MALMÖ UNIVERSITET

FROM STATE ABANDONMENT TO CO-GOVERNANCE:

Systemic Corruption, Labor Precarity and Humans Rights Violations in Paraguayan Prisons

Ana Carolina Vera Resquin

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Supervisor: Hai Thiem Bui

Abstract

This thesis explores the systemic nature of corruption within the Paraguayan penitentiary system and its structural connection to the ongoing humanitarian crisis affecting the human rights of individuals deprived of their liberty. Utilizing a human rights-based approach (HRBA), the study investigates how institutionalized corrupt practices consistently violate Paraguay's formal legal commitments and international standards, such as the Nelson Mandela Rules. The research employs a qualitative methodology that integrates a literature review with semi-structured interviews of individuals directly linked to the penitentiary system; these findings are then triangulated with independent human rights monitoring reports. From a theoretical perspective, the study draws upon the Theory of Collective Action to explain how severe limitations in state resources transform corruption—which might otherwise be viewed as an individual moral failure—into a rational, collective survival strategy for obtaining basic necessities, such as food and security. Furthermore, it applies Gresham Sykes's theory of the "corruption of authority" to analyze how precarious working conditions, low remuneration, and staff shortages lead to an informal delegation of territorial control to organized crime factions. The findings demonstrate that by failing to fulfill its duty to provide for the basic needs of those deprived of their liberty, the state facilitates the creation of an informal, privatized market that commodifies fundamental human rights. Ultimately, the study concludes that these dynamics—at both the micro and macro levels—completely negate the constitutional mandate for social reintegration, transforming the penitentiary system into a space that perpetuates structural violence and impunity.

Keywords: Systemic Corruption, Human Rights Violations, Paraguayan Penitentiary System, Prison Co-governance, State Abandonment, Collective Action Theory, Corruption of Authority, Labor Precarity, Prison Overcrowding, Human Rights-Based Approach (HRBA)

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1- Introduction

This research project explores the systemic nature of corruption within Paraguayan society and examines its direct structural nexus with the humanitarian crisis affecting the national penitentiary system. Grounded in a country marked by severe socioeconomic disparities, evidenced by a high Gini coefficient of 44.4 (World Population Review, 2024), the study investigates how institutionalized and individual corrupt practices lead to the continuous violation of the substantial gap between Paraguay's formal legal commitments, including domestic constitutional guarantees and international standards such as the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules), and the daily realities experienced by inmates (UN General Assembly, 2015).

The core academic significance of this investigation lies in its contribution to the interdisciplinary field of human rights. Human rights violations within prisons cannot be comprehensively understood through a purely normative perspective. By bridging international human rights law with political science, penology, sociology, and economics, this research demonstrates how broader structural phenomena—such as state resource constraints, political patronage, and inequality—directly erode legal protections (Müller, 2012, p. 18). Utilizing Mancur Olson's (1965) *Collective Action Theory* (CAT) alongside Gresham Sykes's (1956) theory of the "Corruption of Authority," the study provides an innovative interdisciplinary framework. This combined theoretical model explains how corruption shifts from an isolated moral transgression into a normalized, systemic survival strategy within underresourced public institutions (Rothstein, 2011, p. 115).

Furthermore, this thesis adopts a *Human Rights-Based Approach* (HRBA), framing persons deprived of their liberty not as mere recipients of charity, but as rights-holders, while identifying the state as a duty-bearer obligated under international law to respect, protect, and fulfill their human rights (UN Office of the High Commissioner for Human Rights, 2023). By employing a qualitative methodology that integrates a comprehensive literature review with semi-structured interviews of individuals directly connected to the prison system, the research captures nuanced local dynamics, informal power structures, and lived experiences that aggregate quantitative data often overlooks (Darke, 2018, pp. 5–7).

Consequently, this study connects macro-level governance issues—such as systemic corruption and judicial inefficiency—with micro-level human rights abuses occurring within prison wards. In doing so, it advances interdisciplinary human rights scholarship by demonstrating how the

breakdown of state authority and the normalization of corrupt practices effectively privatize prison governance, transforming basic human rights guaranteed by international treaties into commodities sold in informal markets. Ultimately, this thesis aims to make visible the operational barriers that impede human rights implementation in peripheral contexts.

1.1 Historical Background

To understand Paraguay and its institutional corrupt practices, we need to examine part of its history. It is important to recognize that the collapse of the penitentiary and political systems is not a recent development; rather, it stems from the institutionalization of corruption and state violence during the dictatorship of Alfredo Stroessner, who ruled from 1954 to 1989.

During this period, the penitentiary system, exemplified by the opening of the Tacumbú National Penitentiary in 1956 in the nation’s capital, and the police forces did not function as institutions for rehabilitation or public security; rather, they served as mechanisms for control and political repression. (González García, 2025, p. 78)

The country contained both official prisons and clandestine detention centers. Both types of spaces were used to facilitate systematic torture and the neutralization of political opponents (Mendieta et al., 2024, pp. 104–105). Concurrently, the regime anchored its longevity in what the literature terms the "price of peace": a network of patronage and illicit enrichment in which the state was treated as spoils to be seized (Nickson, 2010, pp. 11–12; Caballero, cited in Espinoza, 2021). This dynamic extended to prison staff and the police, institutionalizing bribery, influence peddling, and black-market activities as informal rules of governance (Vega Cabañas, 2024, pp. 78–79). Such a dynamic blurred the lines between the public and private spheres, fostering impunity and the abuse of power within the prison system (González García, 2025, pp. 83–88; Riquelme, cited in Nickson, 2010, p. 15).

Following the 1989 *coup d’état* and the subsequent enactment of the 1992 National Constitution, Paraguay adopted a modern constitutional framework, formally committed to the protection of rights and aligned with international human rights standards (López, 2020, pp. 9–10). However, the political transition took place through a process of democratization "from above," led by actors from within the previous regime itself; this prevented a structural purge of the state and security apparatus (Abente Brun, cited in López, 2020, p. 12; Lezcano and Martini, 2008).

Although Article 20 of the 1992 Constitution (Paraguay, 1992, art. 20) stipulates that the purpose of custodial sentences is the rehabilitation of those convicted, and Article 5 of the same Constitution prohibits torture, institutional practices did not undergo reform at the same pace. The administrative structures of the Ministry of Justice and the penitentiary system inherited the corrupt, patronage-based practices of the *Stronismo* era (Espinoza, 2021). This gap between normative legal guarantees and institutional inertia created a porous and inefficient penal system, in which the judiciary continued to operate based on favoritism and impunity, thereby perpetuating dynamics of administrative corruption within the penal system (Vega Cabañas, 2024, p. 79).

In the following decades, the prison crisis intensified due to the excessive, punitive use of pretrial detention by a judicial system that was permissive in some respects yet harsh toward the impoverished population (Vega Cabañas, 2024, p. 79; Vera et al., 2021, p. 21). By the mid-1990s, diagnostic reports revealed that facilities such as Tacumbú held more than 90% of their inmate population without a final conviction, under unsanitary conditions that violated international minimum standards (Rolón Luna, cited in González García, 2025, p. 90).

This rapid overcrowding, combined with a chronic lack of funding, diminished the state's capacity to maintain secure custody. Institutional negligence and corruption among prison staff—who profited from the sale of cells, basic services, weapons, and narcotics—created the conditions for the collapse of state control (Alegre Ortiz, 1987; González García, 2025, pp. 88, 91). This degradation escalated from "negotiated control" to situations of "self-governance" or "prison co-governance," in which criminal factions—such as the *Clan Rotela* (of Paraguayan origin) or the *Primeiro Comando da Capital* (of Brazilian origin)—assumed territorial and armed control over major penitentiary facilities, including Tacumbú (González García, 2025, pp. 76, 91).

1.2 Relevance to Human Rights

This research is linked to the field of human rights, given the impact that corrupt practices have on the living conditions of individuals deprived of their liberty within penitentiary institutions.

Various human rights reports analyzing the living conditions of those deprived of their liberty have documented a significant failure to meet basic standards within prisons. These shortcomings and violations encompass issues related to physical infrastructure, access to food and healthcare, and the mistreatment of inmates by prison staff.

Furthermore, this research establishes a connection between internal institutional corruption and the poor working conditions of prison staff—a factor that fosters both the mistreatment of those deprived of their liberty and corrupt practices, such as the payment of bribes (Interview 1).
This research is particularly significant, as there is a scarcity of academic literature addressing the intersection of corruption in Paraguayan prisons and human rights; consequently, this thesis may pave the way for future studies in this field.

1.3 Objective

The objective of this thesis is to explore the under-researched consequences of corruption within the Paraguayan prison system. The study aims to contribute knowledge regarding the penitentiary context and the human rights of individuals deprived of their liberty in Paraguay.

1.4 Problem Statement

The Paraguayan penitentiary system is currently enduring a crisis defined by extreme overcrowding, severely degraded infrastructure, and acute budgetary shortfalls.
State prison institutions lack the essential financial and human resources required to guarantee compliance with basic international standards, forcing inmates to subsist in highly unsanitary and overcrowded environments. A prominent example of this operational collapse is the Concepción Penitentiary, which held 1,796 individuals in 2025 within a facility designed for a maximum international standard capacity of only 890 prisoners (Paraguay, Ministerio de Justicia, 2025). This physical overpopulation is further intensified by structural deficiencies in the judicial system, where slow criminal proceedings and the excessive, systematic overuse of pretrial detention result in a prison population consisting overwhelmingly of unconvicted individuals awaiting trial (InSight Crime, 2021).
In this environment of severe institutional deprivation, living conditions inside Paraguayan prisons are heavily determined by an inmate's individual financial resources. Despite Paraguay being a party to major international treaties prohibiting cruel, inhuman, or degrading treatment and possessing a national legislative framework that formally guarantees human treatment, an enormous divide exists between *de jure* legal obligations and de facto carceral practices (MNP, 2025).
Corruption operates as the primary mechanism regulating daily life in these facilities. From a theoretical perspective, this dynamics functions as a collective action problem, wherein both incarcerated individuals and prison staff adapt to state failure through transactional, informal arrangements (Olson, 1965, p. 2; Rothstein, 2011, p. 102).

