



Crime Topic

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COMMITTEE GUIDE

Crime

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1. **Topic 1: The Future of Penal Systems: Punishment or Reforms**

I. **History/Context**

Throughout the centuries of human civilization, punishment was always used as a deterrent for criminal behaviour and as the penalty for the disruption of order. Retribution and vengeance were established as the pillars of the emerging nations' penal systems. As the world started to evolve and develop, crimes adjusted to a more globalised society, and penal systems had to adapt to these changes. As new types of crime emerged, new action was implemented through the establishment of laws and places where criminals could be kept under guard.

The penal system started its official development around the 16th century when small houses were adapted to house minor offenders in hopes of their rehabilitation. Prisons were places in which the government housed debtors, people awaiting their trial, and those who were awaiting their sentence of death or banishment. Later, the incarceration itself was thought to be enough punishment for some crimes. The idea rapidly spread, and it was eventually accepted as an appropriate method of punishing convicted criminals. In the 19th century in the USA, for example, prisoners were permitted to work together, but only in silence. At the end of the 19th century, prison reformers successfully advocated for: segregation of criminals by type of crime, age, and sex; rewards for good behaviour; an end to indeterminate sentencing; vocational training; and parole (Coyle, 2023).

Prisons would become the focus of various problems including a rise in the level of diseases amongst the prison population and corruption, leading to reforms, and restorations over time. Sentences also played a conspicuous role in the development of the earliest judicial and penal systems. Historically, there were many factors involved in the sentence of the convicts, such as religion, morals, ethics, and other beliefs. Religion was always tightly intertwined with law and criminology, being the basis of what was perceived as good and wrong. The moral codes and commandments set out by these religions served as the early textbooks for law, and also established punishments for transgressions. Religious authorities often had considerable power in the control of laws and the enforcement of punishment.

The first, large-scale prison reform established in the United States happened in the early to mid-19th century. Prisons started to become crowded, overpopulated, diseased and dangerous, making change imperative. Different approaches were taken by different prisons to deal with their prisoners. The “Auburn System” was developed in New York at Auburn State Prison and Sing Sing Correctional Facility. The reformers believed that the penitentiary could serve as a model for family and education, so sought a system that was more rehabilitative than harshly punitive (Thorsteinson, 2017). It used the “Silent” system, where prisoners could work together but were prohibited to talk with each other. The “Pennsylvania System”, on the other hand, emphasised instead the redemptive and hygienic values of permanent solitary confinement with each prisoner working alone at different artisan jobs. These various systems proved to have their advantages, and their complications. However, another casualty of the penal systems was on the rise.



As societies became more secular, the breach between governments and religious bodies increased. In many countries, there was a strong transformation from the marginalised society moved by fear, to the stable and growing force that we have today. Countries such as the United States cut any possibility of an official state religion with the First Amendment to the United States Constitution, ratified in 1791, which prohibits the establishment of an official state religion and guarantees the free exercise of religion. Similarly, in France, the 1905 French Law on the Separation of the Churches and the State effectively severed the ties between the Catholic Church and the French government. A community with little to no relationship with religion might come across as liberating, but it is a double-edged sword. Religion was no longer an impediment for a person to commit multiple crimes, and numerous other offences such as blasphemy, apostasy, and witchcraft were no longer regarded as crimes. Divine punishment started to lose credibility, and thus the laws that were in the hands of the church before were disregarded.

However, this was not the case for many Middle-Eastern and North African countries which up to this date continue to have state religion that governs their laws. Countries such as Saudi Arabia, Algeria, Iran, Iraq, Syria, Afghanistan, Qatar, and Morocco have Islam as their official religion. Zambia and Greece hold onto Christianity as their official religion (Greece most specifically Eastern Orthodoxy). Cambodia and Myanmar have Buddhism as their official religion. While there are few countries that hold tightly to their relationship with religion nowadays, there are some important religious states in the 21st century. This allows in some cases the state to interfere with the population in order to safeguard the religious values, no matter the cost or the punishment. This link shows the countries that



have state religions: <https://www.worlddata.info/religions/state-religions.php>.
This link show the countries with no official state religion:
<https://www.worldatlas.com/articles/countries-without-a-state-religion.html>

