



UNHRC PACMUN 2017

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PACIFIC MODEL UNITED NATIONS

HUMAN RIGHTS COUNCIL

Dear Delegates,

Welcome to the United Nations Human Rights Council. This is a committee that brings together nations despite their multitude of differences to protect the fundamental rights of all humans. As a member of this committee, members will zone in on some of the horrific human rights violations that continue to plague our international community.

I, Aramyia Trivedi, am ecstatic to serve as the director for the UNHRC for PACMUN 2017. I am a senior at Interlake High School and serve as the Director of Finance for the Interlake MUN delegation. Aside from MUN, I also am the President of his school's DECA chapter, and participate in Knowledge Bowl. For fun, I love to play my electric guitar, listen to music, read, and watch TV. I am very excited to see what he hopes will be a fruitful debate with strong participation from all the delegates.

Anita Chengalva, the assistant director for this committee, is currently a senior at Woodinville High School. Her first experience with Model United Nations was attending PACMUN 2015 and participating in the UNHRC committee. Following that, she has attended PACMUN 2016 and VMUN 2017 and is enthusiastically looking forward to staffing PACMUN 2017. Anita hopes to provide new and experienced delegates alike with an entertaining and enlightening experience in committee. Outside of MUN, Anita enjoys drawing, listening to music, volunteering with cats, and is part of her school's robotics club.

As UNHRC chair, Marnie Muñoz is currently in her junior year at the International Community School. Marnie has been passionate about MUN since attending PACMUN 2015 in her freshman year. As an alumni delegate to UNHRC, she sees her experience there as a key defining moment in her interest in MUN's research-inspired community, and has since set her mind on sharing her love of MUN with others. Outside of MUN, Marnie enjoys participating in FBLA, volunteering as a language tutor for younger students, exploring great literature, writing poetry, running, and playing piano.

The first topic that will be discussed is the question of cybersecurity and cyberwarfare. With access to the Internet now being considered a fundamental right of humanity, the recent onset of hacking and threats of full-fledged is concerning to the protection of privacy and security of individuals of an increasingly digital world.

The second topic is the protection of criminal rights. The notion that even convicted criminals imprisoned and kept separate from the rest of society have rights is constantly challenged with different nations offering different perspectives with the goal of the committee to consolidate on some fundamental rights.

The UNHRC is a committee that has seen its fair share of controversies and rivalries, but in the end, represents a symbol of international cooperation for things more important than any dispute that the founders of the United Nations aimed to achieve. It is vital that this committee continue to strive on to maintain a standard for human rights across the planet.

As for the actual committee, these are the three things I expect: diplomacy, strong public speaking, and engagement in the process. I hope to see all delegates, regardless of their past experience, come out in full form and participate in the MUN process, and above anything, have a good time.

Thank you,

Aramya Trivedi

Director, UNHRC

INTRODUCTION: CYBERSECURITY & WARFARE

As the world increasingly moves online, so do the facets of everyday life, ranging from personal finances to the foundation of the global economy. Computers and the Internet have quickly become a staple of humanity, with the United Nations even referring to access to the Internet as a fundamental human right.

Many developed countries already have widespread access to the Internet, and many developing nations seek to implement the infrastructure to achieve that same level, meaning that every year a substantially greater amount of people are online.

However, with the rise of the Internet comes larger problems relating to the greater security of the people on it. For example, cyberwarfare remains a large threat with cyberattacks from countries like Russia and China have already compromised systems of other countries, such as the case with the 2016 American presidential election. Major hacks also remain a large threat, with the waves of ransomware attacks in the 2010s on major systems across the world. On a less drastic scale, governments like that of the United States have proposed doing away with certain net neutrality laws, threatening equal access to the Internet.

With more of the world on the Internet, and many experts saying cyberwarfare being the next major front of battle, the protect of the rights of humanity on this platform remains a concern of the future that is vital for the United Nations to address before it advances.

