**Committee: Human Rights Council (HRC)**

**Issue: Examining the Human Rights Conditions in Latin American Prison Systems**

**Student Officer: Malena Dipla**

**Position: Co-Chair**

##### **PERSONAL INTRODUCTION**

Dear Delegates,

I am Malena Dipla, a 10th-grade student at Anatolia College. This year, I am deeply honoured to contribute to the Human Rights Council (HRC) committee at the 8th DSTMUN as Co-Chair.

I would like to officially welcome you to this year’s Model United Nations Conference hosted in DST that will take place this November and highlights the ongoing struggle for minority rights around the globe. I hope you take advantage of the opportunities that our conference offers you and engage with issues at the forefront of public discourse head-on, lead thought-provoking discussions, engage in passionate debates and most importantly, form life-long bonds with like minded people.

The first topic that will be confronted in our committee is **Examining the Human Rights Conditions in Latin American Prison Systems.** In this document I wish to provide you with the resources that will guide you through our first subject and hopefully pique your interest enough to lead you to conduct your own research on this topic (while not strictly mandatory, it is highly encouraged that you do so, as it will help you gain a solid understanding of the topic at hand. )

Whether a new or a returning MUNer, you will soon approach the world through the eyes of a DSTMUN Delegate and gain skills that will become increasingly useful as you immerse yourself in the modern sociopolitical landscape, and try to navigate it.

I wish you all the best in your DSTMUN journey. If you have any questions about proceeding with your research, any content within the study guide is unclear to you or you simply would like any kind of further instruction about the conference please don’t hesitate to reach out to me at [20177089@student.anatolia.edu.gr](mailto:20177089@student.anatolia.edu.gr)

Best wishes,

Malena Dipla

###### **TOPIC INTRODUCTION**

Latin America has often been a region ridden with gang violence, systemic lawlessness, and often inadequate protection and prevention measures to combat criminal activity that has spread within close-knit communities. More often than not, in the pursuit of justice or a sense of, often false, safety, important pillars of a well-functioning, democratic society (such as basic human rights and respect for life itself), are compromised.

Since March 2022, after the start of the “State of Exception”, a self-imposed measure to combat gang violence by the President of El Salvador, Nayib Bukele that completely waives the need for evidence of wrongdoing as the basis for arrest and detention - more than 80.000 people have been arrested [[1]](#footnote-0) while most have been possibly deprived of a fair trial[[2]](#footnote-1) or even the chance to be proven innocent and since, at least 153 of them have died while in custody.[[3]](#footnote-2)

Authoritarian measures such as these are commonly prevalent in Latin American justice policies, leading to extremely high incarceration rates and overcrowding. In combination with mistreatment and utter disregard for prisoners’ wellbeing these conditions can lead to various violations of human rights within Latin American Prison Systems.

Prisoners’ needs and wellbeing are often disregarded and downplayed while internationally condemned conditions in prison systems are not improved. Overpopulation, regular violent instances and degrading treatment towards inmates tend to define inmates’ day-to-day lives, making living conditions excruciating and often life-threatening. Lack of medical assistance and healthcare as well as limited to no contact to the outside world are only some of the conditions that tend to impact inmates’ mental and physical health, making reintegration almost impossible.

These kinds of human rights violations reflect shortcomings of the system and deeper problems that stem from a society that has undergone dictatorships, colonial rule and severe poverty for centuries: inequality, racism, migration pressures, and a system built to control the vulnerable that benefits and shields the powerful.

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###### **DEFINITION OF KEY TERMS**

[[4]](#footnote-3)**Access to justice**

Access to justice is a basic principle of the rule of law. In the absence of access to justice, people are unable to have their voice heard, exercise their rights, challenge discrimination or hold decision-makers accountable.

**[[5]](#footnote-4)Arbitrary Detention**

Arbitrary detention is the violation of the right to liberty. It is defined as the arrest and deprivation of liberty of a person outside of the confines of nationally recognized laws or international standards.

**[[6]](#footnote-5)Human Right**

Human rights are rights inherent to all human beings, regardless of race, sex, nationality, ethnicity, language, religion, or any other status. They include the right to life and liberty, freedom from slavery and torture, freedom of opinion and expression, the right to work and education, and many more.

**[[7]](#footnote-6)Iron Fist Policies/ Mano de hierro**

Mano dura policies are typically shorthand for hardline authoritarian and populist approaches to law and the excessive use of military and police force to address common crime. They are widespread, particularly in El Salvador, Guatemala and Honduras, but also in Brazil, Colombia, Mexico and Venezuela.

**[[8]](#footnote-7)Prison Governance by Gang/ Prison Gangs**

As is the case with many organized criminal groups, official definitions of prison gangs tend to be broad, typically defining one as any group of three or more people who engage in disruptive behavior in a carceral setting.

**[[9]](#footnote-8)State of Exception**

In March of 2022, at the request of the President, the Salvadoran Legislature declared a *state of exception,* suspending several constitutional rights in response to an outburst of gang violence.

**[[10]](#footnote-9)Systematic torture**

Torture is systemic when it is either officially condoned, explicitly or implicitly, or when it is widely practiced with impunity.

