

Mandates of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment; the Working Group on Arbitrary Detention; the Special Rapporteur on extrajudicial, summary or arbitrary executions and the Special Rapporteur on the independence of judges and lawyers

Ref.: AL GBR 8/2026

(Please use this reference in your reply)

24 June 2026

Excellency,

We have the honour to address you in our capacities as Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment; Working Group on Arbitrary Detention; Special Rapporteur on extrajudicial, summary or arbitrary executions and Special Rapporteur on the independence of judges and lawyers, pursuant to Human Rights Council resolutions 61/10, 60/8, 53/4 and 53/12.

We write in follow up to prior communications to your Excellency's Government ([AL GBR 9/2024](#); [AL GBR 15/2023](#)) to reiterate, in pressing terms, our continuing and growing concerns regarding the system of sentences of Imprisonment for Public Protection (IPP) which, notwithstanding its statutory abolition many years ago, continues to significantly and negatively impact thousands of individuals and their families in the United Kingdom. We thank you Excellency's Government for the replies to those communications; however as the situation remains unresolved for many individuals, we respectfully urge, once again, your Excellency's Government to act without delay upon the recommendations we have previously made including that a comprehensive (full or partial) re-sentencing exercise be undertaken in respect of all remaining IPP prisoners¹.

On this occasion, we are bringing to the attention of your Excellency's Government allegations concerning the specific individual circumstances of Mr. Joseph Brady, Mr. Sean Dowe, Ms. Kerry Parish-McCann, Mr. Thomas White, Mr. Christopher Nelson, Mr. Simon Patterson, Mr. Mark Saveall and Mr. Andre Stevenson. While we expect specific responses and investigations into the situation of each of these individuals, their cases are also presented as illustrative of broader systemic concerns arising from the continued application and effects of the IPP sentencing scheme. Most notably, the reported high rates of self-harm, suicidality and psychological deterioration among IPP prisoners have led us to the conclusion that many of these sentences have become forms of psychological torture and/or other psychologically cruel, inhuman and degrading punishments, some with serious physical and other health consequences. The pain or suffering inflicted on these individuals by the State is considered to be well beyond any harm "inherent in lawful sanctions" and must be addressed without further delay.

¹ See also [United Kingdom: Torture expert calls for judicial reconsideration of IPP sentences and mental health pathways](#); [UN expert urges UK Government to prioritise the review of indefinite prison sentences](#); [Reform of problematic UK sentencing system welcome but bolder action needed says UN Special Rapporteur on torture](#); and [UK: UN torture expert calls for urgent review of over 2,000 prison tariffs under discredited IPP sentencing scheme](#).

According to the information received:

As of 31 December 2025, there were 8,494 (8,133 male; 361 female) ‘unreleased’ prisoners serving indeterminate sentences (comprising both Imprisonment for Public Protection (IPP) and life sentences) in the United Kingdom. This figure remained broadly unchanged from 2024.²

In early 2026, non-government [sources](#) indicate that there were 946 unreleased prisoners still serving an IPP sentence. Of those, 99.6% are reportedly still in prison despite having already served their tariff and 73% of unreleased IPP prisoners have spent an additional 10 years or more in prison on top of their tariff.³

The number of recalled IPP prisoners decreased by 7% over the same period, to 1,464.⁴

At present, it is reported that approximately 2,400 individuals in total (including recalled prisoners) remain subject to IPP sentences.

Case of Mr. Joseph Brady

Mr. Joseph Brady is currently detained at His Majesty's Prison (HMP) Aylesbury. He has served 18 years’ imprisonment for aggravated burglary, in respect of which he received a tariff of four years. He was 19 years old at the time of the index offence and is now 37 years old. Between 2017 and 2024, Mr. Brady was released and subsequently recalled on four separate occasions, including during Covid-19, when a lack of appropriate support services left him vulnerable to, and ultimately led to, re-incarceration.

