

## OVERSIGHT OF PRISON ADMINISTRATION AT THE INTERNATIONAL AND NATIONAL LEVELS

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### Abstract:

Oversight of prison administration is critically important at both international and national levels, given that penal institutions inherently deprive individuals of their fundamental right to liberty. This situation requires robust administrative and judicial oversight by competent authorities. At the international level, oversight is implemented through legal and institutional mechanisms that ensure effective prison administration and protect the rights of inmates. At the national level, administrative and judicial supervision allows the state to safeguard prisoners' rights and improve their living conditions during incarceration. These mechanisms underscore the crucial role of all stakeholders in implementing and enforcing prison oversight at both the national and local levels.

**Key words:** Oversight- administration- Prisons- Judiciary- Institutions.

### Introduction:

Oversight of prison administration is a fundamental component of the human rights system, serving as a critical safeguard for individual rights during detention in penal institutions. The significance of such oversight arises from the unique nature of these institutions, which combine punitive and rehabilitative functions within a closed environment that increases the risk of human rights violations.

At the international level, oversight mechanisms form an integrated system that ensures adherence to international standards and regulations. International treaties, such as the Convention Against Torture, establish the legal framework, while United Nations mechanisms, including the Special Rapporteur on Torture and the Committee Against Torture, monitor state compliance. Additionally, periodic visits by the International Committee of the Red Cross (ICRC) are significant for assessing prison conditions. The "Nelson Mandela Rules," issued by the United Nations, serve as the most comprehensive reference framework in this field. At the national level, oversight systems take multiple forms, starting with administrative oversight exercised by inspection bodies, passing through judicial oversight via courts that examine violations of prisoners' rights, and culminating in the role of civil society organizations and media in exposing violations and driving the reform process.

Effective oversight depends on international and national cooperation, operational transparency, and strong political commitment to transform prisons from punitive institutions into centers for rehabilitation. This transformation enhances community security and preserves human dignity, even in the most challenging circumstances.

### Importance of the Study:

The significance of this study is in clarifying the principal oversight mechanisms governing prisons at both international and national levels, including legal, administrative, and judicial dimensions. Practically, the study examines the integrated oversight exercised by international and national bodies to achieve objectives such as protecting prisoners from torture and ill-

treatment, ensuring access to essential services such as healthcare and adequate nutrition, addressing the needs of vulnerable groups, including women and juveniles, and facilitating reintegration. These efforts contribute to striking a balance between the requirements of justice and respect for human dignity.

### **Methodology:**

This study employed two methodologies to examine oversight of prison administration at international and national levels. Content analysis was used to evaluate international and national legal texts, identifying their strengths, limitations, and practical implementation. Additionally, a descriptive approach was adopted to systematically study and characterize the mechanisms of oversight in prison administration.

### **Problematic:**

To what extent do international and national mechanisms for the oversight of prison administration succeed in balancing the requirements of criminal justice with the guarantee of human rights?

### **Study Division:**

To address the research question, the study is organized according to the following research plan:

#### **Axis I: Oversight of Prison Administration at the International Level**

##### **First: International Legal Mechanisms for the Oversight of Prison Administration**

##### **Second: International Institutional Mechanisms for the Oversight of Prison Administration**

#### **Axis II: Oversight of Prison Administration at the National Level**

##### **First: Administrative Oversight of Prison Administration in Algeria**

##### **Second: The Role of Judicial Authorities in the Oversight of Prison Administration**

#### **Axis I: Oversight of Prison Administration at the International Level**

Oversight of prison administration is grounded in the international framework for the protection of human rights. Legal, institutional, and judicial mechanisms, including international and regional conventions, function in a complementary manner to safeguard human rights against violations within and outside prison settings. The following sections provide a detailed examination of these mechanisms.