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###### **BACKGROUND INFORMATION**

**Evolution of prison systems in Latin America**

Prison systems in Latin America, following political and social trends, have adapted to the needs and demands of the ruling classes and governments more so than those of the general population. These significant changes depending on the handling of incarcerated individuals and the severity of policies regarding incarceration, according to research by Emory University Libraries[[11]](#footnote-10), can be roughly split into 4 phases.

As Latin American nations started gaining their independence from Spain and Portugal in the mid-19th century, the dubbed “nationalist” phase started with Brazil’s Casa de Correção, the region's first penitentiary, which was built in 1834. Correção firstly functioned as a construction site and labour camp including being a holding center for “free Africans” to keep them from being re-enslaved after the slave trade ban. Casa de Correção had no significant security measures or walls making abuses and escapes common. It was used as a tool for social and racial control with many other similar establishments following suit. Supporters of these kinds of institutions thought that their straightforward setup would act as a “counterpoint” to widely used systems of colonial punishment. Instead, they not only held onto but even made those systems of racialized class management and punishments more widespread.

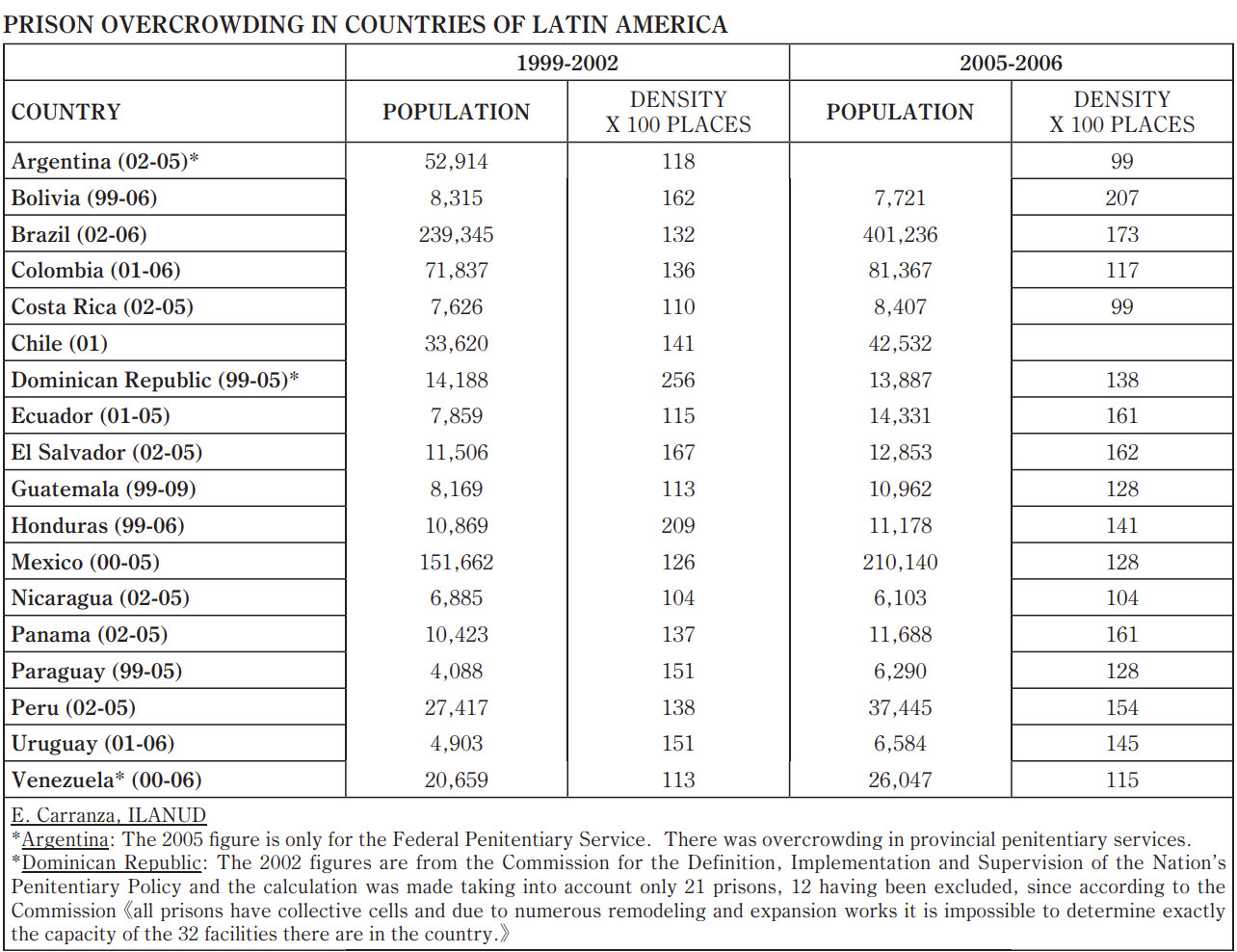
The second phase lasted approximately half a century, spanning from the end of the 19th century to the mid-20th century. As a result of urban centres doubling or tripling in size within a decade, the then-current ruling class became anxious about crime, immigration, and race. Following through with the notion of racial and social control first presented in the nationalist phase, they took advantage of advances in the sciences, positivism and eugenics to back their often violent attempts at “controlling” the rise in racial differences, criminal activity and immigration within the region. Their most often used argument was that crime was similar to an infectious disease spreading amongst communities, giving them the advantage by using ‘science’ as a cover-up for their slack efforts at pushing back criminal activity. This crime breakout was combatted by the containment of criminals as well as the performance of case studies on said individuals for “research purposes”. Both the first and the second phase revolved around old colonial racialized discourse surrounding notions of “purity” and “civilisation”, and set the precedent for the prison systems that are to follow.

