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Human rights of prisoners: the process of Review of the UN Standard Minimum Rules for the Treatment of Prisoners: Centro de Estudios Legales y Sociales, Amnesty International and others' joint oral statement¹ to the 25th Session of the UN Human Rights Council (3 – 28 March 2014)

14 March 2014

Item 3
General Debate

Dear Chair,

Distinguished delegates,

We would like to highlight the importance of the ongoing process of Review of the UN Standard Minimum Rules for the Treatment of Prisoners.

The Standard Minimum Rules were adopted, here in Geneva, nearly 60 years ago.

It is therefore not surprising that some of these Rules do not incorporate, and in some instances are incompatible with the human rights standards developed since their adoption, including the entire corpus of core human rights treaties and the work of the Human Rights Council, its treaty bodies and Special Procedures.

The Review of the Standard Minimum Rules was initiated by a resolution of the UN General Assembly in December 2010, evolving since then pursuant to resolutions of the UN Crime Commission and recommendations of its intergovernmental expert group meetings.

¹ Joint oral statement delivered by Centro de Estudios Legales y Sociales, non-governmental organization in special consultative status. American Civil Liberties Union, Amnesty International, Conectas Direitos Humanos, Friends World Committee for Consultation, International Commission of Jurists, International Commission of Catholic Prison Pastoral Care and Penal Reform International, non-governmental organizations in special consultative status, also support the views expressed in this statement.

It has been described as “the most important standard-setting process currently” because of its significant impact on both criminal justice and human rights.

The nine areas identified for Review within this process, which were endorsed by the UN General Assembly, are intrinsically interlinked with the agenda and objectives of the Human Rights Council. These include, for example, complaints and independent inspection, investigation into deaths in custody and allegations of torture or other ill-treatment of persons in detention, the protection of vulnerable groups, and the right to health.

We would like to highlight three core reasons why the Standard Minimum Rules need to be updated in order to be consistent with current human rights law and standards:

Firstly, the Standard Minimum Rules are routinely referred to by States and others as the primary source of standards relating to treatment in detention. No other international instrument outlines so comprehensively the minimum conditions for and treatment of detainees.

Secondly, in many countries, the Standard Minimum Rules are the only standards available to prisoners regarding their treatment in detention; in others they are used as the “blueprint” for national prison rules.

Lastly, the Rules are a key framework for assessment by national and international monitoring and inspection mechanisms, including those established by the Human Rights Council such as the Subcommittee on Prevention of Torture and the Committee against Torture.

It is therefore crucial that UN Member States support the Review of the Standard Minimum Rules so that they can be modernised and brought into line with the current standards of human rights and criminal justice.

The importance of the Review for the Human Rights Council is underlined by the engagement of IGOs and regional human rights bodies in the process.

We welcome, for example, the comprehensive report of the Special Rapporteur on torture to the UN General Assembly in 2013 on revisions to the Standard Minimum Rules necessary to implement obligations to prevent torture and other cruel, inhuman or degrading treatment or punishment.

The Subcommittee on Prevention of Torture, the Committee against Torture, the Committee on the Rights of Persons with Disabilities and the World Health Organization have also contributed their expertise and issued recommendations on the revisions required.

Distinguished delegates,

The Standard Minimum Rules for the Treatment of Prisoners, an ambitious set of standards for its time, were drafted in the middle of the last century, in economically and politically difficult times.

We call on the international community to seize this opportunity and be equally visionary so that any revised set of Standard Minimum Rules will hold sustained value.

Thank you.