##### **First: International Legal Mechanisms for the Oversight of Prison Administration**

The international legal mechanisms dedicated to the oversight of human rights at the level of penal institutions are represented in a large collection of conventions that constitute the International Bill of Human Rights, which has been ratified by a large number of states, the most important of which are:

##### **1/ The Universal Declaration of Human Rights (UDHR)**

The Universal Declaration of Human Rights is considered the first legal document to define the fundamental human rights that must be protected globally. (Universal Declaration of Human Rights, 1948) It represents the International Bill of Human Rights, along with the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social, and Cultural Rights (ICESCR). (About the Covenants, n.d.) It was adopted by the General Assembly on December 10, 1948. (Universal Declaration of Human Rights, 1948)

The Universal Declaration of Human Rights, affirmed in Articles 7, 9, and 11, states that everyone has the right to enjoy all their rights, including the human right to liberty. No one shall be subjected to arbitrary arrest or detention, and they shall be presumed innocent until proven guilty by a court of law. The Declaration also guaranteed every individual whose rights have been violated the right to resort to national courts, within the limits of respecting the rights and

freedoms of others, as well as within the framework of the requirements of public order and the general interest of society, which was affirmed by Articles 6 and 28 thereof.

Accordingly, prison administration must respect the rights of inmates, despite their deprivation of liberty, and must not violate their dignity, subject them to torture, or treat them harshly. This approach ensures that inmates can seek protection of their rights through the national judiciary when violations occur.

## **2/ The International Covenant on Civil and Political Rights (ICCPR)**

The International Covenant on Civil and Political Rights is considered the International Bill of Human Rights, ratified by virtue of UN General Assembly Resolution 2200 (XXI) dated December 16, 1966. (International Covenant on Civil and Political Rights, 1966) It is the Covenant that guarantees all States Parties protection from any violation, and also obligates them in Article 2 thereof to ensure human rights for all individuals within their territory without any discrimination, and to ensure them effective remedies for grievance in the event of a violation of the rights and freedoms recognized for them in this Covenant by any authority in the state. Torture and cruel, inhuman, or degrading treatment that violates human dignity were also prohibited, and equality in the treatment of prisoners was stipulated with the aim of reforming them and reintegrating them into society, as stated in Articles 7 and 10 of this Covenant.

A Human Rights Committee was established, consisting of 18 members elected by the States Parties, known for their interest in the field of human rights, pursuant to Article 28 of the International Covenant on Civil and Political Rights. (International Covenant on Civil and Political Rights, n.d.) This Committee considers communications submitted by any party against another state that may have violated one of the provisions of this Covenant and failed to implement its rulings. Its jurisdiction is not established until it is confirmed that all internal and amicable remedies have been exhausted. Finally, it submits an annual report on its work to the UN General Assembly through the Economic and Social Council.

## **3/ Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT)**

This Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, adopted by the General Assembly under Resolution 39/46 dated December 10, 1984, is among the most important conventions that ensure the prohibition of torture or any treatment that violates human rights. (Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, 1984) This applies to penal institutions, which are prohibited from using torture to compel prisoners to confess to any information under any circumstances, or to violate or offend their dignity in any way. This is affirmed by Articles 2, 4, and 5 thereof, and these acts are considered crimes punishable by the law of every state with appropriate penalties for anyone who commits them or remains silent about them, especially if they hold the status of a public official.

In this context, Article 17 of this Convention stipulated the establishment of a Committee Against Torture (CAT) consisting of 10 experts known for their competence in the field of human rights, elected by the States Parties. (Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, n.d.) This Committee reviews the periodic reports submitted by the States Parties regarding their compliance with their commitments. If the Committee receives confirmed information about any violation of the Convention in any State Party, it initiates a confidential investigation that may require sending one of its members to that country in cooperation with the relevant authorities. The Committee does not take any action

until it is confirmed that all internal remedies have been exhausted for this matter, and then it resorts to amicable means to resolve the problem. Finally, the Committee submits an annual report on all its work to the States Parties and the General Assembly, as affirmed by Articles 19, 20, 21, 22, 23, and 24 of the Convention Against Torture.