THE FIGHT AGAINST RECIDIVISM

One of the most fundamental concepts in the penal system has become recidivism which, according to the National Institute of Justice, refers to a person's relapse into criminal behaviour, often after the person receives sanctions or undergoes intervention for a previous crime. It is one of the most important features in the criminal system, being presented as one of the core topics in rehabilitation, incapacitation, and specific deterrence. Furthermore, recidivism works as a measurement to prove the effectiveness of a criminal facility, aiming to study the differences between publicly and privately managed prisons. This is the ultimate purpose of prisons, the prevention of recidivism.

During the 20th and 21st centuries, crime has undergone significant shifts worldwide due to diverse socio-economic and geopolitical factors. The rapid industrialization and urbanisation that took place in the 20th century saw a surge in multiple crimes, such as organised crime and property offences. In the United States, according to the Bureau of Justice of the United States, the crime rate surged by approximately 80% between 1960 and 1991. It was during this time that the United States saw its peak in crime rates. Australia had its burglary peak in 1995 when the crime rate per 1,000 households reached almost 120. The



following chart shows the prison population in the UK between 1900 and 2020. The rate of recidivism in the UK is between 23% and 32%.



Figure 1: Change in the UK prison population

The graph in figure 1 demonstrates how the number of prisoners had been steadily rising up to the pandemic, whilst the graph in figure 2 shows that the level of recidivism has been steadily declining. This tells us that although the UK has managed to lower the rate of recidivism, the overall crime rate is not mirroring this trend.

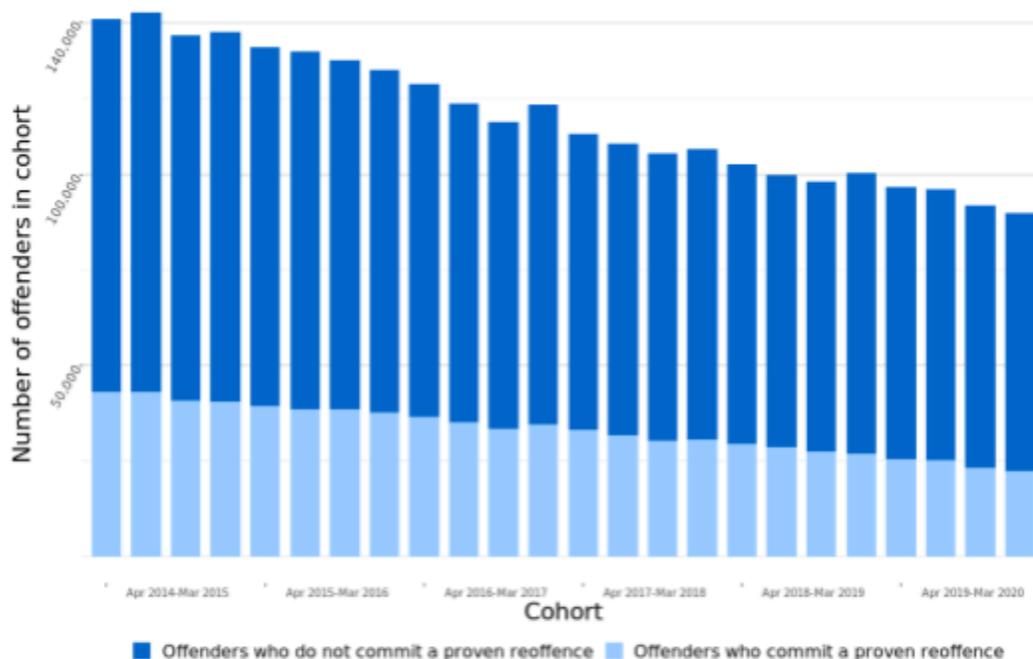


Figure 2: Change in the UK recidivism rate

Worldwide governments started focusing on fighting back against recidivism as the global crime trend escalated exceedingly in the early 1990s. The 21st century arrived with rapid globalisation, population growth, and new challenges for developing economies, which meant that these nations struggled in the enforcement of their laws. Meanwhile, developed economies, such as those of the United Kingdom and the United States, saw a stabilisation in their crime rates from the early 2000s after a time of elevated rates in the previous decades. While it seems that crime rates are lowering slowly in some places, crime is still a major concern in the world, and recidivism can be up to 50% in many countries.

