

Forum: United Nations Office on Drugs and Crime

Issue: Addressing Global Prison Overcrowding and Correctional Reform

Student Officer: Leya Zheng, Meimei Zhang Johansen

Position: President, Deputy President



Figure 1: Prison overcrowding, Manila, Philippines (The Guardian)

Introduction

Global prison systems are currently facing an unprecedented crisis of scale. As of 2024, more than 120 countries report prison occupancy rates exceeding 100% of their official capacity, with some nations operating at over 400% (UNODC). This systemic overcrowding does not merely represent a logistical failure; it is a fundamental human rights violation that undermines the United Nations' (UN) Standard Minimum Rules for the Treatment of Prisoners and compromises the safety of both inmates and correctional staff.



Figure 2: Cartoon illustration of Prison Overcrowding (SGSB)

The drivers of this global crisis are deeply entrenched in national legal frameworks and judicial practices. Overcrowding is primarily sustained by punitive sentencing policies, mandatory minimum sentences, strict drug criminalization, and severe court backlogs that leave millions of legally innocent individuals in pre-trial detention for extended periods.

Definition of Key Terms

Carceral System

The carceral system includes all the policies and institutions that a state uses to define criminal activity and punish people for engaging in it. Incarceration has a far-reaching impact on women and their families, affecting overall health, access to care, and increasing the risk of trauma and further justice involvement over generations.

Mandela Rules

According to the UN, the Mandela Rules refer to the universally acknowledged blueprint for prison management, outlining minimum prison conditions, guidance, and setting clear benchmarks for prison staff to uphold safety and security standards alongside human dignity.

Non-Custodial Measures

Legal sanctions or decisions made by a competent authority that is subject to an offender or suspect to specific conditions and obligations without involving deprivation of liberty or imprisonment.

Prison Overcrowding

A situation where the number of inmates housed in a correctional facility exceeds its designed or maximum legal capacity.

Recidivism

An individual relapses into criminal behavior, often after the individual receives sanctions or undergoes intervention for a previous crime.

Reintegration in Society

The multi-step process by which an individual re-enters civic life, regains social roles, and re-establishes personal, economic, and psychological connections after a period of separation, displacement, or incarceration.

Remand Detention (Pre-trial Custody)

The court-ordered confinement of an accused individual in a jail or prison while they wait for their trial, sentencing, or further legal proceedings.

Solitary Confinement

A form of imprisonment where an individual is kept alone in a cell, isolated from human contact for 22 to 24 hours per day.

Background

To comprehend the current state of global prison overcrowding, we must not view it as an isolated infrastructure problem, but as the culmination of decades of shifting legal philosophies and systemic institutional neglect.

The Historical Shift of Prison Reforms

Historically, imprisonment was not the primary form of criminal punishment, as authorities relied heavily on public executions, corporal punishment, and transportation to penal colonies. However, by the 18th century, growing opposition to capital punishment encouraged imprisonment as an alternative – leading to the development of purpose-built penitentiaries during the 19th century. However, as imprisonment became a widely popularized sanction, the inadequacies of sanitation, overcrowding, and inhumane treatment within these institutions subsequently intensified demands for prison reforms.

In the 21st century, prison reform has increasingly shifted towards addressing systemic overcrowding, protecting prisoners' human rights, and prioritizing rehabilitation over purely punitive approaches. Growing concerns over human rights abuses have encouraged governments to reconsider traditional incarceration policies.

Internationally, the UNODC has established foundations for governments to establish safe and secure prisons, such grounds being the Nelson Mandela Rules. Such reforms are increasingly evident in countries including Brazil, where the Pena Justa plan seeks to reduce overcrowding and strengthen social reintegration. Nevertheless, implementation remains uneven globally due to differences in national criminal justice policies, institutional capacity, and available resources.

Root Causes of Global Prison Overcrowding

The main cause of this current crisis is the globalised "War on Drugs." Since the 1980s, international drug control treaties have strongly encouraged Member States to adopt strict criminalising legislation for low-level drug possession and use. This has funneled millions of non-violent individuals into the carceral system when they would have been treated more effectively through public health interventions.

In many regions, particularly in Latin America and Southeast Asia, drug-related offences became the single largest contributor to the prison population surge. According to the Igarapé Institute, Latin America's prison population doubled between 2000 and 2018, reflecting increasingly punitive approaches to criminal justice. Similarly, drug-related offences accounted for approximately 81% of Thailand's prison population in 2021, and 40% of Indonesia's in 2020 (IDPC). These trends demonstrate the substantial contribution of drug enforcement policies to incarceration across Southeast Asia.