#### **4/ International Convention on the Elimination of All Forms of Racial Discrimination (ICERD)**

The International Convention on the Elimination of All Forms of Racial Discrimination, adopted by the General Assembly in Resolution 1904 (XVIII) on November 20, 1963, seeks to promote the principles of dignity and equality among all human beings and considers discrimination among them to obstruct friendly and peaceful relations between nations. (United Nations Declaration on the Elimination of All Forms of Racial Discrimination, 1963) In this regard, States Parties undertake not to sponsor any support or racial discrimination emanating from individuals or bodies, as affirmed by Article 2 of the Convention. Therefore, penal institutions within any State Party are prohibited from taking any action that suggests discrimination among prisoners and inequality in treatment between them. In this context, Article 5 affirmed the right to equal treatment before the courts and all other organs administering justice, as well as the state's obligation to provide security for persons against violence or bodily harm emanating from official employees or a public institution. In this regard, Article 8 of the Convention established the Committee on the Elimination of Racial Discrimination (CERD), comprising 18 experts recognized for their impartiality and integrity, elected by the States Parties. This Committee considers matters referred to it by States regarding any violation of the provisions of this Convention and submits an annual report on its work to the General Assembly.

#### **Second: International Institutional Mechanisms for the Oversight of Prison Administration**

International institutional mechanisms serve as practical tools for implementing the aforementioned legal mechanisms. These bodies and organizations monitor state compliance with international obligations concerning the protection of human rights in penal institutions. The principal mechanisms include:

##### **1/ The United Nations Human Rights Council (UNHRC)**

The Human Rights Council is an intergovernmental body within the United Nations system, responsible for promoting and protecting human rights worldwide. It was established by the General Assembly on March 15, 2006, by Resolution 60/251, replacing the former United Nations Commission on Human Rights. (Human Rights Council, 2006) The Council is composed of 47 member states elected by the General Assembly for a period of three years, and it is based in Geneva. (63rd Session of the UN General Assembly, n.d.)

The Council has several mechanisms for monitoring human rights, including:

**A- The Universal Periodic Review (UPR):** This mechanism reviews the human rights records of all 193 UN member states once every four years. (UNBIS Guidelines for Specific Types of UN Documents and Publications, n.d.) It is a state-driven process, under the auspices of the Human Rights Council, which provides an opportunity for each state to declare what actions it has taken to improve the human rights situation in its country and to fulfill its human rights obligations.

**B- The Special Procedures:** These are independent human rights experts with mandates to report and advise on human rights from a thematic or country-specific perspective. Among the thematic mandates is the Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading

Treatment or Punishment, who monitors and reports on the situation of torture worldwide, including in prisons.

## **2/ The International Committee of the Red Cross (ICRC)**

The International Committee of the Red Cross is an independent and neutral organization that ensures humanitarian protection and assistance for victims of armed conflict and other situations of violence. It is the guardian of the Geneva Conventions and their Additional Protocols. (About who we are, n.d.) The ICRC plays a vital role in monitoring the conditions of detention and treatment of prisoners of war and civilian internees in armed conflicts, as well as other detainees in situations of internal violence. (What we do for detainees, 2023)

The ICRC's work in prisons is guided by the principles of neutrality and confidentiality. Delegates visit places of detention to assess conditions and the treatment of detainees, and they communicate their findings confidentially to the responsible authorities. This approach is essential for maintaining the trust of authorities and ensuring continued access to detainees.

## **3/ Non-Governmental Organizations (NGOs)**

Non-governmental organizations play a crucial role in monitoring prison administration and protecting the rights of inmates. Organizations such as Amnesty International and Human Rights Watch undertake the following activities:

- **Monitor and Document:** They conduct field visits, collect testimonies, and document violations of prisoners' rights, including torture, ill-treatment, and poor living conditions.
- **Advocacy and Awareness:** They raise awareness about prison issues and advocate for legal and policy reforms at the national and international levels.
- **Legal Assistance:** They provide legal aid and support to prisoners whose rights have been violated.

