



Economic and Social Council

Distr.: General
18 April 2012

English only

Commission on Crime Prevention and Criminal Justice

Twenty-first session

Vienna, 23-27 April 2012

Item 8 of the provisional agenda*

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

Statement submitted by the Association for the Prevention of Torture (APT), a non-governmental organization in consultative status with the Economic and Social Council

The Secretary-General has received the following statement, which is being circulated in accordance with paragraphs 36 and 37 of Economic and Social Council resolution 1996/31.

* E/CN.15/2012/1.



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

The Association for the Prevention of Torture (APT)¹ welcomes the interest States have taken in the Standard Minimum Rules and the commitment shown to improve the impact of the Rules through effective implementation.

The draft resolution on the Standard Minimum Rules for the Treatment of Prisoners, E/CN.15/2012/L.4, will be considered by the Commission on Crime Prevention and Criminal Justice during agenda item 8, on the use and application of United Nations Standards and norms in the crime prevention and criminal justice, including their use and application.

The Standard Minimum Rules, adopted by the first United Nations Congress on the Prevention of Crime and the Treatment of Offenders in 1955, have stood the test of time particularly well and, despite their age, remain universally acknowledged as the minimum standards for the detention of prisoners. At preparatory meetings convened by UNODC, high-level experts have emphasized the need to find ways to ensure that the current Rules be fully implemented.²

Implementation of the Standard Minimum Rules should mean, first and foremost, that each specific rule is applied in law and in practice. Second, as a necessary addition, implementation implies some level of monitoring of their use, so that improved practices may be recommended and changes made to better apply the Rules.

The APT would therefore like to recommend to States that the work of the Expert Group on the Standard Minimum Rules should continue. However, should the Crime Commission agree to extend the mandate of the Expert Group, the APT urgently recommends the following:

- States should positively consider amendments to the draft resolution which reflect the need for the Expert Group to consider the adoption of a commentary, in the form of practical “*operational guidelines*”, which would greatly assist national actors to better achieve the substance of the Rules,
- And in addition, States should put on record at the Crime Commission that the Expert Group should consider the adoption of such a commentary to provide the detailed operational guidance that practitioners seek in fulfilling each Rule.

The APT strongly agrees that a commentary would greatly assist better understanding and implementation of the Rules, but recommends that any commentary should be composed of practical “*operational guidelines*”, which would best assist those actors who should use the Rules more frequently.

Where specific gaps are identified in the range of minimum protections offered by the Standard Minimum Rules (such as those left by the now outdated provisions for persons with disabilities who are detained), supplementary texts such as the recent

¹ The APT is an international NGO based in Geneva that has worked worldwide for 35 years to prevent torture and other forms of ill-treatment.

² See UNODC background note for participants on the open-ended Intergovernmental Expert Group Meeting on the United Nations Standard Minimum Rules, Vienna, 31 January-2 February.

United Nations Bangkok Rules would approve further standards without damaging the integrity of the existing text.³

Recent preparatory meetings have also recognized international, regional and national developments which provide for independent monitoring of persons deprived of their liberty.⁴ For instance, the growing numbers of national preventive mechanisms, as foreseen by the Optional Protocol to the Convention against Torture, play an important role in the implementation of international standards such as the Standard Minimum Rules. National preventive mechanisms are entrusted with a preventive and cooperative approach, helping States to improve the treatment and conditions of detainees, hence providing for an innovative way of dealing with issues sometimes considered very sensitive by many States and the general public.

At this juncture of world affairs it would be wiser to give more importance to improving the global implementation of the Standard Minimum Rules rather than opening them up for revision. The adoption of operational guidelines that provide detailed advice on the up-to-date application of the Rules, coupled with their use by emerging detention monitoring mechanisms, would contribute to the improved treatment of persons deprived of their liberty and thus the intended purpose of the Rules.

A paper recently published by the APT, “Respect for the UN Standard Minimum rules through effective implementation” provides more detail on these issues.

³ United Nations Rules for the treatment of women prisoners and non-custodial measures for women offenders (the Bangkok Rules), available at www.apt.ch/region/visits/Bangkok%20Rules_en.pdf.

⁴ See UNODC background note, *supra*.