



**Promoting fair and
effective criminal justice**

Organisation for Security and Co-operation in Europe (OSCE):
The Human Dimension Implementation Meeting (HDIM)
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Working session 8: Rule of law

Oral Statement of Penal Reform International

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Dear Chairperson,
Dear delegates,

Penal Reform International (PRI)¹ welcomes the opportunity to inform delegates of the conclusion of the revision of the UN Standard Minimum Rules for the Treatment of Prisoners – or SMRs – which constitutes a significant development in international standard setting for the rights of detainees and the prevention of torture.

The SMRs, first adopted in 1955, are regarded as the primary, if not only, source of standards relating to the treatment of detainees, and are the key framework used by monitoring and inspection mechanisms in assessing the treatment of prisoners. It is therefore particularly crucial that they are consistent with current standards of human rights and criminal justice.

Six decades after their adoption it was recognised that the SMRs no longer reflected human rights norms and correctional science. Accordingly a 2010 United Nations General Assembly Resolution mandated an intergovernmental expert group to revise the Rules.

The expert group employed a 'targeted revision' approach which involved drafting new text for the most outdated rules. Consensus was reached by the expert group in Cape Town in March 2015 and the UN Crime Commission adopted the new text shortly after in May, and transmitted them to the Economic and Social Council, for subsequent adoption by the General Assembly at the end of this year.

The revised SMRs are to be known as the Mandela Rules, in honour of the legacy of Nelson Mandela who spent decades imprisoned and suffered hunger, forced labour and solitary confinement.

To highlight three significant changes relating specifically to the prohibition of torture or ill-treatment:

¹ Penal Reform International (PRI) is an independent non-governmental organisation that develops and promotes fair, effective and proportionate responses to criminal justice problems worldwide. We promote alternatives to prison which support the reintegration of offenders, and promote the right of detainees to fair and humane treatment. We campaign for the prevention of torture and the abolition of the death penalty, and we work to ensure just and appropriate responses to children and women who come into contact with the law.

1. The obligation to treat prisoners with respect for their inherent dignity and to refrain from torture or similar prohibited ill-treatment or punishment is explicitly stated in Rule 1. Safety of prisoners and others within the institution, including staff and visitors, at all times, must be ensured.
2. The use of solitary confinement, defined as separation from the general prison population for more than 22 hours without meaningful human contact, is now submitted to limitations. Indefinite and prolonged solitary confinement – ie. in excess of fifteen days – is now prohibited.
3. New rules provide guidance on conducting searches of prisoners and visitors, a part of prison regimes that often leads to humiliation and ill-treatment. The rules require that searches are applied only when necessary and proportionate, and respectful of human dignity. Particular restrictions apply to body cavity searches.

These three illustrative safeguards are part of the reason that the revised Standard Minimum Rules have been widely heralded as a momentous development for the some 10 million people imprisoned every day.

The revised SMRs also constitute a significant development in that they reconcile criminal justice and human rights standards. They provide protection for persons deprived of their liberty and recognise their rights, but at the same time deliver legal certainty to prison administrations by providing comprehensive and up-to-date guidance.

Penal Reform International would therefore like to encourage states to implement the revised Standard Minimum Rules, and to use the momentous revision to update their national prison rules and policies.

For the text of the revised Rules and more information on the process I refer you to PRI's website under the 'global advocacy' section.

Thank you for your attention.