UN COMMISSION ON CRIME PREVENTION AND CRIMINAL JUSTICE (CCPCJ)

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LETTER FROM THE CHAIR

Hello delegates!

My name is Mahima Shyno, and I am thrilled to be your Head Chair for CCPCJ at BMUN 72! I'm a second year double majoring in Sociology and Media Studies with a minor in Politics, Philosophy, and Law. I'm hoping to pursue civil law in the future. Outside of BMUN, in my spare time I'm involved in sociolinguistics research on campus and amateur filmmaking and photography. I enjoy listening to podcasts, traveling, and I'm currently learning how to make jewelry! I started competing in Model UN as a middle school student and then continued for all four years of high school. I even competed in BMUN a couple of times, so it is super exciting to be on the other side of the conference this year. I know from personal experience that MUN can be stressful, and as such, I want to urge you to have as much fun as possible while preparing and competing in this committee. Step outside of your comfort zone and be bold! This year, I am joined by several wonderful Vice Chairs who you can read more about below.

Regina Barra (she/her/hers) is a third-year at UC Berkeley studying Political Science focused on International Relations and Philosophy focused on Political Philosophy. She is from Mexico City but moved to San Diego. She is a chief of staff for an ASUC Senator here at Cal. She has three dogs, but only one is her child. She is a lover of black coffee, sushi, politics, and Formula 1, a huge movie buff, and rock music lover. This is her second year in BMUN, but she did MUN in middle school and was a secretariat in high school, and she is very excited to be back in Model UN.

Sanaa is a third year student at UC Berkeley studying Political Science, International Relations and minoring in Public Policy. She grew up in Denver, Colorado and spent this past semester studying human rights in Chile and Argentina. This is Sanaa's third year participating in BMUN and in MUN in general. Outside of loving international relations, Sanaa is a Policy Coordinator for the Student Advocate's Office and is a part of the dance team, Danceworx. She also works an on-campus job at Berkeley Event Services. In her free time she loves eating brunch, looking at pretty views, and spending lots of money on dessert.

Gaby is a third-year student at UC Berkeley with an intended Political Science and Film double major. She's from Sacramento, California, and is entering her 7th year of Model UN experience. Outside of BMUN, Gaby is the External Vice President of the Alpha Kappa Pi Pre-Law fraternity on campus. She is also a member of the Latino Leadership Society and the UC Berkeley Ski and Snowboard Team. In her free time, Gaby loves to watch movies, go on walks, try new foods, and bake.

Min Kim is a first-year at UC Berkeley studying English. This is her fifth year in MUN overall, but her first year in BMUN. She loved learning about international policy throughout her time in MUN during highschool, and as such, she is extremely excited to be a part of such a large conference like BMUN! Outside

of MUN, she loves listening to artists like Seventeen and Glass Animals, reading, and watching shows.

Please do not hesitate to contact us if you have any questions about the committee! Happy researching, We can't wait to see you at BMUN 72.

Best,

Mahima Shyno
Head Chair of CCPCJ
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TOPIC A: DECREASING STATE DEPENDENCEY ON PRISONS

TOPIC BACKGROUND

Brief History of Carceral System

To understand the international community's over-dependence on the carceral system, it is important to analyze and understand the origins of the modern prison. Although each country has their own unique history with the carceral system, most countries' prison history can be segmented similarly.

The Ancient and Middle Age Prison Systems

Prisons are deeply ingrained into our culture, that most people assume they have always existed. However, for much of western history, capital and corporal punishment were the primary modes of justice. In

the first millenia, crimes like murder, adultery, and blasphemy were punishable by death, and less serious crimes were typically punished with whipping, branding, or flogging. Enslavement and fines were also popular methods of punishment. While prisons did not exist yet, many societies used jails. A jail is a short-term holding facility used to detain individuals before their trials or sentencing. In many ancient societies, confinement within jails was not thought of as a punishment; instead, they were used as a routine feature of the criminal justice system. Societies such as ancient Egypt used small crowded underground jails to confine prisoners that needed to pay fines, attend trials, or be transported. In ancient Greece, prisoners were allowed multiple freedoms such as

buying food, talking to people outside the prisons, and staying in large holding rooms with other prisoners. Ancient Rome was the first society to use jails as punishment instead of a holding center. Variations of these ancient types of jail emerged across early England, Europe, and America.

Expansion of the Prison System

At the end of the 17th century and the beginning of the 18th century, capital and corporal punishments began to lose their significance. During the Enlightenment period, scholars began publishing books and articles that highlighted the immorality, irrationality, and ineffectiveness of execution and torture. For example, after noticing the inability of public ridicule and torture to deter crime, Jeremy Bentham, an English philosopher and jurist, came up with the idea of Panopticon. Panopticism suggests that people are easily controlled when they believe they are being monitored even if no one is watching them. Panopticism helped prisons gain popularity because they were believed to be more effective at deterring crime as they were monitored at all times. The belief that prisons were harsh, unforgiving, and carefully monitored made the prisons appear like an effective deterrent. These writings and theories shifted public opinion, and rulers were forced to adapt their criminal justice systems accordingly (*History of crime and punishment*). This restructuring of the system outlawed almost all capital and corporal punishment and established jails as the humane and rational alternative.

The Emergence of Modern Prisons

The late 18th and 19th century witnessed the rise of the penitentiary system. The penitentiary movement promoted the idea that the main function of a prison should be to rehabilitate prisoners instead of punish them (Jouet). The movement focused on the use of isolation and religion in inspiring reflection and transformation in prisoners. The Maison de Force in Belgium and the Walnut Street Jail are cited as some of the earliest examples of the penitentiary model (Buxton). As time progressed, new prison models emerged. For example, another model was the Auburn system which enforced complete silence and had prisoners work during the day and confined at night (*The Auburn System*). In the late 19th to early 20th century, prison systems underwent massive reforms and new methods emerged. Activists advocated for improved living conditions, education programs, and rehabilitation centers. Modern prisons developed classification systems, increased specialization, and became more organized. Prison populations grew exponentially during the 1990s, in many countries the population increased by over 40%.

Consequences of State Overdependence

Although the reasons for state overdependence on the prison system are debated, the consequences are clear.

Prison Overcrowding

Overcrowding is one of the main consequences of state overdependence on the prison system. According to Penal Reform International, 118 countries around the world have multiple prisons that exceed their maximum occupancy rate. Eleven national prisons operate at double their capacity. In many prison systems, there are no minimum space requirements, and some prisoners are even forced to share beds or sleep on top of one another. Overcrowding leads to inhumane living conditions, the rapid spread of diseases, and an increase in the rate of prison violence.

Due to substandard living conditions, prisoners have to deal with limited space, decreased privacy, inadequate ventilation, and less resources per prisoner. A 2021 report published by the United Nations High Commissioner for Human Rights investigated the cruel and degrading treatment of prisoners in Haitian prisons. The report detailed that in some instances, up to 60 inmates were squeezed into 20 square meter rooms, leaving no space to lie down and sleep (*Urgent action needed*). Additionally, the Haitian prisons lacked adequate amounts of food, water, and sanitation facilities to accommodate all of the prisoners. As a result, the prisoners had a daily ration of food and water that was less than 500 calories a day and considered a starvation-level diet (Coto). When interviewed for the report, one prisoner remarked "We are tired of living like this, we live worse than animals"(*Prisoners in Haiti*).

These conditions have major negative consequences for the physical and mental health of prisoners. In addition to a lack of nutrition, light, and space, prisoners are unable to access medical treatment for serious conditions (Birkbeck, University of London). They also have limited control over their exercise and eating habits. Overcrowding increases the physical contact between prisoners which increases the spread of diseases. For example, respiratory symptoms and pulmonary tuberculosis symptoms are 35 to 39 times more frequent in overcrowded Brazilian prisons than in Brazil's population (*Overcrowding in prisons)*. During 2020, these issues caused the rapid spread of COVID-19. According to reports in May of 2020, nearly 550,000 prisoners in 122 countries were infected with COVID-19. In response, some prisons

limited work opportunities, visitation rights, and recreation time, further limiting basic freedoms (*Prison population surge*).

Additionally, overcrowding leads to an increase in prison violence. When prisons are overcrowded, tensions arise because of a lack of personal space and resources. This tension fosters gang formation because individuals feel the need to form mutual pacts in order to survive. The Mexican Mafia is one such example within the United States. The Mexican Mafia was a collection of incarcerated individuals that belonged to different gangs before they were incarcerated. As individuals, they faced violence from stronger prisoners and as a result formed the Mexican Mafia. The Mexican Mafia guaranteed members safety, personal space, and fought-over resources like food. However, as more gangs formed for survival, the Mexican Mafia quickly turned from vulnerable to predatory. In addition to the survival-induced gangs, overcrowding makes it more difficult to manage prisoners with understaffed prison personnel (Weide).

In response to **overcrowded** prisons, there have been two common solutions: the reduction of the number of prisoners through early release programs or the building of more prisons. These solutions were used extensively during the COVID-19 pandemic to alleviate the crisis. However, these solutions are not successful in reducing long term overcrowding because more prisons leads to increased incarceration and early release programs do not solve the over incarceration that leads to overcrowding (*Overcrowding and its impact*).

FACTS AND FIGURES AT A GLANCE

Prison overcrowding

115 countries : >100% of capacity

79 countries
>120% of capacity

= critical overcrowding

51 countries
>150% of capacity

= extreme overcrowding

Total: 198 countries

Source: United Nations Commission on Crime Prevention and Criminal Justice (E/CN.15/2016/10, 2016).

UNODC
United Nations Office on Drugs and Crime

Reduced Focus on Rehabilitation and Prevention

The popular belief is that prisons deter people from committing crimes. However, myriads of studies have found that spending time in prison increases recidivism, or the likelihood that inmates will commit future crimes (Rethinking prison -JSTOR DAILY). In the United States, for example, 67.8% of all released prisoners are rearrested within three years of release (The problem: Recidivism). Some scholars have even ventured to call prisons "universities of crime" (Kropotkin). Many prisons are unable to provide effective therapy programs because they have limited resources. For example, a reduced staff-to-prisoner ratio means that staff have less time to organize crucial rehabilitation activities like pre-release courses. Additionally, overpopulation limits the capacity of prison staff to rehabilitate the small portion of prisoners who need serious attention. Furthermore, most countries lack the proper policies and framework to support prisoners after they are released. Without employment programs, support groups, and resources, recidivism increases exponentially. If prisons are not deterring criminal activity, then countries should be allocating more funding, resources, and policy towards crime prevention. However, most countries invest a majority of their crime budget into the creation and upkeep of prisons.