For the purposes of Parole Board review, he has been assessed as [REDACTED], notwithstanding that he has not been convicted of any further serious offences during his periods of temporary release.

It is reported that Mr. Brady experiences ongoing [REDACTED] which have been significantly exacerbated by prolonged detention. The indeterminate nature of his sentence allegedly contributed to profound feelings of hopelessness, including [REDACTED].

Case of Mr. Sean Dowe

Mr. Sean Dowe is detained at HMP Parc. He has served 20 years’ imprisonment for robbery, false imprisonment, assault, and theft, in respect of which he received a minimum tariff of 4 years, 6 months, and 27 days. He was 26 years old at the time of the index offence and is now 45 years old. He has been released on two occasions and was last recalled in January 2020.

² See UK Ministry of Justice, [Offender management statistics quarterly: July to September 2025](#). On this, see also [Secret prison documents show government plan to tackle IPP scandal will fail](#), and [The latest criminal justice trends \(January 2026\)](#).

³ *Ibid.*

⁴ *Ibid.*

A recent Parole Board decision reportedly indicated that he is still required to undertake further work in relation to his “core offence”, notwithstanding that the minimum tariff expired approximately 15 years ago.

Mr. Dowe has a diagnosis of [REDACTED]. It is reported that, during his period in custody, he has demonstrated positive behaviour, including employment as a gym orderly. During his first period of release, he is reported to have obtained a driving licence and completed a loading bay vocational course.

Case of Ms. Kerry Parish-McCann

Ms. Kerry Parish-McCann is detained at HMP Bronzefield. She has served 17 years on a 3-year tariff for robbery. She was 25 years old at the time of the offence and is now 43 years old. She pleaded not guilty to the index offence, and it is further reported that the victim gave evidence in her defence.

Ms. Parish-McCann has been diagnosed with [REDACTED]. A psychiatric report prepared during her detention further indicated that she meets the diagnostic criteria [REDACTED] although she remains on waiting lists for formal assessment. She has a background of complex trauma and deprivation, rendering her particularly vulnerable and [REDACTED]

Ms. Parish-McCann has been released on four occasions and was most recently recalled in January 2025. Her periods in the community have been characterised by instability, including placement in allegedly unsuitable approved premises, [REDACTED]

It is further reported that, during a period of release in 2014, she was subjected [REDACTED]

While in custody, she has experienced multiple [REDACTED]. In December 2025, the Parole Board directed her case to an oral hearing, which has yet to be listed, and is not expected to take place before June 2026.

Case of Mr. Thomas White

Mr. Thomas White is currently detained in a mental health facility, having previously been held at HMP Manchester. He has served 12.5 years on a 2-year tariff for robbery and attempted robbery.

He suffers from [REDACTED], [REDACTED], and was diagnosed [REDACTED]. It is reported that these mental health issues were not taken into account at the time of sentencing, notwithstanding that they were arguably evident on the facts.

Despite minimal harm to victims and limited value of property involved, the sentencing judge reportedly described Mr. White as “ [REDACTED] .”

Mr. White has a [REDACTED]. He was taken into State care at the age of [REDACTED] and spent time in secure accommodation and residential care placements. A psychological report indicated that his victimisation began [REDACTED]

In November 2018, it was documented that he was used by [REDACTED]

While in custody, Mr. White faced significant barriers in accessing appropriate treatment, particularly as he has been unable to engage in certain therapeutic programmes [REDACTED].

By the time of his diagnosis [REDACTED], he had already been detained for over a decade. A medical report expressed concern that he may remain in custody indefinitely, as he is unlikely [REDACTED] to complete required programmes within a custodial setting.

Case of Mr. Christopher Nelson

Mr. Christopher Nelson is detained at HMP Highdown and has now spent over 20 years in custody on an 8-year minimum term, representing more than two and a half times his tariff. It is reported that this prolonged detention has resulted in feelings of entrapment, hopelessness, and an inability to progress meaningfully despite sustained rehabilitative engagement.

