

# Health and Incarceration: Notes on A Human Rights Perspective

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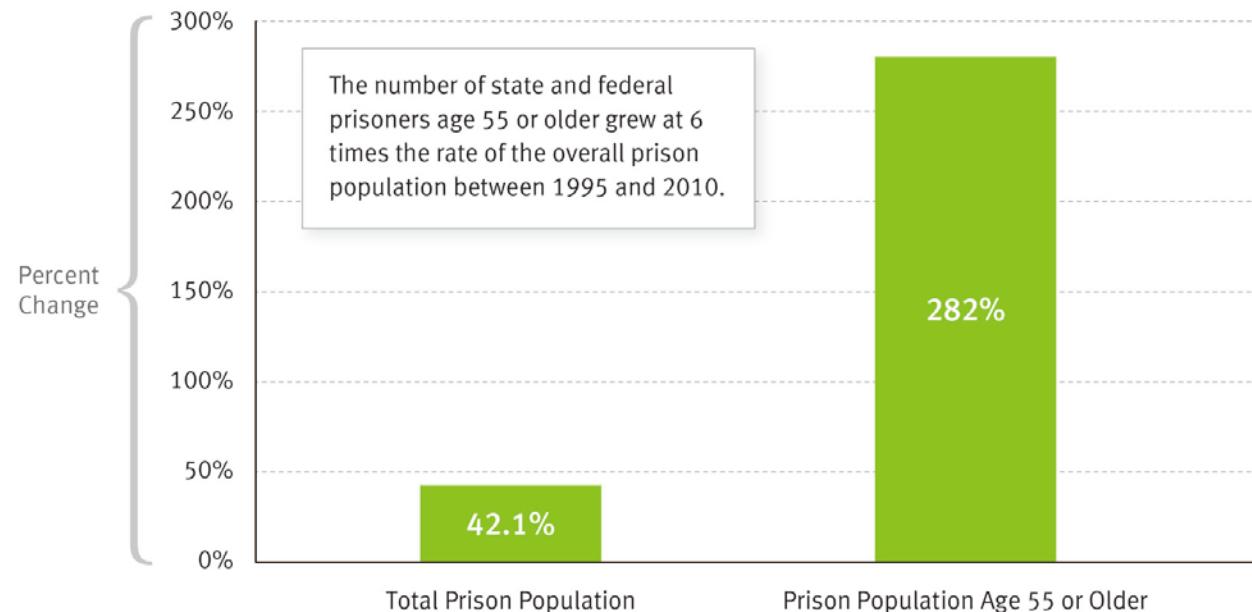
# Prisons:Home to the Vulnerable

- The Mentally Ill
  - Fifty-six percent of state prisoners have mental health problem
  - Seventy-three percent of women, 55 percent of men in state prison
  - 8-19 % of prisoners have psychiatric disorders that result in significant functional disabilities, and another 15-20 % will require some form of psychiatric intervention during their incarceration.
  - 60% percent of state correctional systems report 15% or more of their inmate population as mentally ill.