HISTORY

In 1960, Paul Baran posed the question of the United State's security against the threat of a nuclear Soviet attack. He posed that a decentralized system through a variety of links would be able to preserve precious data if an outside connection to an inside source would be made possible. From that idea and time stemmed the internet, born through Baran's concept of decentralization and perfected over years by other international minds. In 1969 the Pentagon designed the ARPANET, a highly intelligent network which would later be replaced by what is now known as the internet in 1983. Throughout it's production, computer scientists raised questions about the security of information "online," and, through a series of test programs and viruses, began to explore the spectrum of cyber security.

In 1986, the US Government established the Computer Fraud and Abuse Act, the first of many laws to be made in an effort to secure the web. In 1988 Cornell graduate student Robert T. Morris introduced a custom-made “worm” of sorts, which promptly infected several ARPANET machines on a large scale. Morris was later convicted under the Computer Fraud and Abuse Act by a jury, and fined heavily for his crime. This sudden exposure to cyber crime would be the spark that eventually set off the cyber security industry, inspiring thousands of other brilliant people across the world to tinker with the security of the internet, whether for good or bad intentions.

At the turn of the century, the early 2000’s gave way to a new development of internet culture and products, up till the point where the web is now accessible to anyone at the tip of their fingers, in their pockets, in education and in communication. As of 2010, Pentagon computer science advisory group JASON determined in a report⁽¹⁾ that “internet security problems are becoming more conspicuous with each passing day” and currently, “we need a more fundamental understanding of the science of cyber security” to improve security itself (JASON, 9, 10).

In recent years, cyber crimes have evolved to higher platforms with newer, more dangerous risks. Modern cyber crimes may include: car hacking, copyright infringement, illegally intercepting/leaking private information, child pornography, and unsolicited surveillance. In 2017, the UN International Telecommunications Union released an additional Global Cybersecurity Index⁽²⁾, encouraging countries to pursue a cyber security strategy and protection plan.

(1) <https://fas.org/irp/agency/dod/jason/cyber.pdf>

(2) https://www.itu.int/dms_pub/itu-d/opb/str/D-STR-GCI.01-2017-PDF-E.pdf

PAST ACTION

Though cybercrime is a serious threat and has been impacting internet users globally for nearly three decades, the United Nations has only recently taken measures to defend against it. Various UN bodies have motioned for stronger cybersecurity but no resolutions have yet been adopted by the United Nations Security Council. Unless the UNSC adopts a resolution, it remains to be only a recommendation and legally non-binding to the Member States. Within the United Nations Human Rights Committee, the focus of discussion mainly lies on human rights violations due to cybercrime. So far, the UNHRC has remained uninvolved on the topic of cyber crime.

One of the very first mentions of cybersecurity was brought up by the Russian government in the Disarmament and International Security Committee. Starting in 1998, they have annually introduced a draft resolution in the First Committee on 'Developments in the field of information and telecommunication in the context of security'. Each year, the non-binding resolution has been adopted by the United Nations General Assembly. In the resolution of 2001, Russia requested the establishment of a group of governmental experts (GGE). The GGE consists of fifteen experts from locations all over the globe in order to study and consider existing and potential threats in the sphere of information security as well as possible cooperation measures to address them. The very first GGE assembled in 2004 and failed to adopt a consensus report. A second GGE convened in 2009 and produced a consensus report, though insufficient.

A third GGE convened in 2012-13 and was able to successfully produce a consensus report which is regarded as an important achievement for the maintenance of international peace and stability in this new and crucial area. The outcome of this report affirmed the applicability of international law to cyberspace. Additionally, the report expressed a common understanding and need to cooperate by offering several recommendations to peace and security in state use of information and communication technologies (ICT). A fourth GGE met in 2014-15 and completed the work initiated by the third GGE.