Mr. Nelson was first released in 2023, after 18.5 years in custody. That release lasted approximately four months before he was recalled on the basis of an unsubstantiated allegation of “poor behaviour” made during a telephone conversation by a probation officer, without supporting evidence, witnesses, CCTV, or contemporaneous record.

Mr. Nelson sustained a significant acquired [REDACTED], with long-term impacts [REDACTED]. He also presents with [REDACTED]

He has, however, consistently engaged in rehabilitation over two decades, completing numerous accredited qualifications and vocational programmes, and undertaking trusted prison roles. Prison staff have reportedly described him as reliable, constructive, and supportive of others.

Mr. Nelson has also played a significant informal role within the prison community, including mentoring other prisoners and providing emotional support during crises. On several occasions, he is reported to have intervened in

suicide attempts, actions acknowledged by staff as potentially life-saving. He has also contributed to discussions and advocacy concerning IPP prisoners.

Mr. Nelson is said to have clear and realistic plans for the future, including establishing a small food business, rebuilding family relationships, reconnecting with his children, and engaging in mentoring work with young people to deter involvement in crime.

Case of Mr. Simon Patterson

Mr. Simon Patterson is detained in HMP Erlestoke. He has served 18 years on a tariff of 3 years and 111 days for wounding with intent and actual bodily harm. He was 26 years old at the time of the offence and is now 49 years old. He has never been released on licence.

Mr. Patterson has a history of severe childhood abuse and neglect within the care system, including multiple placements and alleged physical abuse in institutional settings. He currently presents [REDACTED]

Despite these difficulties, assessment indicates average to high intellectual functioning, [REDACTED]. He has engaged in prison-based educational programmes, including work towards an open degree in law.

Case of Mr. Mark Saveall

Mr. Mark Saveall is detained in HMP Erlestoke. He has served nearly 20 years on a minimum term of under 2 years for wounding with intent to cause grievous bodily harm against a former partner. He was 34 years old at the time of sentence and is now 53 years old. He has been released on licence and recalled four times since 2016.

During his second release, Mr. Saveall engaged in [REDACTED]

His risk factors [REDACTED]

[REDACTED] have occurred during his imprisonment.

Case of Mr. Andre Stevenson

Mr. Andre Stevenson is detained in HMP Hindley. He has served over 18 years on a minimum tariff of 19 months and 9 days for robbery. He has been released on licence and recalled three times since 2016.

In 2013, he escaped from open conditions and received an additional five-year determinate sentence. In 2020, he received a further sentence of 15 months for escaping lawful custody whilst evading recall.

Mr. Stevenson has a background of [REDACTED]

He has been assessed as presenting with [REDACTED]. His case has been directed to an oral hearing before the Parole Board in August 2025, although it has not yet been listed and is not expected to proceed before June 2026.

Without prejudging the accuracy of the above-mentioned allegations, we wish to reiterate that the continued detention of IPP prisoners beyond the expiry of their tariff and without clear rehabilitative and mental health pathways to release or support raises serious concerns as to the compatibility of the IPP sentencing scheme with the prohibition of torture and other cruel, inhuman or degrading treatment or punishment set forth, *inter alia*, in article 5 of the Universal Declaration of Human Rights (UDHR); articles 7 and 10 of the International Covenant on Civil and Political Rights (ICCPR), ratified by the United Kingdom in 1976; and, at least, articles 1 and 16 of the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), ratified by the United Kingdom in 1988; the right to life (articles 3 and 6 of the UDHR and ICCPR respectively); the right to liberty and security of person and the prohibition of arbitrary detention (articles 9 of the UDHR and ICCPR); and right to the enjoyment of the highest attainable standard of physical and mental health (article 12 of the International Covenant on Economic, Social and Cultural Rights, ratified by the United Kingdom in 1976).

In respect of the prohibition of torture, it is our considered view that pain or suffering inflicted on these individuals by indeterminate sentences is well beyond any harm “inherent in lawful sanctions”.