Figure 3: Latin American prison population rates, 2016 (ICPR)

Beyond drug policy, the criminalisation of poverty also acts as a significant factor in prison overcrowding. Numerous jurisdictions continue to enforce loitering laws that effectively target the homeless and unemployed. For instance, numerous U.S. jurisdictions continue to enforce loitering and public camping restrictions that disproportionately affect homeless populations; Grants Pass, Oregon, has enforced restrictions on sleeping in public places, exposing unhoused individuals to fines and potential legal penalties. Such measures raise concerns about the criminalisation of poverty rather than addressing its underlying causes.

Systemic Failures

Moreover, the control of the prison population is equally broken due to systemic judicial failures. The most glaring of these is the excessive and often arbitrary use of pre-trial detention. Globally, approximately one-third of the total prison population consists of individuals who have not been convicted of a crime, also known as remand prisoners. In some developing nations, this figure can soar as high as 80%. Thus, these individuals are often held in the most overcrowded and least-served areas of the prison.

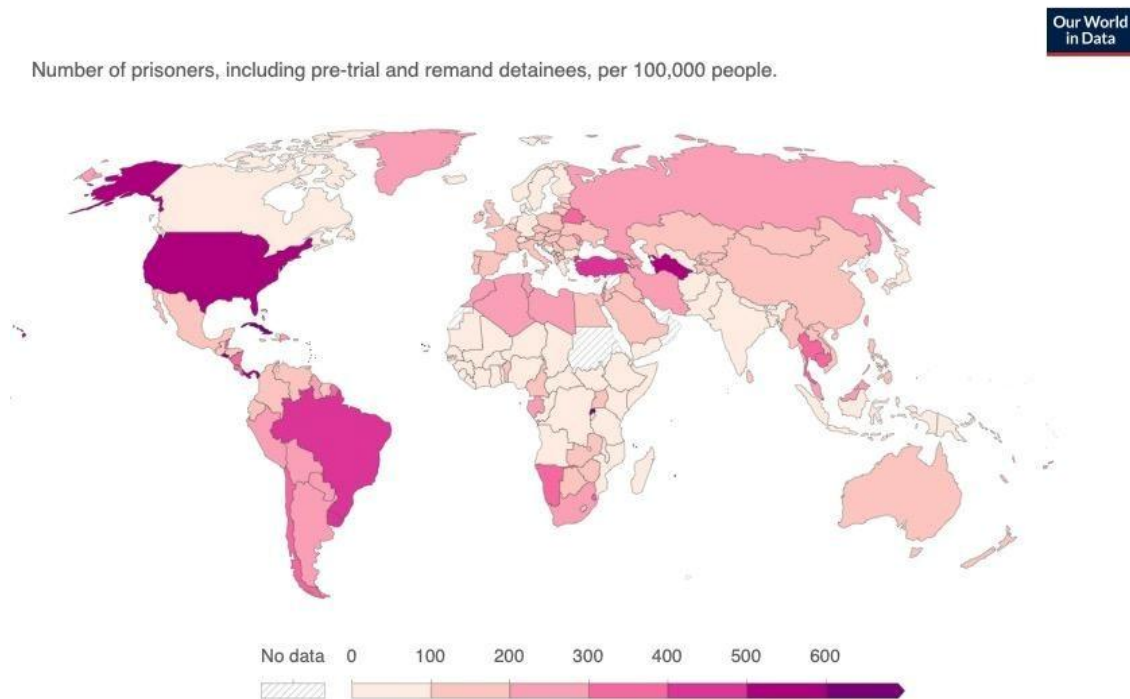


Figure 4: Map of Global Prison Population Rate in 2026 (Our World in Data)

One main cause of these failures is the lack of judicial resources. Inefficient paper-based record-keeping, a lack of public defenders, and a deficit of judges mean that cases can take years, or even decades, to reach a conclusion. Furthermore, limited access to achieving justice for the poor ensures that those who cannot afford bail remain trapped in pre-trial limbos. This systemic bottleneck prevents the flow of the justice system, ensuring that even if new admissions were halted today, prisons would remain overcrowded for years due to the pending caseload.