Criminalization of Social Issues & Lack of Rehabilitation

An overreliance on the carceral system also allows countries to criminalize social issues such as poverty, homelessness, and addiction. Prisons are often used by countries as an easy solution to structural issues that can only be addressed through social and economic reform. This criminalization of social issues tends to disproportionately impact marginalized communities such as racial minorities, low-income communities, and people struggling with mental health. By using incarceration to solve social issues instead of policy, countries are exacerbating social inequalities.

For example, in 2018, Hungary passed an amendment to their constitution that criminalized homelessness. The law established that police must order homeless individuals to move into shelters and off of the streets. If the homeless person does not comply after being ordered three times, they can be imprisoned. In Hungary, 30,000 people are estimated to be homeless, while the country only has shelters to accommodate 19,000 people. This means that over 10,000 people automatically are subject to arrest simply because the country does not have the resources

to accommodate them (Verseck). Hungary also lacks adequate housing policy, poverty reduction mechanisms, and resources for the homeless.

This criminalization of social issues is also an issue because a majority of prisons fail to effectively address the root causes of crime. For example, to address issues like homelessness, prisons need to have programs that tackle drug addiction and unemployment. Unfortunately, most prisons are unable to provide this type of support because they are overcrowded, understaffed, and under-resourced. By depending on prison systems as solutions to structural issues, countries are perpetuating the cycle of criminalization. Additionally, these cycles tend to disproportionately impact marginalized communities.

It is estimated that imprisonment costs around USD 62.5 billion per year. Countries have to allocate significant financial resources to provide incarcerated individuals with basic necessities like food, healthcare, and clothing. Money is allotted towards paying for prison utilities such as building maintenance, water, electricity, and security. Additionally, funding use goes towards the administration of prison rehabilitation programs and paying prison staff. Outside of the direct costs, prisons also have a multitude of indirect costs such as community disruption, impact on families, and less money to invest in education and other sectors of society.

PAST ACTIONS BY THE UNITED NATIONS

Key Resolutions:

Nelson Mandela Rules: UN Standard Minimum Rules for the Treatment of Prisoners

The UN Standard Minimum Rules for the Treatment of Prisoners was originally adopted in 1955 during a UN Congress on the Prevention of Crime and Treatment of Offenders. The rules outlined the standard for the treatment of prisoners—whether convicted or awaiting trial. The rules provided myriads of recommendations on prison management from healthcare to limits on solitary confinement. The rules have had a tremendous impact on the development of prison policies and practices in states all over the world (UN Nelson Mandela rules). In 2011, the UN also established an intergovernmental group of experts to review, revise, and update changes in criminal justice policies. In 2015, during their fourth meeting, the expert group submitted their revision of the rules for adoption by the General Assembly. Among the updates was a proposal to change the name of the rules to the "Nelson Mandela Rules" as a tribute to the late President of South Africa (Nelson Mandela International Day). The resolution also called for Nelson Mandela's birthday, July 18th, to be known as Mandela Prisoner Rights day in order to raise awareness about prisoner rights (Victory! UN Crime Commission).

The Nelson Mandela rules emphasize the importance of human dignity in all of the 122 rules (McCall-Smith). The rules are focused on eight areas that encompass the most important protections: dignity, health, discipline, legal rights, training of prison staff, investigation of prison violations, independent inspection, and protection of the vulnerable (PrisonersAbroad). For example, under independent inspection, the rules establish complaint mechanisms for prisoners and require regular monitoring of prisons (PrisonersAbroad). Many nations have adapted and created their own rules in order to reflect the Nelson Mandela rules. However, the Nelson Mandela rules are not legally binding and national prison institutions are responsible for rule implementation.

Although the Nelson Mandela rules do not directly relate to overincarceration, they do attempt to tackle key consequences of overdependence on prisons such as overcrowding and rehabilitation.

The Tokyo Rules: The United Nations Standard Minimum Rules for Non-Custodial Measures

In 1986, the UN adopted resolution A/RES/45/121 which called for the United Nations to research and find alternatives to imprisonment. This call for alternatives inspired the Asia and Far East Institute for the Prevention of Crime and the Treatment of Offenders along with other intergovernmental and non-governmental organizations to begin drafting the United Nations Standard Minimum Rules for Non-Custodial Measures. In 1990, the draft rules were submitted to the United Nations Congress on the Prevention of Crime and the Treatment of Offenders. In resolution 45/110 the rules were adopted under the name "The Tokyo Rules" (Home | Office of Justice Programs).

The Tokyo Rules are based on the understanding that unnecessary imprisonment causes undue harm and that alternatives to prison can be more effective and advantageous than prison itself. The rules aim to provide countries with a framework that encourages the use of alternatives and establishes protections for people who use alternatives to imprisonment. They call for countries to incorporate community participation and involvement in criminal justice systems. The rules also advocate for member states to implement the rules after taking into account the economic, social, and cultural situations of their country (The UN Standard Minimum Rules). Some key principles of the Tokyo rules include reforming the use of pre-trial detention, evaluating the severity of crimes when considering alternatives, and properly training staff who supervise non-custodial methods (International standards). The UN Bangkok Rules and the UN Convention on the Rights of the Child supplement the Tokyo Rules with measures specifically designed to support women and children. The Tokyo Rules represent a critical step in the international community's commitment to reducing their overdependence on prison systems.

The United Nations Common Position on Incarceration

In April 2021, the United Nations issued their first common position on incarceration at the annual UN Commission on Crime Prevention and Criminal Justice. The paper establishes the UN's commitment to reducing the use of prisons and highlights the work of several UN bodies. The document details a "One UN" approach to incarceration that is centered around three themes: strengthening rehabilitation and reintegration of offenders, restructuring criminal justice systems to promote crime prevention and alternatives to imprisonment, and improving existing prison conditions. Although the common position is based on previous UN work and research, there are several new insights that are important (Rope et al.). One of the new insights is the call for the decriminalization of specific petty and nonviolent crimes that lead to the over-incarceration of marginalized groups. According to Penal Reform International, at least 42 African countries have actively enforced laws against being homeless or idle (Rope et al.). The common position also addresses the importance of reducing long sentences because it harms reintegration and rehabilitation. The UN pointed out that the number of people serving life sentences rose by 84% from 2000 to 2014 (Rope et al.). At the end of the common position, the UN details different actions that it will undertake in order to transform international use of the prison system. One of the actions is to prioritize

the reduction of incarceration on the UN's agenda. To ensure that incarceration remains a priority, the UN common position promises that the UN will hold regular thematic meetings, factor incarceration into the 2030 sustainable development goals, and focus on providing technical assistance to international groups helping reduce prison use. Another action the document discusses is the development of an information hub on all research and resources relating to incarceration (United Nations System). The UN common position statement is important for our committee because it establishes the UN's commitment to solving our topic and outlines some of the actions that the UN will take in the next decade.

UN Programs and Bodies:

The United Nations Commission on Crime Prevention and Criminal Justice (CCPCJ)

One of the biggest actions the United Nations has taken to reduce overdependence on prison systems is the creation of the Commission on Crime Prevention and Criminal Justice (CCPCJ). The CCPCJ was established in 1992 after the General Assembly adopted resolution 1992/1 (The Commission on Crime). The commission's responsibilities include international crime, crime prevention in urban areas, and improving criminal justice systems in member states. The CCPCJ organizes and prepares the quinquennial Congress on Crime Prevention and Criminal Justice Crime Congress as well as aiding in implementing the solutions discussed at the Congress (CCPCJ mandate and functions). Additionally, the CCPCJ acts as the governing body of the United Nations Office of Drugs and Crime and maintains connections with the international network of programs and bodies that do criminal justice work (Institutes). The CCPCJ has developed and created myriads of crime

prevention solutions to help reduce the overuse of prisons. For example, in 2021 the CCPCJ adopted A/RES/76/183 which aims to use sports programs to prevent crime by providing social support to vulnerable youth. Another CCPCJ resolution, A/RES/76/181, calls for countries to consider gender in their research and development of crime prevention solutions (UN official documents).

The United Nations Office of Drugs and Crime (UNODC)

The United Nations Office of Drugs and Crime (UNODC) was established in 1997 to address drug use and international crime (Kudzai.chinoda). The UNODC works closely with the CCPCJ to reduce the overuse of prisons. One of the key initiatives of the UNODC is UNODCity which aims to create safer urban environments by identifying local issues such as inequality in education and intervening to create stronger communities and prevent crime. UNODCity helps reduce prison use by assisting local governments create solutions that anticipate, prevent, and respond to issues that cause crime (Safety governance approach). The UNODC also actively works to incorporate community members into crime prevention efforts. For example, in Nigeria, the UNODC organized a policy workshop called "Building youth resilience to violence and crime through social

developmental approaches to crime prevention." The workshop brought together over 20 community organizations and trained them in the implementation of several crime prevention strategies. This workshop equipped groups like the Ministry of Women and Children Affairs and Ministry of Youth and Sport to combat rising crime rates in the Niger Delta (Ookorond). The UNODC has also researched, written, and published myriads of resources that aim to encourage alternatives to prison. For example, resources include works like the "Handbook of Basic Principles and Promising Practices on Alternatives to Imprisonment" and the "Handbook on Strategies to Reduce Overcrowding in Prisons" (UNODC tools and publications).

