

The Overlooked Violations of Human Rights in Correctional Facilities:
Punitive Patterns and Systemic Failures

by

Victoria Nelson

A Practicum submitted to the
Faculty of Graduate and Postdoctoral Studies
of the University of Manitoba in partial fulfilment of the requirements of
the degree of

Master of Human Rights

Faculty of Law
University of Manitoba
Winnipeg

Copyright © 2026 by Victoria Nelson

Abstract

Correctional facilities worldwide are sites of serious and systemic human rights abuses, even within putatively rights-compliant liberal democracies. Inside, incarcerated individuals have been recorded as being subjected to inhumane living conditions, inadequate or denied medical care, prolonged solitary confinement, and institutionalized neglect. These practices undermine human dignity and contradict international human rights standards set out through legislation. This research examines how prison conditions and correctional practices fail to meet international legal obligations, highlighting the right to humane treatment, the right to health, and the protection of life and physical integrity inside these facilities. Using legal analysis, statistical research, case studies, and research conducted by international human rights organizations, this research aims to show that such human rights abuses are not isolated incidents but are instead a result of severe shortcomings within the correctional systems of the present day. Further highlighted is the importance of changing correctional systems to meet the standards set out by international law, both for the human rights and dignity of the inmates and for effective functioning of the justice system.

Contents

Abstract	1
Introduction.....	3
Methodology	4
Scope and Limitations	5
Section 2: Preliminary Survey and Scholarly Context	6
2.1. International Human Rights Standards and Detention	6
2.2. Punitive Versus Rehabilitative Justice Models	8
2.3. Structural Inequality in Criminal Justice	10
2.4. Institutional Opacity and Oversight in Carceral Systems	12
Section 3: Human Rights Violations in Correctional Facilities.....	13
3.1. Conditions of Confinement and Humane Treatment	14
3.3. Legality, Due Process, and Arbitrary Detention	19
3.4. Equality and Structural Discrimination in Penal Systems.....	21
3.5. Failure of Rehabilitation and Reintegration	23
Section 4: Benefits of Human Rights Centered Reform	25
4.1. Reduced Recidivism and Safer Societies.....	26
4.2. Alignment with International Law	27
4.3. Human Dignity and Social Reintegration	28
Section 5: Recommendations	29
5.1. Prison Reform	29
5.2. Abolition of the Death Penalty	31
5.3. Accountability and Oversight.....	32
Section 6: Challenges to Implementation	33
Conclusion.....	35
Bibliography	38

Introduction

Behind prison walls, human rights violations are routinely ignored, normalized, or concealed from the broader public. Across jurisdictions, people incarcerated in correctional facilities face overcrowding, unsanitary conditions, inadequate medical care, prolonged solitary confinement, and systemic physical and psychological abuse.¹ These practices fundamentally undermine human dignity and contradict international human rights law, as set forth in the Universal Declaration of Human Rights (UDHR)², the European Convention on Human Rights (ECHR)³, the International Covenant on Civil and Political Rights (ICCPR)⁴, the International Covenant on Economic, Social and Cultural Rights (ICESCR)⁵, and the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Mandela Rules).⁶ These violations are consistently prevalent and continue in correctional facilities despite the laws and norms articulated in these international instruments. The subject is urgent as incarcerated people are often unable to report abuse or seek accountability, nor are they always aware that these laws have continued validity or applicability despite their incarceration.

¹ Coyle, Andrew. 2008. "The Treatment of Prisoners: International Standards and Case Law." *Legal and Criminological Psychology* 13 (2): 219–30. <https://doi.org/10.1348/135532508x284284>.

² United Nations. 1948. "Universal Declaration of Human Rights." United Nations. December 10, 1948. <https://www.un.org/en/about-us/universal-declaration-of-human-rights>.

³ Council of Europe. 1950. "European Convention on Human Rights." European Court of Human Rights. https://www.echr.coe.int/documents/d/echr/Convention_ENG.

⁴ United Nations. 1966. "International Covenant on Civil and Political Rights." OHCHR. United Nations. December 16, 1966. <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-civil-and-political-rights>.

⁵ United Nations (General Assembly). 1966. "International Covenant on Economic, Social, and Cultural Rights." *Treaty Series* 999 (December): 171.

⁶ United Nations Office on Drugs and Crime. 2015. "United Nations Standard Minimum Rules for the Treatment of Prisoners (Nelson Mandela Rules)." *International Legal Materials* 55 (6): 1180–1205. <https://doi.org/10.1017/s0020782900030898>.

Punishment-centered justice systems prioritize control and deterrence over rehabilitation and re-integration, despite extensive evidence that doing so does not reduce crime or recidivism.⁷ Instead, they feed cycles of trauma, inequality, and social exclusion while disproportionately impacting marginalized and racialized populations.⁸ In comparison, countries that prioritize humane treatment, healthcare, education, and family connection, such as Germany and Norway, achieve lower recidivism and better reintegration for both incarcerated individuals and society overall.⁹

Human rights violations in correctional facilities are not isolated incidents of abuse, but structural features of punishment-focused penal systems that prioritize retribution, incapacitation, and deterrence. These practices fundamentally breach international human rights law and require reform not only because they violate the inherent dignity and rights of incarcerated persons, but also because rights-centered correctional systems deliver demonstrable benefits (lower recidivism, stronger public safety, and better societal outcomes) compared to punitive models.

Methodology

This study uses a qualitative legal approach grounded in international human rights law. It considers prison conditions and practices as reported in the literature, and assesses them against key international instruments (UDHR, ICCPR, ICESCR, Mandela Rules) as the main tools of analysis. Secondary sources used to support the arguments made in this paper include

⁷ Arandjelović, Ognjen. 2023. "Crime and Punishment: A Rethink." *Philosophies* 8 (3): 47. <https://doi.org/10.3390/philosophies8030047>.

⁸ Arandjelović, "Crime and Punishment," 2023.

⁹ Neal, Natalie. 2024. "Comparing Penal Recidivism in Three Different Nation-States: A Case Study of Germany, Norway, and the United States." In *Exchanges of Culture, Policy, and Goods from 1492 to the Future*.

UN General Comments, Reports of UN Special Rapporteurs, judgments of the European Court of Human Rights (ECtHR), and other authoritative resources.

A comparative and integrating style (i.e. meta-synthesis) is used to explain how similar breaches occur in democratic countries. Empirical data used in this paper are drawn mainly from constitutional democracies that have ratified key human rights treaties and claim to be human rights-compliant countries. This tests the argument that severe violations of human rights occur only in undemocratic countries and demonstrates how the punitive penal policies that prioritize punishment, incapacitation and deterrence produce routine conditions and practices that amount to serious breaches of international law (the central argument of this paper).

The empirical evidence is gathered from reports of international and regional human rights organizations, government reports, and academic research that report on prison overcrowding, poor healthcare services, solitary confinement, discrimination, and custodial violence. The paper will apply international human rights law to these reports to demonstrate how everyday practices and conditions in ostensibly “human rights-compliant” countries constitute violations of international law.

Scope and Limitations

This paper will discuss violations of human rights in places of detention in democratic/constitutional countries, which are signatories to the main international human rights treaties. The focus will be thematic (rather than country-specific), correctional issues that are acknowledged to constitute violations in international law: inhumane conditions, inadequate healthcare, solitary confinement, discrimination, arbitrary detention, and custodial deaths.

A focus will be placed on democratic states to highlight the disparity that exists between the law and reality. The study does not seek to highlight the worst cases of abuse within

correctional institutions globally; instead, it focuses on states with well-established laws and a judicial system that has the capacity to uphold the law and the rights of citizens.

The paper relies entirely on secondary literature and reports of scholars and human rights organisations; no original data or prison testimony will be used because the focus of this work is assessing prison practices, it will be assumed for the purposes of this examination, that the international human rights treaties referred to are applicable in the countries studied. No attention will be given to national legislation or processes of ratification or incorporation of international treaties. In focussing on the law emerging from international level, an overview of punitive trends and systemic violation will be possible, and this in turn can provide a basis for country specific studies on national legislation in the future.

The paper contributes an integrated analysis that connects these violations to the underlying punitive/retributive logic of many democratic penal systems, offering a structural critique that goes beyond documenting individual breaches to show why reform must target systemic design rather than focusing on case-by-case fixes.

Section 2: Preliminary Survey and Scholarly Context

2.1. International Human Rights Standards and Detention

The restriction of liberty does not eliminate fundamental rights. Persons deprived of liberty remain rights holders, meaning the state, as the custodian and duty bearer, has a heightened obligation to respect the dignity, physical integrity, and mental well-being of the individual. The legitimacy of the imprisonment is not simply based on the legality of the sentencing but also on the conditions and treatment that follow.

International instruments of human rights have clearly set out the relevant rights. The foundational UDHR (1948) affirms the inherent dignity and equality of all people and prohibits

torture or cruel, inhuman or degrading treatment or punishment.¹⁰ The ICCPR (1966) makes these requirements enforceable in respect of its signatories. For example: Article 10 protects the right to humane treatment and respect for inherent dignity for those deprived of liberty; Article 7 prohibits torture and cruel, inhuman, or degrading treatment or punishment; Article 6 protects the right to life; and Article 9 protects from arbitrary detention.¹¹

The United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) (1984) offers a detailed set of rules for the prevention of torture, along with identifying particular rights and remedies.¹² It defines torture, requires states to prevent it with no exceptions, requires training for custodial staff, mandates systematic review of detention practices, and provides rights to investigation and compensation for victims if they are subjected to cruel treatment or torture. The CAT complements the ICCPR by offering more specific preventive tools and remedies for ill-treatment in detention settings.¹³

The Mandela Rules (revised, 2015) provide practical guidance for the implementation of these provisions and set out the minimum rules for the treatment of prisoners.¹⁴ They elaborate on the requirements under ICCPR Article 10, and the requirements set out under the CAT within the context of the day-to-day reality of correctional facilities, emphasizing non-discriminatory treatment and protections for vulnerable groups.¹⁵

In Europe, the 1950 European Convention on Human Rights (ECHR) has provisions similar to those found in the United Nations (UN) documents. For example, Article 3 sets out an

¹⁰ United Nations, UDHR, 1948.

