

Resolution

2006/22

Providing technical assistance for prison reform in Africa and the development of viable alternatives to imprisonment

The Economic and Social Council,

Recalling the Standard Minimum Rules for the Treatment of Prisoners, approved by the Economic and Social Council in its resolutions 663 C (XXIV) of 31 July 1957 and 2076 (LXII) of 13 May 1977,¹ the Basic Principles for the Treatment of Prisoners² and the United Nations Standard Minimum Rules for Non-custodial Measures (The Tokyo Rules),³

Having regard to the regional efforts in the promotion of basic rights of prisoners, as considered by the Pan-African Conference on Penal and Prison Reform in Africa, held in Ouagadougou from 18 to 20 September 2002, and the Latin American Conference on Penal Reform and Alternatives to Imprisonment, held in San José from 6 to 8 November 2002, and pursued by the African Union and the Organization of American States, as well as the Asian Conference on Prison Reform and Alternatives to Imprisonment, held in Dhaka from 12 to 14 December 2002,

Recalling its resolutions 1997/36 of 21 July 1997, on international cooperation for the improvement of prison conditions, in which it took note of the Kampala Declaration on Prison Conditions in Africa, annexed to the resolution; 1998/23 of 28 July 1998, on international cooperation aimed at the reduction of prison overcrowding and the promotion of alternative sentencing, in which it took note of the Kadoma Declaration on Community Service, contained in annex I to that resolution; and 1999/27 of 28 July 1999, on penal reform, in which it took note of the Arusha Declaration on Good Prison Practice, annexed to the resolution,

Recalling also its resolutions 2004/25 of 21 July 2004, on the rule of law and development: strengthening the rule of law and the reform of criminal justice institutions, with emphasis on technical assistance, including in post-conflict reconstruction, and 2005/21 of 22 July 2005, on strengthening the technical cooperation capacity of the United Nations Crime Prevention and Criminal Justice Programme in the area of the rule of law and criminal justice reform,

Recalling in particular its resolution 2004/35 of 21 July 2004, on combating the spread of HIV/AIDS in criminal justice pre-trial and correctional facilities, and deeply concerned at the spread of HIV/AIDS in pre-trial and correctional facilities in Africa and the

¹ *First United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Geneva, 22 August-3 September 1955: report prepared by the Secretariat* (United Nations publication, Sales No. 1956.IV.4), annex I.A; and Economic and Social Council resolution 2076 (LXII).

² General Assembly resolution 45/111, annex.

³ General Assembly resolution 45/110, annex.

risks posed to society as a whole, especially in situations of overcrowding in prisons,

Noting the Conference on Legal Aid in Criminal Justice: the Role of Lawyers, Non-Lawyers and Other Service Providers in Africa, held in Lilongwe from 22 to 24 November 2004,

Recalling the commitments undertaken by Member States in the Vienna Declaration on Crime and Justice: Meeting the Challenges of the Twenty-first Century⁴ to contain the growth and overcrowding of prison populations in pre-trial and correctional facilities by promoting, as appropriate, safe and effective alternatives to incarceration and national and international actions recommended to implement and follow up on the Declaration as contained in the plan of action on prison overcrowding and alternatives to incarceration⁵ and in the Bangkok Declaration: Synergies and Responses: Strategic Alliances in Crime Prevention and Criminal Justice⁶ to the development and maintenance of fair and efficient criminal justice institutions, including the humane treatment of all those in pre-trial and correctional facilities, in accordance with applicable international standards,

Welcoming the Programme of Action, 2006-2010, on strengthening the rule of law and the criminal justice systems in Africa, adopted by the Round Table for Africa, held in Abuja on 5 and 6 September 2005, in particular the actions on penal reform, alternative and restorative justice, HIV/AIDS in prisons, reduction of the backlog of cases and prison overcrowding and vulnerable groups,

Taking into account the diverse views concerning imprisonment, especially for prisoners serving short sentences, and the cost of imprisonment to society as a whole,

Recognizing the serious problems posed by prison overcrowding and the potential threat to the rights of prisoners in many Member States, in particular in many African States,

Alarmed at the proportion of prisoners detained for long periods of time without being charged or sentenced and without access to legal advice and assistance in many African countries,

Recognizing that providing for effective alternatives to imprisonment in policy and practice is a viable long-term solution to prison overcrowding,

Recognizing also that community-based alternatives can provide for rehabilitation of offenders in a more efficient and cost-effective manner than imprisonment and that examples of good practices in reducing imprisonment can be found at the African level,

Recognizing further the need to enhance HIV/AIDS prevention efforts in pre-trial and correctional facilities in Africa,

⁴ General Assembly resolution 55/59, annex.