Furthermore, in 2011, a group of Shanghai Cooperation Organization (SCO) states proposed an International Code of Conduct for information security. Many regarded it as controversial and it was not passed by the General Assembly. In 2011 again, the United Nations Economic and Social Council (ECOSOC) held a special event on 'Cybersecurity and Development', organized jointly by the Department of Economic and Social Affairs (DESA) and the International Telecommunication Union (ITU). The event brought together the Member States, the UN system, public and private sectors, as well as other civil society organizations. Their goal was to build awareness of cybercrime at an international policy level, identify a range of best practice policies and initiatives in place around the world to build a culture of cybersecurity, and lastly, to explore options for a global response to rising cybercrime.

Today, although no international law-binding resolutions exist, many nations have adopted their own individual laws and a system of punishment for cybercrime according to the recommendations of the UN.

CURRENT SITUATION

The right to internet access in a modern world is considered to be on the same level as most other human rights. In 2009 and 2010, a massive BBC poll found that seventy-nine percent of people across twenty-six nations strongly agreed or agreed that right to internet access was a fundamental right. In 2016, the United Nations reflected this saying, “the same rights people have offline must also be protected online.” This means that the same fundamental rights of freedom of speech and freedom of privacy in theory should be applied. Many nations have reflected this sentiment in recent years by passing proclamations endorsing universally equal access to a free web, including but not limited to Costa Rica, Finland, France, and Spain.

However, some nations have been taking strides away from the universal equal access to Internet. The United States Federal Communications Commission in 2017 voted to do away with some protections of net neutrality, the concept that Internet service-providers cannot discriminate against any user based on how much they are paying. India, another huge service market, has banned net neutrality, but continues to see large internet providers breach the protocol with Aircel providing stronger connections to Wikipedia and Reliance providing free access to Twitter due to the partnerships these corporations make. The other side of this is censorship. China, with one of the largest populations on the planet, is well-known for its censorship, and has blocked websites like YouTube, Twitter, and Facebook. India, again, has blocked many websites related to government dissent and other sites on moral grounds, such as pornographic sites.

One of the big concerns regarding cybersecurity and internet privacy is the lack of global cooperation on the issue. Often local authorities are unable to take action on hackers because of the fact that anyone with a computer and internet access is capable of committing cybercrimes, so the perpetrator could be halfway across the world. This makes hacking, especially on a smaller scale, an enticing venture, further leading to increased concerns about the safety and privacy of ordinary citizens online.

In the absence of such rules, some organizations have risen up to protecting and communicating internet security violations. One of these organizations is the Forum of Incident Response and Security Teams (FIRST) which has such organizations as the United States Computer Emergency Readiness Team (US-CERT), Microsoft, Apple, Cisco, and many others.

Cyberwarfare also remains a huge concern in the geopolitical climate. Many experts believe that the next major global conflict will see a strong front on the cyber scene, potentially putting the internet access and the privacy of

billions of people at risk. The United States has even declared that a cyberattack is equivalent to a traditional act of war. Despite this, cyberattacks continue on American internet users, the largest by usage even today, with one in 2015 that originated in China breaching the data of over fifteen million people. Russian cyberattacks on the United States are currently under investigation for having influenced the American presidential election. However, WikiLeaks published thousands of documents in 2017 indicating the American Central Intelligence Agency has been expanding its capabilities to launch cyberattacks on various different platforms, showing a global cyberwar existing to a small extent.

BLOC POSITIONS

Western Countries

Cybersecurity has increasingly become a problem in these countries, as Russian hacks caused leaks of the more liberal parties in the recent American and French elections for the head of state. In the case of the United States, the leaked documents of the Democratic National Committee caused great anger towards the Democratic Party when internal strategies to promote Hillary Clinton were shown. These leaks have also spawned an ongoing investigation into the Trump Administration for collusion with Russia. German and British legislatures have also suffered Russian attacks. The United Kingdom was also especially hit by a recent North Korean ransomware bug that took down many British hospitals. However, for these nations to cry foul on cyberattacks and general protection of Internet rights would be an act of hypocrisy.

