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**IMPLEMENTATION OF THE UNITED NATIONS STANDARDS
MINIMUM RULES FOR THE TREATMENT OF PRISONERS**

Report of the Secretary-General

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INTRODUCTION

1. In 1957, the Economic and Social Council, in its resolution 663C (XXIV), approved the Standard Minimum Rules for the Treatment of Prisoners as adopted by the First United Nations Congress on the Prevention of Crime and the Treatment of Offenders in 1955, and invited Governments to give favourable consideration to the adoption and application of the Rules in the administration of penal and correctional institutions. Governments were requested to inform the Secretary-General regularly of the progress made with regard to the implementation of the Rules. Similarly, the General Assembly, in its resolutions 2858 (XXVI) and 3144B (XXVIII), recommended that "Member States should make all possible efforts to implement the Standard Minimum Rules for the Treatment of Prisoners in the administration of penal and correctional institutions and take the Rules into account in the framing of national legislations".
2. Governments, the United Nations, regional and interregional bodies and institutes and other interested parties have made efforts to ensure effective implementation of the Rules, *inter alia*, by promoting vigorous programmes for their dissemination in various languages, organizing national, regional and international programmes for administrative and correctional personnel and law enforcement officials, using technical assistance and advisers, and reporting periodically to the United Nations, as well as by compiling surveys and inquiries and disseminating their results.
3. Issues regarding implementation of the Rules have been on the agenda of all previous congresses. Following this tradition, the present report provides recent information on the application of the Rules. It may be recalled in this connection that the Sixth Congress referred to the Rules in its resolution 14 and suggested that the General Assembly include a specific item concerning the implementation of human rights for prisoners in the agenda of the Seventh Congress.
4. Inquiries on the implementation of the Rules were addressed to Governments by the Secretary-General in 1967, 1974 and 1980 (see A/CONF.43/3, annex; A/CONF.56/6, annex I; A/CONF. 87/11 and Add.). In view of the relatively low level of responses all regional preparatory meetings held in 1983 for the Seventh Congress felt that further efforts should be made to draw the attention of Governments to the Rules and their implementation.
5. A major step in this direction was made when the Economic and Social Council, in its resolution 1984/47, approved the Procedures for the Effective Implementation of the Standard Minimum Rules for the Treatment of Prisoners, which had been formulated by the Committee on Crime Prevention and Control at its eighth session in 1984, in pursuance of Economic and Social Council resolution 1993 (LX). The General Assembly, in its resolution 39/118, endorsed the Procedures and called upon Member States to spare no effort in providing for adequate mechanisms and resources so as to ensure the implementation of the Procedures both in law and practice. In the same resolution, the General Assembly requested the Secretary-General to discharge fully his tasks in connection with the implementation of the Rules, particularly as regards procedures 7, 8, 9 and 10.
6. Reflecting the long-standing concern of the United Nations on this subject, the Procedures seek to ensure further dissemination of the Rules, as well as their availability to all those concerned, including prisoners. Governments are requested to respond to the Secretary-General's periodic inquiries on the implementation of the Rules and on difficulties encountered, and the importance of technical co-operation and of research in this area is underlined once more.

7. The present report is prepared on the basis of the inquiry which was sent to Governments in May 1984. As of 31 May 1985, information was received from the following 58 countries: Austria, Bahrain, Belgium, Belize, Bolivia, Botswana, Canada, China, Colombia, Cuba, Cyprus, Czechoslovakia, Denmark, Ethiopia, Finland, France, German Democratic Republic, Germany, Federal Republic of, Ghana, Greece, Holy See, Hungary, India, Indonesia, Iraq, Italy, Japan, Kuwait, Luxembourg, Madagascar, Morocco, Netherlands, New Zealand, Niger, Nigeria, Norway, Pakistan, Philippines, Poland, Portugal, Qatar, Republic of Korea, Somalia, Spain, Sri Lanka, Sudan, Suriname, Sweden, Switzerland, Thailand, Trinidad and Tobago, Tunisia, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela and Yugoslavia.