Humanitarian and Health Consequences

The humanitarian consequence of overcrowding is a violation of the "Mandela Rules". In overcrowded facilities, basic needs such as clean water, adequate nutrition, and sufficient sleeping space are rarely met. As three or four inmates are forced to share a cell designed for one, this eventually leads to increased rates of violence and self-harm.

From a public health perspective, overcrowded prisons create conditions that accelerate the transmission of infectious diseases, as prolonged close contact between inmates increases exposure to infections. The lack of

ventilation and sanitation makes the transmission of Tuberculosis, AIDS, and respiratory viruses nearly impossible to control. In fact, rates of tuberculosis in prisons are frequently dozens of times higher than in the general population, posing a significant threat to the community at large.

Furthermore, the psychological impact of living in a state of constant noise, lack of privacy, and threat of violence causes severe, long-term trauma. Ultimately, this environment prevents individuals from successfully re-entering society, leading to high recidivism rates and further fueling the cycle of overcrowding.

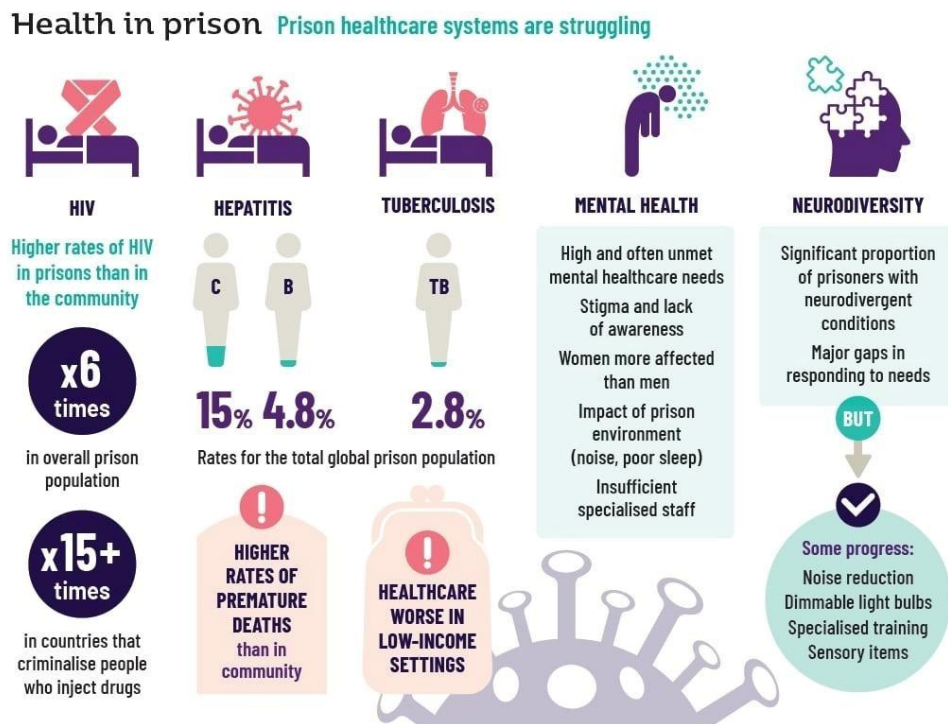


Figure 5: Health Conditions in Prison infographic (Russel Webster)

Essentially, prison overcrowding is not simply a responsibility of prisons, but a failure in the entire criminal justice chain—from the legislator who writes the laws to the judge who issues the sentence, and the social system that fails to support the individual upon release.

Major Parties Involved

Federal Republic of Brazil

With over 830,000 inmates, Brazil has the third-largest prison population in the world. The Brazilian prison system has introduced issues such as mass incarceration, inhumane conditions, and other systematic human rights violations, many due to Brazil's non-compliance with international guidelines, such as the Mandela Rules. Official data from the National Council of Justice (CNJ) and penal authorities report that nearly 70% of more than 1,700 domestic prison units are overcrowded, with rates sometimes reaching 190% (LOTHAIRE et al.).

An important contributor to overcrowding in Brazil's prisons is the confinement of unsentenced prisoners, who constitute roughly one-third of the inmate population. Brazilian prisons are also regularly scenes of massacres and rebellion.

Brazil recognises prison overcrowding as a structural human-rights and public-security issue, supporting alternatives to incarceration alongside improved prison conditions. In 2025, it launched the Pena Justa National Plan, introducing measures such as electronic monitoring, custody reviews, prison-capacity controls, and greater access to legal assistance. Brazil seeks to address prison overcrowding through judicial reform and international cooperation, notably partnering with the United Nations Development Programme (UNDP) under the Fazendo Justiça programme to support the Pena Justa plan. Additionally, through Secretaria Nacional de Políticas Penais (SENAPPEN), Brazil engages in bilateral cooperation with international prison authorities to exchange best practices and improve correctional infrastructure and humanitarian conditions.