The Global Programme for the Implementation of the Doha Declaration

In April of 2015, following the 13th United Nations Congress on Crime Prevention and Criminal Justice, the General Assembly adopted resolution 70/174 and established the Doha Declaration (World Trade Organization). The Doha Declaration is an action oriented declaration that is based on the understanding that in order to prevent crime, member states need to strengthen community programs and consider crime while promoting sustainable development (Doha Declaration). To aid member states in the implementation of the Doha Declaration, Qatar funded the

Global Programme for the Implementation of the Doha Declaration. The Global Programme for the Implementation of the Doha Declaration was an ambitious five year plan that facilitated the implementation of several key programs. Among these programs was the Education for Justice (E4J) initiative which used education to foster law abiding citizens and raise awareness about crime. E4 developed over 600+ activities and reached over 110,000 people directly in more than 180 countries. It created key educational resources like university modules, Model UN simulations, and even a cartoon series. Another program that the programme helped implement in member states was Line Up Live Up. Line Up Live Up used sports to build strong citizens and give students necessary skills and support to prevent potential future crime. The programme also worked on vocational programs for released prisoners, a Global Judicial Integrity Network, and important media tools like a website (Achievements report).

PAST ACTIONS BY THE INTERNATIONAL COMMUNITY

Notable Country Action

Alternative Sentencing and Rehabilitation in Netherlands

The Netherlands is an international leader in crime prevention and criminal justice. It has one of the lowest incarceration rates in Europe, with only 61 prisoners per 100,000 citizens. The rapidly dwindling incarceration rate has caused the Netherlands to close more than 23 of their prisons since 2014 (Why are there so few prisoners). One of the key strategies that the Netherlands has employed is the decriminalization of non-violent offences such as soft drugs and sex work (Nicholls-Lee). The Netherlands also regularly utilizes alternatives to incarceration such as fines, the use of court mediation, and electronic monitoring. Moreover, when individuals are incarcerated their sentences are typically short. According to the Guardian, around half the prisoners in Dutch prisons are serving a one-month sentence (Why are there so few prisoners). The prisons in the Netherlands are larger, well staffed, and have quality rehabilitation programs. For example, Dutch prisons use psychological rehabilitation programs. One such program is terbeschikkingstelling also known as TBS. TBS is used on prisoners who have a minimum of four year sentences and have high chances of recidivism. The program is centered around rehabilitating prisoners and easing their reintegration into society (Why are there so few prisoners). In addition to better rehabilitation programs, the Netherlands also excels at crime prevention by having good social welfare, education programs, low unemployment rates and reduced economic inequality (Why are there so few prisoners).

Community Styled Prisons in Norway

Similar to the Netherlands, Norway boasts one of the world's lowest crime rates. In the 1990s Norway's prison system underwent a series of massive changes in order to shift their focus from punishment to rehabilitation. The country transformed their sentencing process by eliminating life sentences and changing the maximum sentence to 21 years (Fisher). At the end of the initial prison sentence, the courts have the power to add five more years if they feel that the individual is not rehabilitated. The shift from punishment to rehabilitation is centered around the idea of maintaining a sense of community and normalcy for prisoners. For example, Norway does not have large centralized prisons like the United States; instead it has opted for smaller, community-based correctional facilities. Norwegian prisons allow prisoners to have visitors up to three times a week and ensure that prisoners are placed geographically close to their homes. Additionally, incarcerated prisoners are allowed certain freedoms like wearing their own clothes, cooking in the prison's communal kitchens, and decorating their cells. The prisoners are even given autonomy over their schedule and activities. Some prisoners can choose to work while others can shop for groceries or take classes. By giving prisoners these freedoms, Norwegian prisons have reduced their recidivism rates to about 20% (First Step Alliance).

Kampala Declaration on Prison Conditions in Africa

The Kampala Declaration on Prison Conditions in Africa is a 1996 declaration that was created and ratified by over 40 African countries in order to solve issues facing African prisons (Kampala Declaration). The declaration outlines solutions to pressing prison problems such as overcrowding, human rights violations, and training prison staff. It also details several alternatives to incarceration such as incorporating more community service into rehabilitation methods and incorporating already successful alternatives to African countries without them   (Kampala Declaration). Unfortunately, while the Kampala Declaration was a massive step towards solving overincarceration, a majority of the solutions in the declaration were never implemented. Uganda, the host of the seminar, still has overcrowded prisons and continues to build more (Uganda: Growing pressure).

Nongovernmental Organizations

The International Penal and Penitentiary Foundation

The International Penal and Penitentiary Foundation (IPPF) was established in 1950 to research and recommend improvements to the already existing prison model. The IPPF, which can trace its origins to the International Penitentiary Commission, is considered one of the oldest international agencies working on prison reform. The IPPF performs a number of duties such as publishing research, holding international conferences, and teaching. The organization holds special consultative status for the Council of Europe, United Nations CCPCJ, and United Nations Economic and Social Council. One of the most important past actions of the IPPF was helping author the United Nations minimum rules for non-custodial treatment also known as the Tokyo Rules (IPPF Publications).

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Penal Reform International (PRI)

Penal Reform International (PRI) is an non-governmental organization that was established to work with criminal justice systems in order to end the unnecessary imprisonment of individuals. PRI works in various sectors such as policy development, research, monitoring, sustainability, and partnerships. Since its creation in 1989, PRI has had a multitude of accomplishments. In 2013, the organization developed a toolbox for the UN Bangkok Rules in order to help countries with their implementation. The box included virtual courses, monitoring tools, and research on juvenile crime(Penal Reform International). In 2018, PRI supported the creation of a prison radio station in Morocco, pushed for the demilitarization of Central African Republic's prisons, and piloted an international campaign against life sentences. Most recently in 2020, the organization supported prisons impacted by the COVID-19 virus by training prison staff, advocating for the release of prisoners, and cre-ating virtual methods of communications for prisoners and their families (Penal Reform International).

Human Rights Watch (HRW)

Human Rights Watch is an international organization founded in 1978 to investigate human right abuses and advocate for international justice (Human Rights Watch). The Human Rights Watch Prison Project was formed in 1978, to bring attention to and solve human rights abuses in international prisons. The prison project aimed to publish research, conduct investigations into abuses in prisons, and make prison reform a priority on the international agenda. Since its founding, the Prison Project has played a leading role in monitoring the implementation of the UN Standard Minimum Rules for the Treatment of Prisoners. It also has been instrumental in conducting emergency missions to prisons that are reported to have grave human rights violations and international fact-finding missions(The prison project).
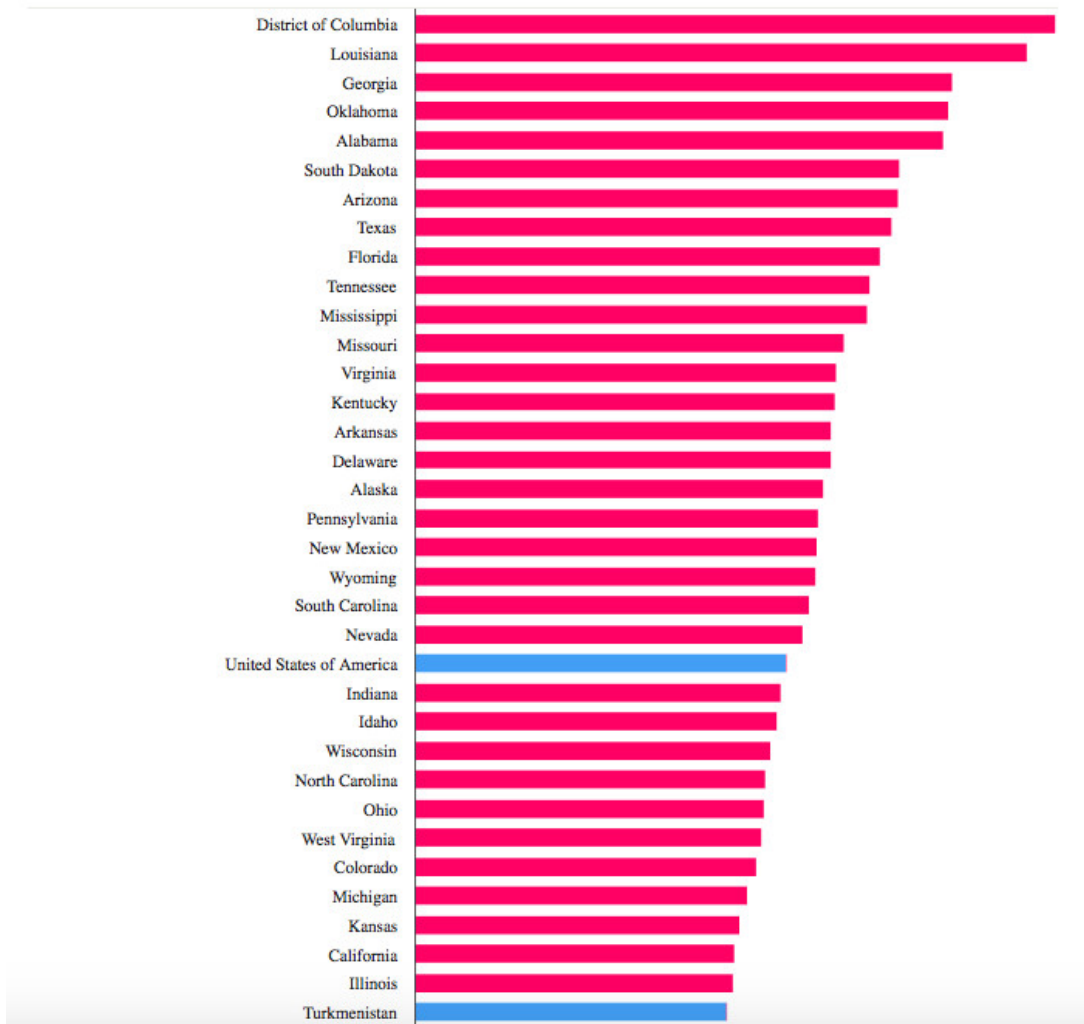
CASE STUDIES

The United States of America: A Tough-on-Crime Culture

To truly understand the scope and impact of this issue, it is important to learn about the carceral system in the United States. The United States accounts for roughly a quarter of the world's prison population despite having less than 5% of the world's overall population. Its prison population has risen over 700% in the last 50 years, surpassing 2.3 million incarcerated individuals and placing the United States as the country with the largest prison population. While scholars are still debating the causes of mass incarceration in the United States, there are many social, economic, and political factors that have contributed to the rise of prison use.