Moreover, the precarious working conditions, low remuneration, lack of professionalization, and physical risks faced by prison guards foster what Sykes (1956, p. 258) conceptualizes as the "corruption of authority." To maintain basic internal order and avoid violent uprisings, guards frequently compromise formal rules, delegate administrative duties to dominant inmate factions, or participate in extortive schemes.

1.5 Research problems

To address the gap between international normative standards and actual carceral realities, the primary objective of this study is to analyze how corrupt practices operate within Paraguayan society and prisons, and how these practices directly affect the living conditions of inmates. Specifically, this research addresses the following research questions:

How do corrupt practices impact compliance with minimum international standards for the humane treatment of inmates, such as the Nelson Mandela Rules, in Paraguayan prisons?

How do the precarious working conditions of prison guards influence their involvement in corruption schemes within the prisons?

By investigating these questions through a qualitative research design combining literature analysis and semi-structured interviews, this study seeks to identify the key structural barriers that prevent the effective realization of prisoners' human rights in Paraguay.

1.6 Method and data selection

This thesis follows a qualitative research approach. Through qualitative thematic analysis (Braun and Clarke, 2006, p. 79), testimonies detailing informal payments in exchange for cells, acceleration of processes or access to common spaces within prisons are systematically contrasted with the requirements established in the Nelson Mandela Rules (UN General Assembly, 2015, p. 8). The triangulation of interviews with reports from institutions and academics (Glesne, 2016, p. 45) helps to empirically demonstrate how corruption functions as a structural barrier to the fulfillment of human rights.

Semi-structured interviews provide the flexibility to explore sensitive topics such as compensation, safety risks and pressures in the work environment. At the micro-sociological level, the analytical framework encodes these accounts using the concept of “corruption of authority” (Sykes, 1956, p.

258), identifying how friendship, reciprocity or inaction lead guards to cede control to criminal factions within the prison under precarious working conditions.

However, to understand how these micro dynamics are sustained over time, it is necessary to analyze the macro-structural dimension through the Theory of Collective Action (Olson, 1965, p. 2; Rothstein, 2011, p. 102). In contexts of state desertion and severe budget restriction, the public goods essential to providing decent human conditions — such as security, food, medical care and access to medicine — are no longer universally guaranteed by the state as a bearer of obligations (OHCHR, 2023). Faced with this governance vacuum, interaction in penitentiary centers adopts the structure of a social dilemma (Miller Moya, 2004, p. 112). For a person deprived of liberty, refusing to participate in informal payment networks does not result in the effective demand of a right, but rather in immediate exposure to violence, malnutrition or unhealthiness. Therefore, the payment of extortionate fees ceases to be an individual ethical deviation and becomes a rational strategy for collective survival (Rothstein, 2011, p. 115).

Meanwhile, prison staff face their own collective action dilemma: reporting extortion schemes or refusing to cooperate within an overcrowded and insecure environment entails high costs, such as threats to their physical safety or professional ostracism (Galeano Monti and Mena Martínez, 2025, p. 64). Accordingly, this research employs thematic coding to map how these mutual expectations of non-compliance create a "suboptimal equilibrium" (Rothstein, 2011, p. 105).

The empirical analysis accounts for the heterogeneity of the prison system by categorizing the collected data according to the typology of the facilities (Galeano Monti and Mena Martínez, 2025, p. 61). While the original authors conduct an in-depth analysis, the researcher opted for a broader approach—examining parameters such as overpopulation and infrastructure—without delving into the specifics of every type of prison in the country. This decision was made due to the time required to gather data across the various types of facilities and to conduct interviews with staff. Mapping accounts from interviews and monitoring reports (MNP, 2025, p. 12; IACHR, 2023) through this typology makes it possible to empirically verify that collective action dilemmas and the erosion of authority do not manifest uniformly; rather, they intensify drastically in facilities characterized by critical overpopulation and high levels of overcrowding. Furthermore, the research synthesizes the impact of this informal governance on state obligations in light of frameworks from the UN and the Inter-American System (IACHR), analyzing how the substitution of institutional control with informal orders undermines the duties to respect, protect, and guarantee human rights (OHCHR, 2023, p. 14; IACHR, 2011, p. 42; Inter-American Court of Human Rights, 2006, p. 68).

2 Literature review

In this section, I will briefly describe the literature found to be relevant to the research.

2.1 The Political Economy of Latin American Prisons: Corruption as a Collective Action Problem.

To understand the humanitarian crisis in Paraguayan penitentiary centers, contemporary literature demands moving beyond the view of corruption as an isolated phenomenon or the product of individual ethical deviations. On the contrary, critical penology in Latin America (Müller, 2012, p. 18; Darke, 2018, pp. 5–7) agrees that prison corruption is structural and systemic. When the state chronically abdicates its basic functions—leaving prisons in conditions of extreme overcrowding, lacking budgets for food, healthcare, and security—a governance vacuum is created. It is at this junction that CAT (Olson, 1965, p. 2; Rothstein, 2011, p. 102) provides the fundamental analytical framework to explain how this vacuum is filled by informal and illicit markets.

From a Collective Action perspective, security, basic infrastructure, and habitability within a prison like Tacumbú ought to function as public goods guaranteed by the state. However, when the state defaults on this obligation, internal actors (both prison guards and persons deprived of liberty) face an existential dilemma. If an inmate decides to act honestly and rely on formal channels within an under resourced environment, they expose themselves to the elements, malnutrition, or violence from other detainees. Therefore, participation in corruption networks—such as paying illegal fees for a mattress, access to clean water, or physical protection—ceases to be an individual moral transgression and becomes a rational strategy for collective survival (Rothstein, 2011, p. 115).

Specialized literature on criminal governance (Dias and Salla, 2013, p. 42; Lessing, 2017, p. 260) describes this phenomenon as the transition toward a model of "co-governance" or "prison self-governance." In Paraguay, the scarcity of state resources has forced the consolidation of perverse incentives. Prison personnel, historically characterized by low wages and a total lack of training, face their own collective action problem: reporting peer corruption or refusing to participate in institutionalized extortion schemes carries a high risk of professional ostracism or violent physical reprisals. In this way, the literature demonstrates that corruption structures within the Paraguayan penitentiary system are self-reinforcing and perpetuate over time, creating a suboptimal equilibrium where all parties assume that illegality is the only viable rule of the game to interact and survive on a daily basis.

2.2 Prison Micro-Dynamics: Gresham Sykes, the "Corruption of Authority," and the Collapse of Rehabilitation

While CAT elucidates the macroeconomic structural causes of informal governance, Gresham Sykes's sociological theory enables the analysis of the micro-level operational mechanisms through which power is exercised and subverted within cellblocks. In his seminal work, Sykes (1958, p. 42) introduces a fundamental premise for modern penology: the absolute power of the custodial staff is a legal myth. In the context of prisons with severe institutional deficiencies, such as those in Paraguay, prison guards are forced to interact daily with an inmate population that vastly outnumbers them, operating under conditions of job precariousness, isolation, and latent threat (Sykes,1956, p. 258).

To maintain a semblance of public order and prevent violent riots, prison personnel engage in what Sykes (1956, p. 259) terms the "corruption of authority." This process of erosion is not necessarily triggered by direct economic bribes in the first instance, but rather through three socio-relational pathways:

- Friendship: Constant physical proximity breaks down the social and institutional distance between the guard and the inmate, transforming the custodial relationship into a dynamic of mutual sympathy (Sykes, 1958, p. 54).
- Reciprocity: The guard tolerates minor infractions or contraband trafficking in exchange for cellblock leaders maintaining peace and controlling internal violence (Sykes, 1956, p. 260).
- Default: The custodian transfers actual administrative responsibilities—such as cell assignment or internal discipline—to criminal delegates or factions (e.g., the Clan Rotela or the PCC), ceding effective territorial control of the inner perimeter (Antillano and Zubillaga, 2020, p. 112).

The direct impact of this "corruption of authority" is the complete annihilation of the rehabilitation mandate, which constitutes a legal obligation under both Paraguayan law and international human rights treaties. Sykes (1956, p. 262) warns that when an institution's formal rules are negotiated, instrumentalized, or sold to the highest bidder, the prison loses its normative legitimacy in the eyes of the inmates. The notion of social reintegration is replaced by a purely transactional and Darwinian ecosystem. Contemporary Latin American literature emphasizes that in prisons where state authority has collapsed, educational, vocational, or psychological programs are not distributed according to technical human rights criteria; rather, they are hijacked by dominant inmates or sold

by corrupt guards as commercial privileges (Goding and Golaszewski, 2019, p. 84). Consequently, the lack of legitimate and transparent authority renders imprisonment a purely punitive and degrading experience, making rehabilitation structurally impossible.

2.3 Human Rights Synthesis: The Impact of Informal Governance on State Obligations According to the UN and the IACHR

The confluence of collective action problems (macro) and the corruption of authority (micro) does not constitute a mere administrative anomaly; it represents the direct cause of the systemic non-compliance with international human rights obligations assumed by the Paraguayan state. When analyzing reports from the United Nations Subcommittee on Prevention of Torture (SPT) and the Inter-American Commission on Human Rights (IACHR), it becomes evident that violations of the rights to life, physical integrity, and dignity are not incidental side effects of Latin American prisons, but rather the logical and structural consequences of a privatized and corrupt prison governance model (IACHR, 2019; UN, 2017, p. 14).

Through the lens of CAT, international monitoring bodies document how the state's abdication in providing basic needs devastates the economic and social rights of persons deprived of liberty. The UN Special Rapporteur on Torture (2007, p. 3) and Paraguay's National Mechanism for the Prevention of Torture (MNP) emphasize that shortages of food, medical care, and decent living space act as the main catalyst for extortionate black markets. The non-payment of "survival fees" imposed by the criminal factions managing the cellblocks leads immediately to torture or cruel, inhuman, or degrading treatment, strictly prohibited by Article 5 of the American Convention on Human Rights (IACHR, 2011, p. 45). Distorted collective action turns incarceration into a monetary "every man for himself," where the protection of fundamental human rights is contingent upon an inmate's purchasing power.