¹¹ United Nations, ICCPR, 1966.

¹² United Nations. 1984. "Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment." OHCHR. United Nations. 1984. <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-against-torture-and-other-cruel-inhuman-or-degrading>.

¹³ United Nations, CAT, 1984.

¹⁴ United Nations Office on Drugs and Crime. "Nelson Mandela Rules." 2015.

¹⁵ United Nations Office on Drugs and Crime. "Nelson Mandela Rules." 2015.

absolute prohibition on torture or inhuman or degrading treatment or punishment. The European Court of Human Rights (ECtHR) has applied Article 3 to numerous cases of prison overcrowding, solitary confinement, and care standards.¹⁶

The different UN instruments, the Declaration (UDHR), treaties (ICCPR, CAT), rules (Mandela Rules) along with regional reinforcement (e.g. ECHR/ECtHR) together provide a framework for the treatment of detained individuals. They recognize that detention creates a power imbalance, and that the state has a positive obligation to provide essentials, ensure safety, and prevent abuse. Breaches in these duties constitute violations in international law.¹⁷ The above international framework of treaties, declarations, and conventions provides the basis for assessing how contemporary penal systems align with or depart from their human rights obligations.

2.2. Punitive Versus Rehabilitative Justice Models

Modern correctional institutions across multiple jurisdictions are based on punitive justice principles, where retribution, incapacitation, and deterrence are more important than rehabilitation and reintegration.¹⁸ Retribution emphasizes suffering proportional to the moral guilt of the offense and often includes harsh conditions as a direct result of the offender's actions.¹⁹ Deterrence is based on the idea that severe punishment such as harsh penalties will deter others by making them fear the potential consequences.²⁰ Lastly, incapacitation is based on

¹⁶ European Court of Human Rights. 2024. "European Convention on Human Rights." ECHR. 2024. <https://www.echr.coe.int/european-convention-on-human-rights>.

¹⁷ United Nations. 2024. "International Human Rights Law." OHCHR. United Nations. 2024. <https://www.ohchr.org/en/instruments-and-mechanisms/international-human-rights-law>.

¹⁸ Materni, Mike. 2013. "Criminal Punishment and the Pursuit of Justice." *British Journal of American Legal Studies* 263 (1): 263–304.

¹⁹ Materni, "Criminal Punishment and the Pursuit of Justice." 2013.

²⁰ Materni, "Criminal Punishment and the Pursuit of Justice." 2013.

keeping society safe through physical separation of offenders from society, often through lengthy periods of incarceration as a preventative measure.²¹

Rehabilitation is based on addressing the root causes of criminality and uses incarceration as an opportunity for reform and reintegration into society through education, treatment, and other forms of support.²² This method is supported internationally under Article 10(3) of the ICCPR, where it is stated “that the essential aim of [penitentiary systems] shall be their reformation and social rehabilitation.”²³ In practice, however, rehabilitative commitments frequently remain secondary to punitive objectives.²⁴

Empirical research consistently casts doubt on the effectiveness of punitive strategies in achieving the desired outcomes; meta-analysis results show that harsher punishments such as extended prison sentences have no discernible effect of recidivism rates.²⁵ In fact, there is evidence to suggest that punitive systems have increased recidivism rates due to the effects of incarceration, such as loss of social networks, lack of employment opportunities, mental disorders due to trauma faced while incarcerated, and lack of education.²⁶ Death sentences and mandatory minimum sentencing have not shown to be effective deterrents in any systemic reviews.²⁷ Within punishment-focused justice systems, there is a tendency to use incarceration as an end rather than a tool to shape behaviour or prevent harm. The conditions of incarceration are tolerated or accepted as being punitive enough to meet retribution goals, even in cases where they cause harm to dignity in ways that contravene international human rights conventions.

²¹ Shanahan, Chris. "Retribution: The True Cost." *Idaho Law Review* 57, no. 3 (2021): 509-524.

²² Arandjelović, "Crime and Punishment," 2023.

²³ United Nations, ICCPR, 1966.

²⁴ Shanahan, "Retribution: The True Cost," 2021.

²⁵ Arandjelović, "Crime and Punishment," 2023.

²⁶ Arandjelović, "Crime and Punishment," 2023.

²⁷ Death Penalty Information Center. "What to Know: Deterrence and the Death Penalty." March 09, 2026. <https://deathpenaltyinfo.org/what-to-know-deterrence-and-the-death-penalty>.

Political incentives play a significant role in sustaining punishment-centered systems. The fear-based narratives around crime, which media and political pressures amplify, drive politicians to pass “tough on crime” laws and campaigns, such as mandatory minimums, truth-in-sentencing laws, pre-trial detention, and increased punishment for offenders.²⁸ These things are often framed as necessary for public safety despite the evidence that they do not reduce crime or create a safer society. In this context, incarcerated individuals are constructed as threats rather than rights holders, making abuses within prisons politically invisible or publicly acceptable. Influencing the perception of inmates this way can cause the public to be less interested in the violations of human rights that occur in correctional institutions as the incarcerated individuals have already been dehumanized in public opinion.²⁹

It is important to accept that this is not an issue limited to authoritarian countries; it also occurs within liberal democracies that have ratified foundational human rights instruments and publicly claim a commitment to the protection of human rights.³⁰ The persistence of retributive logic within these systems prompts the following question: How compatible are punishment-oriented systems with the requirements of human rights law that demand humane treatment and rehabilitative investment? This tension between punitive priorities and international standards underpins the structural violations asserted and examined throughout the study.

2.3. Structural Inequality in Criminal Justice

²⁸ Beckett, Katherine. 2018. “The Politics, Promise, and Peril of Criminal Justice Reform in the Context of Mass Incarceration.” *Annual Review of Criminology* 1 (1): 235–59. <https://doi.org/10.1146/annurev-criminol-032317-092458>.

²⁹ Machado, Junqueira. 2022. “Why so Tough? Understanding the Politics behind Aggressive Crime-Fighting Policies.” Tamu.edu. August 3, 2022. <https://oaktrust.library.tamu.edu/items/76551d2d-05de-4a5c-95d4-2c6e664a0438>.

³⁰ Weisburd, Kate. “Rights Violations as Punishment.” *California Law Review* 111, no. 5 (2023): 1305-1368.

Racism, classism, and colonial continuities are major factors in determining who is criminalized, incarcerated, and what kind of treatment each person receives once inside correctional facilities. These occurrences are not based on isolated incidents of bias, but are institutionalized practices leading to the overrepresentation of marginalized communities behind bars and subjecting vulnerable people to human rights abuses.

In Canada, Indigenous adults are incarcerated at a rate ten times higher than those of non-Indigenous adults, making up one-third of the incarcerated population of reporting provinces despite only making up 4-5% of the total adult population of the country.³¹ Similarly, Black men in the United States are over five times more likely to be incarcerated than white men, making up one-third of the prison population but only 14% of the general population.³² These disparities are not limited to Canada and the United States but are evident across other democratic states as well. For example, Aboriginal and Torres Strait Islanders in Australia are incarcerated 10-15 times more frequently than those of non-Indigenous populations, while Māori populations in New Zealand face incarceration of a rate of 7 times more than non-Māori populations.³³

These trends are reflective of the effects of institutionalized racism and colonialism, understood as racialization, which includes the ways in which historical dispossession, intergenerational trauma, and discriminatory policing and sentencing are practices embedded in modern justice systems.³⁴

³¹ Statistics Canada. 2026. "Overrepresentation of Indigenous and Black Adults in Provincial and Federal Custody." 2026. <https://www150.statcan.gc.ca/n1/daily-quotidien/260114/dq260114b-eng.htm>.

³² Nellis, Ashley . 2021. "Racial and Ethnic Disparity in State Prisons." <https://cdn.cnn.com/cnn/2021/images/10/13/the-color-of-justice-racial-and-ethnic-disparity-in-state-prisons.pdf>.

³³ Roettger, Mike, Krystal Lockwood, and Susan Dennison. 2019. "Indigenous People in Australia and New Zealand and the Intergenerational Effects of Incarceration." *Indigenous Justice Clearinghouse*. December 2019. <https://www.indigenousjustice.gov.au/wp-content/uploads/mp/files/publications/files/intergenerational-effects-of-incarceration-fa.pdf>.

³⁴ Cunneen, Chris, and Juan Tauri. *Indigenous Criminology*. Bristol: Policy Press, 2016.

The criminalization of poverty further solidifies these inequalities, as those experiencing homelessness, mental illness, substance abuse, and economic hardship are more likely to be incarcerated for crimes related to those conditions, lack bail funds, and be denied access to legal, health, and rehabilitation services within correctional facilities.³⁵

Prisons are sites where social marginalization is exacerbated rather than alleviated and show the failures of the welfare, housing, and mental health infrastructures.³⁶ This directly violates international human rights standards and non-discriminatory treatment including the avoidance of degrading treatment, as those who are marginalized and incarcerated experience compounded harm in an environment where abuse is normalized.³⁷

By linking over-representation and differential treatment to structural racism, colonialism, and the criminalization of poverty, this section highlights how the punitive system reinforces inequality and compounds rights violations. This supports the thesis that these violations are the inevitable consequence of the retributive logic, and that reform is needed to ensure that dignity and equality are respected.