All three nations are among the top sources of cybercrime with the United States contributing almost 2.5 times more than the next nation China. Many bugs floating around in the world originate with American departments like the National Security Agency (NSA). The United States and the United Kingdom have also been making moves to decrease free access to the Internet with the former stripping net neutrality laws and the latter significantly increasing surveillance following a series of terrorist attacks. This bloc includes the United States, the United Kingdom, Germany, and France.

Former Soviet Era Allies

While not officially an allied front in terms of cybercrime, several former communist-influenced allies have all launched substantive cyberattacks. Russia has recently been known for their interferences with elections in Western countries such as the United States and France in an apparent effort to instill more right-wing rulers. However, Russia has also led huge attacks from nearby countries like Georgia, Kyrgyzstan, and Ukraine to its largest competitors geo-

politically such as the major Western powers. The Chinese, on the other hand, have been notorious in efforts to hack intellectual property, such as that from American private corporations and the Department of Defense. North Korea has also been stalwart in its efforts, recently launching a ransomware bot that seized the attention of the world in May 2017, using an NSA bug to take down entire national systems such as the British National Health Services. Vietnam has also been a hotbed of cyber crime, being the tenth largest source of it. This bloc includes Russia, China, North Korea, and Vietnam.

Eastern European Nations

While cyber warfare is often illustrated as the conflict of major powers, it is often smaller countries that get caught in the crossfire, as is the case of many Eastern European countries. Ukraine, in its struggle for maintenance of sovereignty against Russia, has been besieged by Russian cyberattacks, including one in June 2017 that crippled much of Ukrainian machination, later spreading across the globe. However, these nations have suffered much more. In May 2007, Estonian Internet was shut down by a Russian attack after an Estonian plan to move a war memorial of Russian soldiers in the country. Lithuania suffered a similar fate in 2008 when they banned all Soviet symbols. Kyrgyzstan and Kazakhstan have been hit when trying to draw up pro-Russia and anti-American sentiments. Russia has even used cyberattacks with its military like it did when the pro-Western Georgian government supported a breakaway republic, the Russian military invaded with a coordinated attack taking down all Georgian internal communication. This bloc includes Estonia, Lithuania, Ukraine, Georgia, Kyrgyzstan, and Kazakhstan.

CASE STUDIES

Case Study #1: The Golden Shield Project in 2000

The Chinese government's internet censorship and surveillance program is referred to as the Golden Shield Project. The main instrument used by the GSP to achieve Internet censorship in China is commonly known as the Great Firewall of China. It restricts the sites Internet users in mainland China are able to access, though the secret use of illegal VPN's runs rampant with citizens to access banned parts of the Web. After being founded in 2000, the Golden Shield Project has only grown to become more and more restricting. Good cybersecurity requires a balance between online protection and online freedom. In the case of China's Golden Shield Project, human right advocates argue that these strict policies infringe upon the people's rights to privacy, freedom of expression, and the free flow of information.

Some research evidence has indicated that suspicion of the Great Firewall in China and the sense that one is being surveilled online leads to chilled speech and self-censorship, which has been more effective at blocking internet content than the Great Firewall has been. The long term consequences of this system is that Chinese Internet users without an illegal VPN and those who have not had the opportunity to access the internet outside of China are oblivious to the media they lack access to.

Case Study #2: Three Mobile Data Breach in 2016

One of Britain's largest mobile phone companies, experienced a security breach that released the private information (including names, addresses, phone numbers, call history, and phone bills) of over 133,000 customers. The breach occurred after hackers used an employee login to access customer information. A staggering amount of people had their human right to privacy violated in this incident and unfortunately it is not the first of it's kind and likely not the last.

Since the Three Mobile data breach, extra precautions and protective measures have been implemented not only within the Three Mobile data company but also within other similar data companies to reduce the likelihood of a recurrence.