II. Current Situation

Prison systems around the world are a fundamental part of penal and judicial systems. They provide a place to house individuals guilty of crimes and felonies. They are regarded in our society as the ultimate penalty for breaking the law, and are a reflection of our societal views on crime and the correct approach to crime and punishment. Penal systems around the world serve multiple purposes including retribution, rehabilitation, deterrence, and protection. These purposes vary in importance as the regions and culture change. Nonetheless, the effectiveness and humanity of various penal systems have become an exhaustive debate of endless scrutiny due to the wide variety of conditions the criminals might face. It is nearly impossible to place a rightful precedent without considering the approaches and challenges each penal system has. Ultimately, it is necessary to choose a path to follow, be it restorative or rehabilitative.

The world has seen a rise in the number of prisoners, and generally prisons are always full or even overflowing. You can see the rate of incarceration for different countries in the following link: <https://worldpopulationreview.com/country-rankings/incarceration-rates-by-country>.

However, high rates of prisoners does not necessarily mean that crime rates decrease. In many countries prisons are overcrowded and a great strain is put upon their resources due to the burgeoning prison population. In some prisons, the prisoners are neglected or mistreated, and their human rights are not upheld. In some countries, the trend is to emphasise punitive measures, triggering retribution and deterrence, while in other regions the emphasis is more toward



rehabilitation. There are countless debates around the world about the success and efficacy of these different approaches.

OVERCROWDED AND UNSANITARY CONDITIONS, THE BIGGEST THREAT FOR MENTAL HEALTH

Many governments around the world do not consider the well-being of prisoners as one of their priorities in the penal system. It may seem reasonable to think that prisoner welfare should not be a priority, as they are paying for their crimes, but these so-called privileges are important to assure a proficient rehabilitation and a good environment in the prisons. It has been demonstrated that the stress and anxiety occasioned by prisons are one of the factors that cause inmates to become aggressive and non-compliant. Little to no access to decent healthcare and mental health support has been shown to cause recidivism. “In addition to improving the lives of those living in prison, our results suggest that efforts to enhance prison healthcare may assist in reducing inmate misconduct. The combination of mental and physical conditions appears to be particularly problematic for misconduct.” (Semenza and Grosholz, 2019).

The United States has earned the title of the world's leader in incarceration, as it locks up more people per capita than any other nation. By the end of 2020, there were more than 1.8 million incarcerated Americans. Each year, more than 600,000 individuals are released from state and federal prisons. Another nine million are released from local jails. Within three years of their release, two out of three former prisoners are rearrested and more than 50% are incarcerated again (Harvard Political Review, 2021). The American system isn't well organised to accomplish the steps to enable a country without recidivism. There are little to no



opportunities for American convicts to re-enter society. The lack of job opportunities, housing, food, and clothing, mean many ex-convicts recur to crime to find a livelihood. This is why many prisons in The United States face high numbers of prisoners.



Figure 3: Thousands of prisoners in El Salvador's prisons

Another country that has acquired a reputation for its strict penal policies is El Salvador. The Central American country has declared a war on crime under President Nayib Bukele, who has built a mega prison, the Terrorism Confinement Centre, with the capacity to hold 40,000 inmates. At the time of writing it holds more than 12,000 suspected gang members, whilst more than 64,000 suspected gang members have been arrested in the last year with the arrival of Bukele's anti-crime drive. Human rights organisations have criticised the project as they argue that thousands of innocent civilians have been arrested without a legitimate warrant, and are now exposed to inhumane treatment and overcrowded facilities. According to Human Rights Watch (HRW), in another of El Salvador's prisons, "El Salvador's La Esperanza prison was built for 10,000 inmates but, due to massive overcrowding, now holds more than 33,000 inmates currently – one of the world's largest prison populations" (2023). This is why the mega prison was built; the idea is that it will be impossible to escape from, and prisoners will not be able to easily smuggle illicit objects into the facility such as cell phones or computers. Prisoners in the mega prison have no access to rehabilitation resources. Despite all the criticism, Bukele claims that his system is working as crime rates have dipped to an all-time historic low.