3 Conceptual/Theoretical Framework Outline

This theoretical framework articulates the macro-structural dimension of systemic corruption with the micro-social dynamics inside Paraguayan prisons, connecting both levels to the international human rights normative framework.

▼

•Structural inequality (Gini 44.2) and state resource constraints

•State failure in providing basic public goods (food, healthcare, safety)

▼

Collective Action Theory (Olson, 1965; Rothstein, 2011)

•Corruption as a rational collective survival strategy

•Informal "co-governance" and the privatization of basic rights

▼

"Corruption of authority" in prisons (Sykes, 1958)(Micro)

•Precarious working conditions and low pay of custodial staff

•Delegation of internal control to criminal factions (Clan Rotela, PCC)

•Socio-relational pathways: Friendship,Reciprocity, and Default

▼

Human Rights- Based Approach – HRBA (OHCHR, 2023)

•*De jure* standards (Nelson Mandela Rules) vs. de facto carceral practices

•Violation of state obligations as a duty-bearer (Arts, 4 and 5 ACHR)

3.1 Justification of Choices and Connection to the Field

In the disciplines of penology and international human rights law, scholarship frequently adopts a legalistic and doctrinal approach that limits itself to contrasting formal legal texts with de facto prison conditions. This thesis chooses an alternative interdisciplinary approach that integrates the sociology of punishment (Sykes, 1956, 1958) with institutional political economy (Olson, 1965; Rothstein, 2011).

The theoretical justification lies in the inadequacy of purely normative frameworks to explain why an enduring, chronic gap exists between *de jure* commitments and de facto carceral realities. In peripheral contexts with weak state capacity, such as Paraguay, corruption is not an isolated moral failure or an individual anomaly; rather, it represents an informal governance mechanism that

emerges directly from state abdication and institutional absence. Bridging macro-structural theories with micro-sociological models provides a robust framework to explain how state resource deficiencies translate into daily corrupt practices.

3.2 How Concepts and Theories Answer the Research Questions

1. Impact of corrupt practices on international minimum standards (Research Question 1):

• **Collective Action Theory (Olson, 1965; Rothstein, 2011):** Frames basic goods like decent space, food, and security (Nelson Mandela Rules) as state-provided public goods. When the state fails to provide them, rights become private commodities. This theory explains how systemic non-compliance with human rights standards stems from a collective action dilemma where paying corrupt fees is the only rational survival strategy.

• **Human Rights-Based Approach (OHCHR, 2023):** Re-conceptualizes inmates as rights-holders and the state as a duty-bearer. It helps frame the findings of monitoring bodies (IACHR, 2019, 2023) regarding torture and cruel treatment as direct products of a corrupt market system.

2. Influence of guards' working conditions on involvement in corruption (Research Question 2):

• **Corruption of Authority (Sykes, 1956, 1958):** Provides the micro-sociological lens to analyze how guards, facing low wages and physical threats, lose normative authority. It explains the three mechanisms—friendship, reciprocity, and default—by which staff cede territorial control to inmate factions (Clan Rotela, PCC) (Dias and Salla, 2013; Antillano and Zubillaga, 2020), ultimately destroying the rehabilitation mandate.

1. **Friendship**: The blurring of professional boundaries due to daily, prolonged proximity (Sykes, 1958, p. 54).
2. **Reciprocity**: An informal trade-off where guards tolerate minor infractions in exchange for basic order (Sykes, 1956, p. 260).
3. **Default**: The passive surrender of operational tasks due to a lack of real enforcement capacity (Antillano and Zubillaga, 2020, p. 112).

Through these mechanisms, staff gradually cede territorial and operational control to dominant inmate factions within the prison facility (e.g., Clan Rotela or Primeiro Comando da Capital - PCC)

(Dias and Salla, 2013, pp. 402-405; Antillano and Zubillaga, 2020, pp. 115-118), ultimately destroying the constitutional and legal mandate of social rehabilitation and reintegration

3.3 Collective Action Theory

Background and Conceptualization: Corruption as a Collective Action Problem

In the literature on governance and institutions, pioneering authors such as Rothstein (2011, pp. 21–25) and Persson, Rothstein, and Teorell (2013, pp. 450–452) revolutionized the study of corruption by conceptualizing it not as an isolated moral failure or a lapse in individual oversight, but rather as a collective action dilemma—or social dilemma.

A collective action dilemma arises in contexts where the behavior that is optimal and ideal for the well-being of the entire group (the collective interest) comes into direct conflict with the immediate incentives of each individual (the individual's dominant strategy) (Olson, 1965, pp. 14–16). In environments where corruption is endemic and systemic, acting honestly on one's own is irrational from the perspective of personal cost-benefit analysis; the individual bears the full cost of honesty without reaping the benefits of the public good, provided that others continue to violate the rules (Karklins, 2005, pp. 63–65).

3.4.1 The Prisoner's Dilemma Applied to Prison Corruption

To formalize this dynamic, the literature frequently draws upon game theory, specifically by modeling it as a "Prisoner's Dilemma" (Ostrodka, 2018, pp. 88–90). In this framework, the strategic interaction between two actors (for example, two inmates, or an inmate and an official) is analyzed under conditions of imperfect information and a lack of mutual trust:

1. Game Structure:

- **Option A: Cooperate with the formal rule** (Act honestly / Do not pay bribes).
- **Option B: Defect / Violate the rule** (Paying or demanding bribes / Resorting to corruption).

2. The Outcomes (Payoff Matrix):

- **Optimal Social Welfare (Mutual Cooperation):** If all inmates were to refuse to pay bribes and instead demand their formal rights, the system would be forced to provide basic public services on a free and equitable basis (Olson, 1965, pp. 20-22).

- **The "Sucker’s Payoff" Risk:** If Prisoner A decides to act honestly and refrain from paying, while Prisoner B chooses to pay the bribe, Prisoner B secures the scarce resource (e.g., a mattress, water, or protection), whereas Prisoner A is left completely unprotected, hungry, or exposed to violence (Díaz-Cayeros et al., 2015, pp. 201-204).
- **Suboptimal Nash Equilibrium (Mutual Defection):** Since neither player can trust the other to act within the bounds of formal legality, the dominant strategy for both is to defect (i.e., engage in corruption). Both end up paying high costs for elementary services, thereby perpetuating an extortionary and insecure system (Mungiu-Pippidi, 2015, pp. 34-38).

3.4.2 Theoretical Contribution to the Study of the Penitentiary System

As Marquette and Peiffer (2018, pp. 812–815) point out, applying the collective action framework to penitentiary environments reveals that informal charges and the payment of "survival fees" are not merely administrative irregularities, but rather a mechanism for coordination and self-regulation (Lessing, 2017, pp. 97–101). When the state fails to guarantee security or subsistence within a prison facility, the black market and bribery become a rational response for prisoners seeking to mitigate daily uncertainty. This entrenches corruption as a deeply rooted equilibrium—one that is difficult to disrupt through simple punitive reforms (Arias, 2017, pp. 155–158).

3.5 Sykes’s Theory

3.5.1 The Corruption of Authority and Shared Penitentiary Governance

Studying penitentiary institutions from a human rights perspective requires an analysis of how formal state control structures intersect with informal power dynamics within the prison environment. Sociological and criminological literature has demonstrated that a prison does not function as a bureaucratic structure of absolute coercion; rather, it operates as a complex social system in which order is co-produced through informal transactions, concessions, and constant tensions between the prison administration and the inmates (Sykes, 1958, p. 52; Crewe, 2009, p. 15).

Theoretical Foundations: The Collapse of Total Control and the "Pains of Imprisonment"

The conceptual starting point lies in demystifying the state’s monopoly on coercion. As Gresham Sykes (1958, p. 48) articulated in his influential study *The Society of Captives*, total control within a penal institution is a sociological illusion. Authority cannot be maintained solely through coercion

indefinitely, as the excessive use of force is operationally unsustainable and compromises the physical stability of the facility itself (Sparks, Bottoms, and Hay, 1996, p. 82).

To understand the dynamics of adaptation and interaction within a penal institution, critical penology examines the constraints imposed by the "pains of imprisonment." Criminal punishment extends beyond the mere deprivation of physical liberty, encompassing a range of socio-affective and material deprivations: the loss of personal autonomy, a scarcity of basic goods and services, the absence of meaningful emotional relationships, and a constant threat to physical integrity (Sykes, 1958, pp. 63–78). To mitigate this impact, the prison community develops subcultural codes of conduct—the "inmate code"—and informal self-organization mechanisms, which serve to restore a degree of order and predictability (Clemmer, 1940, p. 298; Crewe, 2009, p. 190).

3.5.2 The "Corruption of Authority"

Within this micro-society, custodial staff occupy a structurally ambivalent position. The "corruption of authority" is not limited to criminal practices or monetary bribery; rather, it describes the systematic and progressive deterioration of an official’s disciplinary role, resulting from structural and relational pressures (Sykes, 1958, p. 55). This phenomenon manifests across three dimensions:

A. Structural Precariousness and the Vulnerability of Custodial Staff

The root of this process lies in institutional factors inherent to the state apparatus itself. Historically, prison guards have constituted a marginalized segment of the public sector, characterized by low wages, inadequate training in human rights, and precarious operational conditions (Sykes, 1958, p. 54). This socioeconomic vulnerability erodes the agents' institutional commitment, diminishing the incentives to strictly enforce disciplinary regulations—especially when doing so entails the risk of physical conflict without institutional backing (Liebling, 2004, p. 182). In the Latin American context, low wages and prison overcrowding render the guard the most vulnerable link in the state apparatus, leaving them exposed to professional burnout and co-optation by informal networks (Crewe, 2009, p. 98; Darke, 2018, p. 43).