2.4. Institutional Opacity and Oversight in Carceral Systems

An obvious indicator that a system is likely to contain abuse is a lack of effective, independent oversights, and transparent monitoring. Prisons are typically closed institutions and therefore they do not come into regular contact with the public.³⁸ This allows for or risks abusive practices to occur unchallenged and uncorrected. When there is some form of external

³⁵ Herring, Chris, Dilara Yarbrough, and Lisa Marie Alatorre. 2019. "Pervasive Penalty: How the Criminalization of Poverty Perpetuates Homelessness." *Social Problems* 67 (1): 131–49. <https://doi.org/10.1093/socpro/spz004>.

³⁶ Herring, Yarbrough, and Alatorre. "Pervasive Penalty." 2019.

³⁷ Herring, Yarbrough, and Alatorre. "Pervasive Penalty." 2019.

³⁸ Armstrong, Andrea C. "No Prisoner Left behind: Enhancing Public Transparency of Penal Institutions." *Stanford Law & Policy Review* 25, no. 2 (2014): 435–474.

monitoring of prisons, whether through inspections, audits, etc., it is typically: underfunded, infrequent, and/or lacks the power to enforce findings, allowing violations to become institutionalized and sheltering prison administrators from responsibility for their actions.³⁹

The occurrence of retaliation against inmates who have filed complaints, participated in protests, or sought remedy is evidence of the lack of monitoring and reporting. Incarcerated individuals are often punished with disciplinary measures, transfers, isolation, or the removal of privileges for speaking out, further discouraging reporting of abuse and silencing victims.⁴⁰ Officials who become whistleblowers by speaking out may also face professional reprisals. This lack of transparency and oversight is not only a practical failing, but it also violates multiple of the Mandela Rules and allows for violations of the rights outlined by the CAT that provide detainees with the right to report mistreatment and abuse as well as have it properly investigated.⁴¹

The patterns explored in this section, including punitive models, structural inequality, and institutional opacity, create the conditions in which the human rights violations become normalized and systemic. Through application of international standards to documented practices in democratic states, the following section demonstrates how these ordinary features of punishment-focused systems amount to breaches of core obligations under the ICCPR, Mandela Rules, and related instruments, underscoring the need for rights-centered reform.

Section 3: Human Rights Violations in Correctional Facilities

³⁹ Hudson, Bob, and Tomas Percival. 2023. "Carceral Data: The Limits of Transparency-As-Accountability in Prison Risk Data." *Secrecy and Society* 3 (1). <https://doi.org/10.55917/2377-6188.1074>.

⁴⁰ Armstrong, "No Prisoner Left Behind." 2014.

⁴¹ United Nations, CAT, 1984.

Correctional facilities across many democratic and constitutional states often operate in ways that conflict with human rights standards. While incarceration lawfully restricts liberty, international human rights law is nonetheless clear that persons deprived of liberty continue to hold their other rights such as the right to dignity, medical care, and equality.

3.1. Conditions of Confinement and Humane Treatment

Punishment-centered systems often tolerate or even rely on harsh conditions of confinement as part of retribution or deterrence, but international human rights law insists that deprivation of liberty must never strip away inherent dignity or humane treatment. The basic requirements are described in the UDHR Article 5, and contained in the ICCPR Articles 7 and 19, as well as the Mandela Rules. These are applicable regardless of the nature of the crime or the length of the sentence. Essentially, the treatment must not be cruel, inhuman, or degrading, nor must the detention undermine the inherent dignity of the prisoner.

Overcrowding

Unfortunately, many democratic countries that have signed these conventions have failed to uphold the minimum standards and overcrowding is the most blatant failing.

For example, 2025, the average occupancy rate per 100 available places in European prison facilities was 94.9 per available place, putting them at near maximum capacity as an average.⁴² However, one-third of the administrations examined reported overcrowding, with sixteen reporting that their prisons are running above capacity. Six administrations reported high levels of overcrowding,⁴³ namely:

- Slovenia (134 inmates per 100 places)

⁴² Council of Europe. 2025. "Increasing Overcrowding in European Prisons." Council for Penological Co-Operation (PC-CP). Council of Europe. July 21, 2025. <https://www.coe.int/en/web/prison/-/increasing-overcrowding-in-european-prisons>.

⁴³ Council of Europe. 2025. "Increasing Overcrowding in European Prisons."

- Cyprus (132)
- France (124)
- Italy (118)
- Romania (116)
- Belgium (113)

Overcrowding results in prisoners being forced to share cells that are less than half the minimum of 4 m² per prisoner recommended by the European Committee for the Prevention of Torture, and to share toilets with no privacy. They also suffer from noise and ventilation problems.⁴⁴

The ECtHR has considered such conditions in several cases. In the case of *Torreggiani and Others v. Italy* (2013), the ECtHR ruled that conditions in prisons such as Busto Arsizio and Piacenza, in which individuals had less than 3 m² of personal space, constituted inhuman and degrading treatment contrary to of Article 3 of the ECHR and Article 7 of the ICCPR.⁴⁵ Similar decisions have been made in regards to France, Belgium, and Poland, thereby substantiating the argument that overcrowding is not the result of misconduct at a single facility or a particular establishment, but rather a consequence of penal policy in certain countries.⁴⁶

Prolonged Solitary Confinement

⁴⁴ Council of Europe. 2015. "Living Space per Prisoner in Prison Establishments: CPT Standards." European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT). <https://rm.coe.int/16806cc449>.

⁴⁵ *Torreggiani and Others v Italy* 43517/09 (ECHR, 08 January 2013).

⁴⁶ Burchett, Julia, Anne Weyemburgh, and Marta Ramat. 2023. "Prisons and Detention Conditions in the EU." *European Parliament*. [https://www.europarl.europa.eu/RegData/etudes/STUD/2023/741374/IPOL_STU\(2023\)741374_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/STUD/2023/741374/IPOL_STU(2023)741374_EN.pdf).

Prolonged solitary confinement is another clear violation of the right to humane treatment and the protections against torture.⁴⁷ The Mandela Rules state that isolation such as solitary confinement should only be used in exceptional circumstances and never for more than fifteen consecutive days. However, solitary confinement remains a routine form of discipline or administrative confinement. On a typical day in state and federal prisons in the United States for example, it is estimated that more than 80,000 people are in some form of solitary confinement.⁴⁸ The estimates for jails are higher than that: 122,000 people were in solitary confinement as of 2019.⁴⁹ These figures have not reduced significantly even after state-level reforms.⁵⁰

In Canada, administrative segregation was replaced by *Structured Intervention Units* (SIUs) in 2019 as an initiative to end solitary confinement with the intention to provide individuals with a minimum of four hours out of their cell each day and at least two hours of meaningful human interaction.⁵¹ However, 40% of SIU confinement exceeds one month while the required minimum of four hours daily outside the cell is unmet, and Indigenous prisoners are disproportionately affected.⁵²

The case of Adam Capay, an Indigenous inmate who was subjected to over 1,500 days in isolation in an SIU cell with continuous lighting, brought these issues into public view.⁵³ The judgments of the courts and oversight body in the proceedings concluded that administrative segregation for extended periods of time (such as that faced by Capay) constitutes precisely the

⁴⁷ Haney, Craig. 2018. "The Psychological Effects of Solitary Confinement: A Systematic Critique." *Crime and Justice* 47 (1): 365–416.

⁴⁸ Penal Reform International. 2013. "Solitary Confinement." Penal Reform International. 2013. <https://www.penalreform.org/issues/prison-conditions/key-facts/solitary-confinement/>.

⁴⁹ Penal Reform International. 2013. "Solitary Confinement."

⁵⁰ Penal Reform International. 2013. "Solitary Confinement."

⁵¹ Iftene, Adelina. 2020. "Solitary Confinement Continues in Canada under a Different Name."

⁵² Iftene, "Solitary Confinement Continues," 2020.

⁵³ O'Connor, Katie. 2018. "Adam Capay: Injustice toward First Nations Offenders in Canadian Corrections." Canada Watch. <https://doi.org/10.25071/9tbr7568>

type of solitary confinement prohibited under the Mandela Rules. Much research has found that extended solitary confinement is linked with severe psychological consequences such as anxiety, depression, hallucinations, and increased suicide risk.⁵⁴ However, procedural safeguards and oversight are often inadequate. The developing pattern is not that of occasional use for exigent circumstances, but the routine use for punishment at an excessive rate without meeting the standards previously set out.⁵⁵

Both overcrowding and misuse of solitary confinement demonstrate how elements of current correctional systems such as limited resources, risk-averse management, and continued prioritization of punishment over rehabilitation have created a system in which violations of basic human rights become normalized and systemic.

3.2. Health, Life, and Physical Integrity in Custody

When a state takes custody of a person, it takes on more than the power to confine them; it assumes responsibility for their physical safety and basic well-being. International human rights law is clear on this point: Incarceration may lawfully restrict liberty, but it does not strip a person of their right to health, bodily integrity, or life. The ICESCR recognizes the right to the highest attainable standard of physical and mental health in Article 12.⁵⁶ The ICCPR protects the inherent right to life through Article 6.⁵⁷ The Mandela Rules further state that prisoners should receive healthcare equivalent to that available in the community, and that urgent medical needs must be addressed without delay.⁵⁸

Medical Treatment

⁵⁴ Haney, “The Psychological Effects of Solitary Confinement,” 2018.