From the late ‘70s to the late 1990s a new era of prison development began, marking the third phase. During this stage, authoritarian governments came to power, leading to the increasing need for the imprisonment of political adversaries. This led to the creation of new incarceration centers as well as the establishment of legal procedures to expedite the prosecution of anyone that opposed the ones in power. At the same time ‘common’ prisoners also became much more frequent occurrences and acted as a way to control the racialised poor. Especially in Brazil, this resulted in the prolonged contact between various criminal groups and exchanges of their organisational structures and political affiliations- early iterations of the powerful gangs that originated from that era.

The fourth, still developing, phase started in the late 90s/ beginning of the 2000s and has largely been characterised by mass incarceration and a tougher outlook on drug-associated crimes. This period was greatly influenced by the U.S’s War on Drugs as well as its willingness to offer military training and funding to assist with efforts in Latin America to limit drug production and left-wing paramilitary groups in specific instances. As mass incarceration rates rose, the era became even more defined by exponentially increasing numbers in detention centers and by the system’s dependence on imprisonment as a solution to various problems like crime, social inequality, migration, and ‘civic unrest’ that plagued communities at the time. Latin American prisons became “warehouses for the useless and unsubmissive to the dictatorship of market deregulation,” [[12]](#footnote-11) and once again, control of the most vulnerable in the community became a priority within the prison system. Notions that were followed and embraced during the second phase resurfaced during this period and now even extended to all people of lower economic status. These individuals were dubbed unreformable, and were discarded in a crumbling justice system under the ruse of reform. In this way Latin America surpassed even America in the rate of increase in prison population with El Salvador becoming the country with the most incarcerated individuals after the State of Exception was issued in 2022. [[13]](#footnote-12)

### **Factors Impacting Human Rights Conditions in Latin American Prisons**

Globally, in the last 20 years the incarcerated population has continued to rise, especially in the Latin American region- reaching and exceeding capacity, most operating over 120% - a figure established by the European Committee for Crime Problems[[14]](#footnote-13). Severe overcrowding has proven to worsen healthcare, well-being and even education and rehabilitation efforts of inmates. Being one of the three most impactful factors alongside living conditions and age of inmates, greater overpopulation seems to often correspond to higher levels of violence and conflict to obtain scarce resources.[[15]](#footnote-14) Both the UN and the Inter-American Court of Human Rights have described it as constituting cruel, inhuman, and degrading treatment towards inmates. UN spokesmen have also noted that excessive resort to pretrial detention and judicial delays can lead to overcrowding and consequently to a lack of access to basic services[[16]](#footnote-15). As official oversight breaks down it can also increase gang control over prisons and lead to violence, riots, and extortion. When inmates are unable to even participate in educational programmes they become much more vulnerable to criminal activity within prison walls and their reintegration to society after reform, which is always the final goal, becomes almost impossible.



UAFEI- figures showing prison overcrowding in Latin America

Often, issues in governmental institutions like prisons can be solved or at least improved with the proper intervention by authorities and focused efforts on the betterment of facilities and conditions within these establishments - this is not the case in Latin America. Judicial and political denial of the obvious Human Rights issues, the systemic and racial bias and cruel treatment within Prison Systems in Latin America has produced a state of institutional abandonment within the facilities that is preserved by the interests of politicians and the judiciary who are engaged in denying prison violence and human rights abuses while promoting more punishment.[[17]](#footnote-16) Needs of prisoners are often downplayed, disregarded or outright rejected by the authorities- often preferring to increase Mano Dura policies or tough on crime approaches to violence over achieving meaningful reform. Moreover, poor mechanisms for transparency, oversight and accountability exonerate them from any responsibility and allow them to continue downplaying human right violations and inmates’ needs. While international intervention has had some success, often denial of these circumstances and systemic flaws that shield those accountable from taking the blame don’t allow much progress to be made.

Since the late 70s, increased numbers of incarcerated ‘common’ criminals led to the creation of early iterations of organised crime due to prolonged contact between criminal groups in detention centers. During the 90s Latin America adopted harsh anti-drug policies from the US, leading to increased numbers of incarcerated ‘common’ criminals and the worsening of conditions within prisons. Overcrowding as well as limited funds have led to gangs more often than not gaining substantial power in prisons.[[18]](#footnote-17) In countries like El Slavador, Honduras, and Brazil, especially after major crackdowns on crime (like the one in El Salvador in 2022, with ~80.000 suspects arrested) have led to thousands of suspected drug affiliates being arrested and incarcerated, overwhelming the prison system and leading to extensive overcrowding.[[19]](#footnote-18) In addition to an overall worsening of conditions due to these crackdowns gangs’ dominance within the prisons can be reinforced as more gang members are concentrated in these detention centers. A gang-run prison can cause major increases in violence due to gang rivalries, internal hierarchy systems that destabilise, systematic abuses and exploitation of weaker inmates and even weakening of transparency and accountability within these structures. In order to combat these conditions certain governments establish extreme lockdowns on prisoners leading to isolation and clear human rights violations.

