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**Expert Group Meeting on the Standard
Minimum Rules for the Treatment of Prisoners
Buenos Aires, 11 to 13 December 2012**

**Summaries of replies from Member States to the Notes Verbales
of 8 March 2011 and 11 September 2012**

Conference Room Paper prepared by the Secretariat

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The Secretariat received 34 replies to the Note Verbale of 8 March 2011 (CU/2011/26) requesting information on the issue raised in operative paragraph 10 of General Assembly resolution 65/230 entitled 'Twelfth United Nations Congress on Crime Prevention and Criminal Justice'. The following countries reported on their respective national legislation and best practices on the treatments of prisoners as well as on the revision of the Standard Minimum Rules: Argentina, Austria, Bahrain, Belgium, Brazil, Canada, Chile, China, Congo (Republic of), Denmark, Ecuador, El Salvador, Egypt, Estonia, Finland, Germany, Guatemala, Israel, Italy, Japan, Jordan, Lebanon, Mauritius, Mexico, New Zealand, the Philippines, Romania, South Africa, Switzerland, Thailand, Ukraine, the United Arab Emirates, the United Kingdom of Great Britain and Northern Ireland and the United States of America.

As at 30 November 2012, the Secretariat had received 10 replies to the Note Verbale of 11 September 2012 (CU 2012/157/DO/JS) requesting information on the issue raised in operative paragraphs 5, 6 and 14 of ECOSOC resolution 2012/13 of 27 July 2012 entitled 'Standard Minimum Rules for the Treatment of Prisoners'. The following countries reported on their respective national legislation and best practices on the treatments of prisoners as well as on the revision of the Standard Minimum Rules: Argentina, Algeria, Bahrain, Finland, Germany, Japan, Jordan, New Zealand, and Switzerland. The Secretariat also received a reply from the Permanent Observer Mission of Palestine to the United Nations (Vienna).

Replies to the Note Verbale of 8 March 2011 and subsequent reminder

A few countries commented on the revision of the Standard Minimum Rules in order that they reflect recent advances in correctional science and best practices. In reporting on its prison policies, Denmark observed that its national law had gone beyond the provisions of some of the Rules. For example, and as regards Rule 8 (d), Denmark suggested replacing the wording with that of Art. 37 (c) of the Convention on the Rights of the Child. Finland stated that only those Rules which were clearly outdated needed to be revised and that an assessment should identify areas requiring new provisions. It also expressed the concern that drawing a new binding international convention might lower the standard of the current Rules.

New Zealand would like to see the Meeting establish a process for the review of the Rules so that Member States can contribute effectively. Although most of the material in the Rules remains relevant and important, a targeted review with amendments was supported, for example, in the area of outdated terminology and concepts. South Africa also supported an approach focusing on targeted amendments to the Standard Minimum Rules (terminology, additional protection for vulnerable groups, etc.), but was opposed to expanding the definition of 'prisoner' to include all persons in detention. The United States of America indicated that the Rules should take into account the issue of women in prison and, as a minimum, refer to the Bangkok Rules. The Rules were considered as impressively advanced and the current global financial crisis might make this a difficult time to discuss their revision.

A large number of reporting countries, including Austria, China, Congo, Finland, Japan, Mauritius, Mexico, New Zealand, South Africa and the United Kingdom, indicated that their national legislation on the treatment of prisoners was based on, or had been greatly influenced by the Rules. However,

persistent problems in the application of national provisions were mainly due to chronic overcrowding in many prisons and insufficient prison infrastructures.

Among the national good practices highlighted in the replies, Argentina reported that overcrowding in the Federal Prison Service had been successfully overcome by the end of 2007 through the development of space allocation parameters, taking into account the recommendations of the International Committee of the Red Cross, and better distribution of the prisoners. Austria was devoting particular attention to the possibility of allowing prisoners to work and reported some fifty different categories of employment in its prisons. Belgium had introduced regular family visits for all prisoners, with special emphasis on strengthening parental bonds with children. In Brazil, a public defender provided prisoners with full and free legal assistance and also bore the responsibility for regulating the enforcement of sentences. Canada referred to the implementation of a new model of training in community supervision (Strategic Initiative in Community Supervision). Day reporting centres were developed in 2008 to provide services to offenders placed under community supervision and to ensure their accountability taking into account their risk level. Chile had introduced the ‘11 measures to restore dignity’ addressing various prisoners’ basic needs, such as living conditions, hours spent outside the cell, spiritual assistance, as well as improving care and health service in emergency situations in prisons. China reported on its measures to prevent torture.