8. In addition to the responses received from the above-mentioned countries, the report refers to complementary information on the implementation process at the regional level submitted by some of the United Nations regional institutes on crime prevention and criminal justice, notably the United Nations Asia and Far East Institute for the Prevention of Crime and the Treatment of Offenders (UNAFEI) and the United Nations Latin American Institute for the Prevention of Crime and the Treatment of Offenders (ILANUD). This report is further based on the results of all the preparatory meetings and, in particular, of the Interregional Preparatory Meeting on Topic V, held in Varenna, Italy, from 24 to 28 September 1984. As will be recalled, this meeting, inter alia, reaffirmed the position of previous congresses that the Rules should not be revised.

I. OVERVIEW

9. Thirty years after the adoption of the Rules by the First Congress in 1955, the responses to the latest inquiry on their implementation show a consensus on the importance and relevance of the Rules as a whole and lead to the conclusion that gradual progress has been made towards greater implementation in some aspects, particularly as regards efforts to reduce overcrowding in prisons, to enhance education and training of prisoners and to publicize the Rules.

10. In fact, most of the reporting countries attached such great importance to the Rules that their principles had been incorporated either in national legislations or in administrative regulations. Only one country reported that, having obtained its independence in the very recent past, it had not been able to give due consideration to the matter, even though agreeing with the general principles of the Rules.

11. It is worth noting that some countries had reviewed their prison policies and initiated appropriate legislative changes in order to comply with the provisions of the Rules. The Rules had also inspired Governments systematically to review the treatment of offenders and to devise experimental innovations and improvements, such as the construction of new penal institutions, co-operation with the private sector, the introduction of extramural treatment, the development of new treatment programmes and the promotion and expansion of staff training. In addition, information about more active and innovative utilization of open institutions and other semi-institutional treatment was given by some countries.

12. Among the principles almost universally adhered to was that of separation of categories, especially by sex, age and type of crime. However, one country reported that its experiences had shown that a high degree of

segregation had a negative impact on the inmates' self-perception and their ability to live a non-criminal life after release. The policy of that country in recent years had therefore been to integrate various categories of prisoners so as to achieve the best possible effect in terms of rehabilitation. By the same token, male and female prisoners could serve their sentence in the same prison and be under the authority of both men and women officers. The prisoners lived in separate quarters, but were allowed to mix during work and organized leisure time. It was felt that such a modification of the Rules was in line with the cultural self-understanding of the society concerned, and that this would not go beyond the spirit of the Rules. However, such modifications of the Rules were reported by only a few countries belonging to the same region of the world.

13. A number of countries mentioned that their prison regulations followed the norms set up by the Council of Europe.* This by no means was to be interpreted as a departure from the United Nations Standard Minimum Rules, but as an effort to go beyond them. Several Governments in other regions also reported that their legislations went beyond the minimum standards set up in the Rules.

14. Almost all the responding countries pointed out that the Rules had been translated and published in their official languages. However, some countries mentioned that, since the main principles of the Rules had been incorporated into their national legislations, translation had not been necessary.

15. As mentioned above, all Governments felt that the dissemination of the Rules or of the principles embodied therein, particularly to law enforcement officials and to correctional personnel, was essential. The relevance of the Rules in the process of staff training as a basic part of induction programmes or of syllabuses for in-service training courses was emphasized by many countries.

16. With regard to the special question of making the Rules available or understandable to all prisoners,** a number of countries pointed out that the Rules had not been fully disseminated. Their prisoners, however, were given other opportunities to be acquainted with their rights. One country mentioned that a brochure for the use of prisoners was being drafted. Further efforts in this regard included the following: making the Rules available in prison libraries; provision of information to the prisoner's defence attorney; and provision of special orientation courses for prisoners upon admission to a penal institution.

II. IMPLEMENTATION OF THE RULES

17. Notwithstanding the world wide acceptance of the basic principles of the Rules, correctional work in most parts of the world still faces many problems and obstacles to their full implementation. The following table shows the extent of implementation, as reported by Governments, of the different sections of the Rules.

*See Council of Europe resolution (73)5 of 19 January 1973.