Due to limited funding and a frail economy most prisons have decayed and outdated infrastructure, lack appropriate security, trained personnel and have poor access to hygiene and food. A lack of access to essential services and materials can lead inmates to finding alternative measures to gain access to these services. Especially in gang led prisons, organised crime organisations can take advantage of such shortages in personnel, food and all around under-resourced prisons to get recognised within internal hierarchy systems and gain control over other incarcerated individuals by offering material goods, regulating inmates’ access to food, hygiene or protection and extorting money or favors from weaker prisoners. Poor healthcare has also commonly been a problem within these institutions, exacerbated in overpopulated and violent spaces where inmates’ needs for proper facilities and medical care should become a priority for authorities.

System reforms and crackdowns (which are often politically motivated, see Bukele’s rise to power due to promises of reduced crime and drug trafficking in El-Salvador) that are well-intentioned have sometimes resulted in overcrowding and have worsened conditions within prisons. Mano Dura policies or “zero tolerance” initiatives have long proved to not only be ineffective for the system but can prove quite harmful for inmates and officials alike. If, on the other hand, states do build more prisons or impose longer sentences,unless they are accompanied by proper system and infrastructure reforms, they can only condemn institutions to an overpopulated and under-resourced state. An underprepared system might lessen criminal activity on the streets but it makes prisons liable to overtaking by gangs and due to lack of resources and proper care can lead to increased instances of violence and higher mortality rates in prisons. Significant Human Rights issues can also stem from harsh policies- often not allowing detainees to be equally treated by the law, face proper trials or not even requiring evidence of wrongdoing.[[20]](#footnote-19) These policiescan easily be exploited against vulnerable communities like poor people, people of colour, LGBTQ+ persons or anyone who has been denounced by any other member of the community.

**MAJOR COUNTRIES AND ORGANISATIONS INVOLVED**

**Countries**

El Salvador

El Salvador has commonly come face-to-face with pervasive human rights violations, which have worsened in recent years, especially in light of the State of Exception established in 2022 by president Nayib Bukele.

During the 70s and until the start of the 90s (1979-1992) the people of El Salvador, similarly to many Latin American countries, had an ongoing civil war. In the course of the war prisons were sites of political repression, torture and unlawful killings. Overall during the span of the war more than 75.000 lives were taken, the UN Truth Commission concluded that 85% of the acts of violence against civilians were committed by agents of the State, paramilitary groups allied to them, and death squads. Less than a week after the report was made public in 1993, the Salvadoran Legislative Assembly adopted a blanket amnesty law that shielded all government and guerilla forces from prosecution for human rights abuses committed during the war (similarly to the 1979 amnesty law in “ Brasil” - see below).[[21]](#footnote-20) Following the civil war prisons grew vulnerable and unable to compete with rising gang proliferation within incarceration institutions and weak rule of law.

Amidst the lawlessness and increased drug trafficking in the 2000s both gang violence and mass incarceration surged with groups like MS-13 and Barrio 18. Overcrowding became extreme with prisons struggling to provide for inmates’ basic needs. Since the 2000s both FMLN and ARENA governments (the two main opposing governments) have anchored their anti-criminal policies in restoring full state control over territory with high gang presence, mass incarceration and joint police and military operations although they achieved little in terms of stemming violent crime. Between 2013 and 2015 El Salvador experienced its steepest escalation in violence since 1994, with 11,934 homicides in 2015 and 2016 combined, a 53 per cent increase in comparison to the 2013-2014 period. [[22]](#footnote-21)

In 2019 Nayib Bukele, president of El Salvador won the presidency by vowing to crack down on crime and corruption and thus ensuring a win from crime-riddled communities. In order to be able to act on his promises for the past three years, since 2022, he has imposed the “state of exception” which allows him to govern with few checks and has enabled authorities to suspend many rights, like needing evidence to be able to arrest suspects. This has led to “mass arbitrary arrests” based solely on stereotypes like whether or not suspects have tattoos or a prior criminal record or even quite subjective and certainly insufficient characteristics like “looking nervous”. Due to these mass arrests El Salvador currently has one of the highest incarceration rates internationally, more than triple the US rates and double that of the nearest country, Cuba.[[23]](#footnote-22) This “mano dura” outlook on crime has led to government and pro-governmental news outlets insisting on El Slavador being the safest country in Latin America contrary to evidence saying otherwise (it is believed that the government has manipulated statistics, attacked journalists who oppose him and has been involved in a “secret gang pact” to gain electoral support and bargain a reduction in homicides[[24]](#footnote-23)).