⁵⁵ Penal Reform International. 2013. “Solitary Confinement.”

⁵⁶ United Nations (General Assembly), ICESCR, 1966.

⁵⁷ United Nations, ICCPR, 1966.

⁵⁸ United Nations Office on Drugs and Crime. “Nelson Mandela Rules.” 2015.

In practice, these obligations are frequently neglected as shown through delayed treatment, denial of medication, untreated mental illness, improper dental care, and chronic understaffing—all of which are recurring features of many prison systems, including those in established democracies.⁵⁹ What might be survivable in the community can become life-threatening in custody, where individuals cannot seek care independently. When incarcerated people resort to hunger strikes or self harm to receive medical attention, the failure is not individual, it is institutional.⁶⁰

The consequences are often fatal, and the result is that courts have repeatedly affirmed that states violate the right to life when they fail to take reasonable steps to protect detainees. The ECtHR has ruled against France for failing to prevent foreseeable deaths in custody.⁶¹ In Canada, the death of Ashley Smith while under suicide watch exposed systemic shortcomings in mental health care and institutional response.⁶² These cases differ in context, but they share a common feature: once liberty is removed, vulnerability increases, and the state is responsible for preventing foreseeable harm.

Death Penalty

The right to life is also implicated in the continued use of the death penalty. Unlike deaths caused by neglect or violence, capital punishment involves deliberate state action. Even in democratic states, its application has been marked by wrongful convictions, discriminatory

⁵⁹ Armstrong, Andrea Craig. "Prison Medical Deaths and Qualified Immunity." *The Journal of Criminal Law and Criminology* (1973-) 112, no. 1 (2022): 79–104. <https://www-jstor-org.uml.idm.oclc.org/stable/48646135>.

⁶⁰ Armstrong, "Prison Medical Deaths," 2022.

⁶¹ *Isenc v. France*. 2016.

⁶² Onishenko, Dawn, and Julie Erbland. "The Case of Ashley Smith: Policy Window or Policy Failure." *Canadian Review of Social Policy*, no. 76 (2017): 70–89. <https://www-jstor-org.uml.idm.oclc.org/stable/48670646>.

impact, and irreversible error. While many democratic states have chosen to eradicate the use of the death penalty, many continue the use.⁶³

The case of Carlos DeLuna, executed in the United States in 1989 amid later evidence pointing to another suspect, illustrates the profound consequences of systemic failure within punishment-oriented systems.⁶⁴ Despite him being a person with the right to life, his was taken from him by the state meant to protect those rights.

Whether through neglect, preventable violence, or deliberate execution, the loss of life in custody is not an abstract legal issue. It reflects structural conditions in which control is prioritized over care. When health deteriorates behind prison walls and deaths become foreseeable, the state is not merely failing administratively. It is failing in its most basic human rights obligations.

3.3. Legality, Due Process, and Arbitrary Detention

Arbitrary or excessive use of pre-trial detention is another serious problem regarding human rights in criminal justice systems.⁶⁵ The use of arbitrary or excessive pre-trial detention is a human rights violation, and it also increases the risk of other violations occurring. This is especially true in cases that lack proper due process. The UDHR protects against arbitrary arrest and detention through Article 9.⁶⁶ The ICCPR outlines the criteria for what the legal process must be through Article 9.⁶⁷ The person arrested must be aware of the reason for their arrest and the charges against them along with being entitled to a trial within a reasonable timeframe. In

⁶³ Garrett, Brandon L. 2019. "Innocence and the Global Death Penalty." *Comparative Capital Punishment*, 201–15. <https://doi.org/10.4337/9781786433251.00020>.

⁶⁴ Garrett, Brandon L. "The Banality of Wrongful Executions." *Michigan Law Review* 112, no. 6 (2014): 979-992.

⁶⁵ Schönteich, Martin. "The Overuse of Pre-Trial Detention: Causes and Consequences: Martin Schönteich Examines Arbitrary and Excessive Pre-Trial Imprisonment." *Criminal Justice Matters* 92, no. 1 (2013): 18–19.

⁶⁶ United Nations, UDHR, 1948.

⁶⁷ United Nations, ICCPR, 1966.

addition, the ICCPR states that accused individuals cannot be held with convicted people unless there are exceptional circumstances and they must receive treatment that reflects their status as an unconvicted person in Article 10(2)(a).⁶⁸ The Mandela Rules reiterate these provisions and add that unconvicted prisoners must be presumed innocent and treated as such.⁶⁹

The excessive use of pre-trial detention is a common problem in many democratic states.⁷⁰ In many countries pre-trial detention can last months and even years. While detainees have not yet been found guilty of anything, many are held in the same conditions as convicted offenders and often under the same conditions of confinement that have been highlighted above as being in violation of international human rights law. Pre-trial detainees are intended to be presumed innocent until proven guilty and should be treated as such. The use of pre-trial detention is particularly problematic for vulnerable populations, such as those living in poverty, as they often cannot afford bail and are disproportionately represented in pre-trial detention populations.⁷¹

An example can be found through the case of Kalief Browder who was arrested in 2010 at the age of 16 and accused of stealing a backpack.⁷² He spent three years detained in jail, unable afford the \$3,000 bail. During detainment, Browder spent 700 days in solitary confinement before the charges were dismissed in 2013.⁷³ While in prison, he was repeatedly beaten and abused by other inmates and prison staff as well as attempting suicide on several occasions. Post-release, he struggled with the trauma that he had faced in prison, both mentally

⁶⁸ United Nations, ICCPR, 1966

⁶⁹ United Nations Office on Drugs and Crime. "Nelson Mandela Rules." 2015.

⁷⁰ Schönteich, "The Overuse of Pre-Trial Detention," 2023.

⁷¹ Schönteich, "The Overuse of Pre-Trial Detention," 2023.

⁷² Johnson, Davona. 2018. "Justice for Kalief Browder: Correcting Crooked Corrections and Criminal Justice Systems." *University of Central Florida Department of Legal Studies Law Journal* 1: 147-158.

⁷³ Johnson, "Justice for Kalief Browder," 2018.

and physically. He committed suicide in 2015 at the age of 22. This case highlights the need to address the excessive use of pre-trial detention and the importance of upholding the human rights of detainees.⁷⁴

Another country where there have been allegations of excessive pre-trial detention, as well as many issues pertaining to due process, is Japan. The Japanese criminal justice system has one of the highest conviction rates in the world, with over 99% of all cases that are prosecuted resulting in convictions.⁷⁵ Japan has been criticized by human rights advocacy groups for the excessive length of pre-trial detention as well as a range of other practices that undermine the right to a fair trial.⁷⁶ These practices include allowing detainees to be held for up to 23 days before being brought to a judge and limiting access to lawyers while detainees are being interrogated.⁷⁷ The heavy reliance on confessions as a primary form of evidence has also been criticized as it creates incentive for police to obtain confessions through coercion or other amoral means. The CAT has expressed concerns about allegations of torture and ill-treatment being used to obtain confessions and has criticized authorities for failing to properly investigate the allegations.⁷⁸

Arbitrary detention goes against the rights of the person and is often excused as being for public safety, leaving the alternatives to detention undiscussed and the rights of the person violated.

3.4. Equality and Structural Discrimination in Penal Systems

⁷⁴ Johnson, "Justice for Kalief Browder," 2018.

⁷⁵ Ito, Kazuko. "Rule of Law and the Criminal Justice Reform in Japan." *National Taiwan University Law Review* 6, no. Symposium Issue (2011): 367-388.

⁷⁶ The Advocates for Human Rights. 2012. "JAPAN: Fourteenth Session of the Working Group on the Universal Periodic Review Human Rights Council." World Coalition against the Death Penalty. https://www.theadvocatesforhumanrights.org/Res/japan_hrc_death_penalty_october_2012.pdf.

⁷⁷ Ito, "Rule of Law," 2011.

⁷⁸ The Advocates for Human Rights, "JAPAN: Fourteenth Session," 2012.

The right to equality and non-discrimination is applicable to all interactions with persons deprived of liberty. Article 26 of the ICCPR explains that all people are equal before the law and are entitled to equal protection under the law without discrimination. This includes the provisions against cruel or inhuman treatment, which may be more likely to result from discriminatory application of a disciplinary measure. Similarly, the Mandela Rules provide that there shall be no discrimination on the grounds of race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

Yet, in the justice systems of many democratic states, race, class, disability, and religion intersect to create unequal outcomes in correctional facilities, including differential access to programming or semi-autonomous regimes of imprisonment. For example, in North Carolina (USA), Black prisoners were found to be 10.3% more likely to receive at least one disciplinary infraction each year than white prisoners, even after controlling for prisoners' prior records, disciplinary history, and other factors.⁷⁹ In Canada, similar overrepresentation has been documented regarding SIUs and use-of-force incidents against Indigenous prisoners, linking back to broader systemic racism.⁸⁰ These disparities have serious consequences, including longer sentences through loss of program access and reduced chances of parole.

Prisoners from lower socioeconomic backgrounds (a category which often overlaps with racialized groups) face barriers to internal appeals, legal resources, and rehabilitative programming, which may exacerbate the effect of disciplinary measures.⁸¹

⁷⁹ Becker, Katherine M., *Racial Bias and Prison Discipline: A Study of North Carolina State Prisons* (April 14, 2022). 43 N.C. Cent. L. Rev. 1. <https://ssrn.com/abstract=4083852>.