International Committee of the Red Cross (ICRC)

Founded in 1863, the ICRC is a neutral and independent humanitarian organisation with a longstanding mandate to protect people deprived of liberty, particularly in situations of violence. The ICRC views prison overcrowding as a humanitarian and systemic issue, as excessive populations can undermine detainees' dignity, physical and mental health, sanitation, and safety while also placing prison staff under significant pressure. The ICRC argues that building additional prison capacity alone cannot resolve overcrowding because its underlying causes originate elsewhere in criminal-justice systems, legislation, policing, and judicial practices.

The ICRC runs initiatives that include detention visits and cooperation with national authorities on healthcare, sanitation, prison infrastructure, and humanitarian aid management, aiming to address the root causes of overcrowding while improving detention conditions.

Penal Reform International (PRI)

Established in 1989, the PRI is an international non-governmental organisation that approaches correctional policy through a humanitarian, proportionality, and rehabilitation framework. The PRI states that excessive criminalisation, unnecessary pre-trial detention, and over-reliance on imprisonment are major causes of overcrowding. Its Global Prison Trends 2026 estimates that approximately 11.7 million people are imprisoned worldwide, while overcrowding, inadequate healthcare and weak oversight continue to affect correctional systems internationally. Under its 2024-2028 Strategy, PRI seeks to reduce imprisonment, adjust pre-trial detention routines, expand non-custodial alternatives, and strengthen prisoner reintegration.

United Nations Office on Drugs and Crime (UNODC)

UNODC is the principal UN actor supporting international prison and criminal-justice reform. Its approach is grounded in international standards including the UN Standard Minimum Rules for the Treatment of Prisoners, originally adopted in 1955 and revised in 2015 as the Nelson Mandela Rules through UN General Assembly Resolution 70.175. UNODC maintains that imprisonment must respect human dignity, and that overcrowding

cannot be solved exclusively by increasing prison capacity. Through prison-reform programs, UNODC focuses on reducing the scope of imprisonment, improving prison conditions and management, and supporting rehabilitation and social reintegration.

Furthermore, UNODC also provides member states with technical assistance concerning correctional statistics, prison management, education, vocational training and alternatives to incarceration, seeking to align national correctional systems with internationally agreed standards.

United States of America

The USA is particularly relevant due to the scale and decentralised nature of its correctional system. At year-end 2023, approximately 1.254 million people were under state or federal prison jurisdiction, while local jails held approximately 658,700 people at mid-year 2024; around 68% of local jail detainees were unconvicted, making pre-trial detention relevant to reform discussions (Bureau of Justice).

The U.S. addresses prison overcrowding through decentralised correctional policies, with responsibilities divided among federal, state, and local governments. At the federal level, the bipartisan First Step Act of 2018 emphasises reducing recidivism through rehabilitation, earned time credits, and reintegration programmes. While the federal government continues to pursue correctional reform alongside public safety objectives, approaches to prison overcrowding vary significantly across individual states and jurisdictions.

Previous Attempts to Resolve the Issue

- United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules), 17 December 2015 (**A/RES/70/175**): establishes comprehensive global standards for humane detention conditions, healthcare equivalence, protection against torture, and strict limits on solitary confinement.
- United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules), 21 December 2010 (**A/RES/65/229**): provides gender-specific guidelines that encourage non-custodial alternatives for female offenders.
- United Nations Standard Minimum Rules for Non-custodial Measures (the Tokyo Rules), 14 December 1990 (**A/RES/45/110**): promotes alternatives to incarceration across all stages of the legal system to reduce prison populations.
- United Nations Rules for the Protection of Juveniles Deprived of their Liberty, 14 December 1990 (**A/RES/45/113**): establishes standards to minimise youth incarceration, promoting rehabilitation, legal protection, and diversion programs for juvenile offenders.
- Human Rights in the Administration of Justice, 18 December 2019 (**A/RES/74/143**): urges Member States to address court backlogs, expand access to legal aid, and reduce reliance on pre-trial detention to combat overcrowding.

