

Publication

Human Rights and Prison Medicine: Protecting the Rights of Older Patients Deprived of Liberty

Book Item (Buchkapitel, Lexikonartikel, jur. Kommentierung, Beiträge in Sammelbänden)

ID 4657832

Author(s) Elger, Bernice Simone; Villareal, Pedro A.; Seaward, Helene; Wangmo, Tenzin

Author(s) at UniBasel [Elger, Bernice Simone](#) ; [Wangmo, Tenzin](#) ; [Seaward, Helene](#) ;

Year 2022

Title Human Rights and Prison Medicine: Protecting the Rights of Older Patients Deprived of Liberty

Editor(s) Herrera, Clara Burbano; Haeck, Yves

Book title Human Rights behind Bars

Edition 1

Publisher Springer

Place of publication Cham

Pages 363-379

ISSN/ISBN 978-3-031-11483-0

Series title Ius Gentium: Comparative Perspectives on Law and Justice

Number 103

The number and proportion of older persons in the world is growing and this certainly includes older prisoners. Yet older persons, in general, are still a largely neglected population when it comes to human rights, as the protection against abuse, violence and neglect, has not yet been addressed at the international level. This situation calls for reconsidering the application of distributive justice, and of a human rights-based approach, especially since elderly people deprived of liberty are at increased risk of marginalization and discrimination. In order to address such a legal gap, an intersectional human rights perspective combining civil and political rights with the right to health can be applied to settings such as prisons. Thus, in accordance with existing authoritative interpretation of Article 12 of the International Covenant on Economic, Social and Cultural Rights, older persons' specific situation of vulnerability must be taken into account by ensuring access to proper health care services. Furthermore, the United Nations Standard Minimum Rules for the Treatment of Prisoners ("Nelson Mandela Rules") enshrine a series of criteria for the handling of imprisoned persons, which include taking into account their individual needs (Rule 2). These rules foster the core principle of the equivalence of healthcare services in prison with the ones provided in the community at large (Rule 24). The current analysis focuses on the situation of older prisoners in several European countries and the United States of America. The study concludes that health care personnel working with older prisoners are in a unique position to detect violations of human rights of older prisoners. It is important to educate such personnel about human rights and obligations to contact hierarchical superiors and, with the consent of the victims, human rights advocates and judicial authorities in order to raise awareness and find adequate solutions to the shortcomings in the healthcare services for older prisoners.

Full Text on edoc ;

Digital Object Identifier DOI <https://doi.org/10.1007/978-3-031-11484-7>