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World Incarceration Rates If Every U.S. State & Territory Were A Country

District of Columbia	
Louisiana	
Georgia	
Oklahoma	
Alabama	
South Dakota	
Arizona	
Texas	
Florida	
Tennessee	
Mississippi	
Missouri	
Virginia	
Kentucky	
Arkansas	
Delaware	
Alaska	
Pennsylvania	
New Mexico	
Wyoming	
South Carolina	
Nevada	
United States of America	
Indiana	
Idaho	
Wisconsin	
North Carolina	
Ohio	
West Virginia	
Colorado	
Michigan	
Kansas	
California	
Illinois	
Turkmenistan	

The exponential rise in the United States' prison population does not correspond with a rise in crime rates. Instead, the prison population is a direct consequence of decades worth of "tough-on-crime" policies that increase the number of people being incarcerated and promote longer prison stays. Multiple historians trace the United States' rise in prison population to the War on Drugs initiative launched in the mid 1970s to eradicate illegal drug use within the United States. The initiative, launched by President Nixon, pioneered harsher policies and punishments (War on drugs). One of the harsher policies from the War on Drugs was mandatory minimum sentencing. A mandatory minimum is a sentence that requires a minimum number of years in prison, regardless of individual circumstances (Mandatory minimums). They often apply to nonviolent offenses such as illegal drug use and gun crime. Mandatory minimum sentencing takes away judicial discretion. This means that judges are unable to evaluate an individual's background,

their potential for rehabilitation, and their chance of reoffending. Multiple states have adopted mandatory minimum sentencing while some states have even implemented life without parole for specific drug offenses. For example, Mississippi has life without parole for selling two ounces of cocaine (American Civil Liberties Union (ACLU)). It is a major driver for mass incarceration (Sentencing laws).

Another law that has increased the incarceration rate is the habitual offenders law. The habitual offenders law, or the three-strikes law, requires that individuals with two prior offenses for violent crimes be sentenced to life in prison. The habitual offenders law was created to prevent violent crime and keep dangerous individuals from inflicting more harm in the community. However, although the habitual offenders law was established for violent crimes, the law has also been used for individuals who have not committed dangerous crimes (Project). For example, in Texas, using the habitual offenders law, a judge sentenced a man to 50 years in prison for possession of cocaine. Similarly, the American Civil Liberties Union (ACLU) has documented multiple instances where the habitual offenders law was used for non-violent crimes such as stealing socks, breaking into soup kitchens, and forging checks. The three-strikes law is one of the policies that impacts mass incarceration the most by driving incarceration rates and shifting focus from rehabilitation to risk reduction (Three strikes). In addition to increasing the length of time that people are incarcerated, these laws and policies also deter people from going to trial. People are forced to decide between defending themselves and facing a lifetime in prison or not defending themselves and accepting a plea bargain with considerably less time. This is particularly harmful for low income people of color who cannot afford quality legal defense. Even if they are innocent, without

solid legal defense, they will always pick less jail time over the chance of getting sentenced to life in prison (Boylan, Richard).

In addition to laws and policies that increase an individuals' time within prison, the United States also passed a number of laws to guarantee that prisoners served a significant portion of their sentences. These collections of laws and policies are referred to as the "Truth in Sentencing laws." The Truth in Sentencing laws and policies aim to increase transparency, deter criminals, and ensure justice has been served to crime victims by ensuring that prisoners serve at least 85% of their sentence before being eligible for parole. The Truth in Sentencing policies have significantly reduced the amount of people eligible for parole and harmed policies that allowed people to be released early for good behavior (ACLU). Truth in Sentencing has dramatically increased the average sentence length for prisoners across the United States. According to Pew Research Center, people released in 1990 spent 36% less time in prison than people released in 2006. The elimination of parole consideration and good behavior releases shows that the United States' criminal justice system prioritizes punishment over rehabilitation (ACLU).

Similarly, indeterminate sentencing is another feature of the American criminal justice system that increases the amount of time that people spend in prison. Indeterminate sentencing refers to prison sentences that are a range of years instead of a determined amount of time. Individuals with indeterminate sentences are reevaluated after they serve their minimum number of years to determine their release date. Indeterminate sentencing was created with the hope that prisoners will be incentivized to show good behavior and attend their rehabilitation programs (Janet Portman). However, in practice, indeterminate sentencing places

the decision in the hands of the parole board which can lead to discriminatory rulings. This leads individuals to stay in jail much longer than they would have if they had a determinate sentence.

Another U.S. criminal justice feature that increases mass incarceration is the exorbitant rate for bail. Bail was invented to incentivize individuals to return to court for their trial after they were released from prison. However, today, bail costs are increasingly high and they prevent hundreds of low income people from leaving jail (Ending money bail: ACLU). In the United States, more than 400,000 people are detained and awaiting trial (Initiative). These individuals often have to wait weeks, months, and sometimes even years before going to trial.
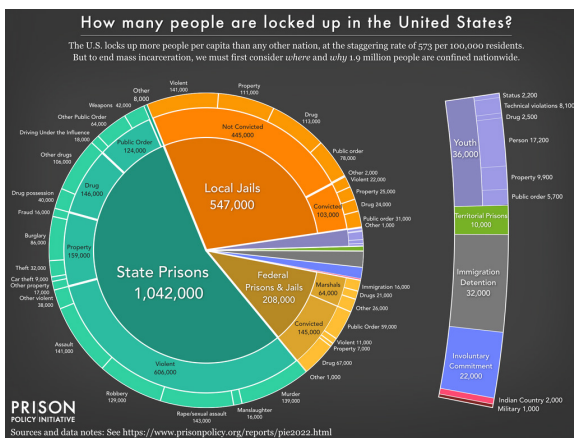
Additionally, the United States has a higher recidivism rate than any other democratic country in the world (A second chance). In the United States, 50% of incarcerated individuals end up in prison again within three years of their release. U.S. prisons lack strong rehabilitation programs (Harvardpolitics.com). For example, 37% of incarcerated people struggle with mental health issues, however, 66% of prisoners have not received any form of professional mental health care (Harvardpolitics.com). America's recidivism rate is evidence that its current carceral system

is ineffective in rehabilitating prisoners, yet there are very few alternatives to incarceration. Incarceration is one of the default punishments in the United States. It estimated that 39% of U.S. incarcerated individuals are serving time for a nonviolent crime and pose no threat to the community. Studies have shown that rehabilitation programs and alternatives to prison are much more effective than prison for nonviolent criminals who were charged for offenses such as drugs. If nonviolent offenders were released from prison, the United States would save 20 billion USD every year (How many Americans). This money could go towards crime prevention, the combat of the school to prison pipeline, and mental health care.

El Salvador: Prison as a Silver Bullet Solution to Gang Violence

In March of 2022, El Salvador witnessed one of the most deadly spikes of gang violence in recent history with 92 people killed between March 24th and 27th (Sanderson, 2023). In response, El Salvador's president, Nayib Bukele, declared a state of national emergency and passed a flurry of legislative amendments that suspended constitutional rights and cracked down on gang violence. The state of emergency suspended rights like the right to legal representation and right of association (El Salvador 2022 human rights report). President Bukele also passed laws to increase the maximum number of days an individual could be detained without a formal charge and removed the mandate that required police to inform individuals of the reason for their arrest. The state of emergency decree also changed several criminal justice practices. For example, police were no longer required to have a warrant to search houses or make arrests and most individuals in jail were not allowed to pay bail (El Salvador 2022 human rights report). To crack down on gangs, police created checkpoints

throughout the country and began raiding low income districts with heavy gang presence. In just a year, under the state of emergency, 66,000 people were detained. Amnesty International has documented multiple instances where individuals were arrested for arbitrary reasons like having a tattoo, being anonymously accused of gang affiliations, and having a previous criminal record (One year into El Salvador's state of emergency). El Salvador now has one of the world's highest incarceration rates with around 2% of their adult population behind bars (Ballestin).

El Salvador's prison system has been operating at 35% over its maximum capacity since 2020, and overcrowding has only become worse since the state of emergency (Brigida). El Salvador prisons are extremely overcrowded with cells that hold more than 100 people. The prisons also lack access to water, food, adequate medical care, and basic sanitation.. Additionally, prisoners have also reported prolonged solitary confinement, limited access to open air, and being physically and verbally assaulted by the prison staff (One year into El Salvador's state of emergency). Cristosal, a human rights non-governmental organization, found that at least 153 people have died due to inhumane prison conditions since the gang crackdown. El Salvador's prisons also fail to properly rehabilitate prisoners. Before the gang crackdown, President Bukele promised to implement more rehabilitative and educational programs within El Salvador's prisons. However, those prisons have still not been implemented. More than 90% of El Salvador's incarcerated population do not have a high school education, and more than 97% do not have higher education (A remedy for El Salvador's prison fever).

Gang violence and murder rates in El Salvador are at record lows, and other Latin American countries are adopting its tough-on-crime model (Renteria and Kinosian). However, prison as a solution to gang violence is unsustainable for a number of reasons. The first reason is that prison is not effectively rehabilitating gang members. Inhumane prison conditions can fuel tension and strengthen gang affiliations as prisoners band together to secure resources (Weide, Robert). Additionally, gangs have leaked statements that threaten to attack El Salvador's government, even worse if gang appeasement stops. Without proper rehabilitation, gang members can and will regroup after being released and returned to society. Another reason prison is not a sustainable solution to gang violence is because it fails to address the root issues that cause the creation of gangs. El Salvador needs to invest in long term solutions that fix root issues like social inequality, poverty, marginalization, and corrupt governance (El Salvador State of Emergency). In conclusion, prison is a short term solution for El Salvador's rampant gang violence. The overdependence on prison as a solution to gang violence harms El Salvador by reducing resources that could go towards long term solutions, increasing human rights violations that strengthen gang affiliations, and failing to rehabilitate prisoners.

QUESTIONS TO CONSIDER

1. What are some factors that contribute to a country's overdependence on prisons? Is your country dependent on the carceral system and if so, why?