- Basic Principles for the Treatment of Prisoners, 14 December 1990 (A/RES/45/111): affirms that all prisoners retain fundamental human rights, requiring respect for their dignity, religious beliefs, and socio-cultural needs.

Timeline of Events

Date	Description/Note
1556	London's Bridewell becomes a house of correction, marking an early development of institutional imprisonment through forced labour and confinement.
August 30, 1955	UN adopts the "Standard Minimum Rules for the Treatment of Prisoners", establishing international detention standards
June 17, 1971	U.S. President Nixon declares drug abuse as a major national threat, escalating the War on Drugs and contributing to mass incarceration
October 27, 1986	U.S. adopts the Anti-Drug Abuse Act, introducing mandatory minimum sentences for certain drug offences
December 14, 1990	UN adopts the Tokyo Rules, promoting alternatives to imprisonment and non-custodial in <i>Brown v. Plata</i>
December 17, 2015	UN adopts the Nelson Mandela Rules, strengthening international standards for humane prison conditions
March 2016	UNODC launches the Doha Declaration Global Programme, supporting prison rehabilitation and criminal justice reform internationally
June 30, 2016	Rodrigo Duterte implements his "War on Drugs" in the Philippines, leading to widespread arrests, killings, and worsening detention overcrowding
May 13-17, 2024	The 33 rd UN Commission on Crime Prevention and Criminal Justice (UNCPCJ) meets in Vienna, adopting resolutions addressing criminal justice reforms
2025	The UN Commission on Crime Prevention and Criminal Justice adopts Resolution 34/2, calling for continued implementation of the Nelson Mandela and Bangkok Rules.

Possible Solutions

To address the global crisis of prison overcrowding and advance meaningful correctional reform, it is fundamental to look beyond simple infrastructure expansion, which historical evidence shows often leads to new capacity being rapidly filled, and focus on systemic, multi-tiered approaches. Resolutions should address the entire carceral pipeline across three main pillars.

Legislative Reform and Decriminalization Frameworks

A fundamental step in reducing prison overcrowding is limiting the initial intake of individuals into the criminal justice system through legislative action. Exploring how national penal codes can be modernized to differentiate between serious, high-risk offences and low-level, non-violent infractions is a vital step.

Shift Toward Public Health Models and Administrative Diversion

Reclassifying minor drug possession and substance use disorders as public health challenges is often highly encouraged. Individuals should be provided with sufficient health-based treatment, addiction counselling, and social service networks. Additionally, reviewing statutes that criminalise poverty-related behaviours, such as vagrancy, loitering, or informal vending, can prevent carceral institutions from acting as default holding spaces for economically vulnerable populations.

Mandatory Minimums and Sentencing Laws

Restoring judicial discretion further enables judges to consider mitigating personal circumstances, before criminal history, and proportional rehabilitation potential when setting sentence lengths and mitigation. Meanwhile, rigid mandatory minimums and habitual offender laws for non-violent crimes can also help stabilize average sentence lengths and relieve long-term population density.

International Cooperation and Mechanisms

Resolving global prison overcrowding requires multilateral coordination, resource-sharing, and technical cooperation among Member States and international organisations.

International financial institutions, specialised UN agencies, and non-governmental organisations can effectively provide technical assistance, funding, and training to developing nations attempting to reform their penal codes and judicial infrastructure. Thus, establishing bilateral and multilateral knowledge-sharing platforms could be an efficient solution, allowing states to adapt successful correctional models to their local socio-cultural contexts. At the same time, regular monitoring of prison conditions and public reporting of occupancy further strengthen independent national and international inspection. By putting such a system in place, it establishes a global framework that ensures long-term accountability, transparency, and continuous progress toward humane correctional reform.

Rehabilitation and Post-Release Re-Entry Approaches

Ensuring that incarcerated individuals successfully reintegrate into society upon release is essential to prevent future recidivism and sustained institutional density.

Correctional Institutions

A key approach to address comprehensive rehabilitation is aligning prison conditions with international human rights standards by reinvesting in educational coursework, vocational skills training, and mental health services within facilities. In fact, equipping inmates with market-relevant skills and psychological support during their sentence significantly lowers their likelihood of re-offending upon release.

Post-Release Support Networks and Policies

Additionally, to break the cycle of recidivism, removing legal and social barriers to employment for former inmates can be fundamentally useful. Governments can also propose to offer tax incentives to private businesses that hire formerly incarcerated persons, providing temporary transitional housing and ensuring access to continued medical care. These post-release support networks may also ensure long-term population reductions across correctional facilities.