B. Socio-Relational Pathways to the Erosion of Discipline

At the micro-sociological level, Sykes (1958, pp. 56–61) identified three mechanisms of interaction through which the sanctioning capacity of custodial staff is undermined:

• **Friendship:** Continuous cohabitation in confined spaces eliminates the social distance between custodial staff and inmates. Daily proximity fosters bonds of empathy, making it difficult to

rigorously impose disciplinary sanctions on individuals with whom one has developed affective ties or a sense of camaraderie (Sykes, 1958, p. 56; Crewe, 2009, p. 102).

• **Reciprocity:** This operates according to the logic of pragmatic exchange. Because custodial staff require the voluntary cooperation of inmates to carry out operational tasks—such as cleaning, maintenance, or the management of internal informal economies—they must compromise regarding minor infractions in order to maintain social order within the housing units (Sykes, 1958, p. 57).

• **Default (Omission or Non-enforcement):** This refers to the cumulative erosion of disciplinary firmness. By systematically ignoring initial infractions to avoid friction, the officer becomes trapped in a position of tactical vulnerability: inmates gain the ability to point to the officer's prior negligence should the officer attempt to re-establish formal control, thereby effectively nullifying the officer's institutional legitimacy (Sykes, 1958, pp. 59–60; Sparks, Bottoms, and Hay, 1996, p. 84). From Informal Delegation to the Co-management of Prison Space

While Sykes's classic analysis conceived of the delegation of discipline to individual inmate leaders as a means to prevent riots (Sykes, 1958, p. 58), contemporary literature examines the evolution of this phenomenon toward structures of shared governance or the co-management of prison space.

In various regional penitentiary systems, the state's inability to guarantee minimum standards of habitability and security has led to the *de facto* transfer of internal control to structured criminal organizations, such as the *Primeiro Comando da Capital* (PCC) or the *Clan Rotela* (Dias and Salla, 2013, p. 410). Under this arrangement, state authorities retreat to controlling the external perimeter, abandoning the regulation of daily life within the cell blocks (Antillano, 2017, p. 115). The allocation of cells, the rationing of basic services, the arbitration of conflicts, and the maintenance of internal order fall under the coercive control and administration of these criminal factions (Darke, 2018, p. 45).

Consequently, corruption among authorities ceases to be merely an individual anomaly among prison guards; instead, it becomes an institutional strategy for operational survival, in which the state tolerates the loss of internal sovereignty in exchange for a minimum level of governance and the containment of large-scale violence (Dias and Salla, 2013, p. 415).

3.6 Human Rights-Based Approach (HRBA)

The Human Rights-Based Approach (HRBA) is a conceptual and operational framework rooted in international human rights standards, aimed at the promotion, protection, and practical realization of these rights (OHCHR, 2023, p. 30).

Within the framework of United Nations doctrine, the HRBA reorganizes the dynamics of penitentiary systems and facilities where individuals are deprived of their liberty, centering on two fundamental categories:

1. Rights-holders: Individuals deprived of their liberty. While detention temporarily suspends freedom of movement, it does not negate the enjoyment and exercise of other fundamental rights (such as the right to life, personal integrity, health, and dignified treatment).

2. Duty-bearers: The state and its agents (prison authorities, security forces, judicial bodies), who assume a special position as guarantors for the population in custody.

The Human Rights-Based Approach (HRBA) requires that any state intervention within the prison system must uphold the principles of non-discrimination, participation, accountability, and transparency (OHCHR, 2023, pp. 31, 60).

De jure standards (Nelson Mandela Rules) vs. de facto prison practices

The international normative standard (*de jure*) for the protection of persons deprived of their liberty is codified in the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules). These rules establish strict prohibitions against torture, cruel, inhuman, or degrading treatment, overcrowding, and prolonged isolation (OHCHR, 2023, p. 60).

However, in operational reality (de facto), prison systems often deviate significantly from these frameworks:

Dimension	***De Jure* Standard (Nelson Mandela Rules)**	**De Facto Prison Practice**
Conditions and Treatment	Humane treatment and respect for inherent dignity. Prohibition of cruel or degrading punishment	Critical overcrowding, lack of sanitary conditions, poor nutrition, and widespread degrading treatment

Dimension	*De Jure* Standard (Nelson Mandela Rules)	De Facto Prison Practice
	(Rules 1 and 5).	(OHCHR, 2023, p. 64).
Monitoring and Oversight	Periodic, independent, and impartial inspection of detention centers (Rule 83).	Blocking or restriction of independent inspections and institutional opacity (OHCHR, 2023, p. 64).
Isolation and Sanctions	Strict prohibition of solitary confinement for more than 15 consecutive days (Rule 44).	Arbitrary use of indeterminate isolation as an unregulated disciplinary measure (OHCHR, 2023, p. 64).

This gap between the *de jure* framework and *de facto* practice renders structural violations invisible. In light of this, monitoring mechanisms and visits to places of detention are vital for enforcing compliance with normative standards (OHCHR, 2023, pp. 60, 64).

3. Violation of State Obligations as a Duty-Bearer (Arts. 4 and 5 of the ACHR): Within the Inter-American legal system, the American Convention on Human Rights (ACHR) defines the specific obligations of the state with regard to detainees:

• Article 4 (Right to Life): Obliges the state to respect and guarantee the life of every person under its custody.

• Article 5 (Right to Personal Integrity): Ensures that every person deprived of their liberty is treated with the respect due to the inherent dignity of the human person, and strictly prohibits torture as well as cruel, inhuman, or degrading punishment or treatment.

3.6.1 The Special Position of Guarantor

When the state deprives an individual of their liberty, it exercises total control over their life. Consequently, it assumes a special position as a guarantor. This entails not only a negative obligation (not to torture or kill) but also fundamental positive obligations:

1. Active prevention: Ensuring minimum conditions regarding habitability, health, nutrition, and safety to prevent deaths or physical and psychological harm within penal facilities (OHCHR, 2023, pp. 48, 60).

2. Investigation and impunity: In the event of any death or violation of physical integrity while in state custody, there is a presumption of state responsibility. The state is obligated to conduct *ex officio* investigations, prosecute those responsible, and provide reparation (OHCHR, 2023, pp. 60, 62).

The state's systemic failure to eradicate de facto violent practices within prisons constitutes a direct omission of its obligations as a duty-bearer, resulting in international responsibility for the ongoing violation of Articles 4 and 5 of the American Convention on Human Rights (ACHR).

4 Methodological Framework

4.1 Qualitative Research

The adoption of a qualitative methodology is justified by the need to approach the subject of study from a holistic and contextual perspective. Situated at the intersection of corruption, the institutional framework of prisons, and human rights, this research requires tools capable of capturing the complexity of institutional dynamics, the subjective experiences of the individuals involved, and the structural violations of fundamental rights within the penitentiary system.

4.2 Semi-structured Interviews

In conducting the semi-structured interviews, specific parameters were implemented to protect the identities of the participants. This significantly increased the likelihood that the interviewees would feel secure enough to collaborate.

Given the sensitive nature of topics such as criminal factions, corruption, and illicit extortion, the researcher adhered to ethical considerations, including the "do no harm" principle (Gesne, 2016, p. 159). Before beginning the recording of each interview, it was reiterated multiple times that the process was anonymous and that the data obtained would be used exclusively for this research. Furthermore, it was clarified that participants were entirely free to choose how they responded to the questions.

The language used was framed in the third person and focused on the system, avoiding direct questions—such as, for example, "Do you take bribes?"

4.3 Ethical considerations.

Due to the impossibility of conducting in-person interviews—which would have required travel of over 11,000 km—and taking into account the availability of both the researcher and the interviewees, the Meet platform was used to carry out the interviews. In accordance with Malmö University's regulations regarding the storage of sensitive personal data, the recordings were captured and stored within the university's system (Personuppgifter och etikprövning vid examarbete, Malmö University, 2026). Personal information identifying the interviewees was not included in the recordings or transcripts, and the video files will be deleted once this thesis has been defended.

At the beginning of each interview, participants were informed that they would be recorded, and they provided their consent for this. Furthermore, the interviewees were provided with a consent form—supplied by Malmö University and translated into Spanish—which details how the data will be handled, the purpose for which the information is being collected, and the specific study for which the data will be used (Personuppgifter och etikprövning vid examarbete, Malmö University, 2026).

Participants were guaranteed anonymity; their names were neither recorded nor included in any transcripts or documents. To ensure data clarity, the methodological recommendation for transcription provided by Corrine Glesne was followed. A coding system—using pseudonyms—was employed to identify the interviewees, who are referred to in the transcripts as "Interviewee 1" and "Interviewee 2," respectively (Glesne, 2016, p. 119).

To maintain the safety and privacy of the participants, the interviews were kept anonymous, and descriptions of work activities that could potentially identify the interviewees were omitted. The researcher acknowledges that this may limit the depth of information regarding the interviewees; however, participant safety was prioritized given the sensitive nature of the research.

Before and during the interviews, the researcher applied the principle of respect (Glesne, 2016, p. 159). She explicitly and repeatedly emphasized that participation was entirely voluntary and that participants were under no obligation to answer questions if doing so caused them discomfort or if they simply chose not to respond. One strategy used to build trust and ensure the anonymity of

responses was the employment of a guide—a questionnaire featuring neutral questions focused on structural and institutional issues, rather than on the participants' personal professional performance.

Furthermore, the researcher applied the principle of beneficence, which entails avoiding harm while maximizing potential benefits and minimizing potential risks (Strike, 2006, p. 69). As Glesne (2016, p. 159) notes, “the beneficence principle tends to focus on ensuring that interviewers do not ask questions of such a sensitive nature that they could cause emotional distress, and on protecting the participants' right to privacy so that what they do and say, as recorded by the researcher, does not bring about harm.” This principle centers on ensuring that interviewers do not pose questions of such a delicate nature that they might provoke emotional distress, and on safeguarding the participants' right to privacy, ensuring that their actions and words—as documented by the researcher—do not result in any harm.

At the conclusion of each interview, the researcher expressed her gratitude for the participant's involvement and reaffirmed the confidential nature of the interview.