⁸⁰ Government of Canada. 2024. "The Overrepresentation of Indigenous People in the Criminal Justice System." Justice.gc.ca. November 2024. <https://www.justice.gc.ca/eng/rp-pr/jr/jf-pf/2024/nov.html>.

⁸¹ Schönteich, "The Overuse of Pre-Trial Detention," 2023.

Prisoners with mental or physical disabilities are often disciplined for behaviours that are related to their disabilities. Prisoners with mental health disabilities may have their symptoms exacerbated by the conditions of confinement in solitary and may not have access to adequate mental health services.⁸² These prisoners are also more likely to be placed in solitary confinement, either as a disciplinary measure or protection. Often, there are inappropriate accommodations for disabled prisoners, leading to a deterioration of their symptoms while in prison.⁸³

These intersecting inequalities rooted in punitive systems that amplify structural racism, class barriers, disability bias, and religious discrimination, turn prisons into sites of human rights violations rather than rehabilitation. Addressing them is essential to break the cycle of marginalization that undermines both individual dignity and societal safety and to comply with human rights legislation.

3.5. Failure of Rehabilitation and Reintegration

International human rights law is absolute that deprivation of liberty must have, as its main purpose, the object of reformation and rehabilitation of offenders. The ICCPR states in Article 10 that correctional institutions “shall comprise treatment of prisoners the essential aim of which shall be their reformation and social rehabilitation.”⁸⁴ The Mandela Rules further expand on this concept, stating the purpose of imprisonment must be to “protect society against crime and to reduce recidivism.” These rules also outline that education, vocational training, and work should be offered alongside Rule 5, which states that the regime for inmates must attempt

⁸² Human Rights Watch. 2015. “Callous and Cruel | Use of Force against Inmates with Mental Disabilities in US Jails and Prisons.” Human Rights Watch. May 12, 2015. <https://www.hrw.org/report/2015/05/12/callous-and-cruel/use-force-against-inmates-mental-disabilities-us-jails-and>.

⁸³ Human Rights Watch, “Callous and Cruel,” 2015.

⁸⁴ United Nations, ICCPR, 1966.

to create the minimal differences between life outside of prison and life inside. Rule 104 supports this through the explanation that efforts addressed to the full reintegration of an offender into society should commence at the earliest stage possible.⁸⁵ Still, the lack of opportunities for education, job training, access to mental health services, and preparation for re-entry make prisons holding facilities rather than rehabilitative facilities. Not only is this a failure to meet the reformatory purpose of imprisonment required by international provisions, but it furthers the cycles of poverty, trauma, recidivism, and exclusion.⁸⁶

ICESCR Articles 6 and 13 are evidence of the right to work (including the right to vocational training) and the right to education for all, including criminal offenders.⁸⁷ In many democratic states, these provisions are secondary to punitive requirements, meaning prisoners are often left without access to the tools and support they need to effectively rejoin society once their sentence is served. Though many facilities offer training or education programs, states struggle with resources and staffing. Alongside overcrowding, there are often waitlists for such programs. In Europe, 15 of 20 countries report a participation rate of less than 25% of prisoners, with low enrollment largely stemming from resource shortages and overcrowding, rather than disinterest.⁸⁸ This underscores how punitive priorities that result in overcrowding can limit access to rehabilitative opportunities for inmates.

In the United States, which has a punishment-focused criminal justice system, studies tracking prisoner reconviction rates show these rates climbing to 60% or more over two years

⁸⁵ United Nations Office on Drugs and Crime. “Nelson Mandela Rules.” 2015.

⁸⁶ Bloom, Tina, and G. A. Bradshaw. 2022. “Inside of a Prison: How a Culture of Punishment Prevents Rehabilitation.” *Peace and Conflict: Journal of Peace Psychology* 28 (1): 140–43. <https://doi.org/10.1037/pac0000572>.

⁸⁷ United Nations (General Assembly), ICESCR, 1966.

⁸⁸ Hawley, Jo, Ilona Murphy, and Manuel Souto-Otero. 2013. “Prison Education and Training in Europe.” https://www.antoniascasella.eu/nume/hawley_ue_education_may13.pdf.

post-release and 80% after longer periods.⁸⁹ The employment rate of released offenders illustrates this lack of rehabilitation and education. In the United States, the estimated unemployment rate for formerly incarcerated people is 27-60% (much higher than the 4.3% rate for non-offenders), with many former prisoners returning to poverty and committing crimes of survival due to their lack of job skills and history of incarceration, combined with the absence of re-entry assistance.⁹⁰ These rates demonstrate how prison job training and education programs are frequently underfunded with too few slots for the demand, or not aligned with local employment needs, leaving former prisoners unprepared for the job market.

The infringements discussed in this paragraph—overcrowding, solitary confinement, medical neglect, discrimination, arbitrary arrest, and deaths in detention—are not simply circumstantial deficiencies or exceptional cases of abuse. They are predictable and repetitive consequences of criminal justice systems centered in punitive purposes, retribution, control, and deterrence, and not in reparation, reintegration, and redress. These infringements of fundamental international rights display the practical incompatibility between punitive purposes and human rights obligations in democratic states.

The next section presents the opposite reality; the empirical and normative advantages of a human rights-based approach in prison systems, recidivism reduction, community security, and the legitimacy of justice systems.

Section 4: Benefits of Human Rights Centered Reform

⁸⁹ Alper, Mariel, Matthew Durose, and Joshua Markman. 2018. “Special Report 2018 Update on Prisoner Recidivism: A 9-Year Follow-up Period (2005-2014).” U.S. Department of Justice. <https://bjs.ojp.gov/content/pub/pdf/18upr9yfup0514.pdf>.

⁹⁰ Couloute, Lucius, and Daniel Kopf. 2018. “Out of Prison & out of Work: Unemployment among Formerly Incarcerated People.” Prison Policy Initiative. July 2018. <https://www.prisonpolicy.org/reports/outofwork.html>.

4.1. Reduced Recidivism and Safer Societies

When correctional systems adopt a human rights framework and focus on rehabilitation, better living conditions, equal access to health, education and employment, and rehabilitation services, they are much more likely to have lower rates of recidivism and improved public safety. This is because they address the underlying causes of criminal behaviour, such as trauma, poor life skills, mental illness, and social isolation, and promote rehabilitation rather than retribution, incapacitation, and deterrence.

Norway has a highly rehabilitation-focused prison system that includes living conditions that are as similar as possible to society, education, and mental health services. This allows the rights of the incarcerated individual to be respected and meets the majority of the standards laid out in the Mandela Rules. The recidivism rates in Norway are among the lowest in the world: approximately 20% of prisoners are reconvicted within two years of their release.⁹¹ In Canada, which has a mixed model, the recidivism rates for federal prisoners range between 29-45% depending on the measure used, and the length of time after release.⁹² When prisoners participate in education and job training programs, for example, research shows that recidivism rates decline: meta-analyses show reductions of ~43% when programs are well-implemented.⁹³ In Norway, approximately half of all prisoners participate in education and job training programs, while in the U.S. participation rates are often less than 25% due to prison overcrowding and waitlists.⁹⁴ The evidence also suggests that the deterrence argument is a myth: prison conditions

⁹¹ Neal, “Comparing Penal Recidivism,” 2024.

⁹² Canada, Correctional Service. 2024. “Correctional Service Canada’s 2024 to 2025 Departmental Results Report.” Canada.ca. 2024. <https://www.canada.ca/en/correctional-service/corporate/transparency/reporting/departamental-results-reports/2024-2025.html>.

⁹³ Davis, Lois M, Robert Bozick, Jennifer L Steele, Jessica Saunders, and Miles, Jeremy. 2013. “Evaluating the Effectiveness of Correctional Education.” Rand.org. RAND Corporation. August 22, 2013. https://www.rand.org/pubs/research_reports/RR266.html.

⁹⁴ Neal, “Comparing Penal Recidivism,” 2024.

do not deter crime; in fact, they may increase crime by making prisoners' criminogenic risk factors worse.⁹⁵ Investing in rehabilitation, on the other hand, leads to less crime and a safer society.

4.2. Alignment with International Law

Reforming prison conditions in accordance with human rights law strengthens the rule of law and the legitimacy of the justice sector. It demonstrates that all individuals are entitled to equal protection of the law, including those who may be marginalized or stigmatized, and that the government will be held accountable for upholding the law. On a practical level, complying with human rights law reduces the risk of adverse court judgments and the resulting damage to a country's reputation. States that fail to uphold their international human rights law obligations, particularly with respect to prison conditions, face numerous adverse judgments, including those from the ECtHR.

Although the Mandela Rules are considered soft law, they are deemed the authoritative interpretation of states' obligations under the ICCPR, and non-compliance may result in criticism from UN experts, such as Special Rapporteurs, as well as in lawsuits in national courts.⁹⁶ Reforming prison conditions in accordance with the Mandela Rules, on the other hand, reduces that risk: The fewer violations that occur, the fewer lawsuits will be brought, the less international criticism will ensue, and the more domestic confidence will be instilled in the

⁹⁵ Cullen, Francis T, Cheryl Lero Jonson, and Daniel S Nagin. "Prisons Do Not Reduce Recidivism: The High Cost of Ignoring Science." *The Prison Journal (Philadelphia, Pa.)* (Los Angeles, CA) 91, no. 3_suppl (2011): 48S-65S.