**See Economic and Social Council resolution 1984/47, annex, Procedure 4.

Survey of the replies from Member States on the implementation
of the Standard Minimum Rule for the Treatment of Prisoners

Rule number	Subject covered	Number and type of replies ^{a/}					Total
		Implemented	Implemented partially	Recognized in principle	Not implemented	Not applicable	
Rules of general application							
6	Basic principles	51	1	1			53
7	Register	50	2		1		53
8	Separation of categories	24	16	2	1		53
9-14	Accommodation	24	15	3	1		53
15-16	Personal hygiene	49	3	1			53
17-19	Clothing and bedding	42	10	1			53
20	Food	49	3	1			53
21	Exercise and sport	29	21	1	2		53
22-26	Medical services	32	17	3	1		53
27-32	Discipline and punishment	46	7				53
33-34	Instruments of restraint	43	6	2	2		53
35-36	Information and complaints	43	5	4	1		53
37-39	Contacts with the outside world	49	4				53
40	Books	41	8	2	2		53
41-42	Religion	46	4	1	2		53
43	Retention of prisoner's property	50	3				53
44	Notification of death etc.	48	5				53
45	Removal of prisoners	49	3	1			53
46-54	Institutional personnel	30	19	3	1		53
55	Inspection	46	5	1	1		53

continued

Table (continued)

Rule number	Subject covered	Number and type of replies ^{a/}					Total
		Implemented	Implemented partially	Recognized in principle	Not implemented	Not applicable	
Rules applicable to special categories							
56-64	Prisoners under sentence	37	14	2			53
65-66	Treatment	40	11	1	1		53
67-69	Classification and individualization	31	19	2	1		53
70	Privileges	38	8	3	3	1	53
71-76	Work	37	14		2		53
77-78	Education and recreation	40	10	2	1		53
79-81	Social relations and after-care	29	16	6	2		53
82-83	Insane and mentally abnormal prisoners	38	15				53
84-93	Prisoners under arrest or awaiting trial	30	21	1	1		53
94	Civil prisoners	40	1	1	1	10	53
95	Persons arrested or detained without charge	35	3	1	1	13	53

^{a/} Five countries that did not use the questionnaire when replying are not included in this survey.

18. The extent of implementation of the Rules is summarized in the following sections.

A. Rules of General Application

Rule 6 (Basic principles)

19. Rule 6(1) refers to the main principles of the Universal Declaration of Human Rights and to other basic human rights instruments. All the responding countries reported that they adhered to this Rule. Difficulties in the implementation of Rule 6(2), which calls for respect for the moral precepts and religious beliefs of prisoners, were mentioned by only one country.

Rule 7 (Register)

20. An increased use of computerized systems for the identification, registration and control of their prison population was reported by some countries. One of them stressed that automatic data processing reduced the risk of an inmate being detained longer than the term stipulated. Another country reported that the use of computers had permitted the compilation of a census of all its prisoners, and that it was planning to produce, on that basis, annual publications showing offences, sentences, previous records, and other individual data, without, however, identifying the prisoners concerned.

Rule 8 (Separation of categories)

21. Almost all countries reported their intent to implement this Rule, especially regarding separation by sex and age. However, nearly half of the reporting countries were unable to apply this Rule fully, the vast majority of the reasons being budgetary and economic.

22. In this connection, a number of countries noted that their prisons were overcrowded, and some made reference to poorly designed institutions which were in a state of deterioration. Furthermore, some countries observed that the categories to be separated in a prison had become much more complex since the adoption of the Rules, owing to the existence of special groups, sometimes with access to outside funds or outside support, such as terrorists, drug traffickers and certain types of white-collar offenders. The separation of untried prisoners from convicted inmates was also reported to be difficult because of lack of facilities. In one region, some countries did not have definite policies regarding this question and separation by categories was often left to untrained prison staff.

23. A special issue, raised by a number of countries, was the question of foreign prisoners. The need to respect their cultural habits and to overcome the difficulties which these prisoners may face on account of such factors as different language, culture, customs and religion was acknowledged in principle, even though financial constraints often did not allow to set up special services for them.

Rules 9-14 (Accommodation)

24. About half of the responding countries reported that their practice was not in accordance with these Rules. Again, overcrowding as well as obsolescence of facilities were reported to be the main obstacles. Some countries pointed out that many of the prison buildings were a century or more old and that resources for rebuilding or renovation were limited. In many countries, individual cells were the exception rather than the rule because of insufficiency of space.