We take note that the National Preventive Mechanism of the United Kingdom has also raised explicit concerns about the IPP scheme in fulfilling its preventative mandate under article 19 of the Optional Protocol to the Convention against Torture. It notes that indefinite sentences with prolonged uncertainty cause psychological deterioration among IPP prisoners.

It indicates this treatment amounts to psychological torture.⁵ In their December 2024 report, the NPM noted that the UK government has taken no substantive actions to mitigate the negative impacts, despite being aware of them. It is also noted that criminal appeals do not offer a feasible solution to the large majority of these long-standing cases.

Fundamentally the IPP scheme conflicts with the rehabilitative purpose of imprisonment, as reflected in article 10(3) of the ICCPR, and which requires that the

⁵ NPM, 15th Annual Report of the United Kingdom’s National Preventive Mechanism.

essential aim of imprisonment shall be the reformation and social rehabilitation of prisoners; and the United Nations Standard Minimum Rules for the Treatment of Prisoners (the “Nelson Mandela Rules”), which state that the purposes of a sentence of imprisonment - to protect society against crime, and to reduce recidivism - can be achieved only if the period of imprisonment is used to ensure, so far as possible, the reintegration of such persons into society upon release (rule 4; and rules 88-90).

As already identified in our prior communications, key to its core structural unfairness, the IPP sentencing regime was constructed without a review mechanism. The Parole Board has no power to review sentences on the index offences, so there should have been provision for the return of cases to the sentencing court where progress to release could be monitored (with terms for both prisons and prisoner) or the indefinite term terminated. With no oversight or review power in the sentencing courts, those on IPP sentences have struggled to meet the threshold for release.

Among the eight cases are health conditions that were not known about, understood, or in at least one case, simply disregarded, at sentence which should have been addressed before any finding of suitability for the scheme. Where an offender’s disability, neurodivergence or health condition is understood to intersect with their offending, sentencing or with their treatment in the criminal justice system, there must be a system in place for a process of appeal or review. Additionally, the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, has recommended that prison authorities include neurodiversity screening as part of individual assessments, sentence planning and rehabilitative programming (A/HRC/55/52).

The case examples herein suggest that the low bar for ‘risk’ and the sweeping recall powers mean that those subject to an IPP sentence are on a never-ending merry-go-round of excessive punishment, release and re-imprisonment (if they are released at all). Progress to release has been and continues to be poorly managed, incredibly slow and the anticipated – and much needed – support services are often unavailable. With prison overcrowding another troubling issue in the United Kingdom, addressing those on IPP sentences, and ensuring that they have the right support once released into the community, must be undertaken.

In light of the above, we respectfully renew our call for (i) the urgent review of all the above-named individuals; and (ii) implementation of a full re-sentencing exercise in respect of all remaining individuals serving IPP sentences. If a full re-sentencing exercise is not considered feasible, we respectfully recommend that a partial re-sentencing exercise be carried out, setting out clear criteria for those included and excluded in this first round of reviews. We believe that this would be a far less costly exercise than the present continuation of a discredited scheme without end. Above all, your Excellency’s Government has a duty to protect the integrity and dignity of those detained, as well as meet the obligations outlined in respect of international human rights law and standards. Doing nothing is unacceptable.

We reiterate our availability to your Excellency’s Government and would very much welcome an opportunity to further our engagement with the relevant authorities in order to assist in identifying and advancing a durable, lawful, and humane resolution to this longstanding matter, in line with international human rights law and standards.

We would be grateful to receive your Excellency's Government's views on the most appropriate modalities for such engagement.

In connection with the above alleged facts and concerns, please refer to the **Annex on Reference to international human rights law** attached to this letter which cites international human rights instruments and standards relevant to these allegations.