⁹⁶ United Nations (General Assembly). 2023. "Annual Report of the United Nations High Commissioner for Human Rights and Reports of the Office of the High Commissioner and the Secretary-General." https://digitallibrary.un.org/record/4007438/files/A_HRC_52_70_Add.1-EN.pdf.

justice sector. It will also signal that human rights are universal and not reserved to select groups of people, which strengthens the moral authority of the justice sector.

4.3. Human Dignity and Social Reintegration

Perhaps most importantly, adopting a human rights approach to prison conditions recognizes the dignity of all individuals, including those who are deprived of their liberty. Protecting prisoners' dignity, through decent conditions, visits with family, mental health care and other rehabilitation services, improves their mental health, preserves their family relationships and helps them feel connected to their communities, which are all essential to rehabilitation and desisting from crime upon release.

Preserving family relationships, for example, is considered essential to rehabilitation: Research shows that when prisoners receive regular visits from their family members, and have phone calls with them, as well as maintain their community connections, they experience less isolation and trauma, which improves their chances of rehabilitation. One study found that prisoners who had strong family support while they were incarcerated had better physical and mental health after release and lower recidivism rates compared to those who had weak family support.⁹⁷ This is because family support helps prisoners cope with the strains of incarceration and provides them with the support they need to successfully resettle into their communities upon release. Reforming prison conditions to prioritize rehabilitation also has broader societal benefits.

When offenders are provided with opportunities to become productive members of society, such as through education and job training programs, and are released from prison with

⁹⁷ Fahmy, Chantal, and Alexander Testa. "Family Social Support during Incarceration: Implications for Health upon Release." *Scientific Reports* (London) 15, no. 1 (2025): 27716.

strong family support and community connections, they are less likely to commit crimes.⁹⁸ This improves public safety, strengthens social cohesion and trust in institutions, and reduces the enormous social costs of re-incarcerating the same people repeatedly. It also affirms the dignity of all individuals, including those who have committed crimes, which is essential to justice and equality under the law.

Section 5: Recommendations

5.1. Prison Reform

Prison reform must address multiple issues, but reducing overcrowding is foundational. It is the root of many other violations due to lack of resources, lack of space, transmission of illness, staff stress, and more. Addressing overcrowding is essential to respecting human rights in detention.

Alternatives to Detention

Alternatives to detention such as pre-trial bail (particularly for those who cannot afford to pay bail), revising the length of non-violent sentences, and non-custodial measures such as probation, restorative justice, and electronic monitoring should be prioritized. In several European states, expanded use of alternatives to detention has reduced prison populations without evidence of increased crime.⁹⁹ Other states must shift their focus to use more alternatives to detention to achieve the same result. This will aid in lowering the rates of overcrowding in correctional facilities while allowing offenders to have a life more like that before being charged with a crime, as the Mandela Rules highlight. Such alternatives also increase the access to

⁹⁸ Davis, Bozick, Steele, Saunders, and Miles, “Evaluating the Effectiveness,” 2013.

⁹⁹ Aebi, Marcelo, and Edoardo Cocco. 2024. “SPACE I -2024.”

https://wp.unil.ch/space/files/2025/09/250924_rapport-space-i-2024.pdf.

education, training, medical care, and mental health supports. While alternatives to detention may not be suitable for all individuals charged with a crime, the criteria surrounding the alternatives can address such complications.

Adequate Healthcare

Adequate health care, including the treatment of mental health and substance use disorders, should be available to all prisoners. The Mandela Rules and the ICESCR stipulate that prisoners are entitled to the same level and standard of health care as the general population outside the prison. This is not always ensured because of understaffing or waiting time. Access to adequate healthcare can be mitigated by addressing overcrowding and using alternatives to detention.

Solitary Confinement in Exceptional Circumstances Only

The use of solitary confinement should be limited to exceptional circumstances, for as short a time as possible and subject to independent review and never exceed 15 consecutive days. Prolonged or indefinite solitary confinement should be prohibited. The Mandela Rules (Rules 43-45) specify that solitary confinement should only be used in exceptional cases, as a last resort, for as short a time as possible and be subject to independent review, and that it should never be applied for more than 15 consecutive days.¹⁰⁰ In Canada, the adoption of SIUs in 2019, following a court decision, has dramatically reduced long-term solitary confinement, but still does not meet the standards to be considered to respect and protect the human rights of incarcerated individuals.¹⁰¹ In Europe, the Committee for the Prevention of Torture (CPT) has emphasized during its country visits the need to ensure regular reviews of solitary confinement, restrictions on its use against vulnerable prisoners, and adequate safeguards to prevent ill-treatment.

¹⁰⁰ United Nations Office on Drugs and Crime. “Nelson Mandela Rules.” 2015.

¹⁰¹ Iftene, “Solitary Confinement Continues,” 2020.

Educational, Vocational, and Rehabilitation Programming

The provision of educational, vocational and other rehabilitative programs and activities should be also expanded to comply with Article 10(3) of the ICCPR which stipulates that the penitentiary system shall comprise treatment of prisoners, the essential aim of which shall be their reformation and social rehabilitation.¹⁰² In Norway, where about half of the prisoners take part in rehabilitation programs, the rate of reoffending is among the lowest in the world, around 20%.¹⁰³

Reform is not instantaneous; it takes time, money, policy changes, and public support. Establishments can adopt stricter rules about solitary confinement and make efforts to provide better care for offenders. States must encourage and support such changes through policy changes, funding, and oversight to ensure the changes are being made.

5.2. Abolition of the Death Penalty

The death penalty is an irreversible denial of the right to life and incompatible with principles of proportionality and dignity. Retentionist countries should impose an immediate moratorium on executions and commute all death sentences. The UN High Commissioner for Human Rights urged this in 2025, citing alarming increases in executions in certain regions.¹⁰⁴ Several retentionist states have already repealed the death penalty through their parliaments in recent years and this must continue. Strategic litigation is an effective tool to challenge the constitutionality of the death penalty in retentionist countries and to push governments toward abolition.

¹⁰² United Nations, ICCPR, 1966.

¹⁰³ Neal, “Comparing Penal Recidivism”, 2024.

¹⁰⁴ Office of the High Commissioner for Human Rights. 2025. “Alarming Trends in Executions in 2025 Raise Serious Human Rights Concerns – UN Human Rights.” OHCHR. 2025. <https://www.ohchr.org/en/press-releases/2026/01/alarming-trends-executions-2025-raise-serious-human-rights-concerns-un-human>.

Public opinion mobilization and education should be instrumental in challenging the myth that capital punishment serves as a unique deterrent to crime, as there is no credible evidence that suggests that the death penalty is more effective as a deterrent to serious crime than other punishments.¹⁰⁵ These kinds of campaigns should also bring human rights arguments, including the risk of executing innocent people, discriminatory application of the death penalty, and the anguish and suffering it causes to the families and to society at large. The use of the death penalty goes against the global trend toward its abolition.

In December 2024, the UN General Assembly adopted a resolution calling for a moratorium on executions with record support; since then, several countries have taken steps to totally remove the death penalty from their penal code.¹⁰⁶ To support the human right to life, the death penalty must be abolished.

5.3. Accountability and Oversight

Effective and independent oversight is crucial for the prevention of human rights violations in detention, including torture. Without it, abuses can go undetected and reform may be stalled. States should ensure that independent external monitoring bodies have access to all places where people are deprived of their liberty without prior notice. Successful independent monitoring bodies include the European CPT or National Preventive Mechanisms (NPMs) set up as part of the Optional Protocol to the Convention Against Torture (OPCAT).¹⁰⁷ While the

¹⁰⁵ Death Penalty Information Center, “What to know,” 2026.

¹⁰⁶ Amnesty International. 2024. “UN Member States Move Closer to Rejecting Death Penalty.” Amnesty International. December 18, 2024. <https://www.amnesty.org/en/latest/news/2024/12/global-un-member-states-move-closer-to-rejecting-death-penalty-as-lawful-punishment-under-international-law/>.

¹⁰⁷ Association for the Prevention of Torture. 2015. “History & Impact.” 2015. <https://www.ap.t.ch/about-us/history-impact>.

OPCAT requires state parties to set up NPMs, several ratifying countries have yet to establish them, such as the Philippines and Liberia.¹⁰⁸

Regular, independent, and unannounced visits to detention centers, the publication of monitoring reports and follow-up on the implementation of recommendations by these bodies should be ensured. The systematic collection and analysis of disaggregated quantitative data on use of force, solitary confinement, deaths in detention, among other issues, can help identify problems at an early stage. International engagement and cooperation with other entities, such as the UN Subcommittee on Prevention of Torture or regional bodies, should be encouraged to receive technical assistance and expertise in monitoring places of detention.

Effective accountability mechanisms are a necessary component of the implementation of international human rights standards at the national level. They bridge the divide between commitments made at the international level and the practices on the ground, they act as deterrent to potential violations due to their visibility, and they provide clear recommendations for improvement. For democratic countries that claim that they respect the rule of law and human rights, supporting independent and impartial monitoring bodies is one of the ways to prove that in their countries nobody is above the law, even those who run the criminal legal and correctional systems. When independent, transparent and properly funded, monitoring protects human rights and dignity of those deprived of their liberty, strengthens confidence of the public in the criminal justice system, and ensures that improvements in the treatment of prisoners will not be a one-off event but a continuous process.

Section 6: Challenges to Implementation

¹⁰⁸ Association for the Prevention of Torture, “History & Impact,” 2015.