2. What are some potential barriers and challenges in implementing reforms and solutions that decrease dependence on prisons? How can these challenges be addressed?

3. What are the costs associated with maintaining prison populations and how can these resources be better allocated within the community?

4. What are the social implications of overreliance on prisons? How does it impact families, communities, geographies, and the economy?

5. How are crime prevention efforts helpful in solving overincarceration issues? What are other types of solutions?

WORKS CITED

"A Remedy for El Salvador's Prison Fever." Crisis Group, 5 October 2022 www.crisisgroup.org/latin-ameri ca-caribbean/central-america/el-salvador/96-remedy-el-salvadors-prison-fever. Accessed 31 Oct. 2023.

"About Us" United Nations Office on Drugs and Crime www.unodc.org/southernafrica/en/sa/about.htm l#:~:text=UNODC%20was%20established%20in%201997,Nations%20International%20 Drug%20Control%20 Programme. Accessed 8 June 2023,

Avelar, Bryan and Philips, Tom. "At Least 153 Died in Custody in El Salvador's Gang Crackdown – Report." The Guardian, Guardian News and Media, 29 May 2023, www.theguardian.com/world/2023/ may/29/el-salvador-security-gangs-crackdown-cristosal-report-bukele. Accessed 31 Oct. 2023.

Avrich, Paul and Miller, Martin. "Peter Alekseyevich Kropotkin." Encyclopædia Britannica, Encyclopædia Britannica, Inc. 2 Nov 2023, www.britannica.com/biography/Peter-Alekseyevich-Kropotkin. Accessed 18 Nov 2023.

Ballestin, Raquel. "Why Mega-Prisons Holding Tens of Thousands Won't Make a Difference." InSight Crime, 25 Nov 2022. insightcrime.org/news/latin-america-mega-prisons-wont-make-difference. Accessed 13 Oct. 2023,

Boylan, Richard T. "The Effect of Punishment Severity on Plea Bargaining." The Journal of Law & Econom ics, vol. 55, no. 3, 2012, pp. 565–91. JSTOR, https://doi.org/10.1086/663588. Accessed 26 July 2023,

Brigida, Anna-Cat. "Dozens Die in Custody under El Salvador's State of Exception." Al Jazeera, 21 June 2022. www.aljazeera.com/news/2022/6/21/dozens-die-in-custody-under-el-salvadors-state-of-exception. Accessed 26 July 2023,

Buxton, Thomas Fowell. "The Maison de Force, at Ghent - an Inquiry, Whether Crime and Misery Are Produced or Prevented, by Our Present System of Prison Discipline." Cambridge Core, Cambridge University Press, www.cambridge.org/core/books/abs/an-inquiry-whether-crime- and-misery-are-produced-or-prevented-by-our-present-system-of-prison-discipline/ maison-de-force-at-ghent/97C31ADD1AA423F7625391B3578FE691. Accessed 26 July 2023,

Coto, Danica. "Haitians Are Dying of Thirst and Starvation in Severely Overcrowded Jails." AP News, 8 June 2023. apnews.com/article/haiti-prisons-mistreatment-starvation-caribbean-78e79d96fd dcfd2acef9cd426e5c17db. Accessed 8 June 2023,

"CCPCJ Mandate and Functions." United Nations : Office on Drugs and Crime, www.unodc.org/unodc/en/ commissions/CCPCJ/CCPCJ_Mandate-Functions.html. Accessed 31 Oct. 2023.

Eisen, Lauren-Brooke. "How Many Americans Are Unnecessarily Incarcerated?" Brennan Center for Justice, 9 December 2016 www.brennancenter.org/our-work/research-reports/how-many-americans-are-un necessarily-incarcerated. Accessed 31 Oct. 2023,

"El Salvador State of Emergency" OHCHR - UN Human Rights Office, 28 March 2023. www.ohchr.org/en/ press-briefing-notes/2023/03/el-salvador-state-emergency. Accessed 8 June 2023,

"El Salvador 2022 Human Rights Report ." U.S. Embassy in El Salvador, sv.usembassy.gov/our-relationship/ official-reports/hrr_2022/#:~:text=The%20state%20of%20exception%20 decree,detention%20be fore%20being%20 formally%20 charged. Accessed 31 Oct. 2023.

Fathi, David. "Victory! UN Crime Commission Approves Mandela Rules on Treatment of Prisoners: ACLU." American Civil Liberties Union, 27 May 2015 www.aclu.org/news/prisoners-rights/victo ry-un-crime-commission-approves-mandela-rules. Accessed 31 Oct. 2023.

García, Guerrero. "Overcrowding in Prisons and Its Impact on Health" scielo.isciii.es/pdf/sanipe/v14n3/en_06_revision2.pdf. Accessed 8 June 2023,

Handley-Cousins, Sarah. "The Auburn System: Prisons and Punishment in the 19th Century United States." 11 March 2018. digpodcast.org/2018/03/11/auburn/. Accessed 18 Nov 2023.

"History of Crime and Punishment: How Criminology Has Evolved." History of Crime and Punishment | How Criminology Has Evolved, 8 April 2020 www.volocars.com/blog/history-of-crime-and-punish ment. Accessed 10 Oct. 2023.

Home | Office of Justice Programs, www.ojp.gov/pdffiles1/Digitization/147416NCJRS.pdf.

"International Standards." Penal Reform International, 30 July 2020, www.penalreform.org/issues/alterna tives-to-imprisonment/international-standards/.Accessed 10 Oct. 2023.

Jouet, M. "Foucault, prison, and human rights: A dialectic of theory and criminal justice reform." 27 May 2021. Theoretical Criminology, 26(2), 202-223. https://doi.org/10.1177/13624806211015968 Ac cessed 8 June 2023,

MacDonald, Morag. "Overcrowding and Its Impact on Prison Conditions and Health." International Journal

of Prisoner Health, 11 June 2018 www.emerald.com/insight/content/doi/10.1108/IJPH-04-2018-0014/full/html. Accessed 11 Oct. 2023.

McCall-Smith, Kasey. "United Nations Standard Minimum Rules for the Treatment of Prisoners (Nelson Mandela Rules): International Legal Materials." Cambridge Core, Cambridge University Press, 27 Feb. 2017, www.cambridge.org/core/journals/international-legal-materials/article/abs/united-nations-standard-minimum-rules-for-the-treatment-of-prisoners-nelson-mandela-rules/A97C9134D7C5A870A425B92BD1AD5744 Accessed 8 June 2023,

"Nelson Mandela International Day, July 18, for Freedom, Justice and Democracy." United Nations, www.un.org/en/events/mandeladay/mandela_rules.shtml. Accessed 10 Oct. 2023.

"One Year into El Salvador's State of Emergency." Amnesty International, 3 Apr. 2023, www.amnesty.org/en/latest/news/2023/04/el-salvador-state-emergency-systematic-human-rights-violations/. Accessed 10 Oct. 2023.

"Prisoners in Haiti Still Face Horrendous Conditions." Human Rights Watch, 11 Oct. 2022, www.hrw.org/news/2021/06/30/prisoners-haiti-still-face-horrendous-conditions. Accessed 18 Nov 2023.

"Prison Overcrowding - a Global Public Health Issue." Birkbeck, University of London, 03 June 2019. www.bbk.ac.uk/news/prison-overcrowding-a-global-public-health-issue. Accessed 1 Aug. 2023,

Renteria, Nelson, and Sarah Kinosian. "El Salvador Vows Gang Crackdown Will Go on as Citizens Cheer Safer Streets." Reuters, Thomson Reuters, 15 Feb. 2023, www.reuters.com/world/americas/el-salvador-vows-gang-crackdown-will-go-citizens-cheer-safer-streets-2023-02-15/. Accessed 8 June 2023,

Richards, Emily. "The Nelson Mandela Rules." Prisoners Abroad, 31 Dec. 2018, www.prisonersabroad.org.uk/news/the-nelson-mandela-rules. Accessed 8 June 2023,

Rope, Olivia, et al. "Un System Agrees on Priorities to Tackle Global Prison Issues in Their First 'Common Position on Incarceration.'" Penal Reform International, 6 July 2021, www.penalreform.org/blog/un-system-agrees-on-priorities-to-tackle-global/. Accessed 8 June 2023,

"Safety governance approach in urban environments for safe, inclusive and resilient communities" UNODC, www.unodc.org/documents/Urban-security/USGA_2-pager_final.pdf. Accessed 8 June 2023,

Sanderson, Emma. "El Salvador's Crackdown on Gangs, Explained." Chicago Council on Global Affairs, The Chicago Council on Global Affairs, 9 May 2023, globalaffairs.org/commentary-and-analysis/blogs/

el-salvadors-crackdown-gangs-explained. Accessed 31 Oct. 2023.

Santa Cruz, Jamie. "Rethinking Prison as a Deterrent to Future Crime" JSTOR DAILY, 18 July 2022. daily.
jstor.org/rethinking-prison-as-a-deterrent-to-future-crime, Accessed 8 June 2023,

"The Commission on Crime Prevention and Criminal Justice." United Nations : Office on Drugs and Crime,
www.unodc.org/unodc/en/commissions/CCPCJ/index.html. The Commission on Crime Prevention
and Criminal Justice.

"The Problem: Recidivism & Mass Incarceration." Prison Scholar Fund, 20 July 2019, www.prisonscholars.
org/what-we-do/222-2/. Accessed 31 Oct. 2023.

"The United Nations Standard Minimum Rules for the Treatment of Prisoners" United Nations Office on
Drugs and Crime. www.unodc.org/documents/justice-and-prison-reform/GA-RESOLUTION/E_eb
ook.pdf. Accessed 31 Oct. 2023.

"UN Nelson Mandela Rules." Penal Reform International, 17 July 2020, www.penalreform.org/issues/pris
on-conditions/standard-minimum-rules/.

"UN Official Documents." United Nations, www.un.org/en/delegate/page/un-official-documents.

"Urgent Action Needed to End 'inhumane Conditions' Facing Haiti Prisoners" Un Rights Chief | UN News."
United Nations, news.un.org/en/story/2021/06/1095092.