25. A different view on the concept of Rule 9 (individual cells) was expressed by one country, which stated that in its penitentiary system individual cells were not provided, especially by night, as this was considered to have a "detrimental influence on the prisoner's frame of mind" and mental health. Common cells were expected also to prevent the commission of suicide, whereas individual cells were mainly used as disciplinary punishment. A similar approach was followed by another country, which pointed out that prison terms were not served in cells but in collective wards, in accordance with its policy of collective serving of prison sentences. Furthermore, some countries considered that individual cells could be regarded as undesirable for their gregarious people.

26. Efforts were being made to increase the use of some of the following measures: shorter sentences; a wider use of alternatives to imprisonment; more bail; earlier release on parole or licence; and expediting trials to reduce the length of pre-trial custody.

Rules 15 and 16 (Personal hygiene)

27. Governments reported their general intent fully to implement these Rules, even though acknowledging budgetary difficulties. Climatic conditions, also, were taken into account by several countries which felt that a bath or shower at least once a week in a temperate climate should be interpreted to mean once a day in a tropical climate.

Rules 17-19 (Clothing and bedding)

28. The standards of clothing and bedding varied considerably according to regional climatic conditions and cultural habits. For instance, Rule 19, which stipulates that every prisoner should be provided with his own bed, was reported to be understood in relation to cultural circumstances. In this respect it was pointed out by some countries that their people were accustomed to sleeping on mats placed on the ground and often designed for several persons. Such conditions would, nevertheless, meet the requirements of the Rule. Reference was also made to the fact that unsentenced prisoners were allowed to wear their own clothing and to use their own sheets.

Rule 20 (Food)

29. Some countries pointed out that even when sufficient amounts of food were provided, diets were not always adequately balanced. However, as a general rule, no major obstacles were reported in this connection. Moreover, some countries mentioned their efforts to establish special diets for foreign prisoners, taking into account their cultural and religious habits.

Rule 21 (Exercise and sport)

30. About one third of the responding countries could not offer adequate opportunities to their prisoners in this respect, owing to the lack of facilities and, in some cases, of staff. One country reported that persons detained under its narcotics laws were expected to do physical training as part of their recovery programme, following the period of withdrawal from drugs. In another country, voluntary student groups assisted prisoners in their sports activities.

Rules 22-26 (Medical services)

31. Whereas medical services, as required by Rule 22(1), existed particularly in many large institutions, only a few countries reported that such services were also established for smaller prisons. Measures to meet this requirement included arrangements with public hospitals or national health authorities and with private practitioners and specialists. In case of serious illness prisoners were transferred to special medical facilities. One country reported the provision of full medical care, which was overseen by an independent medical advisory committee. Other countries noted that their prisoners were allowed to receive the services of their own practitioners, but at their own expense.

32. With reference to Rule 22(1), only a small number of countries reported the service of doctors who were fully qualified to deal with physical and psychiatric problems. It was pointed out, however, that often the provision of psychiatric treatment was difficult because of the current medical standards in some regions.

33. Concern about pregnant inmates was expressed by many countries. In this context, it was mentioned that there were suitable facilities for antenatal and post-natal care and treatment. Children born outside the institution could, if the mother so wished, return to the prison with her where they were housed in special units for mothers and babies. Infants were allowed to remain with their mothers until the age of four, and in some cases until the age of eight. In another country, pregnant women were not confined to institutions, but were subjected merely to home arrest.

Rules 27-32 (Discipline and punishment)

34. Almost all countries reported the existence of special regulations ensuring institutional discipline and order. In one specific case, however, it was stated that there were no offences defined in the prison rules and that, to be punishable, the behaviour had to be in conflict with good order and discipline in the institution.

35. There was a broad spectrum of sanctions, e.g. reprimand, deprivation of privileges, fines, reduction of diets, disciplinary arrest, solitary confinement, as well as transfer to other institutions. Punishment in dark cells seemed still to be a prevailing practice in one region, thus at variance with Rule 31. Corporal punishment, also prohibited by Rule 31, was reported by one country, which used caning as a disciplinary measure. Daily visits of medical officers, as provided by Rule 32(3), could not take place in many instances due to insufficiency of staff. Other countries reported that punishment could have an educative value and that in its application the offence and the prisoner's character and previous conduct were taken into account.

