

22nd Session of the UN Commission on Crime Prevention and Criminal Justice

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



JOINT NGO STATEMENT

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 (ICPPC), the Friends World Committee for Consultation (Quakers) and Penal Reform International (PRI)

The 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 (ICPPC), 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. We appreciate the opportunity to comment on the process.

The Standard Minimum Rules are a benchmark for the treatment of incarcerated persons and a blueprint for national prison legislation and regulation. We believe that consistent with the aims of revision and the UN General Assembly resolution it is based on, changes to the Rules should articulate the needs and rights of prisoners and changes to the Rules should reflect developments in international human rights law and standards applicable to prisoners. We welcome the strong consensus on the principle that no change to the Rules should lower any of the existing standards.

The Intergovernmental Expert Group Meeting (IEGM) in Buenos Aires, hosted by Argentina in December 2012, made significant progress. The IEGM strengthened the consensus that revision is necessary, and it showed a growing confidence that agreement can be reached on the changes required. The IEGM also took the first steps in identifying themes on which consensus is within reach and issues on which further discussion is needed.

Representatives of civil society provided input, in advance of the Buenos Aires IEGM, and made concrete suggestions for changes which would bring the Standard Minimum Rules into line with more recent UN instruments and advances in penal practice. The 'Essex Paper', produced by 30 independent experts, provides a wide-ranging overview of the themes adopted by the Commission on Crime Prevention and Criminal Justice at its 21st Session. The 'Essex Paper', which is available in Arabic, English, French, Russian, and Spanish, proposes revised text for each theme, which would reflect current international standards and norms with a detailed rationale.

A paper submitted by the Friends World Committee for Consultation (Quakers) and PRI focused on the importance of safety in prison, drawing on the application of conflict resolution to reduce the risk of violence.

Amnesty International submitted a paper on the importance of explicitly prohibiting discrimination against prisoners on grounds of sexual orientation and gender identity. The ACLU elaborated on more robust protection from the use of long-term solitary confinement.

The spirit of the IEGM demonstrated a working partnership between Member States, the Sub-Committee on the Prevention of Torture, UN-OHCHR, the Council of Europe, ICRC, the research institutes and a range of civil society organisations. Each of these has a unique and important expertise to bring to the task of revising the Rules for the benefit of the process. Their engagement, ensuring the process of revision takes into account a broad perspective built on evidence of effective practice, comprehensive knowledge of UN human rights instruments, and direct experience of prisons, should be continued.

We broadly welcome the report of the Buenos Aires IEGM, which has been made to the 22nd Session of the Commission on Crime Prevention and Criminal Justice. We also welcome the role envisaged for the Secretariat in gathering and maintaining materials, which would form the basis of the new text. We thank the governments who have supported the process and provided leadership in moving it forward.

The undersigned organisations look forward to the next steps, which we believe should include the extension of the mandate of the IEGM so it can continue its work, with a focus on discussing possible wording of a revised set of rules.

We also would like to use the opportunity to draw attention to topics which were raised, but not fully discussed at the IEGM in Buenos Aires due to lack of time, such as the inclusion of guidance on searches, on the use of force, and on the impact on the children of imprisoned parents. Also, the issue of a preamble, including reference to other relevant standards, was not yet fully explored.

While some member states have been prepared to dedicate extra resources to this process in order to allow for expert meetings to take place, we call on UNODC to prioritise this issue and dedicate appropriate resources to assist this process in terms of staff and translation services in supporting an international standard setting exercise that benefits the development of criminal justice, the rule of law and the human rights framework.

The undersigned organisations call on member states to adopt a resolution at the 22nd session of the UN Commission on Crime Prevention and Criminal Justice, which includes the following elements:

- Endorsing the recommendations of the Open-Ended Inter-governmental Expert Group;
- Acknowledging the Inter-governmental Expert Group's far-reaching consensus on desired changes, as well as issues that will require further discussion;
- Extending the mandate of the Open-ended Inter-governmental Expert Group to facilitate further progress in revising the Standard Minimum Rules in the areas identified within the process;
- Tasking the UNODC Secretariat with the preparation of an ongoing consolidated revised text, compiling all proposals submitted by member states, but also by UN bodies and civil society organisations and academic institutions in order to provide a basis for further discussion;
- Ensuring that any next meeting is to be open-ended, in order to continue to benefit from the expertise of the research institutes, the Sub-Committee on the Prevention of Torture, UN-Office of the High Commissioner for Human Rights (OHCHR), the Council of Europe, ICRC, and a range of civil society organisations.