

HUMAN RIGHTS

HUMAN RIGHTS VIOLATIONS IN MAXIMUM SECURITY PRISONS



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web sites :

- https://www.unodc.org/documents/justice-and-prison-reform/Nelson_Mandela_Rules-E-ebook.pdf
- https://www.unodc.org/documents/justice-and-prison-reform/UNODC_Handbook_for_Prison_Leaders.pdf
- https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/Inquiries.aspx?Lang=en
- <https://www.prisonstudies.org/>
- <https://www.ohchr.org/es/treaty-bodies/ccpr>
- <https://digitallibrary.un.org/record/816764>
- <https://www.penalreform.org/issues/prison-conditions/key-facts/solitary-confinement/>

Glossary :

Sovereignty: The authority of a state to govern itself and make decisions within its territory (United Nations, n.d.).

Humanitarian intervention: International action intended to protect populations from serious human rights violations and humanitarian crises (United Nations, n.d.).

Overcrowding: A situation in which prisons contain more people than their facilities can adequately accommodate, contributing to poor living conditions and human rights violations (United Nations Office on Drugs and Crime, 2015).

Solitary confinement: The practice of keeping a prisoner isolated from other inmates for an extended period (United Nations Office on Drugs and Crime, 2015).

Dignity: The inherent value of every human being that must be respected regardless of their circumstances or status (United Nations Office on Drugs and Crime, 2015).

Rehabilitation: The process of helping prisoners develop and reintegrate into society while reducing the possibility of reoffending (United Nations Office on Drugs and Crime, 2015).

Impunity: A situation in which individuals responsible for violations or crimes avoid legal consequences or punishment (United Nations Office on Drugs and Crime, 2010).

Accountability: The obligation of governments or institutions to take responsibility for their actions, explain their decisions, and face consequences when they violate rights or laws (United Nations Office on Drugs and Crime, 2010).

WHAT IS THE PURPOSE OF HUMAN RIGHTS?

What is the purpose of Human Rights?

The Human Rights Council (HRC) is a United Nations body responsible for promoting universal respect for and protection of all human rights and fundamental freedoms for everyone, without discrimination (United Nations, 2008).

The HRC provides a platform for countries to discuss human rights issues and works to address situations involving human rights violations. It also examines human rights situations and makes recommendations to improve their protection (United Nations, 2008).

The Council promotes the principles of equality, dignity, justice, and fundamental freedoms, while encouraging states to fulfill their international human rights obligations (United Nations, 2024).

Overall, the purpose of Human Rights is to promote and protect the rights and fundamental freedoms of all people, address human rights violations, and encourage international cooperation to create a fairer and more equal world.



GENERAL INFORMATION

Maximum-security prisons are designed to maintain strict security for people considered to represent a high security risk. However, being deprived of liberty does not mean losing fundamental human rights. The United Nations establishes that every prisoner must be treated with dignity and protected from torture and cruel, inhuman or degrading treatment.

The Nelson Mandela Rules, adopted by the United Nations General Assembly in 2015, establish minimum international standards for the treatment of prisoners. They include adequate living conditions, access to health care, food and water, protection from abuse, and respect for human dignity.

Human rights violations can occur when security measures become excessive. Some important concerns include prolonged solitary confinement, inadequate medical care, poor prison conditions, excessive restrictions, and cruel or degrading treatment. The Mandela Rules state that solitary confinement should only be used as an exceptional measure and for the shortest possible time.

Prisoners continue to have the right to basic health services and humane living conditions. The World Health Organization states that people in prison should receive the same standard of medical care as people in the community, making prison health an important human rights issue.

Another major concern is solitary confinement. International standards establish that it should only be used as a last resort, for a limited period, and under proper supervision. The United Nations has expressed concern about situations in which prisoners in maximum-security facilities spend most of the day isolated in their cells.

Prison authorities also have a responsibility to prevent violence and abuse and to provide mechanisms through which violations can be reported and investigated. Therefore, maintaining security must always be balanced with the protection of prisoners' dignity, health, safety, and fundamental rights.

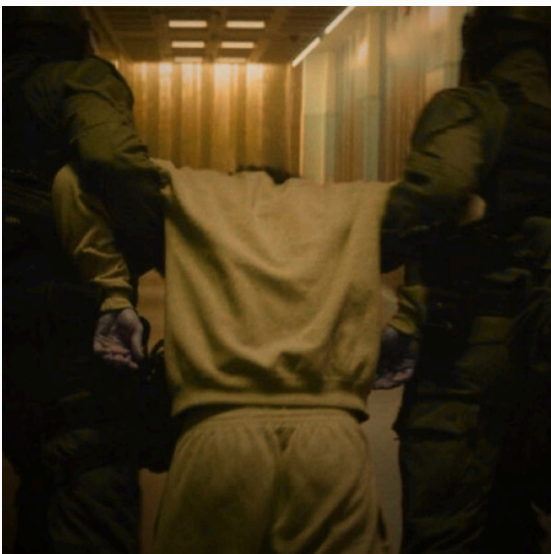
CONTEXT AND TOPICALITY OF THE PROBLEM

The treatment of prisoners has become an important international human rights issue. In 2015, the United Nations General Assembly adopted the Nelson Mandela Rules, creating updated international standards for prison management and the treatment of people deprived of liberty.

United Nations human rights bodies have raised concerns about the use of long-term isolation and restrictive conditions in maximum-security prisons. In particular, the UN Committee against Torture has stated that keeping prisoners isolated for 22 or 23 hours a day in super-maximum-security prisons is unacceptable.