4.4 Operationalization

In qualitative research applied to the fields of human rights and critical penology, operationalization does not consist of measuring statistical variables or assigning numerical values; rather, it is a process of conceptual and analytical translation. Its objective is to break down abstract theoretical categories—in this case, the Theory of Collective Action (Olson, 1965; Rothstein, 2011), the Corruption of Authority (Sykes, 1956), and the Human Rights-Based Approach (OHCHR, 2023)—into dimensions, analytical descriptors, and units of empirical and institutional evidence.

Given that the thesis’s methodological design combines a literature review, two semi-structured qualitative interviews, and a triangulation process involving official human rights monitoring reports (MNP, IACHR, UN)—thereby ensuring the study’s reliability and validity—the operationalization matrix serves as a methodological bridge between the research questions and the techniques used for data collection and analysis.

ANALYTICAL OPERATIONALIZATION MATRIX

DIMENSION 1: Collective Action

(Macro-Structural Level)

Component	Detail and Empirical Evidence
Sub-dimensiones / Indicadores	**State failure in the provision of basic goods.** **Commodification of fundamental rights.** **Collective survival strategies.**
Analytical Descriptors (Evidence)	**Shortages of food and medical supplies, and widespread, structural unsanitary conditions.** **The imposition of informal fees and charges for space, security, and equipment.** **An understanding of illicit payments as a rational norm for coexistence.**
Data Sources	**Semi-structured qualitative interviews (key stakeholders).** **MNP reports from various years, human rights reports, and academic articles.**
Analysis and Triangulation Technique	**Qualitative Thematic Analysis (Braun and Clarke, 2006).** **Triangulation of Sources: Systematic comparison between the discourse from interviews and the findings from independent monitoring reports.**

DIMENSION 2: Corruption of Authority (Sykes)

(Micro-sociological Level)

Component	Detail and Empirical Evidence
Sub-dimensions / Indicators	**Precarization of labor among custodial staff.** **Mechanisms of normative erosion: Friendship, reciprocity, and**

	omission/default. **Co-governance / Delegation of state functions.**
Analytical Descriptors (Evidence)	**Low wages, a lack of professionalization, and persistent physical threats.** **Toleration of misconduct and illicit income in exchange for maintaining social peace.** **Ceding of territorial control and prison wings to factions (Clan Rotela, PCC).**
Data Sources	**Semi-structured interviews with custodial staff/experts.** **Institutional data from the Ministry of Justice (2025) and IACHR reports (2019, 2023).**
Analysis and Triangulation Technique	**Deductive-inductive coding based on Sykes's pathways.** **Verification of the loss of formal authority, cross-referenced with official records on riots, massacres, and intra-prison violence.**

DIMENSION 3: Impact on Human Rights (HRBA)

(Normative Protection Framework)

Component	Detail and Empirical Evidence
Sub-dimensions / Indicators	**Gap between the *de jure* standard and de *facto* implementation.** **Guarantee of Personal Integrity (Art. 5, American Convention on Human Rights).** **Failure to fulfill the special position of**

Component	Detail and Empirical Evidence
	guarantor (Art. 4, American Convention on Human Rights).
Analytical Descriptors (Evidence)	**Systematic violation of the Nelson Mandela Rules (regarding health, space, and treatment).** **Cruel and inhuman treatment stemming from an inability to pay required fees.** **Risk to life resulting from the state's abdication of its monopoly on security.**
Data Sources	**International treaties (Nelson Mandela Rules, American Convention on Human Rights).** **Reports from the UN Committee Against Torture (2017) and resolutions from the Inter-American Commission on Human Rights (2023).** **Qualitative discourse from the interviews.**
Analysis and Triangulation Technique	**International treaties (Nelson Mandela Rules, American Convention on Human Rights).** **Reports from the UN Committee Against Torture (2017) and resolutions from the Inter-American Commission on Human Rights (2023).** **Qualitative discourse from the interviews.**

4.5 Data analysis

This research employs qualitative thematic analysis, following the methodological phases proposed by Braun and Clarke (Braun and Clarke, 2006, pp. 79–84). This technique allows for the identification, analysis, coding, and reporting of recurring patterns or themes within the empirical material gathered through semi-structured interviews and document review.

The data analysis process was conducted through the following systematic stages:

1. Familiarization with the data: Verbatim transcription of audio interviews into text, followed by repeated readings of the empirical material—alongside key human rights monitoring reports—to achieve a deep grasp of the content. (Glesne, 2016, pp. 184–187)

2. Generation of initial codes: Systematically labeling relevant segments of content across the entire dataset. Text is coded line-by-line, combining inductive and deductive approaches:

- Deductive coding: Based on pre-existing theoretical categories, such as Sykes's pathways to the erosion of disciplinary authority (Sykes, 1956, pp. 258–260; Sykes, 1958, pp. 54–60) and concepts from CAT (informal markets, survival fees, the cost of honesty).
- Inductive coding: Capturing expressions, unanticipated dynamics, and cultural nuances specific to the Paraguayan prison context, as articulated by the interviewees.

3. Searching for and grouping themes: Combining codes into broader potential themes and sub-themes. Aligning these with the operationalization matrix:

◦ **Theme 1:** Corruption as a rational survival strategy and an informal market for basic goods (Collective Action / Olson and Rothstein).

- Theme 2: Labor precarity, loss of authority, and co-governance dynamics (Corruption of Authority / Sykes).
- Theme 3: Normative gaps and systematic violations of state human rights obligations (HRBA / Nelson Mandela Rules and the American Convention on Human Rights).

4. Reviewing and defining themes: Validating that the extracted themes faithfully represent the quotes and excerpts from the interviews, and ensuring their logical coherence with the theoretical framework. Verify whether the themes hold up in relation to the extracted codes and the entire dataset; likewise, refine, split, or discard themes that lack sufficient supporting evidence.

5. Analytical data triangulation: To ensure validity, reliability, and qualitative rigor (Denzin, 1978; Glesne, 2016), source triangulation was employed. Direct accounts from interviewees were cross-referenced and empirically verified against statistical data, reports from independent human rights bodies (MNP, 2025; IACHR, 2023), and specialized literature. This helped mitigate potential individual biases or social desirability bias.

5. Data Analysis

5.1. Data Collection and Sample Characterization

Primary empirical material was collected through semi-structured qualitative interviews, conducted in a secure online environment during September and October 2026 (Glesne, 2016, p. 119). The sample of key participants consisted of two informants with direct technical and operational involvement within the Paraguayan penitentiary system:

• **Participant 1 (P1):** A public official with administrative and direct supervisory responsibilities over individuals deprived of liberty at the Emboscada Penitentiary Complex (COMPLE) (P1, semi-structured interview, 2026).

• **Participant 2 (P2):** A specialist and researcher with the Paraguayan National Mechanism for the Prevention of Torture (MNP), experienced in the inspection and monitoring of human rights across various penitentiary facilities nationwide (P2, semi-structured interview, 2026).

5.2. Challenges, limitations, and triangulation strategy

The fieldwork encountered significant methodological limitations. The geographical distance (over 11,000 km between Sweden and Paraguay) and security constraints prevented direct access to the incarcerated population within the prison units, as those in custody feared reprisals from criminal factions or state agents (Glesne, 2016, p. 159). The same issue arose when exploring the possibility of interviewing individuals with a criminal record who were no longer incarcerated. Furthermore, methodological literature notes that social desirability bias may be present in the accounts provided by prison officials, who tend to downplay rights violations or institutional irregularities (De Campos & Marin Rueda, 2017, p. 208).

To mitigate these limitations and ensure the study’s ecological validity and reliability, a triangulation strategy—incorporating multiple sources and methods—was employed (Denzin, 1978,

p. 291; Braun & Clarke, 2006, p. 82). The testimonies from P1 and P2 were systematically cross-referenced with:

1. Official inspection and investigation reports from the National Preventive Mechanism against Torture (MNP, 2024, 2025, 2026).

2. Reports and findings from international bodies (IACHR, 2023; OHCHR, 2023; UN Committee Against Torture, 2017).

3. Empirical and criminological studies on prison governance in Paraguay (Galeano-Monti & Mena-Martínez, 2025; Martens Molas, 2024).

5.2.1 Other limitations

Another challenge was the language barrier. The interviews were conducted in Spanish—incorporating some expressions in Guaraní—and subsequently translated into English for analysis. Although the researcher is fluent in these languages, it is possible that the translation into English may not have fully captured certain nuances, particularly those in Guaraní, as this language often carries emotional and cultural connotations that are difficult to translate. Nevertheless, this does not affect the results of the analysis, as these were isolated expressions used during the interviews. To mitigate this, verbatim transcriptions of the interviews were produced.

Another limitation to consider was the lack of representativeness of individuals deprived of liberty in the sample collection. Given the amount of material found, this did not affect the study's results.

5.3. Triangulated Thematic Analysis (Empirical Findings)

5.3.1. Theme 1: Corruption as a Collective Action Dilemma and an Informal Market for Survival (Macro-Structural Dimension)

The empirical analysis confirms the hypothesis that corruption within the Paraguayan penitentiary system is not merely a matter of individual ethical lapses—as framed by the principal-agent model—but rather constitutes a collective action problem (Rothstein, 2011, p. 115; Persson, Rothstein, and Teorell, 2013, p. 451). Given the Paraguayan state’s structural failure to ensure the provision of basic goods and services (food, medicine, hygiene supplies, and decent physical space), illicit practices and informal charges become institutionalized as the only rational norm for interaction and survival (Olson, 1965, p. 68; Marquette and Peiffer, 2015, p. 8).

A. State Failure in Providing Basic Necessities

Empirical evidence reveals a chronic deficit in the distribution of essential supplies. P1 states categorically that the state's provision of basic food, healthcare, and personal hygiene items is a "total failure" (P1, semi-structured interview, 2026). P1 explains that, given the food shortages at the Penitentiary Complex (COMPLE), the administration must resort to informal, institutionalized bartering with neighboring facilities:

"Sometimes there's no food. Sometimes, for instance, we engage in exchanges. If COMPLE has 40 bags of flour and the Martín Mendoza [men's prison] has 30 kilos of rice, we trade... We barter in order to survive" (P1, semi-structured interview, 2026).

