



UNODC

United Nations Office on Drugs and Crime

Tom Lantos Human Rights Commission Hearing

Advancing human Rights through International Prison Reform

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Thank you very much, Representative Hultgren and Representative McGovern, for convening this important meeting, and for inviting UNODC to testify before this Commission today.

Please allow me to start by reiterating both the importance and urgency of addressing the management of prisons from an international perspective: Not only are we talking about a very significant, diverse and growing population – namely over 10 million people imprisoned worldwide, 2,5 million of whom on remand – but also about massive challenges to ensure their safe, secure and humane custody. The global phenomenon of *prison overcrowding* – probably one of the most visible of those challenges – continues to affect a solid majority of Member States across the globe.

In its most extreme form, this results in life-threatening situations in which the health, the safety and the most basic needs of prisoners may be neglected; in which prisoners may literally have to sleep in shifts due to a lack of space; and in which the key principle of pro-active rehabilitation of offenders may be reduced to their temporary “incapacitation” at best. Too often, however, situations such as these go unnoticed for too long – despite the fact that it is not only the human rights of prisoners that are at stake, but also public health and public safety.

This being said, there is also reason for hope. Prison reform efforts have gained renewed momentum following a landmark normative achievement in December 2015, namely the adoption by the General Assembly of the *UN Standard Minimum Rules for the Treatment of Prisoners* (the so-called Nelson Mandela Rules)¹. Despite their legally non-binding nature, these 122 rules are

¹ See http://www.unodc.org/documents/justice-and-prison-reform/Nelson_Mandela_Rules-E-ebook.pdf.

the single most important “normative compass” for prison management at the international level, endorsed by the international community as a whole. The overall parameters of these rules being that prisoners must be treated in line with their dignity and value as human beings; and that the ultimate purpose of imprisonment – namely the protection of society from crime – can only be achieved if the period of imprisonment is used, as much as possible, to prepare prisoners for their successful social reintegration upon release.

The Nelson Mandela Rules are the result of an intense inter-governmental effort to update the original version of the Standard Minimum Rules from 1955. In light of the vast diversity of prison systems worldwide, you can imagine the formidable challenge of Member States convening in order to agree – by consensus – on enhanced global standards for prison management. Unsurprisingly, it took four inter-governmental Expert Group Meetings between 2012 and 2015 to agree on a revised wording of the rules.²

Five thematic areas were given particular attention during the revision process: First of all, principles related to the *humane treatment of prisoners* have been strengthened, in particular the absolute prohibition of torture or ill-treatment. These are complemented by numerous *procedural safeguards*, such as those related to requests and complaints of prisoners, their access to legal advice and the requirement for regular inspections of prisons, the latter to encompass both external and internal mechanisms.

Thirdly, the Nelson Mandela Rules set forward detailed guidance on *restrictions and discipline*, ranging from searches to instruments of restraint and strict limitations applicable to the use of solitary confinement. Importantly, and due to its potentially severe consequences, the rules now prohibit solitary confinement beyond a duration of 15 consecutive days, its imposition by virtue of a prisoner’s sentence or its use on specific categories of prisoners which are considered to be particularly vulnerable.

A fourth and extensive area of revision relates to the provision and quality of *health care services* in prisons. In this regard, the revised rules reiterate the principle of equivalence and continuity of care, i.e. that prisoners should enjoy the same standards of health care than persons at liberty, in

² See http://www.unodc.org/documents/justice-and-prison-reform/17-04946_E_ebook_rev.pdf.

close relationship with the general public health administration; and that necessary health-care services for prisoners should be provided free of charge. Furthermore, detailed guidance is provided on the authority, duties and prohibitions of health-care professionals.

Finally, in recognition of the challenging duties of prison staff, the need for tailored *training* before entering on duty and in the course of their service, is firmly anchored in the revised rules, including minimum content requirements for induction training. Prison officers constitute the single most important element of any prison system, and the Nelson Mandela Rules clarify the specific capacities they should have, which go beyond, and are distinct from those of other law enforcement officials.