Rules 33 and 34 (Instruments of restraint)

36. No reference was made to serious misuse in the application of instruments of restraint.

Rules 35-36 (Information and complaints)

37. No elaborate information was contained in the replies received, although some States reported that inmates were not adequately briefed about their rights. Several countries of one region were uncertain to what extent the requirements of this Rule could be translated into practice.

Rules 37-39 (Contacts with the outside world)

38. The need to ensure inmates' contacts with the outside world was amply acknowledged, and it was also mentioned that prisoners should remain in institutions located close to their families or residence.

39. In one region there were wide divergencies in the interpretation of Rules 37-39. Some countries maintained a strict control of reading material, letters and parcels. In other countries the interpretation of these rights had widened, enabling prisoners to have radios and television sets in their own cells and access to any published material or films available to the public outside. In some of these countries contacts with the outside world, once treated as privileges, were now regarded as rights.

Rule 40 (Books)

40. There was consensus on the importance of prison libraries, although several obstacles were reported because of budgetary reasons. To alleviate this situation, many prisons participated in loan systems with public libraries.

Rules 41 and 42 (Religion)

41. There was a general acknowledgement of the need to respect religious beliefs and practices, including, as mentioned above, the establishment of different diets. Special reference to these Rules was made by one country, emphasizing that the expression of religion was free and, thus, a private matter. Religion was seen as a matter of the church, separated from the State. Therefore, and at variance with Rule 41(1), this country felt no obligation to conduct religious services in prison.

Rule 43 (Retention of prisoner's property)

42. The replies indicated that there were no major obstacles to the implementation of this Rule.

Rule 44 (Notification of death etc.)

43. Only geographical and technical reasons such as poor means of communications were mentioned as an obstacle to full implementation.

Rule 45 (Removal of prisoners)

44. There seemed to be no major obstacle to the implementation of this Rule. However, in one country it was sometimes impossible to comply with this provision, owing to the shortage of adequate transportation facilities, and, in some others, resources were so scarce that prisoners were moved on foot from one institution to another.

Rules 46-54 (Institutional personnel)

45. There was wide recognition of the principle contained in Rule 46(2), namely, that institutional personnel was carrying out work of great social importance. Some replies indicated that the standards for selection, recruitment and training of institutional personnel had risen considerably. Several countries had strengthened their services through the employment of psychologists, social workers, teachers and trade instructors. On the other hand, many countries reported an acute shortage of personnel for budgetary and technical reasons, which rendered institutional management difficult.

Rule 55 (Inspection)

46. Again, budgetary reasons, mentioned by various countries, were the main difficulties. Several Governments noted the existence of independent inspection services, inter alia, the institution of an ombudsman.

B. Rules Applicable to Special Categories

Prisoners under sentence

Rules 56-64 (Guiding principles)

47. The general principle of these Rules, which refer to rehabilitation and individualization, were included in most national penal codes and penitentiary laws. The individual character of the sentence as well as the need to apply educational measures and vocational training to the treatment of prisoners were stressed by several countries. In this context, the need was mentioned to strengthen the existing network of social services necessary to implement institutional care.* The reasons why these Rules were implemented only partially were mainly financial and economic. Moreover, some countries of one region noted that another obstacle was the emphasis on a repressive approach on the part of public opinion, which, in turn, influenced Government policy.

Rules 65 and 66 (Treatment)

48. The concept of treatment, as mentioned above, was accepted in principle by most of the reporting countries, even though in some regions the general expression "treatment" had been replaced by other terms such as rehabilitation, resocialization, or readaptation. In a few countries there was an inclination to offer all education and training programmes to inmates on a voluntary basis. Once again, the main obstacles reported were overcrowding, obsolescence of institutions, and shortage of material and human resources.

Rules 67-69 (Classification and individualization)

49. Almost all the replies indicated a clear tendency to recognize the importance of classifying prisoners for treatment and other purposes. There was consensus that specialized treatment for inmates under different schemes and programmes would have a favourable impact on the prisoners' social rehabilitation. However, the lack of budgetary and technical resources as well as the shortage of staff were considered to be the main obstacles to full implementation of these Rules. It was noted that a team of experts including psychologists, teachers and sometimes the penitentiary judge would examine the personality of the prisoners in order to classify them for further treatment.