As it is our responsibility, under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention, we would be grateful for your observations on the following matters:

1. Please provide any additional information and/or comment(s) you may have on the above-mentioned information.
2. Please provide responses to the situation of each of the above-named individuals and the justifications for their continued detention or subjection to the IPP scheme, taking into account international human rights law obligations and standards, and the measures that are in place to find appropriate pathways for persons to "graduate" out of the scheme.
3. Please provide your assessment as to whether the IPP sentencing system, as currently still in force, is compatible with the United Kingdom's international human rights obligations, particularly as they arise from articles 6, 7 and 9 of the International Covenant on Civil and Political Rights; articles 1 and 16 of the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment; and article 12 of the International Covenant on Economic, Social and Cultural Rights.
4. Please provide your feedback on the proposal for a full or partial re-sentencing exercise; please explain why this is not considered a viable and fair part of your Excellency's Government's considerations for ending the IPP sentencing scheme; and if it not being considered, please provide information on the legal, policy and practical measures that are – or you intend to adopt - to end this unlawful scheme.
5. Please provide information regarding the rehabilitation opportunities presently available for those remaining IPP prisoners, and whether they are considered adequate to allow individuals to "graduate" from the sentence. Please provide information as to the steps taken to address the reported shortages of such opportunities.
6. Please explain the steps taken by the Government to reduce the reported high levels of self-harm and suicide attempts, among those subject to the IPP scheme. Please provide information as to investigations undertaken in respect of death by suicide of deceased IPP prisoners.
7. Please provide information regarding social reintegration opportunities for those released into the community and provide an overview of the

main reasons why they are recalled. Please provide the legal basis for such recalls or the guidance provided to parole officers.

This communication, and any response received from your Excellency's Government, will be made public via the communications reporting [website](#) at the 60 days mark. Should Your Excellency's Government respond within 60 days, both the communication and the response, may be published before the 60 days mark. The communications and responses will also be made available in the subsequent periodic report to be presented to the Human Rights Council.

While awaiting a reply, we urge that all necessary interim measures be taken to halt the alleged violations and prevent their re-occurrence and in the event that the investigations support or suggest the allegations to be correct, to ensure the accountability of any person(s) responsible for the alleged violations.

Further, we would like to inform your Excellency's Government that after having transmitted the information contained in the present communication to the Government, the Working Group on Arbitrary Detention may also transmit the case(s) through its regular procedure in order to render an opinion on whether the deprivation of liberty was arbitrary or not. The present communication in no way prejudices any opinion the Working Group may render. The Government is required to respond separately to the allegation letter and the regular procedure.

We may publicly express our concerns in the near future as, in our view, the information upon which the press release will be based is sufficiently reliable to indicate a matter warranting immediate attention. We also believe that the wider public should be alerted to the potential implications of the above-mentioned allegations. The press release will indicate that we have been in contact with your Excellency's Government's to clarify the issue/s in question.

Please accept, Excellency, the assurances of our highest consideration.

Alice Jill Edwards
Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment

Ganna Yudkivska
Vice-Chair of the Working Group on Arbitrary Detention

Morris Tidball-Binz
Special Rapporteur on extrajudicial, summary or arbitrary executions

Margaret Satterthwaite
Special Rapporteur on the independence of judges and lawyers

Annex

Reference to international human rights law

In connection with above alleged facts and concerns, and as elaborated in detail in AL GBR 15/2023, we would like to refer your Excellency's Government to article 5 of the Universal Declaration of Human Rights (UDHR); article 7 of the International Covenant on Civil and Political Rights (ICCPR); and articles 1, 2 and 16 of the United Nations Convention against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment (CAT) which establish the absolute prohibition of torture or other cruel, inhuman or degrading treatment or punishment.⁶ Attached to such prohibition are obligations to take all necessary measures to prevent torture or other ill-treatment (art. 2) and investigate all acts of torture or other cruel, inhuman or degrading treatment or punishment, to prosecute or extradite suspects, to punish those responsible and to provide remedies to victims (arts. 10 and 11 et sequel).⁷

