

21st Session of the UN Commission on Crime Prevention and Criminal Justice
Agenda item 8: Use and application of United Nations standards and norms
in crime prevention and criminal justice, 27 April 2012



Joint NGO Statement of Amnesty International (AI), the Center for Legal and Social Studies (CELS), Conectas Direitos Humanos, the Corporacion Humanas, the Friends World Committee for Consultation (Quakers) and Penal Reform International (PRI)

Under standing agenda item 8 on existing UN standards and norms in the field of crime prevention and criminal justice, including their use and application, Amnesty International (AI), the Center for Legal and Social Studies (CELS), Conectas Direitos Humanos, the Corporacion Humanas, the Friends World Committee for Consultation (Quakers) and Penal Reform International (PRI) would like to stress the importance the organizations ascribe to the process of Review of the UN Standard Minimum Rules for the Treatment of Prisoners (henceforth: Standard Minimum Rules).

In December 2010, the United Nations General Assembly adopted resolution 65/230 with a view to revising the Standard Minimum Rules and to exchange information on best practices, as well as national legislation and existing international law.

As its objective, the resolution provides that the revision of the Standard Minimum Rules is to be undertaken "so that they reflect recent advances in correctional science and best practices", thereby explicitly anchoring a progressive assignment. Independent inspection mechanisms, the safety of prisoners and the prevention of violence as well as reintegration programmes would constitute such "advances in correctional science". Relevant treaties and standards adopted since 1955 should be referenced in a preamble, stating general basic principles governing the treatment of prisoners.

The drafters of the current Standard Minimum Rules were visionary and long-sighted enough to draft, in economically and politically as difficult times as 1955, a set of standards for the treatment of prisoners, which was ambitious at the time and therefore still of value today. However, not surprisingly some 55 years later standards have developed and in several areas the Standard Minimum Rules are not compliant with international human rights standards as they have evolved since.

The Standard Minimum Rules are the key document most often referred to as a primary source of standards and as a blueprint for national prison legislation and regulation. Yet some Rules are dated, failing to reflect advances or to keep up with international human rights standards.

It therefore seems unthinkable that these Rules should pass through a process of review without being amended and supplemented. While a thorough revision of the Rules would be preferable to make the Rules fully reflective of current human rights standards, a number of targeted changes and amendments are the minimum requirement in order to bridge the most unacceptable gaps and discharge the task as instructed by the UN General Assembly in resolution 65/230.

We welcome the draft resolution, which has been put forward to the Commission on Crime Prevention and Criminal Justice by Brazil, Italy and Thailand based on the recommendations of the Open-ended Inter-governmental Expert Group which met in Vienna in January/ February 2012, as a way forward to deliver on this minimal requirement, and call on the members of the Commission to adopt a resolution which includes the following elements:

- The recommendations of the Open-Ended Inter-governmental Expert Group should be endorsed by the UN Commission on Crime Prevention and Criminal Justice;
- The Inter-governmental Expert Group's finding that some areas of the Standard Minimum Rules require review in order to reflect advances since their adoption ought to be reflected in the resolution.
- The resolution should list these areas and they should at least reflect those identified by the Inter-governmental Expert Group in its recommendations of the meeting in January/ February 2012: respect for prisoners' inherent dignity and value as human beings; medical and health services; disciplinary action and punishment, including the role of medical staff, solitary confinement, and reduction of diet; investigation of all deaths in custody, as well as any signs or allegations of torture or inhuman or degrading treatment or punishment against prisoners; protection and special needs of vulnerable groups deprived of their liberty, taking into consideration countries in difficult circumstances; the right of access to legal representation; complaints and independent inspection; the replacement of outdated terminology; and training of relevant staff to implement the Standard Minimum Rules;
- The Commission should extend the mandate of the Open-ended Inter-governmental Expert Group to enable more detailed discussion on the revision of the Standard Minimum Rules.

Moreover, as overcrowding has been identified as "a critical challenge to the proper rehabilitation of prisoners and to the implementation of the Standard Minimum Rules", we welcome the recommendation in para. 10 of the draft resolution to reduce overcrowding and pre-trial detention.

Amnesty International (AI), the Center for Legal and Social Studies (CELS), Conectas Direitos Humanos, the Corporacion Humanas, the Friends World Committee for Consultation (Quakers) and Penal Reform International (PRI) particularly welcome the commitment of the Government of Argentina, declared at the Inter-Governmental Expert Meeting in Vienna, to host the next meeting of the Expert Group.

Non-governmental Organisations play a supportive role in the work of the Commission generally and have contributed ideas to the discussions on the Standard Minimum Rules. NGOs provide a unique perspective on the application of norms and standards to prison management, informed by wide ranging expertise and access to the voices of detained people. Together with other NGOs we appreciate the opportunity provided by the Commission and Member States to participate, trust that the fruitful relationship will continue and are looking forward to contributing constructively to the future process.

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Promoting penal reform worldwide

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