50. A modification of these Rules was mentioned by one country, which integrated individual recidivists within a selected group of first offenders who, through their good conduct, could exercise a beneficial and salutary influence.

Rule 70 (Privileges)

51. This Rule seemed to be generally implemented. Countries of one region reported that there were discussions either to provide every prisoner with all privileges from the beginning of the sentence and to withdraw them in case of

*See A/CONF.87/12.

breaches of discipline, or to grant these privileges progressively as a reward to encourage good social conduct. Only a few countries noted that they did not provide privileges at all, whereas some other countries allowed their female prisoners to have special outings, to wear civilian clothes and to use cosmetics and hair-dressing appliances.

Rules 71-76 (Work)

52. In view of the importance of this matter, special attention is given to these Rules in chapter III, section A.

Rules 77 and 78 (Education and recreation)

53. With respect to further education of all prisoners, arrangements to meet the required standards had improved in comparison with responses to previous inquiries. Several countries reported the introduction of academic, vocational and cultural education courses, in accordance with the needs of prisoners and the availability of resources. Education, as one country stated, could be provided either by teachers from outside, in training centres, or through correspondence courses.

Rules 79-81 (Social relations and after-care)

54. Only about half of the responding countries reported the existence of a well-functioning system to enable prisoners to contact their family members and close relatives and friends, and some of them mentioned even additional family visitation by social workers to the parents of juveniles and youth prisoners.

55. A number of these countries devoted special attention to social problems in which juveniles were involved. One country practised lenient treatment and supervision of its juvenile prisoners in some aspects of daily life, including medical care, visitation, and permission to go home for holiday visits or when family members were seriously ill or had died. In another country juveniles were given the opportunity to arrange family matters such as weddings or contacts with family members.

56. However, according to some countries, geographical remoteness and inaccessibility as well as the lack of trained staff and budgetary resources were the main obstacles to full implementation of the Rules concerning family visitations.

57. The existence of national agencies to assist released prisoners in the process of their resocialization was reported by very few countries. One Government mentioned that its concerns for juvenile prisoners were strongly and directly linked with its National Institute of Family Welfare. Great success in using volunteers for probation and parole services was reported by another Government.

Insane and mentally abnormal prisoners

Rules 82 and 83

58. Technical, budgetary and economic problems hindering full implementation were reported by several countries. Financial constraints often resulted in the lack of qualified personnel and psychologists or psychiatrists required to comply with Rules 82 and 83. However, mental treatment in prisons varied considerably from country to country. For instance, one Government employed

part-time psychiatric specialists in several prisons, and inmates who suffered from psychogenic diseases were transferred to a prison where full-time specialists were available. If necessary, the patients could be transferred to a psychiatric hospital. On the other hand, some countries reported that they were unable to provide any mental or psychiatric treatment for inmates because of scarcity of funds.

59. Several countries raised the question whether insane or mentally abnormal prisoners should be in prison at all, and suggestions were made to transfer them to mental hospitals or asylums. Some countries committed such offenders to prison hospitals, which were institutions half-way between prisons and hospitals.

Prisoners under arrest or awaiting trial

Rules 84-93

60. Many countries noted great problems in meeting the requirements for untried prisoners contained in Rules 84-93, mainly because of financial and technical shortcomings. For instance, single accommodation for untried prisoners (Rule 86) was often not possible as a result of lack of space, personnel or finances. Rule 89, which stipulates that prisoners under trial be offered opportunity to work, was often difficult to implement due to prison overcrowding or the deficiency of appropriate facilities. One federated State had only 16 per cent of these Rules fully implemented in its federal prisons, whereas in about half of its state prisons the same Rules were not applied at all.

Civil prisoners

Rule 94

61. For ten responding countries Rule 94 was not applicable as their national laws did not permit imprisonment for debt. Countries of one region mentioned that they tried to reduce sentences of imprisonment for debt in favour of fines or bail.