Mr. Co-Chair, there is no doubt that the adoption of the Nelson Mandel Rules is, in itself, a reason to celebrate. It is our hope, however, that the significant resources that went into the revision process will now be matched by similar efforts to support the practical application of the rules worldwide. As the guardian of the Nelson Mandela Rules and other relevant international standards – such as the UN Rules for the Treatment of Women Prisoners and Non-custodial measures for Women Offenders (the so-called Bangkok Rules) – UNODC has been requested by the General Assembly to design further guidance material on the rules and to provide related technical assistance to Member States. Building on our past work in the field of prison reform, we have therefore launched UNDC’s first dedicated *Global Programme on Addressing Prison Challenges*, keeping in mind two key considerations:

Firstly, many challenges manifesting in prisons go well beyond the control of prison administrations, and rather result from overall deficiencies in criminal justice systems. Secondly, high rates of recidivism in many Member States point not only to the need for a more rehabilitative approach to prison management, but also for prison-based interventions to be linked with, and complemented by post-release support services. UNODC’s Programme therefore focusses on three strategic objectives, namely to assist Member States, upon request, in (i) rationalizing the scope of imprisonment, including by means of an increased resort to non-custodial sanctions; (ii) strengthening prison management and improving prison conditions; and (iii) supporting the social reintegration upon release.³

³ See http://www.unodc.org/documents/justice-and-prison-reform/16-05081_E_rollup_Ebook.pdf.

In terms of specific guidance material on the Nelson Mandela Rules, UNODC has recently published an important handbook entitled *Assessing compliance with the Nelson Mandela Rules – A checklist for internal inspection mechanisms*⁴. Based on seven thematic areas, 36 expected outcomes and 240 indicators, this tool provides prison practitioners with a practical tool to continuously monitor and assess their compliance with the rules, and to identify areas where improvements may be needed. In addition to the checklist, an e-learning training course on the Nelson Mandela Rules, a corresponding pocketbook for prison staff as well as instructional placards for awareness-raising in prison facilities are in the making.

Following the adoption of the Doha Declaration in the course of the last UN Congress on Crime Prevention and Criminal Justice in Doha, Qatar, in April 2015, UNODC has further launched a Global Programme on the Implementation of the Doha Declaration, which includes a distinct component on fostering the rehabilitation and social reintegration of prisoners.⁵ Under this component, numerous Member States currently receive technical assistance geared at supporting the initiation or enhancement of prison-based rehabilitation programmes in line with the Nelson Mandela Rules, with a particular focus on education, vocational training and work.

Beyond UNODC, we also feel encouraged by the fact that the renewed spotlight on prison conditions and the treatment of prisoners has manifested in the formation, in May 2017, of a Vienna-based *Group of Friends of the Nelson Mandela Rules* – an informal group of like-minded Member States with a particular interest in supporting the practical application of the rules, in close coordination with UNODC, other international organizations and civil society.

I would also like to recall that in the course of the adoption of the Nelson Mandela Rules, the General Assembly equally decided to extend the scope of *Nelson Mandela International Day* – celebrated each year on 18 July – with a view to equally use this day to promote humane conditions of imprisonment; to raise awareness about prisoners being a continuous part of society; and to value the work of prison staff as a social service of particular importance. Numerous Member States have already followed this call by initiating public awareness-raising campaigns,

⁴ See http://www.unodc.org/documents/justice-and-prison-reform/17-04946_E_ebook_rev.pdf.

⁵ See https://www.unodc.org/documents/dohadeclaration/Prisons/infosheet/info_sheet_Prisons_EN.pdf.

conferences and other events on 18 July in order to keep prisoners and prison staff in the mind of policy-makers and the general public alike.

I would like to conclude, Mr. Co-Chair, by calling upon all of us to make use of this updated and universally accepted blueprint for prison management – for the benefit of an often forgotten population hidden behind walls and barbed wire; for the benefit of their families and children; for the benefit of public officials who often do not receive the recognition they deserve; and for the benefit of societies at large, to whom the large majority of prisoners will eventually return.

I thank you for your attention.

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