This lack of budget and infrastructure also extends to basic feminine hygiene products:

"No—sometimes there isn't even toilet paper. Sometimes there are no sanitary pads. Occasionally, we receive donations from the Family Worship Center, an evangelical church. The binational entity Itaipú also provides donations" (P1, semi-structured interview, 2026).

Cross-referencing this with inspections by the National Mechanism for the Prevention of Torture (MNP) confirms that this deficiency is systemic. At the Juana María de Lara Women's Correctional Facility and the Misiones Regional Penitentiary, the MNP found that the supplies of powdered soap and sanitary pads provided every two weeks are woefully insufficient, forcing inmates to rely on assistance from their families or on charity from religious organizations (MNP, 2026a, p. 12; MNP, 2026b, p. 18). Furthermore, sociological literature demonstrates that in male detention facilities such as Tacumbú, the food provided by the state («prison-issue food») is so inadequate that it forces inmates who lack resources to perform menial labor for ward leaders in exchange for a meal of acceptable quality (Galeano-Monti and Mena-Martínez, 2025, p. 54; Martens Molas, 2024, p. 31).

B. The Commodification of Rights and the "Price List" of Corruption

Where the state is absent, a privatized, informal market emerges, in which fundamental rights are transformed into commodities available only for a price (Rothstein, 2011, p. 118; Vega Cabañas, 2022, p. 82). Informant P2 notes that access to basic goods and infrastructure depends on the purchasing power of the incarcerated individual:

"Some areas are much more comfortable... You might find a single person in one space, while other cells hold 20 to 30 people... We've seen 34 people crammed into a cell designed for a maximum of 10... It all comes down to one's ability to 'get things done' with money—regardless of whether that money was obtained legally or illegally. Bringing in certain 'comforts'—televisions, internet access,

phones, or paid television services—is, in itself, an act of corruption" (P2, semi-structured interview, 2026).

Meanwhile, P1 confirms that the organized, illicit fee structures for access to "VIP" cells function as a distribution network for informal rents within the Ministry of Justice:

"Payments are made to the prison director, who then passes the funds further up the chain—all the way to the top of the Ministry. It's an extensive network... It all begins with the prison directors" (P1, semi-structured interview, 2026). This finding aligns with data provided by the MNP in monitoring reports from the Emboscada Penitentiary and the Villarrica Regional Penitentiary, which documented illicit charges for the receipt of packages from families, as well as fees—ranging from 100 to 1,000 dollars per month—imposed by inmate overseers *(capataces)* and prison officials for the allocation of cell space equipped with beds and access to functional sanitary facilities (MNP, 2025a, p. 19; MNP, 2025b, p. 14; Martens Molas, 2024, p. 29). As CAT suggests, corruption in this context functions as a "social trap": when all actors perceive the system to be corrupt, acting honestly entails a survival cost that no individual is willing to bear in isolation (Persson, Rothstein, and Teorell, 2013, p. 456).

5.3.2. Topic 2: Labor precarization, "corruption of authority," and co-governance dynamics (Micro-sociological dimension)

At the micro-sociological level, an analysis of the operational dynamics of prison custody allows for an empirical verification of Gresham Sykes's arguments regarding the collapse of "total power" and the inevitability of the corruption of authority (Sykes, 1956, p. 258; Sykes, 1958, p. 42; Sparks, Bottoms, and Hay, 1996, p. 82).

A. Precarious employment conditions for custodial staff

The disciplinary authority of prison officers is structurally undermined by their working conditions, remuneration, and the risks to which they are exposed. Informant P1 highlights the disparity in pay and rights between contract-based staff and tenured (appointed) staff:

"Contract-based staff earn less than tenured staff, even though the work is the same... I believe a custodial officer currently earns 2,900,000 to 3,000,000—at most 3,500,000 [guaraníes]. But 16% is deducted from that for retirement contributions" (P1, semi-structured interview, 2026).

Compounding this low pay is a critical imbalance in the staff-to-inmate ratio:

“Right now, there are very few prison guards because there is a general shortage of personnel... It’s two or three guards for every 60 to 90 [inmates]... Sometimes, guards are left on their own—managing 60, 80, or even 100 inmates” (P1, semi-structured interview, 2026).

P2 adds to this description by pointing to the arbitrary extension of working hours and the lack of standardized pay:

“Working conditions are extremely precarious, given the level of risk and the number of hours worked. Prison officer shifts are at least 12 hours long... They are paid on a per-shift basis—for a 12-hour workday” (P2, semi-structured interview, 2026). Triangulating findings from the U4/Penal Reform International guide on corruption in prisons and the 2025 Annual Report of the National Preventive Mechanism (NPM) reveals that when prison guards’ salaries fall below the cost of living—and their working hours exceed the physical limits required to maintain control—officers become vulnerable to extortion networks or to "tolerance pacts" with inmates, entered into to ensure their own physical safety (Corruption in Prisons Guide, 2022, p. 14; NPM, 2025a, p. 22).

B. Socio-relational pathways to the erosion of disciplinary authority (Sykes)

Following Sykes’s (1956, pp. 259–261) typology, the loss of formal authority manifests through three relational pathways:

1. Friendship / Proximity: To mitigate hostility and danger within the cell block, guards must set aside the imposing nature of their uniforms. P1 notes that inmates reject the use of balaclavas and tactical gear by officers, compelling the latter to adopt a closer, more empathetic approach: “You have to be their friend rather than their enemy. It’s the way you treat them that they really scrutinize... With them, it’s all about negotiation—every single day involves negotiation” (P1, semi-structured interview, 2026).

2. Reciprocity and Bartering for Peace: Faced with a lack of state-provided resources, officers often pay for goods out of their own pockets in exchange for social peace within the unit. P1 acknowledges this daily practice:

“You say, ‘I’ll bring you your *yerba mate*. I’ll bring you some *yerba* tomorrow’... Or, ‘Tomorrow I’ll bring you some crackers’ or ‘I’ll bring you a bar of soap’... The prison officer covers the cost... It’s essentially a way to safeguard their own physical integrity and security” (P1, semi-structured interview, 2026).

3. Omission / Non-enforcement (Default): This occurs when guards forgo direct disciplinary action, delegating the maintenance of order instead to a bureaucratic system of negative incident reports or formal disciplinary proceedings. P1 explains that, rather than intervening physically, guards file reports that block inmates from obtaining temporary release or sentence reductions, thereby creating a regime of bureaucratic reprisal (P1, semi-structured interview, 2026).

C. Informal delegation and co-governance with criminal factions

When the withdrawal of state authority is profound, the management of order within the cell blocks is transferred to "overseers" *(capataces)*, "corridor bosses" *(pasilleros)*, or organized criminal factions such as the First Capital Command (PCC) or the Rotela Clan (Dias and Salla, 2013, p. 405; Martens Molas, 2024, p. 32). P2 describes how the administration delegates physical control and conflict resolution to informal leaders:

"The inmates... choose—or reach a consensus on—a leader, overseer, or head of the cell block... Authority and the management of that cell block are delegated to the leader... The state, through the prison director, delegates the management and self-governance of that cell block, and [the leaders] impose their own rules" (P2, semi-structured interview, 2026).

P2 illustrates the gravity of this co-governance by recalling a case documented by the MNP (National Preventive Mechanism) at the Itapúa Penitentiary Center (Cambyretá), where criminal factions—which controlled the buying and selling of drugs within the cell blocks—imposed extrajudicial punitive sanctions (such as the amputation of little fingers) on inmates who purchased substances from suppliers not authorized by the overseer. This occurred with the tacit tolerance of prison officers (P2, semi-structured interview, 2026). This transfer of governance confirms Sykes's thesis regarding the "substitution of order": when the official bureaucracy loses its capacity to govern, the informal normative structures of the captives take absolute control of the facility (Sykes, 1958, p. 128; Sparks, Bottoms, and Hay, 1996, p. 84).

5.3.3. Topic 3: Normative Gap and Systematic Violations of the Human Rights-Based Approach (Normative-Structural Dimension)

An analysis through the lens of the Human Rights-Based Approach (HRBA) reveals an incompatibility between actual prison practices and international standards to which the Paraguayan state is a party—such as the Nelson Mandela Rules (UN General Assembly, 2015), the Bangkok

Rules for women prisoners (UN General Assembly, 2010), and the American Convention on Human Rights (OAS, 1969).

A. Abuse of Pretrial Detention and Punitive Hypertrophy

A primary driver of the overcrowding crisis is the systematic use of pretrial detention as a form of anticipatory punishment. Official data from the Ministry of Justice and the National Preventive Mechanism (MNP) confirm that approximately 65.1% of the Paraguayan prison population consists of individuals awaiting trial—without a final conviction—while only 34.8% have received a definitive sentence (Ministry of Justice, 2023; Martens Molas, 2024, p. 25). Participant P2 corroborates this phenomenon, pointing to the failure of public defenders and enforcement judges to process requests for legal safeguards and procedural benefits:

“From the time a case is resolved or steered through the system—including the necessary procedural follow-up—to situations where an individual is already convicted but their procedural benefits are not being properly addressed... ultimately, the mandate to facilitate or guide the process of reintegration is not being fulfilled” (P2, semi-structured interview, 2026). National and international legal literature characterizes this practice as a disproportionate use of pretrial detention that contravenes Article 7.5 of the American Convention on Human Rights (ACHR) and the jurisprudence of the Inter-American Court of Human Rights; it undermines the presumption of innocence and transforms prisons into repositories for the social containment of individuals from vulnerable socioeconomic backgrounds (IACHR, 2011, p. 35; Mendieta et al., 2024, p. 112).

B. Absence of a Gender-Responsive Approach to Mental Health

An analysis using an intersectional perspective reveals that women deprived of liberty (WDL) experience aggravated and distinct violations of their human rights (IACHR, 2023, p. 40; Bangkok Rules, Rules 6–18). P1 highlights the state’s failure to provide specialized healthcare within the Emboscada Complex:

“The operating room, for instance, still cannot be used... because there is a lack of supplies, no surgeon, no anesthesiologist... There are general practitioners and gynecologists, but they aren’t always present” (P1, semi-structured interview, 2026).