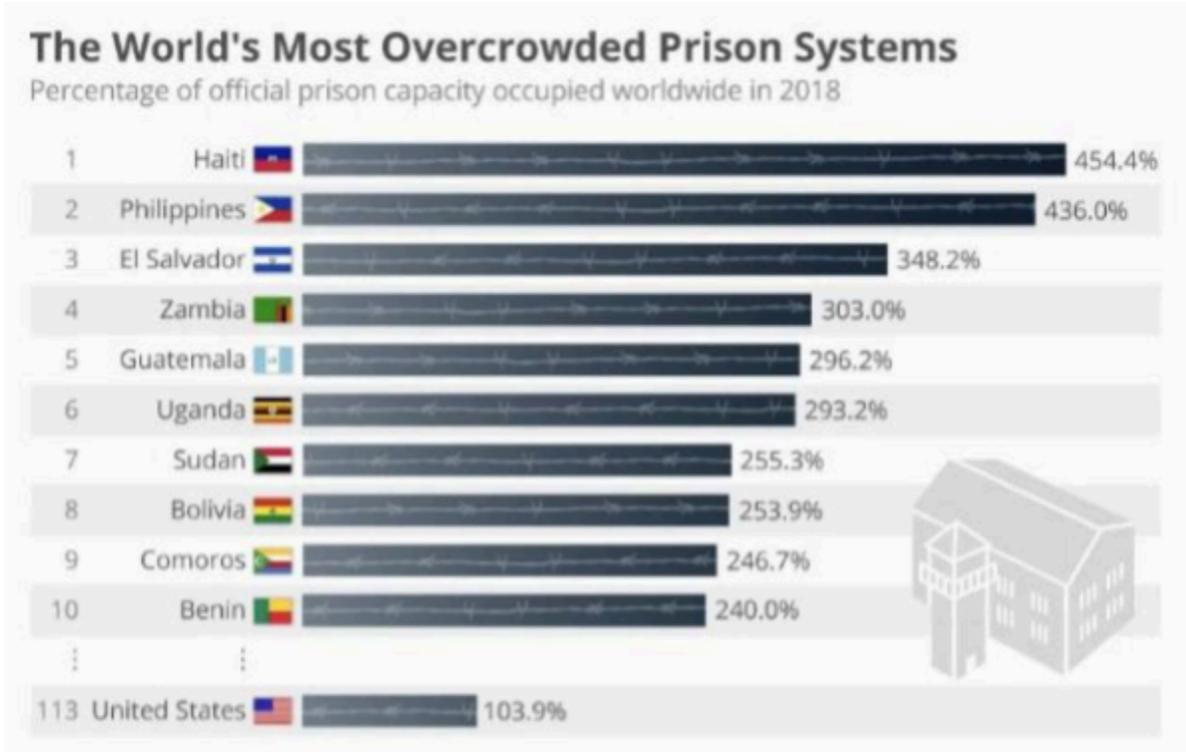


Figure 4: The world’s overcrowded prisons

It is essential to provide a healthy environment for inmates if the desired outcome is to rehabilitate and reintroduce the ex-convict to society. However, this can’t be achieved with the elevated percentage of overcrowding in the 121 countries and territories operating above their official prison capacity. Out of these, Haiti and The Philippines top the list with percentages of 454,4% and 430,0% prison overcrowding. You can see the list of the 10 most overcrowded prison systems here:

<https://www.worldatlas.com/articles/the-world-s-10-most-overcrowded-prison-systems.html>

