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Use and application of United Nations standards and norms in crime prevention and criminal justice

Work of the Expert Group on the Standard Minimum Rules for the Treatment of Prisoners

Report of the Secretariat

I. Introduction

1. The General Assembly, in its resolution 65/230, entitled “Twelfth United Nations Congress on Crime Prevention and Criminal Justice”, requested the Commission on Crime Prevention and Criminal Justice to establish an open-ended intergovernmental expert group to exchange information on best practices, as well as national legislation and existing international law, and on the revision of existing United Nations standard minimum rules for the treatment of prisoners so that they reflect recent advances in correctional science and best practices, with a view to making recommendations to the Commission on possible next steps.

2. With a view to preparing the ground for the discussion during the meeting of the Expert Group on the Standard Minimum Rules for the Treatment of Prisoners, a number of consultations with international experts were organized in the course of 2011, including a high-level expert group meeting held in Santo Domingo from 3 to 5 August and an expert group meeting held in Vienna on 6 and 7 October. In addition, on the margins of a meeting organized by the World Health Organization on health in prisons, held in Abano Terme, Italy, on 4 and 5 October 2011, technical consultations took place to prepare comments on rules 22-26, 32, 52 and 82 of the Standard Minimum Rules for the Treatment of Prisoners.¹ The Secretariat also

* E/CN.15/2012/1.

¹ *Human Rights: A Compilation of International Instruments*, Volume I (First Part), *Universal Instruments* (United Nations publication, Sales No. E.02.XIV.4 (Vol. I, Part 1)), sect. J, No. 34.



requested Member States to provide information on best practices, as well as national legislation and existing international law, and on the revision of existing United Nations standard minimum rules for the treatment of prisoners.

3. The meeting of the Expert Group on the Standard Minimum Rules for the Treatment of Prisoners was held in Vienna from 31 January to 2 February 2012. The meeting was opened by the Chief of the Justice Section, Division for Operations, United Nations Office on Drugs and Crime (UNODC). The Expert Group considered both the exchange of information on best practices, as well as national legislation and existing international law, and on the revision of existing United Nations standard minimum rules for the treatment of prisoners.

4. The meeting was attended by experts from the following 52 Member States: Angola, Argentina, Austria, Azerbaijan, Belgium, Brazil, Canada, China, Colombia, Costa Rica, Côte d'Ivoire, Cuba, Dominican Republic, Ecuador, Egypt, El Salvador, Finland, France, Germany, Iran (Islamic Republic of), Israel, Italy, Japan, Lebanon, Malaysia, Mexico, Morocco, Mozambique, Netherlands, Nicaragua, Nigeria, Pakistan, Peru, Philippines, Poland, Romania, Russian Federation, Serbia, Slovakia, South Africa, Spain, Sweden, Switzerland, Syrian Arab Republic, Tajikistan, Thailand, Turkey, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United States of America, Venezuela (Bolivarian Republic of) and Zimbabwe.

5. The Department of Peacekeeping Operations of the Secretariat, the Office of the United Nations High Commissioner for Human Rights and the United Nations Office for Project Services were represented at the meeting. The following institutes of the United Nations crime prevention and criminal justice programme network were represented at the meeting: United Nations Interregional Crime and Justice Research Institute; African Institute for the Prevention of Crime and the Treatment of Offenders; International Scientific and Professional Advisory Council; and Raoul Wallenberg Institute of Human Rights and Humanitarian Law.

6. The Council of Europe, the European Union and the International Committee of the Red Cross were represented at the meeting. The following 13 non-governmental organizations in consultative status with the Economic and Social Council were represented at the meeting: Academic Council on the United Nations System, Amnesty International, Asia Crime Prevention Foundation, Association for the Prevention of Torture, Conectas Direitos Humanos, Friends World Committee for Consultation, International Commission of Catholic Prison Pastoral Care, International Corrections and Prisons Association for the Advancement of Professional Corrections, International Rehabilitation Council for Torture Victims, Mental Disability Advocacy Center Foundation, Open Society Institute, Penal Reform International and World Network of Users and Survivors of Psychiatry. Five individual experts participated in the meeting.

7. Eduardo Vetere (Italy) was elected Chair, Julio Cezar Zelner Gonçalves (Brazil), Alina Barbu (Romania) and Lucky Mthethwa (South Africa) were elected Vice-Chairs, and Vongthep Arthakaivalvatee (Thailand) was elected Rapporteur.

II. Recommendations*

8. The Expert Group on the Standard Minimum Rules for the Treatment of Prisoners agreed on the recommendations presented below, for submission to the Commission on Crime Prevention and Criminal Justice at its twenty-first session for consideration and further action.

9. There was general agreement that the Standard Minimum Rules for the Treatment of Prisoners had stood the test of time and were universally acknowledged as the minimum standards for the detention of prisoners. There was also a consensus that any changes to the Rules should not lower any of the existing standards.

10. Bearing that in mind, the Expert Group recognized a need for some areas of the Standard Minimum Rules to be reviewed, and it identified the following preliminary areas for possible consideration in order to ensure that the Rules reflected recent advances in correctional science and best practices:

- (a) Respect for prisoners' inherent dignity and value as human beings;
- (b) Medical and health services;
- (c) Disciplinary action and punishment, including the role of medical staff, solitary confinement and reduction of diet;
- (d) Investigation of all deaths in custody, as well as any signs or allegations of torture or inhuman or degrading treatment of prisoners;
- (e) Protection and special needs of vulnerable groups deprived of their liberty, taking into consideration countries in difficult circumstances;
- (f) The right of access to legal representation;
- (g) Complaints and independent inspection;
- (h) The replacement of outdated terminology;
- (i) Training of relevant staff to implement the Standard Minimum Rules.

11. The Expert Group recommended continuing to exchange best practices, including on technical assistance, as well as to identify and share experiences in facing the challenges to implementing the Standard Minimum Rules.

12. The Expert Group also recommended the continuation of its work, pursuant to General Assembly resolution 65/230. At the end of the meeting, the expert from Argentina declared that his Government was willing to host the next meeting of the Expert Group.

* The recommendations should be considered in the context of the deliberations of the meeting of the Expert Group, which are reflected in the report on the meeting (UNODC/CCPCJ/EG.6/2012/1).