GUIDING QUESTIONS

1. What kinds of preventive actions can governments take on cyber security without infringing on the rights of their citizens?
2. Is cyber security a necessity or a lesser priority in terms of national security funding?
3. How should the public be educated on personal privacy and cyber security?
4. What further steps can the UN take to secure international online information, with regard to national sovereignty?

INTRODUCTION: CRIMINAL RIGHTS

Despite being arrested or indicted, many countries have some rights reserved for people in said situations. It is written in the United Nations Universal Declaration of Human Rights that is a human right to receive a fair and public trial.

These rights tremendously vary across the planet. The United States and the European Union have many overlaps in their emphasis on fair treatments throughout the various stages of the prosecution process. The rights are carefully spelled out to assure proper treatment. This Western model plays a great focus on proportionality; however, certain nations such as Norway have placed a huge emphasis on rehabilitation being the primary criminal justice system with reduced sentencing.

However, other countries have had histories of different sources of criminal law, such as several Muslim majority countries that operate under the Islamic sharia law such as Saudi Arabia, Iran, Iraq, Sudan, Afghanistan, and more. Several other nations including India have sharia operating as the personal law for all Muslims. Sharia law can reasonably be described as tougher on various aspects of human rights, concerning many Western nations.

At the end of the day, the United Nations, unlike for many other groups, has not passed a declaration protecting the rights of the accused and indicted criminals, who at the end of the day are still human; some of them are even innocent of the crime.

HISTORY

Around 2100-2050 BC, Sumerians created what is known as the first written set of criminal laws to distinguish criminal and civil offenses. In 1066 following the Duke of Normandy's invasion of England, European law began a long process of addressing criminal activities in formal settings - the roots of the courtroom structure. Later on in 1789 America established its own constitution from the comfort of its newfound independence, a document influenced by several European philosophies and practices for law systems.

Between 1861 and 1877 penologist Zebulon Brockway worked to realize parole within the US government system. By appealing to the New York Prisons Association, he pushed for criminal justice reform in substituting time sentences for alternative experiences to promote reform and complete rehabilitation.

Brockway's reform eventually paved the way towards more successes in legitimizing efforts to protect the rights of criminals/the accused while simultaneously strengthening communities. These included incorporating the use of biological evidence in criminal cases, and the establishment of modern watchdog organizations. The American Civil Liberties Union (ACLU) was one of these, a non-profit organization established in 1920 to protect Constitutional rights for all Americans. Three years later the international intelligence/communications organization Interpol was also established as an informative hub for investigating criminal activities across foreign borders.

In 1964, the US enabled the Criminal Justice Act, which was essentially a guarantee for all accused parties to have access to professional legal counsel regardless if they could afford it. Shortly after, the public Defenders Services program boomed, with a rapidly increasing client list. Though the US has struggled to provide the DS program with sufficient resources and recognition, it has served as a keystone of the modern justice system.

In 1970 the Organized Crime Control Act officially enacted the additional Racketeer Influenced and Corrupt Organizations (RICO) Act within as a method of preventing organized crimes from profiting fully when infiltrating businesses. Prior to its enforcement, leaders of criminal organizations could not legally face charges/punishment if they were not the ones directly committing the crimes. The establishment of RICO allowed for all guilty parties to serve time, while moreover securing the protection of victims and their communities nearby.

Although the criminal rights history provided mostly centers around the development of western societies, it is important that researchers not disregard the progress of other international approaches to criminal justice which were ongoing alongside these events listed in history. Diverse considerations for criminal justice have certainly shaped the participation of the now more inclusive international organizations and communities which currently address these issues.

PAST ACTION

The involvement of the United Nations on the issue of criminal punishment dates back to the founding days of the UN shortly after World War II. The United Nations War Crimes Commission, also originally known as the United Nations Commission for the Investigation of War Crimes, was set up to investigate war crimes by Nazi Germany and other Axis powers. Interestingly, the power of this UN commission was not to prosecute criminals, but only to collect evidence relating to war crimes committed by individuals and organizations, and hand these over to the government members of the United Nations.