While a reform of justice systems to focus on human rights of the offenders and to push towards a rehabilitation-focused system is ideal, it is not without difficulty. In states where political discourse surrounding the issue of justice is polarized and centers on a tough-on-crime approach, the use of fear-mongering tactics and politically charged news reporting can prevent the public from supporting reform initiatives that are seen as being soft on crime, even when there is evidence that the reforms would increase public safety. Politicians may be unwilling to support and fund programs that improve the lives of prisoners because they are concerned about political ramifications of appearing weak on crime.

Resource impediments also play a significant role, particularly in jurisdictions that do not have access to sufficient resources. Creating rehabilitation programs, hiring people to staff them, and renovating facilities to improve health care for prisoners all require funding, which may be difficult to come by in systems that are already struggling with funds. However, there is significant evidence of the long-term cost savings that come from reducing recidivism and the number of people behind bars. For example, studies show that every dollar invested in correctional education can save \$4-5 USD in reincarceration costs over three years.¹⁰⁹ In parts of Europe (following Council of Europe guidance), shifting resources from prisons to non-custodial alternatives has yielded net savings over time, freeing funds for prevention and community services.¹¹⁰

Enforcement impediments are another challenge that confronts international human rights institutions. In many cases, the implementation of human rights law depends on the political will and ability of states to comply with these even if only approached as norms. As discussed by many commentators, the question of domestic implementation of international human rights law

¹⁰⁹ Davis, Bozick, Steele, Saunders, and Miles, "Evaluating the Effectiveness," 2013.

¹¹⁰ Aebi, Marcelo, and Cocco, "SPACE I -2024," 2024.

remains a significant issue and a work in progress.¹¹¹ Unlike domestic law, there are few formal international enforcement mechanisms.¹¹² Instead, states are relied upon to ensure that violations are remedied. Many states that have ratified OPCAT have yet to establish a fully functioning NPM, and some have dragged their feet on establishing a mechanism.¹¹³ Even in cases where NPMs are up and running, many violations may persist. For example, the CPT has issued dozens of reports on the same recurring problems (such as overcrowding and the inadequate provision of mental health care) in various countries, and there is often little change from year to year.¹¹⁴ In addition, the CPT has no formal power to enforce its recommendations and must rely on states to follow up on its findings.¹¹⁵

This reality highlights one of the biggest impediments to enforcing human rights norms in the context of corrections: while there are clear international standards against which to judge the treatment of prisoners, there remain significant domestic impediments to ensuring that these standards are met. Overcoming these barriers requires more than technical fixes; it demands sustained political courage to counter fear narratives with evidence, reframe reform as public safety investment, and build coalitions that include affected communities. While daunting, the successes in systems that have prioritized rehabilitation suggest that persistence pays off, turning apparent obstacles into opportunities for more just, effective justice.

Conclusion

¹¹¹ Association for the Prevention of Torture. 2025. “OPCAT Database.” 2025. <https://www.ap.t.ch/knowledge-hub/opcat>.

¹¹² Office of the United Nations High Commissioner for Human Rights, “International Human Rights Law” OHCHR. 2024. <https://www.ohchr.org/en/instruments-and-mechanisms/international-human-rights-law>.

¹¹³ Association for the Prevention of Torture, “OPCAT Database,” 2025.

¹¹⁴ Council of Europe. 2025. “Review of 2024 Activities and Upcoming Visits for 2025.” CPT. January 9, 2025. <https://www.coe.int/en/web/cpt/-/review-of-2024-activities-and-upcoming-visits-for-2025>.

¹¹⁵ Council of Europe, “Review of 2024 Activities and Upcoming Visits for 2025,” 2025.

Human rights violations in correctional facilities are not isolated incidents or aberrations, but systemic outcomes of punitive justice models, structural inequality, and institutional opacity. Overcrowding, inadequate medical care, prolonged solitary confinement, and disproportional discipline for minorities and prisoners with disabilities are not anomalies, but rather symptoms of punitive justice systems, systemic inequality, and a lack of transparency. All prisoners have the same inherent rights as the rest of us, and they should be treated as such.

The International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic Social and Cultural Rights (ICESCR), the Mandela Rules and the European Convention on Human Rights (ECHR) all clearly outline the basic rights that prisoners are entitled to, including the right to dignity, health, life, and rehabilitation—a clear indication that punitive-based approaches are not appropriate. Despite having these rights clearly outlined in the rules, in jurisprudence and in comments from treaty monitoring bodies, there is still a significant difference between the rights provided for in the rules and the reality on the ground in many democratic countries. This difference is not only unfortunate but must be addressed; and addressing this difference will likely require more than piecemeal reforms. To truly align the rights on the ground with those provided for in the rules, a major shift towards rehabilitation, transparency and respect for the right to life is required.

Ultimately, ensuring the rights of prisoners are respected is not only the right thing to do, but is also beneficial to society. Rehabilitation and respect for dignity can reduce crime and recidivism, reduce cycles of violence and trauma, increase public confidence in the justice system and uphold the principle that human rights are universal. If we cannot protect these universal rights within our own democratic countries, then it will be difficult to continue asserting that we truly respect the inherent dignity of all individuals. This shift must begin by

recognizing that prisoners are human beings whose rights must be respected, rather than threats to be confined.

Bibliography

- Aebi, Marcelo, and Edoardo Cocco. 2024. "SPACE I -2024."
https://wp.unil.ch/space/files/2025/09/250924_rapport-space-i-2024.pdf.
- Alper, Mariel, Matthew Durose, and Joshua Markman. 2018. "Special Report 2018 Update on Prisoner Recidivism: A 9-Year Follow-up Period (2005-2014)." U.S. Department of Justice. <https://bjs.ojp.gov/content/pub/pdf/18upr9yfup0514.pdf>.
- Amnesty International. 2024. "UN Member States Move Closer to Rejecting Death Penalty." Amnesty International. December 18, 2024.
<https://www.amnesty.org/en/latest/news/2024/12/global-un-member-states-move-closer-to-rejecting-death-penalty-as-lawful-punishment-under-international-law/>.
- Arandjelović, Ognjen. 2023. "Crime and Punishment: A Rethink." *Philosophies* 8 (3): 47.
<https://doi.org/10.3390/philosophies8030047>.
- Armstrong, Andrea C. "No Prisoner Left behind: Enhancing Public Transparency of Penal Institutions." *Stanford Law & Policy Review* 25, no. 2 (2014): 435-474.
- Armstrong, Andrea Craig. "Prison Medical Deaths and Qualified Immunity." *The Journal of Criminal Law and Criminology* (1973-) 112, no. 1 (2022): 79–104. <https://www-jstor-org.uml.idm.oclc.org/stable/48646135>.
- Association for the Prevention of Torture. 2014. "OPCAT Database." 2014.
<https://www.apr.ch/knowledge-hub/opcat>.
- . 2015. "History & Impact ." 2015. <https://www.apr.ch/about-us/history-impact>.
- Becker, Katherine M., Racial Bias and Prison Discipline: A Study of North Carolina State Prisons (April 14, 2022). 43 *N.C. Cent. L. Rev.* 1. <https://ssrn.com/abstract=4083852>.
- Beckett, Katherine. 2018. "The Politics, Promise, and Peril of Criminal Justice Reform in the Context of Mass Incarceration." *Annual Review of Criminology* 1 (1): 235–59.
<https://doi.org/10.1146/annurev-criminol-032317-092458>.
- Bloom, Tina, and G. A. Bradshaw. 2022. "Inside of a Prison: How a Culture of Punishment Prevents Rehabilitation." *Peace and Conflict: Journal of Peace Psychology* 28 (1): 140–43. <https://doi.org/10.1037/pac0000572>.

- Burchett, Julia, Anne Weyemburgh, and Marta Ramat. 2023. "Prisons and Detention Conditions in the EU." *European Parliament*.
[https://www.europarl.europa.eu/RegData/etudes/STUD/2023/741374/IPOL_STU\(2023\)741374_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/STUD/2023/741374/IPOL_STU(2023)741374_EN.pdf).
- Canada, Correctional Service. 2024. "Correctional Service Canada's 2024 to 2025 Departmental Results Report." Canada.ca. 2024. <https://www.canada.ca/en/correctional-service/corporate/transparency/reporting/departamental-results-reports/2024-2025.html>.
- Coppola, Federica. 2019. "The Brain in Solitude: An (Other) Eighth Amendment Challenge to Solitary Confinement." *Journal of Law and the Biosciences* 6 (1): 184–225.
<https://doi.org/10.1093/jlb/lbz014>.
- Couloute, Lucius, and Daniel Kopf. 2018. "Out of Prison & out of Work: Unemployment among Formerly Incarcerated People." Prison Policy Initiative. July 2018.
<https://www.prisonpolicy.org/reports/outofwork.html>.
- Council of Europe. 1950. "European Convention on Human Rights." European Court of Human Rights. https://www.echr.coe.int/documents/d/echr/Convention_ENG.
- Council of Europe. 2002. "European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment Text of the Convention and Explanatory Report." <https://rm.coe.int/16806dbaa3>.
- Council of Europe. 2015. "Living Space per Prisoner in Prison Establishments: CPT Standards." European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT). <https://rm.coe.int/16806cc449>.
- Council of Europe. 2025a. "Review of 2024 Activities and Upcoming Visits for 2025." CPT. January 9, 2025. <https://www.coe.int/en/web/cpt/-/review-of-2024-activities-and-upcoming-visits-for-2025>.
- Council of Europe. 2025b. "Increasing Overcrowding in European Prisons." Council for Penological Co-Operation (PC-CP). July 21, 2025. <https://www.coe.int/en/web/prison/-/increasing-overcrowding-in-european-prisons>.