⁵ General Assembly resolution 56/261, annex, paras. 31-33.

⁶ General Assembly resolution 60/177, annex.

Recognizing the particular needs of women and girls in prisons and children detained with their mothers, as also the needs of persons with mental illness and the physically challenged, and the need for Governments to design specific responses in that regard,

Emphasizing that efforts to ease prison overcrowding require sustained efforts and resources at all levels of the criminal justice system, such as law enforcement institutions, prosecution and legal aid services, judiciary, case and court management and prison management,

Recognizing the impact of the action of civil society organizations in improving prison conditions and in respecting the rights of prisoners,

1. *Notes* the progress made by Member States in meeting the commitments mentioned above and recent efforts to ease prison overcrowding taken by some Member States;

2. *Encourages* Member States implementing criminal justice and prison reforms to promote the participation of civil society organizations in that endeavour and to cooperate with them;

3. *Welcomes* the report of the Secretary-General on the rule of law and development: strengthening the rule of law and the reform of criminal justice institutions, including in post-conflict reconstruction,⁷ and the information contained therein with regard to penal reform activities in Member States and in the United Nations Office on Drugs and Crime;

4. *Also welcomes* the report of the Secretary-General on combating the spread of HIV/AIDS in criminal justice pre-trial and correctional facilities;⁸

5. *Notes with appreciation* the designation in the 2005 publication entitled *UNAIDS Technical Support Division of Labour* of the United Nations Office on Drugs and Crime as the lead agency among the co-sponsors of the Joint United Nations Programme on HIV/AIDS on matters relating to HIV/AIDS in prisons;

6. *Welcomes* the work of the United Nations Office on Drugs and Crime in providing advisory services and technical assistance to Member States in the area of HIV/AIDS in prisons, in particular the development of the toolkit on HIV/AIDS in prison settings, which offers guidance to senior policymakers, prison managers, prison staff and prison health-care workers, and encourages the Office, within available extrabudgetary resources, not excluding the use of existing resources from the regular budget of the Office,⁹ to continue its work in that area, in partnership with other members of the Joint United Nations Programme on HIV/AIDS;

7. *Invites* Member States to develop and adopt measures and guidelines, where appropriate and in accordance with national legislation and relevant international instruments, including the

⁷ E/CN.15/2006/3.

⁸ E/CN.15/2006/15.

⁹ This language does not provide a basis for an increase in the regular budget or requests for supplemental increases.

international conventions related to drugs, to ensure that the particular challenges of HIV/AIDS in pre-trial and correctional facilities are adequately addressed;

8. *Notes with appreciation* the accomplishments of the United Nations Office on Drugs and Crime in developing tools and manuals on penal reform, in particular the handbooks on alternatives to imprisonment and restorative justice;

9. *Welcomes* the efforts undertaken by the United Nations Office on Drugs and Crime focusing on providing long-term sustainable technical assistance in the area of penal reform to Member States in post-conflict situations, in particular in Africa, in cooperation with the Department of Peacekeeping Operations of the Secretariat, and the increased synergy between the two entities;

10. *Invites* the United Nations Office on Drugs and Crime, within available extrabudgetary resources, not excluding the use of existing resources from the regular budget of the Office,⁹ to develop further tools and training manuals, based on international standards and best practices, in the area of penal reform and alternatives to imprisonment, in particular in the areas of prison management, legal advice and assistance and the special needs in prison of women and children, as well as of persons with mental illness and the physically challenged;

11. *Requests* the United Nations Office on Drugs and Crime, within available extrabudgetary resources, not excluding the use of existing resources from the regular budget of the Office,⁹ in cooperation with relevant partners, to continue to provide advisory services and technical assistance to Member States, upon request, in the area of penal reform, including restorative justice, alternatives to imprisonment, HIV/AIDS in prisons and the special needs of women and girls in prisons;

12. *Also requests* the United Nations Office on Drugs and Crime, within available extrabudgetary resources, not excluding the use of existing resources from the regular budget of the Office,⁹ to develop a programme of technical assistance for Africa in penal reform and provision of alternatives to imprisonment, building on the commitments made at the Round Table for Africa and in its Programme of Action, 2006-2010;

13. *Invites* Member States, international financial institutions and private donors to provide support to the activities above, through voluntary contributions to the United Nations Crime Prevention and Criminal Justice Fund or through voluntary contributions in direct support of such activities;

14. *Requests* the Secretary-General to submit a report on the implementation of the present resolution to the Commission on Crime Prevention and Criminal Justice at its seventeenth session, in 2008.

*41st plenary meeting
27 July 2006*