Another example was in 1985 when a United Nations sub-commission issued a report based on its investigations that more than a million or more Armenians were massacred by Turkey's Ottoman Empire at the beginning of the 20th century. But as before with the investigations into the Axis powers after World War II, the UN was essentially powerless to act further, beyond mere reporting of the results of the investigation. In both these cases it has been reliant on members of the UN to enforce criminal punishment.

Among the responsibilities of the United Nations is prosecution of crimes against humanity. One of the notable examples of the role of United Nations is in the formation of the International Criminal Tribunal for Yugoslavia in 1993 as the UN's response to mass atrocities then taking place in Croatia and Bosnia-Herzegovina. This is the first war crimes court created by the United Nations since the Nuremberg and Tokyo tribunals. The actions of this UN tribunal contributed greatly to a lasting peace in the former Yugoslavia by the bringing perpetrators to trial. Those indicted by the tribunal include heads of state, prime ministers, army chiefs and many high and mid-level political, military and police leaders from various parties of the conflict. A remarkable consequence of these indictments and follow-up action is an uneasy but lasting peace in the region that has still continued to this day, bearing testament to the effectiveness of the UN's role in criminal prosecution.

One widely prevalent attitude in the UN's approach to criminal prosecution is its abhorrence of capital punishment. There is widespread support among member countries of the United Nations for the elimination of the death penalty. Over 160 member states of the United Nations have either abolished the death penalty or do not practice it. This level of consensus is rarely seen at the global level. Yet, despite this overwhelming support for the abolition of capital punishment, some member states (including China and the United States) show no signs of changing their stance.

The Office of the High Commissioner advocates for the universal abolition of the death penalty. The primary reasons provided in support are (i) the fundamental nature of the right to life, (ii) the risk of executing innocent people and (iii) there is insufficient evidence that the death penalty provides a deterrent to crime.

The International Court of Justice (ICJ) is the principal judicial arm of the United Nations. In the context of criminal punishment, a recent verdict serves to highlight both the power of the United Nations ruling as well as its stance on criminal punishment. In this specific example, a case was brought to the UN by India relating to one of its nationals being kidnapped, being falsely accused of spying and sentenced to be executed by Pakistan. The ICJ deliberated on this matter with a high sense of urgency as it involves capital punishment and quickly came to a verdict, which supported India's appeal and issued a binding ruling suspending the death sentence immediately.

CURRENT SITUATION

Despite having committed crimes, it is generally considered the ethical obligations of governments to give some rights to their prisoners, both before and after indictment. Criminal procedure is considered to be indicative of the country's general adherence towards human rights, recognizing that even those who commit crimes are part of the citizenry.

Today, there is little or no global protocol on how prisoners should be treated, despite many efforts by the UNHRC and other UN bodies to create worldwide protocol on a variety of other issues. Part of this stems from the fact that international judicial bodies typically deal with cases that deal with egregious acts and deal with indicting governments and high-level politicians. It is not often that they actually hold any accused persons. Thus, the criminal procedure is not clearly outlined.

The rights of the accused vary greatly from nation to nation. The United States outlined many protections of criminals and accused persons in the Bill of Rights of their constitution. These include the right to quick and speedy trial, the right to an attorney, the right to remain silent when being questioned, the right to not face "unreasonable search and seizure," and the right to avoid being given a "cruel and unusual punishment." The European Union's general protocol for the rights of the accused includes many of these, and also adds the right to a translator, acknowledging the diversity of language and ethnicity across its member-states. It is important to note that despite these laws in place, the treatment of criminals can still be very harsh. A strong aspect of this is forced convict labor situations that are allowed by the United States that have led to the rise of for-profit prisons that rise from the backs of slave labor.