Verseck, Keno. "Hungary: When Poverty Becomes a Crime" DW, 15 October 2018 www.dw.com/en/hunga
rys-homeless-ban-when-poverty-becomes-a-crime/a-45900111. Accessed 31 Oct. 2023.

Vyas, Kejal. "The Country with the Highest Murder Rate Now Has the Highest Incarceration Rate." The Wall
Street Journal, Dow Jones & Company, 10 July 2023, www.wsj.com/articles/the-country-with-the-
highest-murder-rate-now-has-the-highest-incarceration-rate-b5401da7. Accessed 31 Oct. 2023.

Weide, Robert D. "The Invisible Hand of the State: A Critical Historical Analysis of Prison Gangs in Califor
nia." The Prison Journal, vol. 100, no. 3, 2020, pp. 312–331, https://doi.
org/10.1177/0032885520916817. Accessed 31 Oct. 2023.

TOPIC B: COMBATING ORGANIZED CRIME IN THE AMAZON

TOPIC BACKGROUND

Key Crimes in the Amazon

Illegal Logging

The illegal logging industry is one of the worst and most common environmental crimes that occurs in the Amazon. Illegal logging refers to the act of cutting, transporting, and selling wood in violation of the laws and regulations set in place by the government (GreenPeace Illegal logging). Logging can be illegal for a number of reasons: the extraction of protected tree species, the failure to receive government consent, or the removal of more trees than permitted according to law (Logging in the Amazon). Illegal logging in the Amazon often aims to clear land for the construction of mines, roads, and infrastructure. It also occurs for harvesting wood used in commercial purposes such as housing development, and construction. Around 90% of the Amazon's harvested timber is used within Brazil, and 10% is sold abroad (Diaz). Illegal logging is the most profitable environmental crime, generating around 51 to 152 billion USD annually. Illegal logging in the Amazon is driven by a dense criminal network of individuals from different parts of the economy. These individuals, often referred to colloquially as the Rainforest Mafia, work together to carry out large-scale logging schemes. They organize and execute every step from forest to product, from hiring armed protection for their loggers to selling wood to different countries (Muñoz).

Illegal logging is one of the most detrimental environmental crimes that occurs in the Amazon because it is directly linked to the rise of CO2 emissions and global warming. Deforestation, which is exacerbated by logging, accounts for almost half of Brazil's annual greenhouse gas emissions (Muñoz). In addition to its contribution to global warming, illegal logging causes a number of other environmental issues. For example, the use of tractors to cut trees disrupts the soil, causing soil erosion and water pollution (Logging in the Amazon). Additionally, illegal logging and the criminal network it is built around is dangerous. Over 300 people have been killed in the Amazon over land resource issues, and illegal logging accounts for a significant number of these cases (Muñoz).
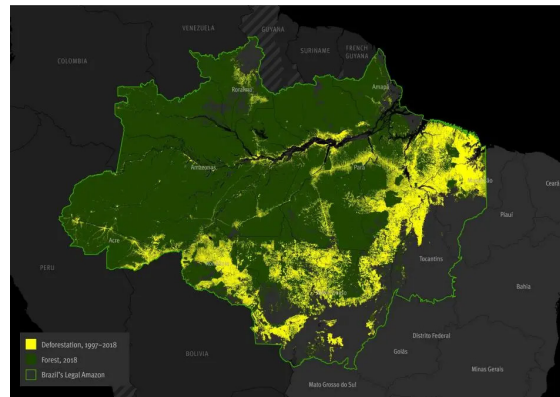
Illegal Mining

Illegal mining is another detrimental environmental crime that has been plaguing the Amazon for decades. It refers to the extraction of natural resources in violation of the law. Miners extract natural re-

sources like gold, copper, tin, nickel, manganese and more for commercial use. Illegally mined gold from Brazil's indigenous lands have been linked to large companies and products such as Tesla cars, Starbucks coffee machines, and Google phones (Raimi). The Amazon's illegal mining industry is an extremely lucrative business with the vast amount of precious metals in the Amazon and the global rise in gold prices in 2021 (Molly). Researchers have found over 320 illegal mines and tens of thousands of small-scale miners across the Amazon (Skidmore).

Illegal mining in the Amazon is able to thrive because it is built around a range of actors. One of the actors include criminal entrepreneurs who are the instigators of illegal mining operations. Entrepreneurs are the people who can afford to purchase machinery, hire workers, and organize from afar. They are the brains of the operations and they profit the most. Entrepreneurs hire Non-State Armed Groups (NAGS) to control . mining sites, extort small scale mining operations and serve as an intermediary between entrepreneurs and the work being done on the ground. NAGs hire miners or laborers who dominate the illegal mining field. Laborers are often local people who need work and see illegal mining as a good source of income. However, despite their financial motivations, laborers receive the least financial compensation for their labor out of all the actors in illegal mining (Robbins). These actors work together to perpetuate the illegal mining trade. Outside of the illegal mining network, illegal mining is able to continue because of the lack of international regulation of the metal industry. For example, there is no international certification to prove that minerals are extracted legally and many gold distributors chose to turn a blind eye to illegal activities (Robbins).

The construction and utilization of these illegal mines have large social, health, and environmental conse-

quences for the Amazon. To build mines, individuals often cut down trees to clear land. In 2019, illegal miners in the Amazon caused deforestation to rise by 23% (Prazeres). Furthermore, the extraction of gold from ore requires the use of mercury. This mercury use exceeds 1,000 tonnes annually. Mercury harms the environment by polluting water sources and in effect contaminating plants, animals, and local indigenous populations. (Toxic Mercury poisoning the Amazon). Mercury is toxic to the nervous system and the consumption of mercury can cause severe damage to an individual's immune system, gastrointestinal tract, and kidneys (Skidmore).

Wildlife Trafficking

The Amazon rainforest is home to over 48,000 animal species, making it one of the world's most biodiverse regions. As a result, wildlife trafficking in this area is one of the most profitable and common environmental crimes (Robbins). Wildlife trafficking refers to the illegal trade, poaching, capture, or smuggling of protected species from their habitats. Wildlife trafficking is driven by the global demand for a variety of animal products: furs, medicines, exotic pets, jewelry, and bushmeat (What is wildlife trafficking?). Wildlife trade can be legal if the proper precautions are followed. However, wildlife trade becomes illegal when traffickers break the laws to

hunt endangered animals and overexploit species to the point of extinction (Unsustainable wildlife trade in the Amazon). Birds are some of the most commonly trafficked animals in the Amazon. Around 400 species of birds, 20% of Brazil's native species, are harmed by wildlife trafficking (Clingham-David). Birds like parrots, songbirds, macaws, and finches are trafficked for their bright feathers, body parts, and ability to be intelligent exotic pets. Reptiles are also highly trafficked animals. Iguanas and snakes are trafficked to be sold as exotic pets and animals like alligators are trafficked for their skin. Turtle shells and turtle eggs are also highly sought after in the wildlife trafficking industry (Robbins). Wildlife trafficking is the fourth most lucrative global crime profiting USD 23 billion annually (Illegal wildlife trade). Wildlife trafficking schemes depend on various actors. In some parts of Brazil, traffickers work with local indigenous people by encouraging them to capture and sell animals to the trade. The wildlife is then sold to middle men who transport the wildlife to medium traffickers through trucks, buses, boats and more. The medium traffickers then sell and export their wildlife to bigger abroad traffickers or locally depending on the demand. The wildlife trafficking process is extremely complex, involving laundering through zoos and commercial breeding institutions, as well as the forging of false certificates and documents that erase the illegal nature of their crime (Unsustainable wildlife trade in the Amazon).

Wildlife trafficking has major environmental and social consequences. Illegal wildlife trafficking has led to the extinction or endangerment of 1,173 species (Brazilian Amazon drained millions of wild animals by criminal networks: Report 2020). The endan-germent of these animals also harms the ecosystem and food chains they are a part of. Animals that are hunted to extinction can no longer be food for their predators or eat prey. This means that their predators will decrease and their prey will increase, causing the natural balance to be off course. Another example of an animal that is being harmed by wildlife trafficking is the lowland tapir. The lowland tapirs are pig-like animals with hoofed feet, rounded ears, and stripped fur. As herbivores, the tapir serve as important seed distributors and are responsible for hundreds of trees. Without them, hundreds of plants will not be grown and the Amazon's biodiversity will suffer (Fapesp).

In addition to the environmental harm that wildlife trafficking causes, it also has public health impacts as well. Wildlife trafficking has been known to spread rare diseases from animals to humans. Wildlife markets host hundreds of diverse illegally and legally caught animals in small and unsanitary environments which allow the spread of zoonotic diseases. Many researchers theorize that the COVID-19 pandemic was a result of wildlife trafficking (Brazilian Amazon drained millions of wild animals by criminal networks: Report 2020).

Most Trafficked Wildlife Species, Routes and Methods in The Amazon — insightcrime.org
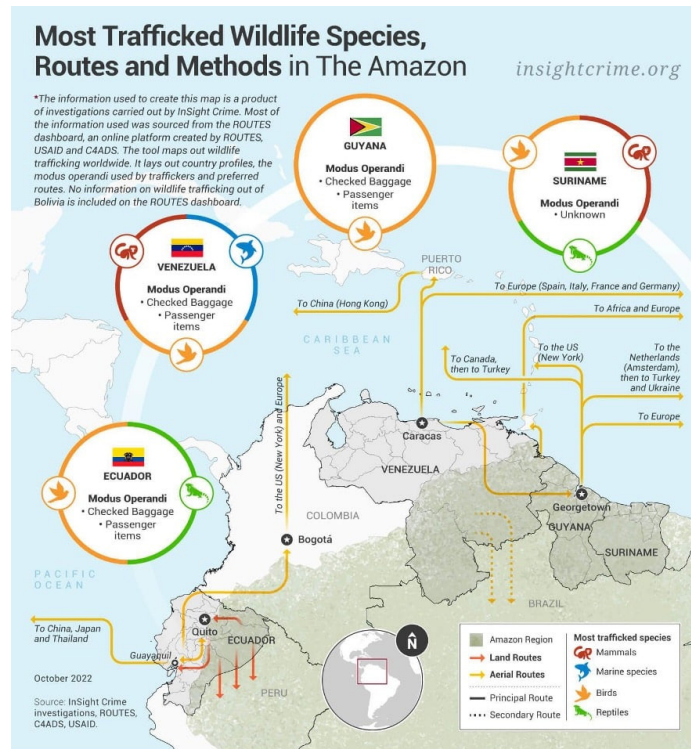
PAST ACTIONS BY THE UNITED NATIONS

Key Resolutions:

CITES

The Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) is an international agreement to stop the trade of protected and endangered species. CITES was adopted at the International Union for Conservation of Nature (IUCN) in 1963. CITES was groundbreaking because it was one of the first agreements to recognize the importance of international cooperation to combat illicit wildlife trade. The agreement splits protected species into three different appendices. Appendix 1 is for highly endangered species that can not be commercially traded and require the most protection.