The Republic of Congo reported on the introduction of new provisions in the organization of the ‘Direction générale de l’administration pénitentiaire’ as the main entity in charge of effectuating sentences with a view to promoting and supporting the social reintegration of offenders (Decree nr. 2011-494 of 29 July 2011). The recreational and educational activities proposed for prisoners were inspired by the relevant recommendations by the United Nations and the African Union. Ecuador elucidated its ‘Modelo de Atención Integral’ for persons deprived of their liberty, which has as its objectives improving the quality of life in the centres for social rehabilitation and to enhance the individual capacity of each person deprived of his/her liberty to reintegrate into society. Estonia referred to the Drug Rehabilitation Unit in Tartu Prison and cooperation with the non-governmental organization ‘Convictus Estonia’ on group work activities on drug misuse and HIV/AIDS. In particular, the practice of HIV testing and the medical aid available to HIV positive patients in prison settings earned Tartu Prison the Best Practice Award of the World Health Organization in 2003. Germany has introduced an enhanced programme of e-learning in prisons, which proved highly beneficial to large numbers of prisoners with educational shortcomings, particularly as it permits an individual pace of learning.

In Guatemala, older prisoners are identified and registered with a view to providing them with special care responding to their health requirements. In 2007 the Supreme Court of Israel declared that the State must provide a bed to every prisoner held in an Israeli prison. In its decision, the Court stated that the right to sleep on a bed is a minimum standard of living and dignity. Italy reported on a pilot project for offenders between 18 and 34 years of age, based on voluntary commitments to undertake defined educational and work activities and to respect internal rules. The project (‘Progetto Giovani’) was open to low risk first offenders and aimed at their social reintegration. In Jordan, great attention has been devoted to the selection and training of staff in charge of prisoners’ care and rehabilitation programmes. Rehabilitation programmes address the needs of various categories of offenders (e.g. the elderly, wealthy, addicts, illiterate, etc.).

Lebanon indicated that efforts were being made to eradicate illiteracy among prisoners and that it was possible to pursue higher studies in prison. The Philippines reported on the introduction of “e-dalaw”

services whereby prisoners can communicate with their families through teleconferencing. Romania referred to its Law No. 275 on the enforcement of punishments and of measures ordered by judicial bodies during criminal proceedings (2006), which is in line with European Prison Rules and European jurisprudence. It further shared material on a variety of rehabilitation programmes implemented in its prison system. El Salvador has introduced new treatment programmes for prisoners addressing, for example, conflict resolution and emotional self-control. In South Africa, the Department of Correctional Services has implemented a multipronged strategy against prison overcrowding, involving, *inter alia*, improved use of conversion of sentence to alternatives, enhancing community correctional supervision and encouraging national debate about reasons for incarceration as a sentence. Switzerland recently revised its Penal Code to include new provisions according to which work in prison and the participation in training courses are considered to be of equal value for the purpose of rehabilitation. In the United Arab Emirates, all medical services and medication are provided free of charge to prisoners, including surgical procedures. The United Kingdom emphasized its programmes for the prevention of suicide, self-harm management, as well as violence reduction.

Replies to the Note Verbale of 11 September 2011

Algeria reported its views on the preliminary areas identified for possible consideration in ECOSOC resolution 2012/13, which included support for: strengthening measures to protect the human dignity of prisoners, e.g. in the context of body searches or prisoners with terminal illness (area (a)); providing medical services free of charge through permanent health services able to respond to medical emergencies at any given time (area (b)); the adherence of any disciplinary measure to the rights of prisoners with regards to hygiene, food, bedding, and medical services as well as access to appeal mechanisms and legal counsel (area (c)); systematic judicial investigations of all deaths in custody, including through autopsies (area (d)); particular access of non-governmental organizations as well as the ICRC to vulnerable prisoners in case of internal conflict or other comparable circumstances (area (e)); a general right of prisoners to legal representation (area (f)); access of prisoners to complaints procedures and a system of prison visits through national and international bodies, including the distribution of inspection reports (area (g)); replacing outdated terminology (area (h)); and providing multi-disciplinary training to prison staff, including human rights, communication, management, first aid, etc., (area (i)).

Argentina expressed its support for examining the preliminary areas identified for possible consideration in ECOSOC resolution 2012/13 with a view to bringing the Standard Minimum Rules in line with contemporary international standards and norms, provided that any revision would not result in lowering existing standards. More specifically, Argentina emphasized the need for: a principle of ‘inclusion’ to be reflected more prominently, including with regards to work, education, and leisure activities (area (a)); providing prisoners with access to specialized health services in close coordination with the public health system (area (b)); elaborating on the situation for which disciplinary punishment is prescribed, and always subjecting such measures to judicial control (area (c)); investigating all deaths in custody as well as all signs of torture or other ill-treatment, including through external inspection mechanisms (area (d)); introducing explicit provisions on prisoners with disabilities (area (e)); granting prisoners access to legal aid, also in light of prison overcrowding (area (f)); examining whether certain terminology, such as “reintegration” is in line with contemporary concepts of social science (area (h)); providing training to prison staff, including on the protection of human rights (area (i)).