However, many other nations do not enforce with the same rights as the ones promoted by the Enlightenment ideas that have been incorporated more into the constitutions of Western nations. Indian police, for example, have been criticized for interning people for weeks without ever officially releasing a charge. The accused can be kept in jail for three months, or longer, if an investigation is running. China, a state that withholds the release of a lot of information, has been accused of arresting and severely punishing people who have not officially been charged, many times for political reasons.

Criminal rights vary vastly across the planet, often leading to tense situations where a citizen of one nation can be interned for extended periods of time in other countries. A key example of this are the various American citizens who are interned in North Korea for vague charges and forced to do hard labor for years without any communication back home. A lack of international protections and the threat of the consequences that arise by threatening the North Korean sovereignty makes it extremely hard for the United States to protect its citizens who are in that situation.

BLOC POSITIONS

Western Europe and Other States Bloc

The United States of America has many legal rights in place to protect criminals and suspected criminals. These legal rights consist of the Miranda Rights, the right to have an attorney, Constitutional Amendment IV (the right to not be searched without probable cause), Constitutional Amendment V (the right to be protected from a second trial once a “not guilty” verdict has been issued, the right to justice and not be proven guilty without due process of the law) , Constitutional Amendment VI (the right to a speedy and public trial), as well as a few others.

The UK holds similar laws in place to protect the rights of criminals. Particularly to those incarcerated, the government of the United Kingdom protects the rights of criminals to have access to health care, to keep personal belongings in prison, to study and work in prison, and to have visitors. Additionally, the UK government has classified it as illegal (under discrimination) for a prisoner to be treated unfairly due to race, sex, disability, sexuality, or religious beliefs.

Latin American and Caribbean Bloc

Criminals in Latin America and the Caribbean have little to no rights. The conditions for inmates are so poor, the situation has been named a crisis in the

eyes of other nations. According to IPS News, “In Latin America’s prisons, notorious for extreme overcrowding and violence, inmates live in constant danger of being killed – a contradiction in a region where virtually every country has abolished the death penalty.” Amerigo Incalcaterra, a regional representative for South America in the UNHRC, states “In many Latin American countries, a prison sentence can become a death sentence in practice.”

Though the human rights violations prevail throughout the region, two particular examples best convey the severity of the issue at hand. The first example is Venezuela’s prison situation. The UN reports that the country’s prisons are overcrowded by as much as 231%. Government officials countered that statistic by announcing that there is no overcrowding in 87% of the prisons. Out of the total Venezuelan prison population of 53,000, over 402 people were killed in 2014 alone. Additionally, in Brazil, human rights groups report “cruel, inhumane and degrading conditions in the prisons, and there are numerous reports of torture, such as practices like asphyxiation with plastic bags, beatings and electric shocks.”

Incalcaterra states “there is a lack of transparency and regular and independent oversight in prisons, as a fundamental tool to prevent torture and mistreatment and to bring about structural improvements in prison systems.”

African Bloc

South African criminals receive very similar rights compared to that of American and European criminals. The South African Bill of Rights provides that “every accused person has a right to a fair trial, which includes the right not to be convicted for an act or omission that was not an offense under either national or international law at the time it was committed or omitted; and to the benefit of the least severe of the prescribed punishments if the prescribed punishment for the offence has been changed between the time that the offence was committed and the time of sentencing.”

Kenya also has criminal rights listed within their Constitution including but not limited to the right not to have one’s freedom curtailed without a justifiable case, the right to be afforded the opportunity to communicate with an advocate or other persons whose assistance is necessary, the right to be released on bond or bail on reasonable conditions pending a charge or trial, the right to a fair trial, right to be presumed innocent until the contrary is proved, and the right to remain silent (though there is no equivalent of the Miranda Rights in place). The Kenyan Constitution also states that every person shall have the right to freedom and security and shall not be deprived of freedom arbitrarily and without just cause.