PUNITIVE PENAL SYSTEMS IN ACTION

As well as El Salvador mentioned above, numerous Middle Eastern and Northern African countries have penal systems oriented toward retribution, where they place emphasis on punishment to achieve a “safer” society. One example of such a system is Iran, which is recognized for its “morality police”. An example of the religious and moral overtones of a country’s legal system is the statement by Iran’s judiciary chief that “the removal of the mandatory veil is against the country’s law and will be strictly dealt with.” (Ejei, 2023) The Guidance Police (or morality police as they are popularly known) were withdrawn from the streets of Tehran after a nationwide protest about the death of Masha Amini almost a year ago, when she was held in police custody for not covering her hair properly in public. The Guidance police have recently been reinstated, and Iranian police vans now patrol the country in search of women wearing the hijab “incorrectly”. According to The Guardian, “Saeed Montazer al-Mahdi, the Iranian police spokesperson, told Tasnim News that car and foot patrols would be conducted to respond to those who, according to him, have ‘extraordinary clothing’ and ‘still insist on breaking the norms.’”(Wintour & editor, 2023).

Iran’s judiciary chief, Mohseni Ejei assured that ‘this ‘category’ of crime is different from “individual mistakes and sins” with the ‘role of enemy obvious in it,’ adding that ‘measures’ will be taken soon in coordination



Figure 5: Woman collapses after being lashed for having sexual intercourse outside marriage

with other institutions. ‘prepared to deal with those who destroy public order,’” (AA, 2023). While Ejei did not provide concrete information about the measures taken, some reports show some of the methods that will be used. Currently, the Iranian parliament is debating whether to introduce new laws that impose fines or close shops and cafes that serve women who are not wearing the hijab in an approved way. Some women have been denied the chance to take university exams, while recently a religious court ordered a woman to wash corpses for burial as punishment for not wearing a headscarf.



Figure 6: Man and woman publicly lashed in Afghanistan

Iran is not the only country to continue using a “morality police”. In other countries such as Saudi Arabia, Indonesia, and Afghanistan there is an active morality force that is given power and recognition by the government. The Saudi force faced an erosion of power in 2016 at the hands of Crown Prince Mohammed bin Salman, which caused discontent among the more conservative groups, but general acceptance within the public who are now eager to see the new, less sexist face of Saudi Arabia. These new flexibilities have allowed women to drive, attend sports events and concerts alongside men, and obtain passports without the approval of a male guardian (France24, 2022). The Indonesian Wilayatul Hisbah, commonly known as Sharia police, only has jurisdiction over Muslims in the semi-autonomous Aceh Province. As in Iran, Indonesians in the Aceh Province must wear loose-fitting clothes and headscarves, although dress violations can’t

lead to detention. However, other violations of Islamic law in this province regularly result in imprisonment or public caning.

As the Taliban regained control of Afghanistan in 2021, the Ministry for the Propagation of Virtue and the Prevention of Vice was re-established. This ministry enforces a draconian interpretation of Islamic law and, likewise, the punishment. According to the Council of Foreign Relations (CFR), some of the reinstated policies include that “Women must cover their faces and be accompanied by men when travelling more than forty-five miles (seventy-two kilometres). Individual officers crack down on playing music and wearing western-style dress, though neither is formally forbidden.” (2023). These restrictions recall the Taliban’s previous rule when alleged violators underwent beatings, amputations, and public executions. for their crimes. Mullah Nooruddin Turabi, now in charge of prisons, told AP News that “Cutting off of hands is very necessary for security” . (Gannon, 2021)

One particular punishment that defies the concept of a rehabilitative penal system is the death penalty or capital punishment. It remains as a subject of substantial scrutiny and international discourse thanks to its severity. This is a legal practice in which a convicted criminal is sentenced to death as punishment for particularly grave offences. These offences might range from drug-related to terrorism and murder-related crimes. While 112 countries have abolished the death penalty by the end of 2022, countries such as the United States, China, Saudi Arabia, Egypt, Japan, Iran, India, Afghanistan, UAE and Iraq still consider the death penalty to be legal. In 2022, the global number of confirmed executions increased by an alarming 53%, the highest record since 2017. This is largely due to some countries

in the Middle East and North Africa, which increased from 520 in 2021 to 825 in 2022 (Amnesty International, 2023).