Bahrain reported on the deposit and accounts system introduced in its prison administration in order to safeguard cash flows and in-kind property of inmates in Reform and Rehabilitation Centres, as well as to curb smuggling of forbidden items. More specifically, prisoners are provided with an account upon admission as well as with respective cash cards which they can use for financial transactions, such as purchasing items from the shop/canteen, which is in place in each centre. Family members and other visitors are not allowed to pass on food, clothes and hygiene items during visits. Overall authority for the management of the account system lies with the Finance Affairs Department within the Ministry of Interior. Inmates' belongings are kept in bags that are closed with plastic locks with serial numbers in the presence of the inmates, and returned upon their release.

Finland reiterated its view that the revision of the Standard Minimum Rules should be assessed carefully. Only the Rules that are clearly outdated should be modified, while the Rules in total should not be revised. Drafting a new international convention is not required, as such an instrument might in fact lower the standard of the current Rules. Finland also stressed that the general aim of its criminal policy in recent years has been to shift the emphasis from penalties through imprisonment to community sanctions using, in particular, monitoring with the help of electronic equipment. A larger proportion of sentences are served in open prisons and parole is widely used, together with supervised probationary freedom. A sentence plan is drawn up for each prisoner to structure time spent in prison and to prepare the offender for return to society. A release plan ensures that the prisoner has access to support systems in society. Great importance is attached to the prisoner's connection to civilian life, including with his or her family. Activities available in prisons consist of work, education and other activities to facilitate the prisoner's social reintegration, such as alternative conflict resolution.

Germany mentioned the European Union funded learning network with 40 European partners which aims to reduce recidivism rates by developing clear guidelines for schooling, vocational training and employment of (ex) offenders. The Berlin Declaration on the Reintegration of Offenders and Ex-Offenders, adopted in June 2012, was considered a useful document for the prison systems of other countries. It pursued two objectives: at the political level, law enforcement and the penal system should promote and support reintegration strategies in prisons; and at the practical and operational level, appropriate measures should be developed for rehabilitation. It was important to design a systematic policy, involving not only the judicial services, but also law enforcement, probation, employment and social services, third sector organizations, education and training agencies, debtors' advisory centres, drug treatment facilities and local communities. Inter-agency networking, exchange of knowledge and good practice and the development of evaluation methodologies were other important elements highlighted in the Berlin Declaration.

Japan acknowledged that even without revision the standard minimum rules for the treatment of prisoners remain the universally acknowledged minimum standards for the treatment of prisoners.

Jordan emphasized its progress regarding the treatment of prisoners in line with international standards and norms. With a view to further strengthening the compliance of its legislative framework with international best practice, law no. 9 (2004) on Reform and Rehabilitation Centres (RRCs) and other relevant legislation are currently being reviewed. Consideration is also being given to a transition of the prison administration from the Ministry of Interior to the Ministry of Justice. The importance of qualified and skilled prison staff was highlighted, and reference was made to comprehensive training curricula tailored to different audiences. Further, and in order to ensure a sufficient and suitable infrastructure, new RRCs have been constructed in parallel with the renovation of existing centres. Prison-based rehabilitation programmes, re-entry assistance, and after-care services have been

diversified, and are often implemented in cooperation with line ministries and other relevant stakeholders. Further reform efforts include an active outreach to the media and the general public in order to raise awareness and to increase transparency. As regards monitoring and inspection mechanisms, Jordan referred to, *inter alia*, the National Centre for Human Rights, which is entitled to undertake both announced and unannounced visits to Reform and Rehabilitation Centres.

New Zealand reported on national efforts to give effect to various areas of concern in the Standard Minimum Rules. As regards health and the well-being of prisoners, all prisons across the country became smoke-free in 2011, and provide support for prisoners and staff to break their smoking habits. Further, high dependency units were established for prisoners with complex health needs, and a mental health screening tool in men's prisons was developed, accompanied by respective support services for prisoners at risk. All prison-based health centres are being assessed against externally developed national criteria to ensure equivalence of care. As regards the rehabilitation and reintegration of prisoners, New Zealand elaborated on its efforts to provide for the special needs of inmates of Maori origin, including through culturally sensitive programmes and partnerships with Maori community groups. Education and employment schemes in prisons were strengthened through open days to allow industry leaders and local employers to observe prisoners participating in training and work experience activities. Prisoners with the appropriate security level are further allowed to work outside the secure perimeter of prisons in jobs that may provide employment upon their release.

Switzerland drew attention to two Council of Europe recommendations to be taken into consideration by the Expert Group, i.e. Rec(2006)2 of the Committee of Ministers to member states on the European Prison Rules and CM/Rec(2012)5 of the Committee of Minister to member states on the European Code of Ethics for Prison Staff.

The Permanent Observer Mission of Palestine to the United Nations (Vienna) reported on the adherence of its Law No. 6 concerning Reform and Rehabilitation Centres (1998) to the Standard Minimum Rules and other prison-related international standards and norms. More specifically, it highlighted the abolition of corporal punishment in the law as well as the establishment of health clinics in each prison. Persisting challenges in fully implementing the Standard Minimum Rules were related to, *inter alia*, insufficient infrastructure and equipment as well as inadequate medical care and medicines.