

24th Session of the UN Commission on Crime Prevention and Criminal Justice:

Agenda item 6: Use and application of United Nations standards and norms in crime prevention and criminal justice



Joint Oral Statement under Agenda item 6

American Civil Liberties Union (ACLU), Amnesty International (AI), the Center for Legal and Social Studies (CELS), Conectas Derechos Humanos, the Corporación Humanas, the International Commission of Catholic Prison Pastoral Care (ICCPCC), the Friends World Committee for Consultation (Quakers) and Penal Reform International (PRI)

Vienna, 21 May 2015

Dear Chair,
Distinguished delegates,

Thank you for giving us the opportunity to address this meeting.

The American Civil Liberties Union (ACLU), Amnesty International (AI), the Center for Legal and Social Studies (CELS), Conectas Derechos Humanos, the Corporación Humanas, the Friends World Committee for Consultation (Quakers) and Penal Reform International (PRI) submit this statement as non-governmental organisations who support the ‘targeted revision’ of the UN Standard Minimum Rules for the Treatment of Prisoners.

The major developments in criminal justice and human rights standards in the last six decades have resulted in unacceptable flaws and gaps in the SMR.

These gaps and inconsistencies with modern standards are even more problematic given that the SMR are often referred to as a primary source of standards relating to treatment in detention. In many jurisdictions, the SMR are the only standard available, and in other countries the Rules are used as the “blueprint” for national prison rules.

From our work with detainees and with prison administrations we experience the challenges that an outdated set of standards represents.

The revision of the UN Standard Minimum Rules for the Treatment of Prisoners is therefore urgent, and also constitutes a historic opportunity.

The undersigned organisations have participated in the open-ended intergovernmental expert group meetings between 2012 and 2015 and have contributed their expertise and experience to the process from its outset.

We have also reiterated that any changes must not lower existing standards and that, if the SMR still hold value after sixty years, it is because the drafters were visionary and far-sighted, in times which were no less difficult economically and politically than today.

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While a number of recommendations provided by NGOs and academics have not been accepted in the text now proposed as “Revised Standard Minimum Rules” and negotiated text was inevitably often a result of compromise, overall we welcome the text agreed by the 4th IEGM in Cape Town, South Africa in March this year.

However, we are disappointed, for instance, that provisions on the use of force have not been updated.

We would have also liked to see the inclusion of a preamble in the very text of the SMR which - at a minimum – would have referenced other international instruments that continue to supplement the SMR, such as the UN Bangkok Rules, the UN Basic Principles on the Use of Force and Firearms, and the UN Principles and Guidelines on Legal Aid in Criminal Proceedings. We believe that such a preamble would have improved awareness on the part of prison administrations and would have made it easier for them to identify other, more detailed standards which continue to supplement the SMR.

Despite these shortcomings, we believe that the revised text will constitute a significant improvement to the Standard Minimum Rules. It will provide greater protection for persons deprived of liberty, but also deliver more up-to-date guidance and hence legal certainty to prison administrations and prison staff.

We therefore call on Member States to mark this historic opportunity, finalise the process of SMR Review and adopt the revised Standard Minimum Rules according to the recommendations of the inter-governmental Expert Group, and transmit them for final adoption by the UN General Assembly.

Lastly, we strongly support the proposal to honour Nelson Mandela by naming the revised Rules the ‘Mandela Rules’.

Thank you for your attention!

End./