Implementation of Non-Custodial Sentences

According to international standards, imprisonment should be utilised as a measure of last resort. Therefore, it is important to focus on measures that incentivise and expand alternative sentencing options for non-violent or first-time offenders.

Expanding structured non-custodial options, such as mandatory community service, day-reporting requirements, fine structures adjusted to income, and GPS-based electronic monitoring, can all be potential alternatives to incarceration. These alternatives allow individuals to maintain employment, support dependents, and remain embedded in community support networks while serving their court-mandated sentences, preserving prison capacity for high-risk offenders. Incorporating restorative justice frameworks offers an alternative pathway to traditional carceral punishment. Programs such as victim-offender mediation, community accountability boards, and restitution agreements enable offenders to take direct responsibility for their actions and compensate victims without incurring custodial sentences, fostering genuine community healing and reducing institutional burdens.

Bibliography

- Author(s) Derek Mueller, PhD, BJS Statistician, and Rich Kluckow. 'Prisoners in 2023 – Statistical Tables'. *Bureau of Justice Statistics*, Sept. 2025, bjs.ojp.gov/library/publications/prisoners-2023-statistical-tables. Accessed 18 Oct. 2026.
- Department for Correctional Services. "Remand." *Government of South Australia*, www.corrections.sa.gov.au/prison/remanded-in-custody/remand. Accessed 30 Sep. 2026.
- International Committee of the Red Cross. "Water, Sanitation, Hygiene and Habitat in Prisons." *ICRC*, 2013, www.icrc.org/en/doc/assets/files/publications/icrc-002-0823.pdf. Accessed 30 Sep. 2026.
- National Institute of Justice. "Recidivism." *National Institute of Justice*, U.S. Department of Justice, www.nij.ojp.gov/topics/corrections/recidivism. Accessed 30 Sep. 2026.
- Office of the High Commissioner for Human Rights. "United Nations Standard Minimum Rules for Non-custodial Measures (The Tokyo Rules)." *OHCHR*, United Nations, www.ohchr.org/en/instruments-mechanisms/instruments/united-nations-standard-minimum-rules-non-custodial-measures. Accessed 30 Sep. 2026.**
- Penal Reform International. "Global Prison Trends 2023." *Penal Reform International*, 2023, www.penalreform.org/global-prison-trends-2023/. Accessed 30 Sep. 2026.
- Penal Reform International. "Solitary Confinement." *Penal Reform International*, www.penalreform.org/issues/prison-conditions/key-facts/solitary-confinement/. Accessed 30 Sep. 2026.
- SAGE Publications. "Prison Overcrowding." *The SAGE Encyclopedia of Criminal Psychology*, edited by Robert D. Morgan, SAGE Publications, sk.sagepub.com/ency/edvol/the-sage-encyclopedia-of-criminal-psychology-1e/chpt/prison-overcrowding. Accessed 30 Sep. 2026.
- United Nations General Assembly. "United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules)." *Resolution A/RES/70/175*, 17 Dec. 2015, www.un.org/en/ga/search/view_doc.asp?symbol=A/RES/70/175. Accessed 30 Sep. 2026.**
- United Nations Office on Drugs and Crime. "Handbook on Strategies to Reduce Prison Overcrowding." *UNODC*, United Nations, 2013, www.unodc.org/documents/justice-and-prison-reform/Overcrowding_Handbook.pdf. Accessed 30 Sep. 2026.**
- Vilalta, Carlos, and Gustavo Fondevila. *PRISON POPULISM in LATIN AMERICA*. 2019, igarape.org.br/wp-content/uploads/2019/04/2019-03-29-NE-32_Prision-Growth-EN.pdf. Accessed 18 Oct. 2026.
- Walmsley, Roy. "World Prison Population List (Thirteenth Edition)." *Institute for Crime & Justice Policy Research*, 2021, www.prisonstudies.org/sites/default/files/nlist_13.pdf. Accessed 30 Sep. 2026.

World Health Organization. "Prisons and Health." *WHO Regional Office for Europe*, 2014, www.who.int/europe/publications/i/item/9789289050593. Accessed 30 Sep. 2026.

World Prison Brief. "Highest to Lowest - Occupancy Level (Based on Official Capacity)." *Institute for Crime & Justice Policy Research*, 2024, www.prisonstudies.org/highest-to-lowest/occupancy-level. Accessed 30 Sep. 2026.