Asian - Pacific States Bloc

In China, criminals have been granted many rights encompassing almost all aspects of their day to day lives. This includes the right to appeal, the right to defend himself or ask someone else to defend him during the legal proceedings, the right to protection against assault on their human dignity or personal safety under all circumstances, the right to make reasonable suggestions concerning the management, the educational programme, production, recreational activities, or sanitary conditions of a prison or reform-through-labour institution, the right to lead a normal life, the right to maintain good health, the right to exchange letters with their relatives and friends and to regularly meet with family members, the right to an education, the right to collect his earnings and dispose of his property, the right of inheritance under the law, the right to sue for divorce and the right to fight a divorce action in court, right to make accusations and right to report unlawful activities, and criminals who have not been stripped of their political rights have the right to vote according to law.

CASE STUDIES

Case Study #1: Venezuela

Despite being the first country in the world to do away with the death penalty, Venezuela faces ongoing violence in its prisons which often leaves convicts dead, including those of minor offenses. Multiple nations in Latin America have violated human right within its prisons but Venezuela's are known for being particularly brutal. According to The Economist, in Venezuela, a person is twenty times more likely to be killed in a prison than on the streets. Out of the 45,000 people imprisoned in the country, over 600 had been killed as of 2012. Additionally, there has been an increase in the practice of allowing gangs to run prisons where deaths often occur during clashes between rival gangs. Venezuelan guards are also notorious for trafficking in firearms, explosives, drugs, mobile phones, and other illicit items for prisoners. Those who are imprisoned for petty crimes are typically given the same treatment as those locked for serious felonies.

Case Study #2: Saudi Arabia

Saudi Arabia, similar to Venezuela, has come under fire for the human rights violations of criminals. In Saudi Arabia, detainees face systematic violations of due process and fair trial rights, including arbitrary arrest. Judges can order arrest and detention at their discretion. Defendants are routinely sentenced to floggings of hundreds of lashes. Children are tried and treat-

ed as adults (if they have reached puberty). Authorities do not always inform suspects of the crime with which they are charged, or allow them access to supporting evidence, sometimes even after trial sessions have begun. Authorities generally do not allow lawyers to assist suspects during interrogation and sometimes impede them from examining witnesses and presenting evidence at trial. Additionally, Saudi Arabia dramatically increased the execution rate in 2015. According to Interior Ministry statements, Saudi Arabia executed 152 persons between January and November, mostly for murder and drug offenses. Sixty-two of those executed were convicted for nonviolent drug crimes. Most executions are carried out by beheading, occasionally in public.

Case Study #3: Norway

Contrary to Saudi Arabia and Venezuela, Norway provides inmates with a very high standard of living, including access to top notch medical and dental facilities. Norway's approach is slightly controversial and its critics often remark on how their system doesn't punish criminals enough. Others praise Norway for maintaining a high respect for human rights, even of criminals. Statistically, the Norwegian prison system is one of the most effective in the world. Their incarceration rate is only 75 per 100,000 people and at 20%, has one of the lowest rates of recidivism on the globe. According to Business Insider, this success is attributed to a concept called "restorative justice", which aims to repair the harm caused by the crime rather than punish people. This system focuses on rehabilitating prisoners. Norway maintains its prison facilities to be as normal as possible, keeping them equipped with a kitchen, woodworking room, assembly workshops, sauna, tennis court, and even a recording studio because the Norwegian government believes that taking away a person's freedom is punishment enough.

GUIDING QUESTIONS

1. What kinds of crimes should be met with what kinds of punishments? Should these punishments infringe upon the rights of the offender?
2. How does your country regard the ethics of criminal justice? In general, what steps and conversations are yet to be had in order to further educate citizens? Does criminal rights education fall onto your government's primary agenda or not?
3. Under which circumstances should outside parties be allowed to interfere with a nation's criminal justice affair?
4. How does severity of punishments shape a culture's moral infrastructure? What kinds of effects does it have on younger generations/incoming law enforcement officials?

SOURCES: TOPIC A

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