Furthermore, P1 describes how a lack of transport and infrastructure undermines the right to health for inmates with serious medical conditions:

“For example, if someone has cancer and needs to undergo a medical test—like a mammogram—a court order is required... Do you provide a vehicle? Yes... But sometimes there isn’t one available... The person misses their appointment. If there’s no vehicle, they aren’t taken” (P1, semi-structured interview, 2026).

Regarding mental health, prolonged isolation and substance withdrawal are addressed through punitive segregation rather than appropriate medical treatment (Mental Health Law No. 7018/2022). P1 explains that in Module 7 (designated for inmates experiencing withdrawal or crises) and in isolation or “prevention” cells, confinement is used as a form of punishment:

“They might stay for 5 days, 6 days, or even a month... They don’t leave that space... They don’t participate in religious services. It’s like a punishment” (P1, semi-structured interview, 2026). Triangulating data with the MNP’s reports on the COMPLE (2026) and the Villarrica Penitentiary confirms that disciplinary confinement in isolation cells for up to 30 days is applied without formalized protocols, without any record of due process safeguards, and without legal representation. This practice openly contravenes the Nelson Mandela Rules (Rules 43–45), which strictly prohibit prolonged solitary confinement—or isolation for more than 15 consecutive days—on the grounds that it constitutes cruel, inhuman, or degrading treatment equivalent to torture (UN General Assembly, 2015; MNP, 2026a, p. 15).

C. The Nullification of the Constitutional Mandate for Social Reintegration

Both the Paraguayan legal framework (Article 20 of the National Constitution) and international treaties establish that the essential purpose of custodial sentences is the rehabilitation and social reintegration of the convicted individual. However, empirical analysis demonstrates that corrupt practices and a lack of budgetary resources completely nullify this mandate. P2 concludes categorically:

"The general conditions are not in place... [nor are] social ties with one's family... ultimately, the objective of facilitating or guiding social reintegration is not being met" (P2, semi-structured interview, 2026).

Meanwhile, P1 notes that administrative staff attempt to organize work-based activities—which allow inmates to earn sentence reductions—but the institutional framework imposes excessive tax and tariff burdens that discourage private investment or technical training within prisons:

"Companies don't want to get involved... because the Ministry demands too much... I believe it requires 15% from the companies" (P1, semi-structured interview, 2026).

This gap between the formal guiding framework and actual implementation is analyzed in public policy literature as an implementation failure or an issue of "evaluability" (Feinstein et al., 2016, p. 39; Rebollo Gómez & Cruz Britez, 2023, p. 32). The Paraguayan state lacks a National Social Reintegration Plan structured as a public policy with budgetary backing, relying instead on fragmented initiatives led by volunteers or NGOs. Consequently, the penitentiary system functions as a space that merely reproduces marginalization, where institutional corruption acts as an informal tax on the exercise of the most fundamental human rights (Sykes, 1956, p. 262; OHCHR, 2023, p. 14).

5.4. Analysis of Semi-Structured Interviews (Modular Analysis and Triangulation)

To operationalize the empirical analysis and address the research problem, the questions from the semi-structured interviews were grouped into three guiding thematic modules. This section breaks down the responses from key participants—P1 (an official with administrative and direct supervisory responsibilities at the Emboscada Penitentiary Complex, or COMPLE) and P2 (a specialist and researcher from the National Mechanism for the Prevention of Torture, or MNP)—and systematically contrasts them with theoretical literature and independent human rights monitoring reports.

5.4.1. Module 1: Working conditions, remuneration, and staff safety

A. Training, induction, and protective equipment

An analysis of the responses regarding staff technical preparedness reveals a structural weakness in training on human rights and protocols for responding to crisis situations. P2 notes that the induction provided to new officers assigned to "mega-prisons" (such as COMPLE, Martín Mendoza, and Minga Guazú) is extremely deficient:

"They mentioned that, in some cases, prison officers received only one or two weeks of training on how the job works... and when we asked about human rights, it was clear they were unfamiliar with any specific features, articles, or relevant protocols" (P2, semi-structured interview, 2026, p. 231).

P2 adds that lower-ranking guards are required to pay for parts of their own uniforms and work gear out of their own pockets (P2, semi-structured interview, 2026, p. 233). Meanwhile, P1 clarifies that administrative staff receive no tactical training; yet, in the event of conflicts or riots, they are forced to intervene—often in an improvised manner—to provide emotional support or medical assistance to vulnerable inmates (P1, semi-structured interview, 2026, pp. 11, 372).

Triangulation with the report on the Minga Guazú penitentiary (MNP, 2025d, p. 27) and the detention monitoring guidelines from U4/Penal Reform International (2022, p. 18) confirms that a lack of ongoing training—covering gender perspectives, the progressive use of force, and peaceful conflict resolution—creates an environment prone to arbitrary actions, the use of pepper spray outside of established protocols, and the mistreatment of the incarcerated population (UN General Assembly, 2015, Rules 74 and 75; MNP, 2025c, p. 19).

B. Salaries, Contractual Disparity, and Precarity

Empirical evidence confirms that the gap between tenured (permanent) and contracted (temporary) staff is a critical factor contributing to demotivation and institutional instability. P1 details the salary gap and the mandatory deductions that reduce the real income of contracted personnel:

“Contracted staff earn less than tenured staff... Custodial staff, I believe, are currently earning 2,900,000, 3,000,000—at most 3,500,000 [guaraníes]. But 16% is deducted from that for retirement” (P1, semi-structured interview, 2026, pp. 15, 102).

P1 notes that tenured staff receive additional benefits not available to contracted staff, such as the Basic Food Allowance (UBA) and a hazard pay supplement of approximately 1,200,000 guaraníes (P1, semi-structured interview, 2026, p. 17). P2 concurs, describing the working conditions of the custodial staff as extremely precarious:

“The lowest salary we’ve heard of is two million guaraníes... Working conditions are extremely precarious, given the level of risk and the number of hours worked. Prison officer shifts are at least 12 hours long... They work for a daily wage based on 12-hour shifts” (P2, semi-structured interview, 2026, p. 509). This scenario of low pay and long working hours validates the hypothesis of Gresham Sykes (1956, p. 258) and the findings of Passamano (2020, p. 19), who argue that when the state leaves its custodial agents in a vulnerable position—with wages below the cost of living—the "temptation of corruption" ceases to be an individual deviation and instead becomes an economic mechanism for wage equalization and subsistence.

C. Staff-to-inmate ratio and logistical barriers

Both P1 and P2 highlight a critical shortage of custodial staff in relation to the number of incarcerated individuals. P1 reports that the ratio in the Emboscada cellblocks is severely disproportionate:

“Right now, there are very few prison officers because there is a shortage of staff across the board... It’s two or three officers for every 60 or 90 inmates... Sometimes, the prison guards are left all alone —with 60, 80, or even 100 inmates” (P1, semi-structured interview, 2026, p. 18).

Compounding this excessive workload are severe logistical deficiencies. P1 notes that staff assigned to the Emboscada penitentiaries lack institutional transport; they must get off public buses and walk more than 30 blocks to reach their workplaces—in areas not served by private transport services like Uber or Bolt (P1, semi-structured interview, 2026, pp. 14–15, 375).

When these accounts are cross-referenced with the Monitoring Report for the Emboscada Vieja Penitentiary (MNP, 2025a, p. 21), it becomes clear that this quantitative deficit of guards makes standardized and secure supervision impossible. Consequently, the state loses its capacity for direct oversight and is forced to tolerate informal arrangements in which control is delegated to others (Sykes, 1958, p. 42; Sparks, Bottoms, and Hay, 1996, p. 82).

5.4.2. Module 2: Governance, Informal Networks, and Internal Management

A. Classification, Allocation of Spaces, and Security Modules

The management of modules and the assignment of cells at the Emboscada Penitentiary Complex (COMPLE) follow a mixed criterion based on the severity of the crime committed and the individual’s level of dangerousness or addiction. P1 explains that the physical structure consists of modules numbered 1 through 8:

“Module 8 is maximum security. That is where, for example, individuals involved in organized crime are held. They do not associate with one another, they do not share cells... they are let out alone, at a specific time, into the yard” (P1, Semi-structured interview, 2026, pp. 23, 110).

Furthermore, P1 notes that Module 7 is designated for female inmates with severe addictions or those undergoing withdrawal (P1, Semi-structured interview, 2026, p. 24). However, P2 points out that in the maximum-security facilities for men (such as Martín Mendoza in Emboscada), recreation —or "time in the sun"—was carried out in a manner that violated human dignity:

“At Martín Mendoza, we observed what they called ‘the ring,’ ‘the chicken coop,’ or ‘the exercise pen’... inmates would be brought out of their cells hooded and handcuffed behind their backs... into a 3x3-meter square space, enclosed by four concrete walls with a metal grate overhead” (P2, Semi-structured interview, 2026, p. 240). This practice of isolation and restricted mobility openly contravenes Rule 47 of the Nelson Mandela Rules, as well as reports from the Committee against Torture (CAT/UN, 2017; MNP, 2025d, p. 27), which prohibit the use of hoods, humiliating restraints, or extreme deprivation of sunlight, as these constitute cruel, inhuman, and degrading treatment.

B. Self-governance dynamics, the assignment of leaders/overseers, and the Itapúa case

Staff shortages and overcrowding lead to the consolidation of self-governance structures within prison wings. P2 details how the informal selection of so-called "overseers" (*capataces*) or "wing leaders" takes place:

"The inmates... choose a leader, overseer, or wing leader by consensus... It depends on factors like seniority and respect... but also on who has the most money—whoever can get you a mattress or a bedsheet, or fix the roof... The person who solves these daily, basic-needs problems becomes the primary leader" (P2, semi-structured interview, 2026, p. 244).

P2 highlights the gravity of this implicit transfer of state authority by recalling the findings of the National Preventive Mechanism (MNP) at the Itapúa Penitentiary Center (Cambyretá):

"Authority and the management of the wing are delegated to the leader... At Itapúa, wing leaders went so far as to amputate the little fingers of individuals who purchased substances [drugs] from another wing... Through the prison director, the state delegates self-governance, and these leaders impose their own rules" (P2, semi-structured interview, 2026, p. 245).