# Prisons: Home to the Most Vulnerable

## ➤ The Aging

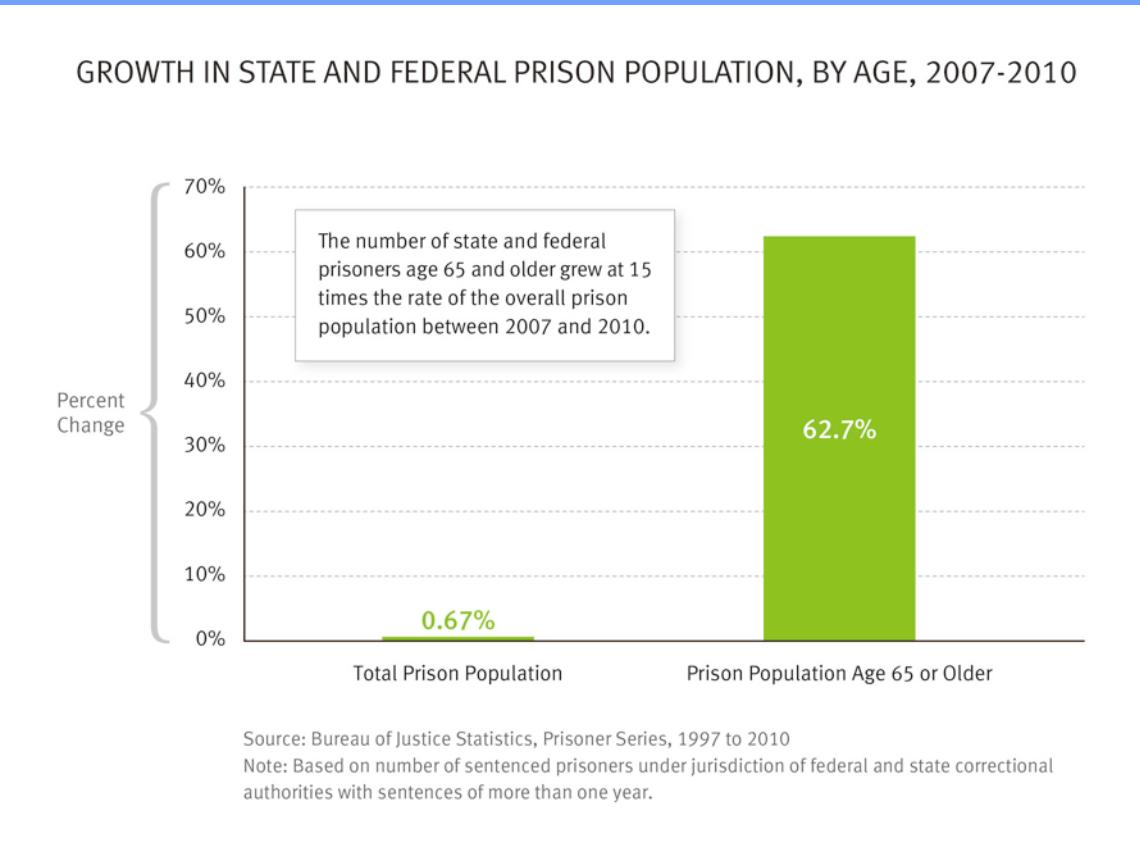
GROWTH IN STATE AND FEDERAL PRISON POPULATION, BY AGE, 1995-2010



Source: Bureau of Justice Statistics, Prisoner Series, 1995-2010

Note: Based on number of sentenced prisoners under jurisdiction of federal and state correctional authorities with sentences of more than one year.

# The Aging, cont.



# Prisons :III Equipped

- By virtue of culture, mission, policies, practices, staffing, budgets, physical plants, prisons are ill-equipped to
  - meet needs of mentally ill
  - meet needs of aging
  - meet medical needs in general? Of pregnant women?
  - Unable/unwilling to ensure well-being of prisoners

# Prisons :violence

- One in ten state prisoners injured in fight
- 216,600 adults and youth were sexually abused in confinement facilities in 2008;
  - An estimated 9.6% of former state prisoners reported one or more incidents of sexual victimization
- Excessive use of force by staff

## Prisons : Living Conditions not Conducive to Well-being

- Solitary confinement risks psychological harm to those without previous mental illness; decompensation for those with mental illness
- trauma from tension, lack of family visits, extortion, noise, lack of privacy, cross gender pat downs, lack of meaningful activities
- High suicide rate
- Punishment instead of drug addiction treatment
- poor sanitation, vermin and bugs
- extreme heat from lack of air conditioning, insufficient cooling and access to water

# Human Rights Treaties

- **International Covenant on Civil and Political Rights (ICCPR)**
- **Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT)**
- **International Covenant on Economic and Social Rights (ICESR)**
- **Convention on the Rights of People with Disabilities**

# Respect for Human Dignity

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

ICCPR Art 10 (1)

**“Application of this rule ... cannot be dependent on the material resources available.”**

Human Rights Committee, General Comment

# Goal of Rehabilitation

**“The penitentiary system shall comprise treatment of prisoners the essential aim of which shall be their reformation and social rehabilitation.”**

ICCPR Article 10(3)

**“No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.”**

ICCPR ,Art 7

**Interpreted to extend the widest possible protection against abuses, whether physical or mental.**

## **Prisoners have Right to Health**

**Health treatment that meets community standards**

**Services that are available, accessible, provided by trained medical and professional personnel**

# Responsibilities of Correctional Health Practitioners

- Respect and protect human rights of prisoners
- Acquiesce =condoning
- No longer guest in house of corrections
  - Address conditions of confinement and security rules
  - Address impediments to appropriate health care delivery

# Overincarceration is a Health Problem

- Overincarceration is a health and mental health problem
  - Impact on prisoners
  - Impact on their families
- May provide treatment opportunities, but health professionals should work to promote treatment
  - in the community
- Health professionals should address sentencing policies