These concerns show the importance of ensuring that prison security measures do not become violations of human rights. Governments must work toward humane prison conditions, adequate health care, limited use of solitary confinement, independent oversight, and accountability.

The main challenge is to maintain security in maximum-security prisons while protecting the dignity and fundamental human rights of every person deprived of liberty.



PROBLEMS

- The protection of prisoners' human rights remains a significant global challenge. People deprived of their liberty remain entitled to humane treatment and respect for their dignity, yet many detention systems face serious problems such as prolonged solitary confinement, prison overcrowding, inadequate healthcare, violence and abuse by prison staff, torture, corruption, and gang-related violence. These conditions can affect prisoners' physical and psychological well-being and can also interfere with their rehabilitation and reintegration into society. International standards establish that imprisonment should not result in additional suffering beyond the deprivation of liberty itself and that governments have a responsibility to protect prisoners from abuse and ensure adequate conditions of detention (United Nations Office on Drugs and Crime [UNODC], 2015).

POINTS TO DISCUSS

1. **Solitary confinement and psychological damage:** How does prolonged isolation affect the mental health, behavior, and long-term rehabilitation of prisoners in maximum-security facilities?
2. **Prison overcrowding:** How do overcrowded prison systems contribute to violence, poor living conditions, and human rights violations within detention centers?
3. **Access to healthcare in prisons:** Do prisoners have adequate access to medical treatment, mental health services, and emergency healthcare while incarcerated?
4. **Violence and abuse by prison staff:** To what extent does excessive use of force, abuse of authority, or mistreatment by correctional officers violate prisoners' human rights?
5. **Torture and inhumane punishment:** What measures should governments implement to prevent torture, cruel treatment, and degrading punishment inside prisons?
6. **Rights of juvenile prisoners:** Are minors in detention centers receiving the legal protections, education, and rehabilitation opportunities established under international law?

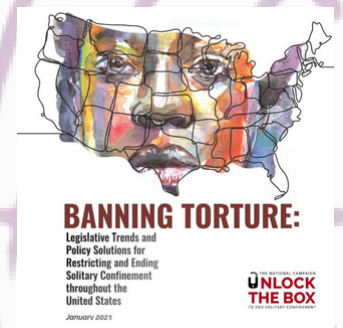
HUMAN RIGHTS

Problems and points to address

7. **Group violence inside prisons:** How does the presence of organized criminal groups within prisons increase violence, corruption, and insecurity among inmates and staff?
8. **Corruption in prison systems:** How does corruption within penitentiary institutions contribute to human rights abuses, illegal activities, and lack of accountability?
9. **International monitoring of prisons:** Should international organizations have greater authority to inspect prisons and investigate possible human rights violations in detention facilities?
10. **Reintegration of former prisoners into society:** What strategies can governments implement to support rehabilitation and reduce recidivism after incarceration?

ORGANIZATIONS

- Amnesty International
- Human Rights Watch (HRW)
- Penal Reform International (PRI)
- Association for the Prevention of Torture (APT)
- American Civil Liberties Union (ACLU) - National Prison Project
- Solitary Watch
- Center for Constitutional Rights (CCR)



MEASURES TAKEN

- One measure is the implementation of independent prison monitoring systems to inspect facilities, investigate complaints, and prevent human rights abuses.
- Another measure is limiting the use of solitary confinement and excessive force, allowing them only when strictly necessary and for the shortest time possible.
- A further measure is improving prison conditions, including access to healthcare, clean water, adequate food, sanitation, education, and legal assistance.

The Nelson Mandela Rules, adopted by the United Nations in 2015, established international standards for the humane treatment of prisoners. They emphasize the protection of human dignity and fundamental rights, including:

- Protection from torture and degrading treatment.
- Access to healthcare and basic necessities.
- Respect for family contact and legal assistance.
- Independent investigation of abuses inside prisons.

IMPORTANCE

Analyzing the deprivation of liberty from the perspective of the United Nations Human Rights Committee is essential to ensure that state sovereignty in security matters does not violate human dignity. High-security prisons represent the extreme limit of the state's punitive power, where inmates find themselves in a state of total vulnerability and unable to exercise their basic rights in the face of strict custody and isolation. Evaluating these conditions allows for the monitoring of compliance with the International Covenant on Civil and Political Rights (ICCPR), preventing cruel, inhuman, or degrading treatment, and ensuring that the essential aim of the penitentiary system remains the reformation and social rehabilitation of prisoners, rather than mere retribution or physical and psychological harm (Office of the High Commissioner for Human Rights, n.d.).

COMITEE OBJECTIVES

In the context of examining prison conditions and maximum-security facilities, the main objective of the Human Rights Committee is to strictly monitor compliance with the International Covenant on Civil and Political Rights (ICCPR), prioritizing the effective application of Article 7, regarding the prohibition of torture and cruel treatment, as well as Article 10, which mandates humane treatment and respect for the inherent dignity of all persons deprived of their liberty (UN Human Rights Committee, 1992). To achieve this purpose, the body evaluates periodic reports submitted by States parties, issuing concluding observations that point out systemic deficiencies such as critical overcrowding, lack of due process, or the disproportionate use of solitary confinement. Additionally, the Committee formulates General Comments that serve as authoritative guidance for interpreting the scope of state obligations within detention facilities, and reviews individual communications submitted by individuals when domestic legal remedies have been exhausted without redress (Office of the High Commissioner for Human Rights, n.d.).

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