We also refer to the United Nations Standard Minimum Rules for the Treatment of Prisoners (the "Nelson Mandela Rules"), particularly rule 4, as well as rules 86-107, which state that "The purposes of a sentence of imprisonment or similar measures deprivative of a person's liberty are primarily to protect society against crime and to reduce recidivism. Those purposes can be achieved only if the period of imprisonment is used to ensure, so far as possible, the reintegration of such persons into society upon release so that they can lead a law-abiding and self-supporting life. To this end, prison administrations and other competent authorities should offer education, vocational training and work, as well as other forms of assistance that are appropriate and available, including those of a remedial, moral, spiritual, social and health- and sports-based nature. All such programmes, activities and services should be delivered in line with the individual treatment needs of prisoners."⁸

We further recall that, pursuant to article 6 of the ICCPR, "States parties (...) have a heightened duty of care to take any necessary measures to protect the lives of individuals deprived of their liberty by the State, since by arresting, detaining, imprisoning or otherwise depriving individuals of their liberty, States parties assume the responsibility to care for their lives and bodily integrity, and they may not rely on lack of financial resources or other logistical problems to reduce this responsibility. The same heightened duty of care attaches to individuals held in private incarceration facilities operating pursuant to an authorization by the State. The duty to protect the life of all detained individuals includes providing them with the necessary medical care and appropriate regular monitoring of their health, shielding them from inter-prisoner violence, preventing suicides and providing reasonable accommodation for persons with disabilities. A heightened duty to protect the right to life also applies to individuals quartered in liberty-restricting State-run facilities, such as mental health facilities, military camps, refugee camps and camps for internally displaced persons, juvenile

⁶ See A/77/502: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N22/610/77/PDF/N2261077.pdf?OpenElement>.

⁷ See A/HRC/52/30: <https://www.ohchr.org/en/documents/thematic-reports/ahrc5230-good-practices-national-criminalization-investigation>.

⁸ See A/RES/70/175: <https://www.ohchr.org/sites/default/files/Documents/ProfessionalInterest/NelsonMandelaRules.pdf>.

institutions and orphanage.”⁹

Furthermore, “States should take adequate measures, without violating their other Covenant obligations, to prevent suicides, especially among individuals in particularly vulnerable situations, including individuals deprived of their liberty.”¹⁰

The Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment noted in her report on Current Issues and Good Practices in Prison Management, A/HRC/55/52, the need to address neurodiversity in prisoners, and that the threshold for what constitutes ill-treatment may be lower for neurodivergent prisoners because of their conditions (para. 89-93). She recommended that prison authorities include neurodiversity screening as part of individual assessments, sentence planning and rehabilitative programming.

We also refer to article 9 of the ICCPR which states that “Everyone has the right to liberty and security of person. No one shall be subjected to arbitrary arrest or detention. No one shall be deprived of his liberty except on such grounds and in accordance with such procedure as are established by law.”

As explained by the Human Rights Committee, “The Covenant is consistent with a variety of schemes for sentencing in criminal cases. Convicted prisoners are entitled to have the duration of their sentences administered in accordance with domestic law. Consideration for parole or other forms of early release must be in accordance with the law and such release must not be denied on grounds that are arbitrary within the meaning of article 9. If such release is granted upon conditions and later the release is revoked because of an alleged breach of the conditions, then the revocation must also be carried out in accordance with law and must not be arbitrary and, in particular, not disproportionate to the seriousness of the breach. A prediction of the prisoner’s future behaviour may be a relevant factor in deciding whether to grant early release.”¹¹

“When a criminal sentence includes a punitive period followed by a non-punitive period intended to protect the safety of other individuals, then once the punitive term of imprisonment has been served, to avoid arbitrariness, the additional detention must be justified by compelling reasons arising from the gravity of the crimes committed and the likelihood of the detainee’s committing similar crimes in the future. States should only use such detention as a last resort and regular periodic reviews by an independent body must be assured to decide whether continued detention is justified.”¹²

