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Item 8 of the provisional agenda*

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

Argentina, Brazil, Italy and Thailand: draft resolution

The Commission on Crime Prevention and Criminal Justice recommends to the Economic and Social Council the approval of the following draft resolution for adoption by the General Assembly:

Standard Minimum Rules for the Treatment of Prisoners

The General Assembly,

Bearing in mind the long-standing concern of the United Nations for the humanization of criminal justice and the protection for human rights,

Reaffirming the importance of the United Nations standards and norms in crime prevention and criminal justice,

Emphasizing that in the Salvador Declaration on Comprehensive Strategies for Global Challenges: Crime Prevention and Criminal Justice Systems and Their Development in a Changing World,¹ Member States recognized that an effective, fair and humane criminal justice system was based on the commitment to uphold the protection of human rights in the administration of justice and the prevention and control of crime and acknowledged the value and impact of the United Nations standards and norms in designing and implementing national crime prevention and criminal justice policies, laws, procedures and programmes,

Recalling its resolution 65/230 of 21 December 2010, entitled “Twelfth United Nations Congress on Crime Prevention and Criminal Justice”, in which it requested

* E/CN.15/2012/1.

¹ General Assembly resolution 65/230, annex.



the Commission on Crime Prevention and Criminal Justice to establish an open-ended intergovernmental expert group to exchange information on best practices, as well as national legislation and existing international law, and on the revision of existing United Nations standard minimum rules for the treatment of prisoners so that they reflected recent advances in correctional science and best practices, with a view to making recommendations to the Commission on possible next steps, and requested the expert group to report to the Commission on Crime Prevention and Criminal Justice on progress in its work,

Aware that the penitentiary system is one of the key components of the criminal justice system and that the Standard Minimum Rules for the Treatment of Prisoners² have been of great value and influence in the development of correctional laws, policies and practices,

Convinced that prisons should only be used as a punishment for the most serious offenders and that specific efforts should be made to use alternative measures, in accordance with the United Nations Standard Minimum Rules for Non-custodial Measures (the Tokyo Rules),³

Taking into account the developments in international law pertaining to the treatment of prisoners since 1955, in particular the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,⁴ the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,⁵ the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment,⁶ the Basic Principles for the Treatment of Prisoners,⁷ the United Nations Rules for the Protection of Juveniles Deprived of their Liberty,⁸ and the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules),⁹

Taking into account also the relevance of the procedures for the effective implementation of the Standard Minimum Rules for the Treatment of Prisoners,¹⁰ approved by the Economic and Social Council in its resolution 1984/47 of 25 May 1984,

1. *Expresses appreciation* for the replies of Member States to the request to exchange information on best practices and on the revision of existing United Nations standard minimum rules for the treatment of prisoners;

2. *Acknowledges* the work done by the high-level expert group meeting held in Santo Domingo from 3 to 5 August 2011 and the expert group meeting held in Vienna on 6 and 7 October 2011;

² *Human Rights: A Compilation of International Instruments*, Volume I (First Part), *Universal Instruments* (United Nations publication, Sales No. E.02.XIV.4 (Vol. I, Part 1)), sect. J, No. 34.

³ General Assembly resolution 45/110, annex.

⁴ United Nations, *Treaty Series*, vol. 1465, No. 24841.

⁵ United Nations, *Treaty Series*, vol. 2375, No. 24841.

⁶ General Assembly resolution 43/173, annex.

⁷ General Assembly resolution 45/111, annex.

⁸ General Assembly resolution 45/113, annex.

⁹ General Assembly resolution 65/229, annex.

¹⁰ Economic and Social Council resolution 1984/47, annex.

3. *Also acknowledges* the work done by the Expert Group on the Standard Minimum Rules for the Treatment of Prisoners, which drew on the outcome of the two expert group meetings mentioned above;

4. *Recognizes* that the Standard Minimum Rules for the Treatment of Prisoners,¹¹ adopted by the First United Nations Congress on the Prevention of Crime and the Treatment of Offenders in 1955 and approved by the Economic and Social Council in its resolution 663 C (XXIV) of 31 July 1957 and extended by the Council by its resolution 2076 (LXII) of 13 May 1977, have stood the test of time and that they remain the universally acknowledged minimum standards for the detention of prisoners;

5. *Also recognizes* the need for some areas of the Standard Minimum Rules for the Treatment of Prisoners to be reviewed so that the Rules reflect the latest advances in correctional science and good practices;

6. *Endorses* the recommendations of the Expert Group on the Standard Minimum Rules for the Treatment of Prisoners, and decides that the Expert Group should focus its attention on the following areas:

(a) Respect for prisoners' inherent dignity and value as human beings; medical and health services; disciplinary action and punishment, including the role of medical staff, solitary confinement and reduction of diet;

(b) Investigation of all deaths in custody, as well as any signs or allegations of torture or inhuman or degrading treatment or punishment of prisoners;

(c) Protection and special needs of vulnerable groups deprived of their liberty, taking into consideration countries in difficult circumstances;

(d) The right of access to legal representation;

(e) Complaints and independent inspection;

(f) The replacement of outdated terminology;

(g) Training of relevant staff to implement the Standard Minimum Rules for the Treatment of Prisoners;

7. *Underscores* that the requirements and needs of prisoners with disabilities must be duly considered, in accordance with the Convention on the Rights of Persons with Disabilities;¹²

8. *Recommends* that the Expert Group on the Standard Minimum Rules for the Treatment of Prisoners should continue its work on considering the revision of the Standard Minimum Rules for the Treatment of Prisoners with a view to reporting on its progress to the Commission on Crime Prevention and Criminal Justice at its twenty-second session, and requests Member States to ensure that the required services and support are provided;

¹¹ *Human Rights: A Compilation of International Instruments*, Volume I (First Part), *Universal Instruments* (United Nations publication, Sales No. E.02.XIV.4 (Vol. I, Part 1)), sect. J, No. 34.

¹² United Nations, *Treaty Series*, vol. 2515, No. 44910.

9. *Expresses its gratitude* to the Government of Argentina for its readiness to host the next meeting of the Expert Group on the Standard Minimum Rules for the Treatment of Prisoners;

10. *Recommends* that Member States endeavour to reduce overcrowding and pretrial detention, where appropriate, and promote increased access to justice and legal defence mechanisms, reinforcing alternatives to imprisonment, which may include community service, restorative justice and electronic monitoring, as well as supporting rehabilitation and reintegration programmes;

11. *Also recommends* that Member States continue exchanging good practices, including in the area of technical assistance, as well as identifying challenges faced in implementing the Standard Minimum Rules for the Treatment of Prisoners and sharing their experiences in dealing with those challenges;

12. *Reiterates* its request to the Secretary-General to continue to promote the use and application of the United Nations standards and norms in crime prevention and criminal justice by, inter alia, providing advisory services and technical assistance to Member States on request, including assistance in criminal justice and law reform, and in the organization of training for law enforcement and criminal justice personnel and support in the administration and management of penal and penitentiary systems, thus contributing to the upgrading of their efficiency and capabilities;

13. *Reaffirms* the important role of the United Nations crime prevention and criminal justice programme network, intergovernmental organizations and non-governmental organizations in consultative status with the Economic and Social Council in contributing to the dissemination, promotion and practical application of the Standard Minimum Rules for the Treatment of Prisoners, in accordance with the procedures for the effective implementation of the Standard Minimum Rules for the Treatment of Prisoners.¹³

¹³ Economic and Social Council resolution 1984/47, annex.