## **Axis II: Oversight of Prison Administration at the National Level**

The national level is the primary arena for the practical application of international standards and the protection of human rights within penal institutions. The state, through its various authorities, is responsible for ensuring effective oversight and regulation. Algeria serves as a representative example in this context.

### **First: Administrative Oversight of Prison Administration in Algeria**

Administrative oversight is exercised by the executive authority through specialized bodies to ensure the proper functioning of penal institutions and to protect the rights of inmates. In Algeria, this oversight is carried out by the following entities:

#### **1/ The General Directorate of Prison Administration and Reintegration (DGAPR)**

The DGAPR, established by Executive Decree No. 98-202 of June 20, 1998, and reorganized by Executive Decree No. 04-393 of December 4, 2004, is the central body responsible for managing and supervising penal institutions. (Decree No. 04-393 dated December 4, 2004, regulating the General Directorate of Prisons and Rehabilitation, 2004) Its role includes:

- **Internal Inspection:** Conducting regular and surprise inspections of prisons to ensure compliance with laws and regulations regarding the treatment of prisoners and the conditions of detention.
- **Management and Organization:** Ensuring the proper organization and functioning of prisons, including the provision of necessary services (food, health, education, etc.).

#### **2/ The General Inspectorate of Prison Services**

Established by Executive Decree No.06-284 of August 30, 2006, the General Inspectorate is an independent body within the DGAPR responsible for monitoring and evaluating the performance



of prison services. (National Report on the State of the Judiciary in the Algerian Republic, 2006)  
Its main tasks include:

- **Performance Evaluation:** Assessing the efficiency and effectiveness of prison management and staff.
- **Investigating Complaints:** Conducting investigations into complaints and grievances submitted by prisoners or their families regarding ill-treatment or violations of rights.

### **3/ The National Council for Human Rights (CNDH)**

The CNDH, established by Law No.16-13 of November 3, 2016, is an independent national institution responsible for promoting and protecting human rights in Algeria. (Law No. 16-13 establishing the National Council for Human Rights, its composition, and terms of appointment of its members, as well as the rules relating to its organization and functioning, 2016) Its oversight role includes:

- **Visiting Places of Detention:** Conducting periodic and unannounced visits to penal institutions to monitor the conditions of detention and the treatment of prisoners.
- **Submitting Recommendations:** Submitting reports and recommendations to the public authorities, including the Ministry of Justice, to improve the human rights situation in prisons.

### **Second: The Role of Judicial Authorities in the Oversight of Prison Administration**

Judicial oversight is regarded as the most effective guarantee for protecting inmates' rights, as it is exercised by independent bodies. In Algeria, this oversight is conducted by several judicial actors:

#### **1/ The Public Prosecutor (Procureur de la République)**

The Public Prosecutor, as the head of the Public Prosecution Office, has a direct oversight role over penal institutions within his jurisdiction. His tasks include:

- **Regular Visits:** Conducting regular visits to prisons to monitor the legality of detention and the conditions of inmates.
- **Receiving Complaints:** Receiving and investigating complaints from prisoners regarding violations of their rights.

#### **2/ The Investigating Judge (Juge d'Instruction)**

In addition to the tasks assigned to investigating judges, which include investigation and inquiry to find evidence to reach the truth, according to Article 69 of the Code of Criminal Procedure (Law No. 25-14 of August 3, 2025, containing the Code of Criminal Procedure, Official Gazette of the People's Democratic Republic of Algeria, No. 54, issued on August 13, 2025), they may also be assigned the task of overseeing prison administration. This is in accordance with Article 33 of the aforementioned amended and supplemented Law No. 05-04 related to the organization of prisons and the social reintegration of inmates. The judge conducts a monthly visit to check on the conditions of temporarily detained individuals who are under investigation or referred to trial, to ensure their well-being and listen to their concerns.

#### **3/ The Juvenile Judge (Juge des Mineurs)**

The Juvenile Judge plays a crucial role in monitoring the conditions of detained juveniles, ensuring their protection and social reintegration. This is accomplished through monthly inspection visits to assess the security, health, educational, and recreational conditions of detained juveniles, ensuring that the prison administration adheres to the program aimed at the child's reform and social rehabilitation (Ghouini & Tashour, 2017, p. 6).