His harsh anti-gang and anti-crime policies have made way for more than 84.000 arrests, most without evidence or fair trials.[[25]](#footnote-24) Even within detention centers extreme overcrowding (almost 300% more than the official capacity), denial of family visits and routine torture methods like beatings, waterboarding, forced exercise, deprivation of sleep, food, and hygiene have become trademarks of the El Salvadorian prison system since the State of Exception was issued. The incarceration models that have been established due to harsh reforms violate important human rights standards that have long been established, like the Mandela Rules, and undermine efforts in reintegration of incarcerated individuals.

Brazil

Brazil’s prison system has faced multiple challenges due to understaffing, overcrowding and systemic issues that tend to lead to various human rights violations.

In 1964, a coup d’etat led to the dethroning of then-president João Goulart leading to a period of authoritarian rule characterised by grave and systematic human rights violations, including forced disappearances, political killings, and the routine practice of torture on political detainees.

In 1979, the passing of an amnesty law exonerated those responsible for human rights violations, provided for the release of many political prisoners, and allowed numerous exiled dissidents to return, further benefiting the military regime in power.

In 1989, the first democratic elections were held and ensured that middle-class Brazilians were no longer targeted. Now, criminal suspects, poorer, darker-skinned or landless Brazilians once again became the primary victims of official violence. As soon as middle/higher classes were not the ones in danger of being incarcerated, public support for human rights steeply declined, at the same time that criminality rates rose.

The growth of the international market for cocaine as well as financial factors such as economic stagnation, recession and the growing wealth gap between rich and poor gave rise to Brazil’s crime epidemic with homicides soaring from 2,826 in 1980 to 8,408 in 1994 and produced surges in incarceration for trafficking and drug-related offenses. [[26]](#footnote-25)

Racially and socially driven abuses due to unofficial control by police forces, severe overcrowding in inadequate facilities, worsening of living conditions and denial of medical care for diseases like tuberculosis and HIV/AIDS among inmates persists with hundreds of deaths reported from within incarceration centers.

The National Mechanism for the Prevention and Combat of Torture and the National Council of Justice reported overcrowding, unhealthy conditions, ill-treatment and torture in at least six states in 2023 with more than 668,500 people being incarcerated, exceeding capacity by 37%. [[27]](#footnote-26)

Honduras

Similar to various other Latin American countries, Honduras’ prison system encountered a variety of problems with controlling severe abuses and systemic impunity often linked to criminal violence and authoritarianism that reigned the country.

Following a military coup in 1963, Honduras endured harsh military rule, which was rooted in a political culture steeped in militarisation. During that same period, the US funded military operations against leftist Sandinistas in Nicaragua. In 1981, Honduras returned to a parliamentary democracy but by that point the process of militarisation had been greatly funded by the US and heavily embedded itself in public policy, making any changes in the political sphere have little to no impact on the outlook on human rights.

Over the first half of the 1980s, Honduras broke its tradition of international neutrality by engaging in illegal arrests of Salvadoran refugees. Victims besides refugees were labourers, agrarians, and students suspected of leftist activism, all of whom were subjected to severe violations such as extrajudicial murder, torture, and disappearances within secret detention centres. These penitentiaries were backed by both the CIA and by local death squads such as Battalion 3-16. While Honduras faced criticism during the 80s about human rights violations within these institutions, it was not until 1994 that the then-president demanded accountability, and once again faced backlash, expressed by the army through the deployment of tanks, on-air propaganda for the justification of past violations and by sending death threats to government officials and rights activists.[[28]](#footnote-27)

Under President Reina in the mid-1990s, Honduras was undergoing a period of democratic transition and despite the new administration’s efforts, while they managed to officially acknowledge the responsibility of past governments for disappearances through the "Valladares report," violations such as disappearances, extrajudicial executions, and torture persisted, often at the hands of the police and military. One of the most pervasive violations of basic human rights was due to unregistered or even unsentenced prisoners serving unjust and prolonged sentences, with fewer than 700, about 12% actually sentenced. Children, often as young as 10 years old, were jailed with adults and subjected to beatings and torture by both police and other prisoners, and were kept for periods exceeding twenty-four hours in highly violent and unsanitary environments. [[29]](#footnote-28)

During the early 2000s, the Honduran prison system was going through a severe crisis due to the Mano Dura policies implemented which led to mass incarceration of suspects. The crisis that followed the overflowing of detention systems lasted over a decade and by 2014, a system designed to hold 8.000 inmates was holding over 16.000- half of whom were pre-trial detainees. Due to prisons struggling to provide basic security, necessities and sufficient funding, it became an unlawful and violent setting where organised groups from within the illicit economy provided basic provisioning to inmates, required an initial registration fee, and often made inmates serve as couriers for drug sales- prime examples of the self-governance that ceded detention centres at that time. [[30]](#footnote-29)