Appendix 2 is for species that are not endangered, but can be if their trade is not monitored and regulated. Appendix 3 is for species that CITES protects, monitors, and controls as requested by countries (The cites appendices). They create permits, certificates, and systems to protect over 38,000 species within the three appendices. CITES has meetings every two years to update their appendices and create new action plans (Convention on International Trade in Endangered Species of Wild Fauna and flora). CITES is one of the first and largest UN actions to protect wildlife.

The Kimberley Process Certification Scheme (KPCS)
The Kimberley Process Certification Scheme (KPCS) was established in December of 2000 after the UN

General Assembly adopted Resolution A/RES/55/56 also titled "The role of diamonds in fuelling conflict." Resolution A/RES/55/56 called for the establishment of an international certification scheme that brings attention to the trade of conflict diamonds (About KP). KPCS is responsible for monitoring shipments of diamonds and certifying them as "conflict free." Conflict free diamonds refer to diamonds that have been ethically harvested with sound environmental and human rights practices. Additionally, these diamonds must have no relationship to civil wars or country conflicts. States that want to ship diamonds with certification must meet specific criteria, such as trading only with members of the KPCS, making an effort to make their practices transparent, and establishing national legislation to control imports and exports of diamonds (Kimberley Process Inaction). The Kimberley Process Certification has been significant in creating stricter regulations in the diamond industry and convincing countries to commit to solving diamond trade. However, the Kimberley Process Certification has also been criticized to be ineffective in actually ensuring that diamonds are conflict free. For example, the KPCS is criticized for only applying to large batches of diamonds and not to singular diamonds. Critics say that this issue allows conflict diamonds to continue being traded. Critics also emphasize the KPCS' narrow definition of conflict diamonds, which considers diamonds conflict free even if they were extracted illegally in mines with human rights violations. (Kimberley Process Inaction).

ECOSOC Resolution 2019/23

In July of 2019, the United Nations Economic and Social Council (ECOSOC) adopted E/RES/2019/23 or the "Combating transnational organized crime and its links to illicit trafficking in precious metals and illegal mining, including by enhancing the security of supply chains of precious metals." The resolution recognizes the role that illegal mining plays in increasing the resources and connections of transnational crime groups. It also expresses concern about the impact of illegal mining on the environment, indigenous peoples, local communities, and protected animals and species. Resolution 2019/23 encourages governments to take a more active role regulating the trade of precious metals by providing several recommendations (Combating Transnational Organized Crime). One of its recommendations is to work with important international organizations like the United Nations Interregional Crime and Justice Research Institute (UNICRI) and the United Nations Office on Drugs and Crime (UNODC) to implement crime technologies and authentication mechanisms. Resolution E/RES/2019/23 also recommends that member states enhance their security by providing training and increasing information-sharing between law enforcement agencies (Combating Transnational Organized Crime). The magnitude and sprawl of criminal networks across the Amazon means that information and solutions are not centralized. Information sharing allows important data, technology, and facts to be shared across countries. For example, Guyana's law enforcement can have important data that helps Peru uncover a criminal network. The importance of information sharing is restated in A/RES/66/181 also known by its title "Strengthening the United Nations crime prevention and criminal justice programme, in particular its technical cooperation capacity." Resolution 66/181 adds to resolution 2019/23 to emphasize the importance of sharing successful law enforcement and technology tips (General Assembly - United Nations Office on Drugs and Crime).

UN Programs and Bodies:

The United Nations Forum on Forests

In October 2000, the Economic and Social Council of the United Nations (ECOSOC) established the United Nations Forum on Forests (UNFF) by adopting A/RES/2000/35 also known by its title "Report on the fourth session of the Intergovernmental Forum on Forests" (United Nations Forum on Forests " about UNFF). The UNFF is a forum that aims to increase dialogue on forest protection. It encourages the strengthening of political action against deforestation, the implementation of sustainable management practices, and the revision of global forest policy during odd years. The UNFF has helped negotiate and create two important forest protection tools. One of these documents is the "Non-Legally Binding Instrument on All Types of Forests," which outlines a series of policies, measures, and objectives for forest protection and management. The policies include items like strengthening forest-related legislation, increasing law enforcement, and helping countries change their governance to prevent illegal logging from occurring within their forests (UNODC). Another one of these tools is the UN Strategic Plan for Forests, developed in 2017. The UN Strategic Plan for Forests is a list of 26 goals for the year 2030 to preserve and protect forests from deforestation and illegal activities. One of the goals is helping increase strong law enforcement networks within forests (The global forest goals report 2021- United Nations). The UNFF meetings work to discuss, review, and update these documents as well as decide how to implement their recommendations (United Nations Forum on Forests).

The United Nations Environmental Program

The United Nations Environmental Programme (UNEP) was established in 1972 after the UN Conference on the Human Environment to guard and protect the environment with science and policy-informed solutions and responses. Since its inception, UNEP and its 193 member states have passed myriads of resolutions to address pressing environmental issues (About the United Nations Environment Programme). A number of these UNEP resolutions and programs have aimed to address important environmental crimes that occur in the Amazon region. For example, to address illegal wildlife trafficking, the UNEP works with CITES to strengthen government response to wildlife trafficking. They do this by recommending new prevention roles such as a Scientific Authority and Management Authority as well as laws that penalize illegal trafficking (Three ways the United Nations Environment Programme works to address illegal trade in wildlife). To address illegal logging, the UNEP has implemented various projects, such as one that aims to raise consumer awareness and discourage the buying of illegally trafficked wood (Shifting consumer behavior key to protecting forests in the lower mekong). Another project to prevent illegal logging is the UNEP's Collaborative Programme on Reducing Emissions from Deforestation and Forest Degradation (UN-REDD). The program teaches its 65 member countries how to protect their forests and provides technical assistance. Furthermore, the UNEP also partners with the Global Environment Facility (GEF) to specifically prevent environmental crimes in the Amazon. One of the important projects that the UNEP helps implement is the Amazon Sustainable Landscapes Program. This Program aims

to strengthen conservation and biodiversity efforts in the Amazon by promoting policies that strengthen the management of protected areas, working with sectors that drive deforestation to incorporate sustainable practices, and implementing carbon reducing solutions. So far the program has aided the development of 44 new protected areas within the forest and committed to investing USD 113 million into future solutions (Amazon).

INTERNATIONAL COMMUNITY ACTIONS

Countries Involved in Amazon Environmental Crime

Indigenous, Community-Based Solutions in Guyana

Forests cover 84% of Guyana's land and play a vital role in its economy (Council adopts agreement with Guyana to tackle illegal logging). As such, Guyana has been committed to protecting their forests from the impacts of illegal logging and deforestation. Guyana has effectively slowed deforestation by employing a number of different strategies. One of Guyana's most impactful strategies was formally recognizing Indigenous land rights. Several studies have shown that indigenous people are the most effective protectors of rainforests and lands. Their care, regulation, and protective measures regularly outperform government organizations and national parks. In exchange for formal recognition and ownership of their land through titles and legislation, Indigenous people promise Guyana to protect their lands from environmental crime. Indigenous groups help deter outsiders from illegally logging on their territories by patrolling their lands and reporting threats to the government

(Unsung Heroes of Conservation: Indigenous People Fight for Forests). They employ grassroot community strategies that would only be possible with indigenous communities. According to the United Nations Development Program, almost 13% of Guyana's land is owned by indigenous communities (Arsenault). This means that a significant portion of their land is owned by people that are constantly working to protect, conserve, and regrow their forests. Guyana also works with indigenous communities to implement other strategies such as its logging verification system which ensures that illegally obtained wood is very difficult to sell both internationally and domestically (Guyana). An example of an indigenous group doing successful patrol work is the South Rupununi District Council (SRDC) (Can amazon countries save the rainforest?).

Columbia and the Bioeconomy

Columbia's government has been working to curb environmental crime in their section of the Amazon through the development of an environmentally friendly economy also known as a bioeconomy (Can amazon countries save the rainforest?). The bioeco-

nomy works to prioritize sustainable and renewable resources as well as create environmentally beneficial opportunities (Bioeconomy definition: What is bioeconomy and its principles?). Colombia is the only country in the Amazon that has a carbon tax (Can amazon countries save the rainforest?). Columbia's carbon tax encourages companies to reduce their carbon footprints by changing their practices. Since 2017, the tax has generated more than USD 250 million and the money has been allocated towards combating climate change and the upkeep of protected areas (Price). However, the tax has been criticized as being largely ineffective in reducing carbon emissions (A case study of British Columbia's carbon tax - center for local ...). Columbia has also moved towards more environmentally friendly industries such as regenerative agroforestry (Can amazon countries save the rainforest?). Furthermore, Columbia has developed formalization processes to help legalize illegal environmental crimes such as mining. By formalizing illegal jobs, the government hopes to help groups incorporate more sustainable practices (BNAMERICAS - Colombia small-scale miners miss Formalizati...). For example, by formalizing some mines that were previously illegal, they can place restrictions on the amount of trees cut to create mines or the ways that mercury can be utilized.