REHABILITATIVE PENAL SYSTEMS IN ACTION

Norway is one example of an efficient rehabilitative penal system. The Norwegian strategy focuses on reducing recidivism through visionary rehabilitation strategies. Norway's government started questioning the main reason for sending someone to prison - retribution, or rehabilitation. The country believes that the privation of freedom is punishment enough. This is how the Scandinavian country managed to have the lowest rate of recidivism in the world, scoring 20% after two years. For comparison, countries such as The United Kingdom and France have 59% (2000) and 40% (2004) consecutively recidivism rates in the same year span (World Population Review, nd).

Inmates in Norway's maximum security Halden Prison can participate in activities such as yoga classes, which in the words of the prison governor, Are Hoidal, "calms them, we don't want anger and violence in this place. We want calm and peaceful inmates." Residents in the Halden Prison spend their time playing

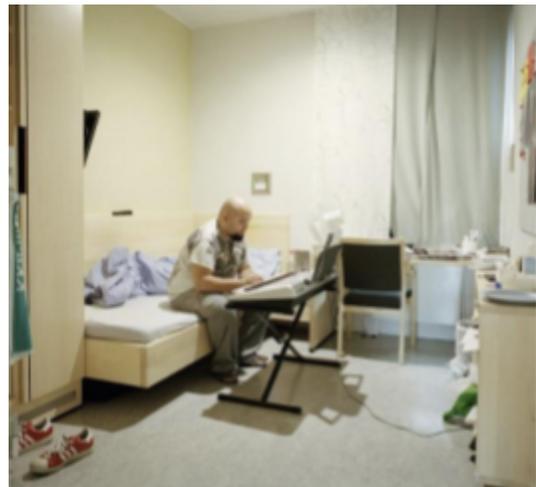


Figure 7: The humaneness of Norway's prisons

volleyball and doing leisure activities together, which enable the guards to interact with the prisoners and motivate them. According to a BBC report, each place at Halden Prison costs about £98,000 per year. In comparison, the average annual

cost of a prison place in England in Wales is now about £40,000, or £59,000 in a Category A, or high security prison.

Are Hoidal first started working in the Norwegian correctional system in the early 1980s, when the prison experience was altogether different. The culture of the prisons was similar to that of present-day United States prisons, where “revenge” continues to rule as the main principle in penitentiaries. The focus was simply to guard the prisoners, and recidivism was around 60-70%, very similar to American levels. After a rigorous series of reforms to shift the focus to rehabilitation, prisoners who used to spend most of the day locked up were granted daily training and educational programmes. Finally, the role of the prison guards was completely overhauled. Guards became “prison officers” and started acting as role models, coaches, and mentors for the prisoners, whilst still making sure the inmate served their sentences.

CONCLUSION

To conclude, it is important to state that there is not only one reason for imprisoning a criminal, and both the punitive and the rehabilitative systems have their own advantages and disadvantages. The rehabilitative system offers a more humane prospect of reintegrating criminals into society, however, this does not come at an easy cost. The punitive system gives a somewhat immediate solution, but it only leads to more problems in the long run. All countries need to regularly re-evaluate their penal systems, and plan long-term solutions for the problem of overcrowded prisons and recidivism amongst ex-prisoners. Any changes should take into account the human rights that every citizen is entitled to.

III. Key points of the debate

- The link between religion and penal systems
- The use of the death penalty as a punishment
- The dangers of recidivism and how to combat it
- The management of and solutions for overcrowded prisons
- The possible benefits and drawbacks of a rehabilitative penal system
- The severity of punishment depending on the crime
- The rights that a prisoner should have inside the penitentiary centre

IV. Guiding questions

1. What criminal justice system does your country follow? Does it work efficiently?
2. What are the rates of imprisonment in your country? How does your country deal with the incarcerated population?
3. What is the maximum sentence in your country for a particular crime, and how does this affect the crime rates in your country?
4. Has your country been criticised for the treatment given to prisoners or the response to crime, or does it uphold prisoners' human rights?
5. Is your country focused on the restoration and rehabilitation of criminals, or on punishment? Why does it choose to follow this ideology?



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