Reports from 2023 showcase that overcrowding is still a problem for Honduran prisons. As of March 31, 2023, the prison population exceeded 19,500, in a system designed for approximately 13,000 inmates. Due to a lack of medical care, malnutrition, gross overcrowding and failure to restrain gang control and gang-related criminal activity within prison walls, conditions are unfit and often life-threatening for the rising population. Inmates have access and ways of obtaining weapons, allowing them to harm inmates and police, as well as associates outside of prisons who are capable of harming the families of security guards, who are few and unable to control the inmates. After a deadly riot in June, international human rights observers, like the International Committee of the Red Cross, were allowed entrance to make recommendations for the rights of prisoners. Contrary to El Salvador, there have been no arbitrary detentions or arrests, and the law can provide for “the right of any person to challenge the lawfulness of their arrest or detention in court”. [[31]](#footnote-30)

Mexico

Since the 1960s, Mexico’s prison and human rights conditions have rapidly deteriorated. Overcrowding, underfunding, corruption, inadequate health care, and poor sanitation have been recurring problems in the Mexican prison system. Already during the 1960s/70s, overpopulation had been a growing issue as Mexico experienced a significant increase in inmate population without corresponding improvement in prison facilities.

By the late 1970s/80s, overpopulation in detention centres had worsened, along with inadequate staffing, which led to tense relationships, riots, excessive violence, hostility and frequent altercations between inmates and authorities. While there were attempts at reforms, they were often slow, poorly implemented, and inefficient.

In the 1990s, the Mexican prison system was characterised by massive overcrowding, deteriorating physical facilities, poorly trained and vastly underpaid guards and other prison officials, system-wide corruption, and, most fundamentally, lack of money. On a lighter note, inmates were able to retain an active role in family settings and day-to-day family decisions, easing tensions in detention centres and allowing for a smoother transition to the outside. [[32]](#footnote-31)

During the 2000s and up until recent years, prison conditions have been exacerbated due to rising rates of criminal activity linked with drug trafficking and gangs that became more widespread during this period. State security forces often are the ones weaponising torture and ill-treatment to extract confessions while in federal state prisons, physical abuse, torture, isolation, and collective punishment were often documented. Pretrial detention and arbitrary arrests are common practices that often contribute to overpopulation issues. During the pandemic conditions worsened due to extreme isolation, limited visits and intensified violence within prisons. There have been efforts at fighting these conditions, like the creation of a National Mechanism for the Prevention of Torture in 2007, but just like in the 1980s, they have been deemed poor and slow, leaving women and migrant detainees vulnerable to harsh conditions and violent, prejudiced environments. [[33]](#footnote-32)

Venezuela

Venezuela has grappled with persistent issues within its prison system, often failing to guarantee prisoners' security and facing chronic shortcomings in safeguarding their human rights. During the 1960s and earlier centuries, the Venezuelan Prison System was marked by overcrowding and lack of sufficient funding but hadn’t yet escalated to the level of widespread violence and systemic dysfunction that followed within the next three decades.

During the mid-1980s, prisons in Venezuela were already in a state of crisis with crime and incarceration rates skyrocketing. Inside detention centers, inmates were faced with worsening living conditions, overcrowding, human rights violations, insufficient staff and deteriorating infrastructure. Lack of medical treatment, increasing gang control and widespread abuse were also common at the time.

By the 1990s the state of the prisons had worsened to such an extent that the Venezuelan Public Ministry warned that it “threatened democratic stability”. The system was notoriously overpopulated and violent, epitomised by prisons like Catia, infamous for its riots and prisoner massacres. The conditions at the time were often criticised by national and international human rights organisations, highlighting the degree to which inmates’ well-being was compromised by systemic neglect and abuse.

Despite important steps towards a safer penitentiary environment, like the closure of the Catia prison in 1996 and attempts at deploying the National Guard inside prisons, human rights violations such as torture and rape persisted. Gangs and drug trafficking controlled most aspects of inmates’ lives, while most prisoners had access to weapons. Over 200 inmates died in the system in 1996 alone, and most systemic problems remained unresolved throughout the 1990s.[[34]](#footnote-33)

Occasional government statements promising improvements and reform of the prison system, as of 2025, progress has not been substantial. In the last 20 years, overcrowding remained dire, exceeding capacity by more than 180%, while violence and impunity persisted, leading to frequent riots, massacres, and deaths inside prisons. Armed gangs and organised crime networks retained their influence on the prison system, with authorities often being negligent and at times even complicit. [[35]](#footnote-34)

**Organizations**

United Nations Office of the High Commissioner for Human Rights (OHCHR)

The OHCHR is the leading UN entity upholding human rights standards internationally. It was established by the UN General Assembly in 1993. The OHCHR provides technical expertise and capacity development in the areas of administration of justice, legislative reform and electoral processes, to help implement international human rights standards on the ground. It also assists other entities that have a responsibility for the protection of human rights in fulfilling their obligations, helps individuals to realise their rights, and speaks out objectively on human rights violations. [[36]](#footnote-35) It has frequently called out the injust practices in Latin American prison systems in articles and newsletters while the violations within most Latin American prisons go against its mandate that encourages reporting, monitoring and advocating against structural problems such as chronic overcrowding, lack of basic sanitation and hygiene, torture, ill-treatment, corruption among prison officials, and high violence levels.