Involved International Organizations

The Combating Transnational Conservation Crimes in the Amazon (CTCCA)

In May of 2021, the UNODC and the United States Agency for International Development (USAID) signed an agreement to work on a USD 9.8 billion project combating environmental crimes in the Amazon (Moury/Diálogo). The agreement, also known as the Combating Transnational Conservation Crimes

in the Amazon project (CTCCA), aims to provide criminal justice support for countries in the Amazon. It spans from 2021 to 2025 in Columbia, Ecuador, Guyana, Suriname, Brazil, and Peru (Anamaria. cobucci). The CTCCA works closely with USAID's Amazon Regional Environment Program to uplift the voices of indigenous communities in conversations about conservation, reduce climate change through technology, and increase country information sharing about issues related to sustainability and crime (Amazonia Connect - U.S. Agency for International Development). They also work to address the impacts of wildlife trafficking by using campaigns to reduce consumer demand as well as creating incentives and economic opportunities for people to stop illegal wildlife trade (Combating wildlife trafficking: Basic page).

World Wildlife Fund (WWF) and TRAFFIC

The World Wildlife Fund (WWF) is one of the leading non-governmental organizations in the Amazon. It has been working to protect the forests from destruction, environmental crime, and species loss since the 1970s. One of the ways that the WWF has tried to combat wildlife trafficking in the Amazon is through the establishment of TRAFFIC. TRAFFIC was established in 1976 by the World Wildlife Foundation and the International Union for Conservation of Nature (IUCN) (Amazon). Since its inception, TRAFFIC has created and implemented a myriad of new resources to end wildlife trafficking. For example, the United States division of TRAFFIC worked with the United States Fish and Wildlife Service Forensic Laboratory to edit and expand the Identification Guide for Ivory and Ivory Substitutes guide. The guide functions as one of the most frequented resources for law enforcement, scientists, and wildlife authorities to identify ivory. TRAFFIC is also

responsible for the implementation and facilitation of the Reducing Opportunities for Unlawful Transport of Endangered Species (ROUTES) Partnership in the Americas. ROUTES aims to disrupt illegal wildlife trafficking by training companies, law enforcement, and transportation industries. TRAFFIC also led the effort to create the Coalition to End Wildlife Traf-ficking Online. The Coalition connects social media companies, businesses, and commerce groups to stop online wildlife trafficking. By giving the coalition companies training and resources like automated detection mechanisms, TRAFFIC has helped reduce online trafficking (Traffic).

CASE STUDY

The Yanomami People: Impacts on Indigenous Communities
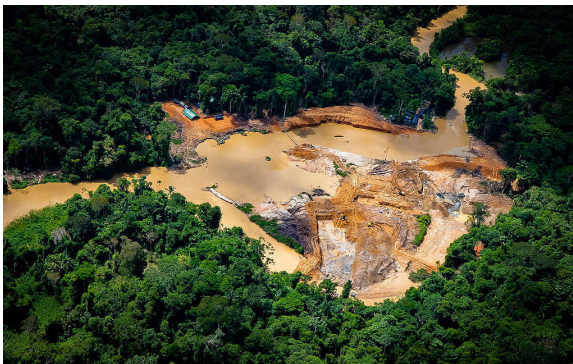
One of the worst consequences of environmental crime in the Amazon is the violence and harm it poses to indigenous communities. An example of this can be seen through the impact that environmental crime has had on the Yanomami people.

the border of Venezuela and Brazil near the Amazon River basin and the Orinoco River (Encyclopedia Britannica). The tribe has been living and thriving within the Amazon rainforest for centuries. However, in recent decades, the Yanomami population has dwindled from 35,000 people to around 29,000 due to rampant environmental crime that causes the rapid spread of fatal health problems and displacement. (OHCHR). The Yanomami territory has been a target of environmental crime for years due to its abundance of rich mineral resources. The invasion of Yanomami land first began in the 1970s after the first roads were constructed. The development of infrastructure brought hundreds of thousands of miners to the Amazon and exposed the wealth of the Yanomami territory to crime. In 1992, miners were removed from the tribe's territory by the military after the country designated the land as indigenous property. However, around ten years ago, illegal mining began to rise again (Watts and Bedinelli).

Today, officials estimate that there are over 20,000 illegal gold miners on Yanomami territory, spanning over 8,085 acres, despite its status as a protected land. One of the biggest issues facing indigenous

groups such as the Yanomami is that illegal mining causes water and food contamination. Mercury, which is needed to separate gold, contaminates the water and food of the tribe. An investigation found that over the past four years, around 570 Yanomami infants under five died of preventable diseases. Other children contract fatal illnesses from the pollution that cause them to vomit worms, have diarrhea, or be severely underweight (Watts and Bedinelli). Studies have shown that 92% of the Yanomami people have unhealthy levels of mercury in their bloodstream. In addition to the pollution, miners also bring machinery that are loud and drive animals further into the woods. This makes it harder for the Yanomami people to hunt for food and thereby increases food insecurity.

Rather than protecting the Yanomami tribe, in 2021, the Brazilian government weakened their law enforcement and passed a bill allowing mines on indigenous lands. Jair Bolsonaro, the Brazilian president at the time, also reduced state support for indigenous health care. Following this, Brazil's Senate called for President Bolsonaro to be charged with genocide of the Yanomami people (Bolsonaro evades genocide blame amid indigenous deaths by invaders, covid-19). In January of 2023 under the guidance of their new president, Luiz Inácio Lula da Silva, Brazil declared a health emergency for the tribe and proceeded to fly dozens of Yanomami children to hospitals to receive medical care (Amazon Watch). Brazil is currently working to eliminate the presence of illegal mines in Yanomami territories, but its response is late, as hundreds of people have died already.

QUESTIONS TO CONSIDER

1. What are the opportunities and challenges for developing sustainable economic models that prevent and discourage environmental crime?

2. How can international cooperation between NGOs, indigenous communities, and local stakeholders be strengthened to address crime in the Amazon more effectively?

3. What are some successful cases of tackling environmental crime? Can the solutions to these cases be applied to crime in the Amazon?

4. What are some long-term consequences of failing to address environmental crime in the Amazon?

WORKS CITED

Amazonia Connect - U.S. Agency for International Development https://www.usaid.gov/sites/default/files/2022-05/Amazonia_Connect_FS-English-27apr22.pdf.

Council adopts agreement with Guyana to tackle illegal logging. https://www.consilium.europa.eu/en/press/press-releases/2023/03/07/council-adopts-agreement-with-guyana-to-tackle-illegal-logging/.

Kimberley Process Inaction: Why we need beyond conflict freeTM. https://www.brilliantearth.com/news/kimberley-process-not-conflict-free/.

Council on Foreign Relations. https://www.cfr.org/backgrounder/can-amazon-countries-save-rain-forest. United Nations Forum on Forests " about UNFF https://www.un.org/esa/forests/forum/about-unff/index.html.

UNEP.https://www.unep.org/news-and-stories/story/shifting-consumer-behaviour-key-protecting-forests-lower-mekong.

Diaz, C. (2021) Brazil is failing to stop illegal logging of the Amazon, Quartz. https://qz.com/2075846/brazil-is-failing-to-stop-illegal-logging-of-the-amazon.

Clingham-David, J. (2020) New report show millions of species illegally trafficked from Brazilian Amazon, One Green Planet. https://www.onegreenplanet.org/animalsandnature/new-report-show-millions-of-species-illegally-trafficked-from-brazilian-amazon/.

Molly (2018) Mining's big environmental footprint in the Amazon, Mining Technology. Available at: https://www.mining-technology.com/features/minings-big-environmental-footprint-amazon/#:~:text=By%20Mfolly-,Molly,companies%20all%20around%20the%20world.

Muñoz, C. (2023a) Rainforest mafias, Human Rights Watch. Available at: https://www.hrw.org/report/2019/09/17/rainforest-mafias/how-violence-and-impunity-fuel-deforestation-brazils-amazon.

Muñoz, C. (2023b) Rainforest mafias, Human Rights Watch. https://www.hrw.org/report/2019/09/17/rainforest-mafias/how-violence-and-impunity-fuel-deforestation-brazils-amazon.

Prazeres, L. (2020) Desmatamento causado por garimpos na Amazônia Aumenta 23% EM 2019 e Bate recorde histórico, O Globo. https://oglobo.globo.com/politica/desmatamento-causado-por-garimpos-na-amazonia-aumenta-23-em-2019-bate-recorde-historico-1-24412968#:~:tex

t=Na%20avalia%C3%A7%C3%A3o%20de%20ambientalistas%20e,um%20not%C3%B3rio%20 defensor%20da%20atividade.

Raimi, Daniel. "Illegal Mining in the Amazon." Resources for the Future, Aug. 2022, www.resources.org/re sources-radio/illegal-mining-in-the-amazon-with-manuela-andreoni/.

Robbins, S. (2022a) Beneath the surface of illegal gold mining in the Amazon, InSight Crime. https://insight crime.org/investigations/beneath-surface-illegal-gold-mining-amazon/.

Skidmore, Z. (2022a) Illegal gold in the Brazilian Amazon, Mining Technology.https://www.mining-technol ogy.com/features/amazon-illegal-gold-mining/.

The cites appendices CITES. https://cites.org/eng/app/index.php.'

Toxic Mercury poisoning the Amazon WWF. https://wwf.panda.org/wwf_news/?338470%2FToxic-mercu ry-poisoning-the-Amazon.Traffic (no date) WWF. Available at: https://www.worldwildlife. org/initiatives/traffic.

Kimberley Process Inaction: Why we need beyond conflict free .https://www.brilliantearth.com/news/kimber ley-process-not-conflict-free/.

The global forest goals report 2021 - الأمم المتحدة. https://www.un.org/esa/forests/wp-content/up loads/2021/04/Global-Forest-Goals-Report-2021.pdf.

Https://documents-dds-ny.un.org/doc/UNDOC/GEN/N22/418/07/PDF/N2241807 ... https://www.ohchr. org/sites/default/files/documents/issues/women/sr/statements/2022-11-14/2022-10-04-SR VAW-Statement-Climate-Crisis-GA.docx.

Illegal wildlife trade. https://www.aza.org/wta-illegal-wildlife-trade?locale=en.

About KP World Diamond Council. https://www.worlddiamondcouncil.org/about-kp/.