“State parties must exercise caution and provide appropriate guarantees in evaluating future dangers. The conditions in such detention must be distinct from the conditions for convicted prisoners serving a punitive sentence and must be aimed at the detainee’s rehabilitation and reintegration into society. If a prisoner has fully served the

⁹ See CCPR/C/GC/36:
<https://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2fPPRiCAqhKb7yhsrdB0H115979OVGB%2bWPAXhNI9e0rX3cJImWwe%2fGBLmVrGmT01On6KBQgqmxPNljrLLdefuuQjjN19BgOr%2fS93rKPWbCbgoJ4dRgDoh%2fXgwn.>

¹⁰ *Ibid.*

¹¹ See CCPR/C/CG/35: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G14/244/51/PDF/G1424451.pdf?OpenElement>.

¹² *Ibid.*

sentence imposed at the time of conviction, articles 9 and 15 prohibit a retroactive increase in sentence and a State party may not circumvent that prohibition by imposing a detention that is equivalent to penal imprisonment under the label of civil detention.”¹³

We further recall that the right of everyone to life constitutes a *jus cogens* and customary international law norm (general comment No. 36, paragraph 2). States hold heightened due diligence obligations in relation to protect the right to life of individuals who are detained under their auspices “since by arresting, detaining, imprisoning or otherwise depriving individuals of their liberty, States parties assume the responsibility to care for their life and bodily integrity” (general comment No. 36, paragraph 25). Inadequate conditions of detention can be a contributing factor to deaths and serious injuries in detention, and when seriously inadequate, can pose an immediate or long-term threat to the lives of detainees.

We also recall article 12 of the International Covenant on Economic, Social and Cultural Rights which states that States Parties to the Covenant “recognize the right of everyone to the enjoyment of the highest attainable standard of physical and mental health.” This includes “an obligation to take positive measures that enable and assist individuals and communities to enjoy the right to health.”¹⁴ Violations of such obligation may occur “through the failure of States parties to take all necessary steps to ensure the realization of the right to health. Examples include the (...) insufficient expenditure or misallocation of public resources which results in the non-enjoyment of the right to health by individuals or groups, particularly the vulnerable or marginalized (...)”¹⁵.

Lastly, we would like to recall the observations of the Independent Expert on the enjoyment of all human rights by older persons that “[d]etention facilities are often not designed to accommodate older persons or to respond to their needs as they are generally planned for younger detainees” and therefore she recommended that “[a]ge-friendly detention environments, including appropriate infrastructure, accommodations and living conditions, and age-sensitive training for custodial staff to foster respectful communication and informed decision-making should be ensured”.¹⁶

We also flag that the notion of the relativity of older age is crucial when addressing the situation of older persons deprived of liberty, especially in the context of the criminal justice system. Therefore, due to this phenomenon of “accelerated ageing”, we recognize that the non-discrimination principle under international law necessitates specific attention to the needs of certain groups of prisoners, including older detainees, to ensure they are not discriminated against in their enjoyment of human rights and fundamental freedoms.¹⁷

¹³ *Ibid.*

¹⁴ See E/C.12/2000/4:
<https://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=4slQ6QSmIBEDzFEovLCuW1AVC1NkPsgUedPIF1vfPMJ2c7ey6PAz2qaojTzDJmC0y%2B9t%2BsAtGDNzdEqA6SuP2r0w%2F6sVBGTpvTSCbiOr4XVFTqhQY65auTFbQRPWNDxL>.

¹⁵ *Ibid.*

¹⁶ See A/HRC/51/27:
<https://documents.un.org/doc/undoc/gen/g22/447/00/pdf/g2244700.pdf?token=sVyZaI1HAa9vpyfgJG&fe=true>.

¹⁷ See UNODC, Handbook on Prisoners with Special Needs:
https://www.unodc.org/pdf/criminal_justice/Handbook_on_Prisoners_with_Special_Needs.pdf.