Inter American Commission on Human Rights (IACHR)

The Inter American Commission on Human Rights (IACHR) is an autonomous body of the Organization of American States (OAS) located in Washington DC and promotes and protects human rights in America. It investigates individual petitions which allege human rights violations, observes the general human rights situation in the member States and publishes special reports, carries out on-site visits to countries to engage in more in-depth analysis and stimulates public consciousness regarding human rights in the Americas amongst other actions to ensure the protection of Human Rights. As Latin America has often faced issues regarding human rights conditions within its prison system the IACHR has had to write reports to express concern about these matters, often regarding inmates or those deprived of liberty. In the 2011 Report on the Human Rights of Persons Deprived of Liberty in the Americas[[37]](#footnote-36) they attempted to document human rights violations and systemic issues within detention centers describing their ongoing state as a "humanitarian crisis" where overcrowding often exceeds 120% of capacity and torture or cruel treatment is widespread.

Human Rights Watch (HRW)

Human Rights Watch (HRW) investigates and reports on abuses happening in all corners of the world. It was founded in 1978 and is an entirely independent organisation that refuses government funding and carefully reviews all donations to ensure they are consistent with its policies, mission, and values. It covers a wide range of human rights concerns, including war crimes, torture, discrimination, and abuses in criminal justice systems. It has expressed serious concern about dire conditions in Latin American Prison Systems and has continuously highlighted human rights violations and has documented numerous instances of prison riots, massacres, and deaths linked to systemic problems within detention centers while calling for accountability, reduced prison populations and improved living conditions. It has also condemned the tragic death of hundreds of inmates in a 2012 fire in a Honduran Prison attributing it to overcrowding and neglect while also warning against the threat of COVID-19 in overpopulated prisons during the pandemic in Latin America.

Amnesty International

Amnesty International (AI) is an international non-governmental organization focused on promoting and safeguarding human rights worldwide. They are independent of any institution, ideology, economic interest, and religion while ensuring transparency and equality within the organisation. They monitor and conduct research on human rights abuses while publishing reports and advocating for accountability and justice. Thye have reported extensively on El Salvador reporting mire tahn 300 deaths between 2022 and 2024 attributed to torture, poor conditions and lack of medical attention in overpopulated detention centers. AI has urgently called for reforms for the protection of inmates, has criticised policy measures that led to mass arbitrary arrests and detentions even when under the guise of protection from gangs or drug trafficking and have often brought attention to the denial of access to independent observers to ensure accountability.

#### 

#### **BLOCS EXPECTED**

**Bloc 1**

Countries pro-reform that are mindful of human rights and willing, within reason, to take action to battle inhumane living conditions in Latin American prisons: Chile, Uruguay, Argentina, Costa Rica, Colombia, Panama, Mexico, Paraguay, Ecuador, Dominican Republic, Brazil, and European countries that have consistently supported human rights and may provide funds, training, and guidance to the states involved in the operation

**Bloc 2**

Countries that, due to political beliefs, societal constraints, or different priorities, might stand against any reforms: El Salvador, Venezuela, Nicaragua, Cuba, Honduras, Peru, as well as China and Russia, which tend not to intervene in the current status quo

###### **TIMELINE OF EVENTS**

| **Date** | **Description of event** |
| --- | --- |
| 1970S/80s | Numerous Countries during this Era were ruled by military Juntas or Authoritarian Regimes that came to power through Coups and were often even supported by the US in fear of Communist Uprisings. Countries like Argentina, Chile, Brazil, Uruguay, Paraguay and Guatemala had repressive governments that suppressed free political expression through censorship and imprisonment. |
| 1980s | Creation of the Inter-American Court of Human Rights under \*ACHR |
| 1990s | The third wave of Democratisation started during this Era with many countries previously ruled by authoritarian leaders now reverting to democratic governance. Civil wars in various Latin American countries set the backdrop for the creation of powerful gangs like Barrio 18 and MS-13 while US Deportations of gang members to Central America led to the spread of gang networks internationally. During this time began the collapse of the prison system and overcrowding worsened as the number of incarcerated individuals increased |
| 2000s | Signing of the American Convention of Human Rights + Convention AT (see below)/ Interamerican Court fights key cases/ Brazil, Mexico and Columbia struggle with prison gang control+ corruption |
| 2010s | Human Rights Watch and Amnesty International release reports on harsh conditions within Latin American Prisons - Landmark rulings of the Interamerican court on inmate deaths and living conditions as well as lack of access to justice  - Gangs become more powerful and rule prisons in El Salvador, Venezuela and Brazil |
| 2022 | El Salvador State of Exception ~75.000 detained and CECOT facilities are expanded |
| 2023-25 | Amnesty International and the United Nations denounce living conditions and systematic torture in Latin American Prison Systems |
| 2025 | Bukele strikes a deal with President Trump for American Deportees to be sent to CECOT |

**RELEVANT RESOLUTIONS, TREATIES AND EVENTS**

**United Nations Standard Minimum Rules for the Treatment of Prisoners (Nelson Mandela Rules)**

The Nelson Mandela Rules are 122 Rules that cover all aspects of prison management and outline agreed minimum standards for the treatment of prisoners, whether convicted or pre-trial. [[38]](#footnote-37) They were adopted unanimously by the UN General Assembly on 17 December, 2015. The State of Exception was established in 2022 by President Bukele of El Salvador and violates the Rules agreed upon by the UN as it waives the need for evidence to incarcerate individuals; lockdowns and prolonged solitary confinement are enforced indefinitely; many minors are detained in adult facilities; and violates many other parameters of the Nelson Mandela Rules.

