

# 2024

## BACKGROUND PAPER

---

**Topic:** Discussing Human Rights violations in the detention and imprisonment organized crime members in Latin America

Human Rights

Maria Andrea Barrera, Alexa Arreguin



# INDEX

<b>Committee Background</b>	<b>3</b>
Introduction of the topic	<b>4</b>
<b>Evolution of the topic</b>	<b>5</b>
External actions	<b>6</b>
<b>Committee focus</b>	<b>7</b>
Conclusion	<b>8</b>
<b>Participation List</b>	<b>9</b>
References	<b>12</b>

# Committee Background

The Human Rights Committee is the body of independent experts that monitors implementation of the International Covenant on Civil and Political Rights by its States parties.

The Committee's work promotes the enjoyment of civil and political rights, resulting in numerous changes of law, policy and practice. As such, it has improved the lives of individuals in all parts of the world. It continues to strive to ensure all the civil and political rights guaranteed by the Covenant can be enjoyed in full and without discrimination, by all people.



# Introduction of the Topic



The imprisonment of individuals involved in organized crime within Latin America has been marred by human rights abuses, overcrowding, and the recruitment of individuals into gangs. As indicated in a report by Insight Crime, the prison system in Latin America and the Caribbean has evolved into a significant breeding ground for organized criminal activities.

The report emphasizes how governmental mismanagement, neglect, and corruption have transformed regional jails into influential hubs for organized crime.

Overcrowded prisons, exacerbated by pretrial detentions, contribute to gang recruitment, violence, and the infringement of prisoners' human rights. Experts caution that these prisons in the region function as actual "universities of crime." The ease of imposing pretrial detention diminishes the necessity for prosecutors to construct robust cases that can withstand trial scrutiny, hindering efforts to effectively address and penalize criminal activities.

The escalating threat of organized crime in Latin America poses substantial risks to both security and human rights.

# Evolution of the topic



The discussion around human rights violations against organized crime members in Latin American detention facilities has gone through a complex evolution, marked by shifting perspectives and ongoing tensions.

The Inter-American Court of Human Rights (IACtHR) has constantly found the Mexican State fully responsible for human rights violations related to detentions. In fact, this has happened around 12 times. These rulings emphasize the need for Mexico to address practices that undermine human rights and the effectiveness of its criminal justice system.

Overcrowding remains a significant worry in prison systems worldwide. Also, punitive criminal policies contribute and help to the fast growth of populations in prison in many countries. Instead of relying on jail so much, communities need more stuff to help people out, like mental health care, job training, and safe places to live.

Without this problems, people might end up in jail even if they don't really need to be. The concept of human rights has ancient origins, from the Hammurabi Code to Cyrus the Great's Charter. Over time, it has evolved into modern manifestations, reflecting changing society laws and challenges. Unfortunately, things ain't all sunshine and rainbows in Mexico when it comes to human rights. There are some serious problems like people getting killed without trials, torture happening, citizens feeling unsafe, and people getting away with crimes way too often. Addressing these violations is important for upholding human rights and ensuring justice.







# External Actions

A 2019 UN report highlighted a concerning rise in reprisals against activists worldwide. These incidents include the detention and imprisonment of activists. Additionally, the report documented instances of filming participants at meetings, even on UN premises, without their consent.

**The impact of organized crime extends to alarming new forms of violence, for example:**

- Violence in European port cities linked to the drug trade.
- Political murders.
- Infiltration of prisons in parts of Latin America.

The UN recognizes the need for global cooperation to address these challenges effectively.

**The United Nations Office on Genocide Prevention identifies crimes against humanity, including:**

- Enslavement.
- Deportation or forcible transfer of population.
- Imprisonment or severe deprivation of physical liberty.
- Torture.
- Sexual violence of comparable gravity.
- Mainstreaming Gender and Human Rights: Convention against Transnational Organized Crime underscores the importance of a rights-based approach.

# Committee Focus



The Human Rights Committee, established by the International Covenant on Civil and Political Rights (ICCPR), is a body of 18 independent experts responsible for monitoring the implementation of the Covenant by its State parties. The Committee focuses on various functions, including supervising and monitoring the implementation of the ICCPR, considering periodic reports submitted by State parties, and handling individual communications and inter-state complaints. It meets three times a year in Geneva to carry out its monitoring and supervisory functions. The Committee's work is aimed at encouraging State parties to maintain laws, policies, and practices that enhance the enjoyment of civil and political rights, while also addressing measures that are destructive or corrosive of these rights.



# Conclusion

---



The detention and imprisonment of organized crime members in Latin America presents a complex dilemma. While the desire to combat rampant crime and violence is understandable, the current approach often raises serious concerns about human rights violations. From arbitrary detention and excessive pretrial detention to inhumane prison conditions and the perpetuation of criminal networks within prisons, the system faces significant challenges.

Therefore, a multifaceted approach is needed to address this multifaceted problem. Investing in social development programs to tackle the root causes of crime, strengthening judicial systems to ensure due process and fair trials, and reforming prison conditions to prioritize rehabilitation over punishment are crucial steps. Furthermore, international cooperation to combat organized crime while upholding human rights principles is essential. Only through a holistic approach that balances security concerns with fundamental rights can Latin America truly tackle the issue of organized crime effectively and sustainably.



# Participation List

---



**Venezuela**



**Paraguay**



**United States of America**



**Bolivia**



**Mexico**



**El Salvador**



**Canada**



**Ecuador**



**Peru**

# Participation List



**Brazil**



**Argentina**



**Colombia**



**Guyana**



**Suriname**



**Honduras**



**France**



**United Kingdom**



**Germany**

# Participation List

---



**Sweden**



**Belize**



# References

- Dudley, S., Bargent, J., Dudley, S., & Bargent, J. (2023, October 18). The Prison Dilemma: Latin America's incubators of Organized crime. InSight Crime. <https://insightcrime.org/investigations/prison-dilemma-latin-america-incubatorsorganized-crime/>
- Radwin, M., & Radwin, M. (2023, April 24). Report: Pretrial detentions continue to plague Latin American prisons. InSight Crime. <https://insightcrime.org/news/brief/pretrial-latin-american-prisons/>
- Matos, V., & Matos, V. (2023, October 19). Organised Crime in Latin America. "Tough-on-crime" approach is not the answer - JUSTICE TRENDS Magazine. JUSTICE TRENDS Magazine - Exclusive criminal justice and correctional topics worldwide. <https://justice-trends.press/organised-crime-in-latin-america-tough-oncrime-approach-is-not-the-answer/>
- OHCHR. (n.d.). Human Rights Committee. <https://www.ohchr.org/en/treatybodies/ccpr>
- Flannery, N. P. (2020, January 24). What are the most corrupt countries in Latin America? Forbes. 6 <https://www.forbes.com/sites/nathanielparishflannery/2020/01/24/what-are-the-most-corrupt-countries-in-latin-america/?sh=b4d399f4e214>
- Contribution, G. (2024, January 24). The Evolution, Growth, and History of Human Rights | History Cooperative. History Cooperative. <https://historycooperative.org/history-of-human-rights/>
- Global cooperation critical to combat transnational organized crime. (2023, December 7). UN News. <https://news.un.org/en/story/2023/12/1144507>
- Prison reform and alternatives to imprisonment. (n.d.). United Nations: Office on Drugs and Crime. <https://www.unodc.org/unodc/en/justice-and-prisonreform/prison-reform-and-alternatives-to-imprisonment.html>
- United Nations. (n.d.). United Nations Office on Genocide Prevention and the Responsibility to Protect. <https://www.un.org/en/genocideprevention/crimesagainst-humanity.shtml>