- Coyle, Andrew. 2008. "The Treatment of Prisoners: International Standards and Case Law." *Legal and Criminological Psychology* 13 (2): 219–30.
<https://doi.org/10.1348/135532508x284284>.
- Cullen, Francis T, Cheryl Lero Jonson, and Daniel S Nagin. "Prisons Do Not Reduce Recidivism: The High Cost of Ignoring Science." *The Prison Journal (Philadelphia, Pa.)* (Los Angeles, CA) 91, no. 3_suppl (2011): 48S-65S.
- Davis, Lois M, Robert Bozick, Jennifer L Steele, Jessica Saunders, and Miles, Jeremy. 2013. "Evaluating the Effectiveness of Correctional Education." Rand.org. RAND Corporation. August 22, 2013. https://www.rand.org/pubs/research_reports/RR266.html.
- Death Penalty Information Center. "What to Know: Deterrence and the Death Penalty." Last modified March 09, 2026. Accessed March 22, 2026. <https://deathpenaltyinfo.org/what-to-know-deterrence-and-the-death-penalty>.
- European Court of Human Rights. 2024. "European Convention on Human Rights ." ECHR. 2024. <https://www.echr.coe.int/european-convention-on-human-rights>.
- Fahmy, Chantal, and Alexander Testa. "Family Social Support during Incarceration: Implications for Health upon Release." *Scientific Reports* (London) 15, no. 1 (2025): 27716.
- Garrett, Brandon L. 2019. "Innocence and the Global Death Penalty." *Comparative Capital Punishment*, 201–15. <https://doi.org/10.4337/9781786433251.00020>.
- Garrett, Brandon L. "The Banality of Wrongful Executions." *Michigan Law Review* 112, no. 6 (2014): 979-992.
- Government of Canada. 2024. "The Overrepresentation of Indigenous People in the Criminal Justice System." Justice.gc.ca. November 2024. <https://www.justice.gc.ca/eng/rp-pr/jr/jf-pf/2024/nov.html>.
- Haney, Craig. 2018. "The Psychological Effects of Solitary Confinement: A Systematic Critique." *Crime and Justice* 47 (1): 365–416.
- Hawley, Jo, Ilona Murphy, and Manuel Souto-Otero. 2013. "Prison Education and Training in Europe." https://www.antoniocasella.eu/nume/hawley_ue_education_may13.pdf.

- Herring, Chris, Dilara Yarbrough, and Lisa Marie Alatorre. 2019. "Pervasive Penalty: How the Criminalization of Poverty Perpetuates Homelessness." *Social Problems* 67 (1): 131–49. <https://doi.org/10.1093/socpro/spz004>.
- Hudson, Bob, and Tomas Percival. 2023. "Carceral Data: The Limits of Transparency-As-Accountability in Prison Risk Data." *Secrecy and Society* 3 (1). <https://doi.org/10.55917/2377-6188.1074>.
- Human Rights Watch. 2015. "Callous and Cruel | Use of Force against Inmates with Mental Disabilities in US Jails and Prisons." Human Rights Watch. May 12, 2015. <https://www.hrw.org/report/2015/05/12/callous-and-cruel/use-force-against-inmates-mental-disabilities-us-jails-and>.
- Iftene, Adelina. 2020. "Solitary Confinement Continues in Canada under a Different Name." Policy Options. November 19, 2020. <https://policyoptions.irpp.org/2020/11/solitary-confinement-continues-in-canada-under-a-different-name/>.
- Ito, Kazuko. "Rule of Law and the Criminal Justice Reform in Japan." *National Taiwan University Law Review* 6, no. Symposium Issue (2011): 367-388.
- Johnson, Davona. 2018. "Justice for Kalief Browder: Correcting Crooked Corrections and Criminal Justice Systems." *University of Central Florida Department of Legal Studies Law Journal* 1: 147-158.
- Machado, Junqueira. 2022. "Why so Tough? Understanding the Politics behind Aggressive Crime-Fighting Policies." Tamu.edu. August 3, 2022. <https://oaktrust.library.tamu.edu/items/76551d2d-05de-4a5c-95d4-2c6e664a0438>.
- Materni, Mike. 2013. "Criminal Punishment and the Pursuit of Justice." *British Journal of American Legal Studies* 263 (1): 263–304.
- Neal, Natalie. 2024. "Comparing Penal Recidivism in Three Different Nation-States: A Case Study of Germany, Norway, and the United States." In *Exchanges of Culture, Policy, and Goods from 1492 to the Future*.
- Nellis, Ashley. 2021. "Racial and Ethnic Disparity in State Prisons." <https://cdn.cnn.com/cnn/2021/images/10/13/the-color-of-justice-racial-and-ethnic-disparity-in-state-prisons.pdf>.

- O'Connor, Katie. 2018. "Adam Capay: Injustice toward First Nations Offenders in Canadian Corrections." Canada Watch. <https://doi.org/10.25071/9tbr7568>
- Office of the High Commissioner for Human Rights. 2025. "Alarming Trends in Executions in 2025 Raise Serious Human Rights Concerns – UN Human Rights." OHCHR. 2025. <https://www.ohchr.org/en/press-releases/2026/01/alarming-trends-executions-2025-raise-serious-human-rights-concerns-un-human>.
- Office of the United Nations High Commissioner for Human Rights, "International Human Rights Law" OHCHR. 2024. <https://www.ohchr.org/en/instruments-and-mechanisms/international-human-rights-law>.
- Onishenko, Dawn, and Julie Erbland. "The Case of Ashley Smith: Policy Window or Policy Failure." *Canadian Review of Social Policy*, no. 76 (2017): 70–89. <https://www-jstor-org.uml.idm.oclc.org/stable/48670646>.
- Penal Reform International. 2013. "Solitary Confinement." Penal Reform International. 2013. <https://www.penalreform.org/issues/prison-conditions/key-facts/solitary-confinement/>.
- Robertson, James. 2009. "'One of the Dirty Secrets of American Corrections': Retaliation, Surplus Power, and Whistleblowing Inmates." *University of Michigan Journal of Law Reform*, no. 42.3 (January): 611–11. <https://doi.org/10.36646/mjlr.42.3.one>.
- Roettger, Mike, Krystal Lockwood, and Susan Dennison. 2019. "Indigenous People in Australia and New Zealand and the Intergenerational Effects of Incarceration." Indigenous Justice Clearinghouse. December 2019. <https://www.indigenousjustice.gov.au/wp-content/uploads/mp/files/publications/files/intergenerational-effects-of-incarceration-fa.pdf>.
- Schönteich, Martin. "The Overuse of Pre-Trial Detention: Causes and Consequences: Martin Schönteich Examines Arbitrary and Excessive Pre-Trial Imprisonment." *Criminal Justice Matters* 92, no. 1 (2013): 18–19.
- Shanahan, Chris. "Retribution: The True Cost." *Idaho Law Review* 57, no. 3 (2021): 509-524.
- Shelby, Tommie. 2022. *The Idea of Prison Abolition*. Princeton University Press.

- Smith, Peter Scharff. 2006. "The Effects of Solitary Confinement on Prison Inmates: A Brief History and Review of the Literature." *Crime and Justice* 34 (1): 441–528.
<https://doi.org/10.1086/500626>.
- Statistics Canada. 2026. "Overrepresentation of Indigenous and Black Adults in Provincial and Federal Custody." Statcan.gc.ca. 2026. <https://www150.statcan.gc.ca/n1/daily-quotidien/260114/dq260114b-eng.htm>.
- The Advocates for Human Rights. 2012. "JAPAN: Fourteenth Session of the Working Group on the Universal Periodic Review Human Rights Council." World Coalition against the Death Penalty.
https://www.theadvocatesforhumanrights.org/Res/japan_hrc_death_penalty_october_2012.pdf.
- Torreggiani and Others v Italy 43517/09 (ECHR, 08 January 2013).
- United Nations. 1948. "Universal Declaration of Human Rights." United Nations. December 10, 1948. <https://www.un.org/en/about-us/universal-declaration-of-human-rights>.
- United Nations. 1966. "International Covenant on Civil and Political Rights." OHCHR. United Nations. December 16, 1966. <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-civil-and-political-rights>.
- United Nations. 1984. "Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment." OHCHR. United Nations. 1984.
<https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-against-torture-and-other-cruel-inhuman-or-degrading>.
- United Nations. 2024. "International Human Rights Law." OHCHR. United Nations. 2024.
<https://www.ohchr.org/en/instruments-and-mechanisms/international-human-rights-law>.
- United Nations (General Assembly). 1966. "International Covenant on Economic, Social, and Cultural Rights." *Treaty Series* 999 (December): 171.
- United Nations (General Assembly). 2023. "Annual Report of the United Nations High Commissioner for Human Rights and Reports of the Office of the High Commissioner and the Secretary-General."
https://digitallibrary.un.org/record/4007438/files/A_HRC_52_70_Add.1-EN.pdf.

United Nations Office on Drugs and Crime. 2015. "United Nations Standard Minimum Rules for the Treatment of Prisoners (Nelson Mandela Rules)." *International Legal Materials* 55 (6): 1180–1205. <https://doi.org/10.1017/s0020782900030898>.

United States Commission on Civil Rights. 2008. "Enforcing Religious Freedom in Prison." Washington.

Weisburd, Kate. "Rights Violations as Punishment." *California Law Review* 111, no. 5 (2023): 1305-1368.