**The UN Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT)**

The UN Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, commonly referred to as (CAT) is a UN Convention aimed at preventing torture and other forms of degrading, cruel or inhuman treatment worldwide that was adopted by the UNGA on 10 December 1984 and entered force on 26 June 1987, with 174 countries being parties as of 2024. Often in Latin American countries’ prison systems, there are multiple (CAT) violations as Prisoners are frequently subjected to physical abuse such as beatings, suffocation, electric shocks, pepper spray, tear gas, and rubber bullets[[39]](#footnote-38), live in overpopulated cells, are often denied medical help and suffer in inhumane conditions

**International Covenant on Civil and Political Rights (ICCPR) Art. 10**

The International Covenant on Civil and Political Rights (ICCPR) is an important UN Treaty adopted by the UNGA in 1966 and entered into force in 1976. It demands that all agreeing parties ensure the civil and political rights of their inhabitants, and while it allows parties to make reservations, certain of its articles are non-negotiable even in states of emergency.

Article 10 of the ICCPR states that:

“1. All persons deprived of their liberty shall be treated with humanity and with respect for the inherent dignity of the human person.

(a) Accused persons shall, save in exceptional circumstances, be segregated from convicted persons and shall be subject to separate treatment appropriate to their status as unconvicted persons;

(b) Accused juvenile persons shall be separated from adults and brought as speedily as possible for adjudication.

3. The penitentiary system shall comprise treatment of prisoners the essential aim of which shall be their reformation and social rehabilitation. Juvenile offenders shall be segregated from adults and be accorded treatment appropriate to their age and legal status”.

Multiple Latin American incarceration facilities violate article 10 of the ICCPR, by not separating individuals that haven’t undergone trial from convicted inmates, not separating minors from adults; and not offering appropriate reformation and rehabilitation services to prisoners.

**PREVIOUS ATTEMPTS TO SOLVE THE ISSUE**

**AVOIDANCE OF HARD-HANDED POLICIES**

One of the most effective ways to combat Human Rights Violations in Latin American Prisons is to be able to avoid the circumstances that allow such violations to take place. A prime example of this is Nicaragua, where no Mano Dura policies were implemented and thus there were no exponential increases in inmate population, overcrowding, and prisons did not become a playground for drug operations and criminal activity. Any anti-gang policies rather than penalisation or criminalisation of gangs, focused on anti-stigmatising them and only utilised resources for funding police efforts on the most violent gangs. More “mild” approaches to crime and gang violence alongside improvement of quality of life for communities and anti-stigmatisation of these groups might be a good long-term solution to avoid the creation of instances where further measures must be taken to combat human rights violations.

**OFFERING ALTERNATIVES TO INCARCERATION**

Various countries have attempted to offer alternatives to incarceration for specific cases like minor offences or non-felony cases. In Brazil, mediation is offered for minor offences with a sentence spanning less than two years. It aims at the reintegration and reform of the offender rather than punishment, and encourages victim reparation, while establishing measures to ensure State accountability and transparency during such procedures. In this way they have reduced overcrowding and have promoted the rehabilitation of both the offender and the victim. Similarly, in Mexico Alternative Justice Centres handle non-felony cases with sentences less or equal to five years, reducing the burden on prisons and preventing unnecessary incarceration.

**OPTIONAL PROTOCOL TO THE CONVENTION AGAINST TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT (OPCAT)- (NON LATIN-AMERICA SPECIFIC)**

During the 1990s a U.N. working group had been working alongside numerous Lati American countries on a draft treaty that would establish a U.N. subcommittee authorized to make periodic and *ad hoc* visits to places of detention in states party to the treaty, including prisons, jails, and police lockups with the main goal being preventing torture and other ill-treatment. After representatives of Latin American Countries actively participated and played leading roles in the 1997 and 1998 debates arguing for the establishment of an international monitoring system that would guarantee the safety and security of inmates in places of detention, OPCAT was adopted on 18 December 2002 and entered into force in 2006. Latin American countries were amongst the first to ratify like Costa Rica, Mexico, and Uruguay in 2005[[40]](#footnote-39). [[41]](#footnote-40) The OPCAT opens up places of detention to external and independent oversight, by complementary international and national bodies, the UN Subcommittee on Prevention of Torture (SPT) and member States’ respective National Preventive Mechanisms (NPMs).

The OPCAT has led to remarkable achievements, especially in relation to adequate standards of health, food and housing as well as in the reduction of abusive practices like inherently degrading or painful means of restraint, invasive body searches, or solitary confinement. Nonetheless the protocol has faced significant challenges, with many states delaying the establishment of National Preventive Mechanisms (NPMs), not providing adequate funding and resources, not allowing access to places of detention or even in some cases NPMs have lacked the independence and expertise required.[[42]](#footnote-41)

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