#### **4/ The President of the Indictment Chamber (Président de la Chambre d'Accusation)**

The President of the Indictment Chamber exercises powers distinct from those of the Indictment Chamber as a judicial investigation body, including oversight of penal institutions within the jurisdiction of the Judicial Council. This is achieved through periodic visits, at least every three months, to monitor the status of temporary detainees, as stipulated in Article 204 of the Algerian Code of Criminal Procedure, thereby ensuring the legality of this measure.

#### **5/ The President of the Judicial Council and the Attorney General (Procureur Général)**

Both the President of the Judicial Council and the Attorney General conduct periodic visits to penal institutions at least once every three months, as stipulated in Article 33 of the amended and supplemented Law 05-04. This culminates in a joint report every six months that includes a comprehensive assessment of the functioning of penal institutions within their jurisdiction, addressed to the Minister of Justice, Keeper of the Seals.

#### **6/ The Sentence Enforcement Judge (Juge d'Application des Peines - JAP)**

The Sentence Enforcement Judge is appointed by a decision of the Minister of Justice, Keeper of the Seals, within the jurisdiction of each Judicial Council, and is entrusted with the tasks of enforcing sentences. It is required that the judge be among those who pay special attention to the field of prisons. The law on the organization of prisons and the social reintegration of inmates granted him the authority to monitor the legality of the application of custodial sentences and alternative sentences, and to ensure the proper implementation of measures for the individualization of punishment, as stipulated in Articles 22 and 23 of the amended and supplemented Law No.04-05 concerning the organization of prisons and the social reintegration of inmates. (Choudar & Amina, n.d.)

In the framework of his oversight work over penal institutions, he receives complaints and grievances according to Article 79 of the aforementioned amended and supplemented Law No.04-05 from inmates in the event of a violation of one of their rights and the failure of the director of the penal institution to consider it within 10 days of its submission. Here, the work of the Sentence Enforcement Judge is activated in oversight and investigation into any violation or infringement of prisoners' rights, and intervention when necessary, with the aim of the social reintegration of the inmates.

#### **Conclusion:**

In conclusion, oversight of prison administration is one of the most sensitive issues affecting human rights at both the international and national levels. Legislators have prioritized the oversight of penal institutions, the protection of inmates' rights, and the provision of appropriate conditions for their reintegration into society. These objectives have been pursued through a comprehensive framework of international and national legal texts, the establishment of international bodies to protect prisoners' rights, and the implementation of administrative and judicial mechanisms in Algeria.

The main findings of this study can be summarized as follows:

**01-** Many international conventions included the topic of oversight of prison administration, the most important of which are the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and the International Convention on the Elimination of All Forms of Racial Discrimination.

**02.** International governmental and non-governmental organizations are institutional mechanisms established at the international level to carry out various tasks, including institutions that dedicate a significant portion of their focus to protecting the rights of inmates within penal institutions.

**03.** The State of Algeria has established a set of administrative bodies, both within and outside the penal institution, to monitor prison administration and its work, as well as to protect the rights of inmates.

**04-** The judicial authorities in Algeria have a major role in the oversight of prison administration and the protection of inmates' rights through periodic visits and semi-annual reports submitted to the Minister of Justice, in addition to monitoring the method of sentence execution.

Based on these results, the following key recommendations are proposed:

**01-** The necessity of activating the role of international bodies in the oversight of prison administration, and carefully monitoring the extent of human rights protection inside prisons, without relying solely on reports submitted by penal institutions and local authorities, which may be inaccurate.

**02-** The necessity of establishing mechanisms that link prisoners with national and international bodies responsible for human rights protection to report violations and infringements occurring inside prisons.

**03-** The obligation of national administrative and judicial authorities to personally ensure the protection of inmates' rights from abuse within penal institutions, and to provide them with the appropriate environment to serve their sentence and reintegrate into society.

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