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**EXPERT GROUP MEETING ON THE STANDARD MINIMUM
RULES FOR THE TREATMENT OF PRISONERS
BUENOS AIRES, 11 – 13 December 2012**

Views and Comments of the United States on the Review of the United Nations Standard
Minimum Rules for the Treatment of Prisoners¹

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VIEWS AND COMMENTS OF THE UNITED STATES ON THE REVIEW OF THE UNITED NATIONS
STANDARD MINIMUM RULES FOR THE TREATMENT OF PRISONERS

The United States takes this opportunity to thank the United Nations Office on Drugs and Crime (UNODC) for its invitation to submit views and comments on the review of the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Rules).

The United States believes that the Rules are a valuable set of general rules by which to manage correctional systems and facilities. The United States recognizes that some areas of the Rules “[sh]ould be reviewed so that the Rules reflect the latest advances in correctional science and good practices,” and believes that good-faith efforts to update the Rules should be limited in scope, remain consistent with the agreed purpose of the group’s limited mandate, and retain the essential generality, flexibility, and practicality that have made the Rules a useful reference for practitioners for over half a century.

- The United States agrees that there is room for improving and updating the Rules. We encourage the participants in the Expert Group meeting – corrections, legal and human rights experts, and representatives of member states and invited non-governmental organizations -- to approach their responsibilities with a narrow focus that ensures adherence to the intent of the Rules. Some of the terminology and a few of the provisions within the Rules are out-dated and in certain cases no longer appropriate. Given how long it has been since the Rules were revisited, the United States believes that even this limited approach will likely require extensive input and much discussion. We caution against attempts to more fundamentally alter the wording, purpose, or nature of the Rules. Based on the prior experience of our experts, such efforts are likely to bog this effort down in unnecessary and unproductive deliberations.
- We can avoid such pitfalls by recalling the General Assembly’s request to the UN Crime Commission was to establish this expert group “with a view to making recommendations to the Commission on possible next steps.” With the understanding that experts can disagree, the United States underscores the need for these discussions to be respectful and consensus-driven. The United States believes that the need for updates to reflect modern science, technology, and terminology should be relatively uncontroversial. We are concerned that diversions -- such as efforts to selectively insert language from other instruments in order to highlight those instruments, to apply agreed-upon language to inapplicable situations changing the context, or to add references citing external processes only applicable to specific locations -- have the potential to embroil the group in discussions concerning issues where member states and interest groups may have widely divergent views. Given the limited time available to the group, we recommend that the experts and other participants concentrate their efforts on those areas where there is broad agreement so that the time can be spent more productively identifying revisions that will be of practical benefit for the users of the rules. The United States encourages the participants of the inter-governmental expert group to focus on the tasks defined in the 12th UN Congress on Crime Prevention and Criminal Justice.

- The United States reiterates its position in support of the outcomes of the **12th UN Crime Congress** that the Rules must maintain their status as guidelines broad enough to endure generational changes and remain useful around the globe. The United States believes the Rules “have stood the test of time and . . . remain the universally acknowledged minimum standards for the detention of prisoners” in part because they provide useful benchmarks against which to measure the treatment of prisoners and the management of institutions, while also acknowledging the diversity of legal, social, economic and geographical realities exhibited around the world, as well as the constantly evolving nature of the field of corrections management. The generality and flexibility of the Rules add to their value as guidelines for the international community.
- Finally, the United States underscores the value the Rules provide to practitioners around the world, as well as those who seek to improve the management of prison facilities and the treatment of prisoners by working with practitioners. Recognizing this, the United States further encourages participants to provide recommendations that ensure that the Rules remain simple, clear, and easy to practically translate into practice or guidance.