pdf/bcn.pdf>

⁴⁸ <https://www.ippapublicpolicy.org/file/paper/1433003748.pdf>

⁴⁹ <https://www.government.nl/topics/drugs/what-is-addiction-care>

4. In the future, how can technologies and innovations improve private prison systems or introduce new solutions overall?
5. Why does your country hold its stance? What are some policies in the past that have influenced this decision?
6. How does the UN influence rehabilitation centres in countries globally?
7. Why are rehabilitation programs so important? How can these rehabilitation efforts help the detainees be a constructive part of the greater society?
8. What are the benefits of a mixed module system that comprises the public and private sectors? Does this module help your country have a better justice system?

Further Resources

<https://law.fiu.edu/2019/10/28/addressing-privatization-of-prisons-to-further-the-goals-of-the-first-step-act/>

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