This phenomenon is conceptualized by Martens Molas (2024, p. 32) and Galeano-Monti & Mena-Martínez (2025, p. 54) as a transition from "prisons of misery" to "the jungle"—a state of affairs in which the state’s punitive abdication cedes the monopoly on the use of force to criminal actors, who then impose para-state regimes of discipline and physical punishment.

C. Unwritten Rules and the 'Corruption of Authority' (Sykes): Proximity, Reciprocity, and Bureaucratic Sanctions

An analysis of the daily interaction between guards and inmates provides empirical evidence for the processes of disciplinary erosion identified by Gresham Sykes (1956, pp. 259–261):

1. Proximity / Friendship: Guards must shed their repressive gear to avoid hostility from the cellblock. P1 notes that the use of balaclavas was openly rejected by the female inmates: "Those masks—the balaclavas—they hate that... You have to be their friend rather than their enemy... It’s all about negotiation; every single day involves negotiation" (P1, semi-structured interview, 2026, pp. 13, 15).

2. Reciprocity and 'buying peace': To prevent riots and protect their own physical safety, prison officers often pay for personal items for the inmates out of their own pockets. P1 admits:

"You say, 'I’ll bring you your *yerba mate*. I’ll bring you some *yerba* tomorrow'... Or, 'Tomorrow I’ll bring you a quarter-kilo of crackers,' or 'I’ll bring you a bar of soap'... The officer pays for that themselves... It’s essentially a way to safeguard their own integrity and security" (P1, semi-structured interview, 2026, pp. 16, 149).

1. Mechanism of bureaucratic repression (default): In the new COMPLE model, prison staff frequently resort to the threat of a "negative report" or formal disciplinary record *(sumario)* as a tool for disciplinary control:

"If you do something... they immediately file a negative report against you... It goes into your disciplinary record, stays there for 6 months, and is reported to the sentencing judge... If you were applying for sentence remission or temporary release, it gets denied" (P1, semi-structured interview, 2026, pp. 12, 129).

Triangulation with the MNP (National Preventive Mechanism) report on the Juana María de Lara Correctional Facility (MNP, 2025c, p. 18) demonstrates that the systematic threat of negative reports—combined with a lack of transparent record-keeping—violates the principles of due process and predictability established in the Nelson Mandela Rules (Rules 41 and 42), effectively turning administrative management into an arbitrary instrument of coercion.

D. Criminal factions and 'prevention' / isolation cells

Regarding the presence of organized groups such as the *Primer Comando Capital* (PCC) or the *Clan Rotela*, P1 maintains that the influence of these clans at the Emboscada women's prison has been mitigated through physical separation into different modules: "In Module 7, for instance, the PCC is on the upper floor, and the *Clan Rotela* is on the ground floor... they don't mix, and they don't go out to the yard together" (P1, semi-structured interview, 2026, p. 120). However, P1 reveals the existence of isolation or "prevention" cells:

"It’s a 'prevention' cell... They have a window and a bathroom. People can be kept there for 5 or 6 days—sometimes even a month—without ever leaving... Lunch and breakfast are brought to them. They don't participate in religious services." “It’s like a punishment” (P1, semi-structured interview, 2026, pp. 10, 11).

The use of isolation for periods of up to 30 days without medical supervision constitutes a direct violation of the Nelson Mandela Rules (Rules 43, 44, and 45), which strictly prohibit solitary confinement exceeding 15 consecutive days, as this is classified as torture or cruel treatment (UN General Assembly, 2015; MNP, 2026a, p. 15).

5.4.3. Module 3: Access to basic goods, minimum standards, and impact on human rights

A. State provision of essential supplies, institutional bartering, and 'digital currency'

Budgetary constraints have a direct impact on the most fundamental physiological and health-related needs. P1 describes the state’s provision of food, hygiene products, and healthcare as a "total failure" (P1, semi-structured interview, 2026, p. 20). Given the shortage of provisions at COMPLE, P1 reveals that authorities must resort to bartering between institutions:

"Sometimes there’s no food... If COMPLE has 40 bags of flour and the Martín Mendoza [men’s prison] has 30 kilos of rice, we barter... We trade in order to survive" (P1, semi-structured interview, 2026, p. 152).

Furthermore, P1 confirms that the state does not provide basic feminine hygiene products: "Sometimes there isn’t even toilet paper. Sometimes there are no sanitary pads. Often, what we get are donations from the Centro Familiar de Adoración... or Itaipú" (P1, semi-structured interview, 2026, p. 152).

At COMPLE, the circulation of cash has been eliminated and replaced by state-run canteens that use digital wallets, which are topped up by family members (P1, semi-structured interview, 2026, p. 8; P2, semi-structured interview, 2026, p. 251). However, P1 points out that this system discriminates against low-income inmates: "Not everyone has that option... because you need to have a certain level of economic means to be able to top up an inmate’s account" (P1, semi-structured interview, 2026, p. 9). Triangulating this with MNP reports on the Misiones Penitentiary (MNP, 2026b, p. 18) and the Villarrica facility (MNP, 2025b, p. 11) reveals that state-level scarcity forces impoverished inmates to either consume "slop" (food of abysmal quality that poses a high

health risk) or submit to networks of informal servitude (Martens Molas, 2024, p. 31; Galeano-Monti and Mena-Martínez, 2025, p. 54).

B. Informal market for "VIP cells" and internal tolls

In men’s penitentiaries and older facilities such as Emboscada Vieja, access to decent living conditions remains privatized. P2 points out that access to such amenities is a clear instance of corruption:

"We have clearly identified these so-called 'VIP cells'—much more comfortable areas—where one can bring in various amenities, such as televisions, internet access, telephones, and pay-TV services. These are acts of corruption" (P2, semi-structured interview, 2026, pp. 245, 513).

Meanwhile, P1 describes the hierarchical structure that manages the collection of these illicit revenues:

"Payments are made to the prison director, who then passes the funds further up the chain—all the way to the top of the ministry. It’s an extensive chain... starting with the prison directors" (P1, semi-structured interview, 2026, p. 156).

Additionally, P2 reports the existence of an "internal toll" levied by custodial staff at the gates: "Those who control the gates demand a toll—the infamous 'toll.' It might be 2,000 or 5,000 guaraníes if you want to move from one area to another or go to the medical unit" (P2, semi-structured interview, 2026, p. 249). This practice of charging for access to medical care or the judicial area is documented in the *Special Report on Emboscada* (MNP, 2025a, p. 19), demonstrating that corruption functions as a direct economic barrier to the exercise of fundamental rights (OHCHR, 2023, p. 31).

C. Comprehensive health, gender perspective, and mental health

An analysis incorporating a gender perspective and intersectionality reveals the serious lack of medical care experienced by women deprived of their liberty (Bangkok Rules, Rules 6–18). P1 explains that, although the COMPLE facility includes an infirmary equipped with an operating room and X-ray capabilities, the unit remains inoperative due to a shortage of specialists:

“The operating room cannot be used yet... because there is a lack of supplies, no surgeon, no anesthesiologist... and gynecologists also do not visit consistently” (P1, semi-structured interview, 2026, p. 21).

P1 adds that inmates with complex medical conditions, such as cancer, frequently miss medical appointments due to a lack of ambulances or transport vehicles (P1, semi-structured interview, 2026, pp. 23, 152). Regarding mental health, P2 and the MNP (2026a, p. 12) concur that the institutional response to psychological crises or withdrawal periods is limited to overmedication with psychotropic drugs or punitive segregation in isolation cells—practices that contravene Mental Health Law No. 7018/2022 and the recommendations of the Committee against Torture (CAT/UN, 2017).

D. Nullification of Social Reintegration and Violation of the ACHR, the Mandela Rules, and the Bangkok Rules

Finally, empirical evidence demonstrates that the constitutional mandate for rehabilitation and social reintegration (Art. 20 of the National Constitution of Paraguay) has been completely nullified. P1 highlights the fiscal demands imposed by the Ministry of Justice, which discourage the establishment of private-sector work workshops: "Companies don't want to get involved... because the Ministry demands too much... It asks for 15%, I believe, from the companies" (P1, semi-structured interview, 2026, p. 3). P2 concludes that the penitentiary system operates according to a purely punitive and dehumanizing logic:

"The concept of a 'torturous environment' is real—it is 100% present, a daily occurrence, and institutionalized... The prevailing attitude is: 'You behaved badly, so you deserve the bad things that happen to you'" (P2, semi-structured interview, 2026, p. 513).

This reality highlights an unsustainable gap between the commitments undertaken by the Paraguayan state under the American Convention on Human Rights (ACHR, Arts. 5.1 and 5.6), the Nelson Mandela Rules (Rules 1, 106, and 107), and the Bangkok Rules (Rules 4 and 22). It demonstrates that systemic corruption and institutional precarity have transformed the penitentiary system into a space that reproduces violence and impunity (Rebollo Gómez and Cruz Britez, 2023, p. 37; OHCHR, 2023, p. 60).

Conclusion

The humanitarian crisis within the Paraguayan prison system is not a fleeting administrative failure; rather, it is the direct result of deeply entrenched, systemic corruption. When the state fails to provide for fundamental needs—such as food, healthcare, and decent living conditions—informal and illicit markets emerge to fill the void. In an environment defined by extreme deprivation, participating in networks of illicit payments within prisons ceases to be merely an ethical lapse; it becomes a strictly rational strategy, necessary for basic survival.

At the same time, the severe precariousness of the working conditions for prison staff—characterized by low wages, a critical shortage of personnel, and constant physical risk—inevitably erodes institutional discipline. This vulnerability drives prison officers to enter into transactional arrangements with inmates, ultimately shifting internal territorial control into the hands of organized crime factions. Consequently, the profound gap between formal legal frameworks and the daily operational reality completely undermines the constitutional mandate for social reintegration. Far from functioning as institutions geared toward rehabilitation, these facilities operate as punitive environments where basic human rights are turned into commodities, perpetuating a cycle of marginalization, structural violence, and the abdication of state responsibilities.

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