Persons arrested or detained without charge

Rule 95

62. Many countries stated that Rule 95 was not applicable to their prison systems, indicating that they did not have such a special category of prisoners. It was suggested, however, that where such detainees existed, their numbers and conditions of detention should be included in annual reports of the prison administration.

III. SPECIAL ISSUES

A. Prison work

63. Work in general was considered by most of the responding States to play an important role in the prisoners' re-education and rehabilitation after release. Active employment was seen as a first step in the inmates' social re-integration, and could therefore affect the success of correctional treatment. Consequently, one country stated that, in accordance with its legal provisions, labour was an important measure for the reform of its

criminals. Another reason for providing professional training in a useful employment was, as stated by another country, to prepare prisoners to earn their living honestly after they had served their sentence. In addition, the money earned from the work could be used for restitution of damages caused by the offender as well as a contribution to the costs of the judicial proceedings. Nearly all the countries stressed that sentenced prisoners were obliged to work, whereas prisoners on remand were allowed, but not obliged, to work.

64. Work available in prisons reflected to a large extent the opportunities for work in the country as a whole. Agricultural or farm work, industrial and craft work and unskilled and unqualified labour were the main types of employment of prisoners. The maintenance of the institution was another important source of work for inmates. One country pointed out that about half of its inmates were employed with production and one quarter with maintenance of the building, while one quarter were in education programmes.

65. Concerning working time, it was generally agreed that the weekly work hours should correspond to those practised outside, including one free day per week. Sufficient time for instruction and other activities of the prisoners' rehabilitation programmes should be guaranteed. One country pointed out that approximately ten per cent of its inmates worked or studied outside the institutions, and, if advisable, work could be replaced by studies. Another country reported the introduction of a "work-education" model involving half a day of work and half a day of educational and recreational activities.

66. The replies relating to the organization of work were rather diverse. In some countries, prisoners were put to work for private employers to a large extent, whereas in others the objective of such work was self-sufficiency, enabling the sale of excess products to other correctional services or public authorities. One country, on the other hand, showed an increased interest in developing prison industries on a private basis. Several countries noted, however, that prison work was affected to some extent by the general employment situation and that, therefore, sufficient work in the private sector could not be guaranteed. Thus, competition with the outside market was considered to be one of the main obstacles to full employment as regards private opportunities for prisoners. To avoid a such situation, it was suggested by one country that prison industries should be established in markets where national products were no longer competitive.

67. One of the biggest obstacles to full employment reported by many Governments was overcrowding. The number of prisoners seeking work or who were unemployable was very high. The major concerns in this context were summarized in the reply of one country: "The great increase in the prison population, its extraordinary mobility due to releases or relocations for reasons of justice and the presence of a large number of persons under charge (for whom work is not mandatory) are all factors which occasionally make it impossible to organize certain kinds of prison work or to ensure the continuity of this work". To alleviate this situation, one country suggested that work could be used as a means of shortening penalties and thus reducing overcrowding.

68. Among the factors which increased the number of idle prisoners who were eligible and willing to work was the total lack, or at least insufficient number, of prison workshops. In this respect, one country mentioned that current budgetary limitations did not allow the provision of alternative work that would require new facilities and more space. It was also reported by several countries that security issues limited the size and number of

workshops because of supervision and control problems. One country noted that sometimes, for security reasons, qualified and skilled prison workers had to be transferred from one specific work assignment to another, less appropriate, one.

69. The role of labour unions in correctional work programmes was seen from different angles, due to different experiences. There were national as well as prison unions which protected the rights of prisoners and helped them to find jobs outside, and unions which protected the workers outside to avoid unfair competition with less expensive products through "exploitation" of cheap labour. About 50 per cent of the Governments reported no significant problems with unions. On the contrary, they mentioned the provision of useful work for their prisoners through good co-operation with national labour unions. However, the other half of the countries reported their unions' fears of unfair competition. One country noted its past conflicts between labour unions and prison industries, and reported the beginning of a national dialogue between both parties and the possible revision of the rules for prison industries.

B. Prison construction and alternatives

70. The construction of new prisons and the renovation of obsolete institutions were seen by nearly all countries as major steps towards coping with the main problem of prison administration, namely overcrowding. Many countries provided detailed information on their plans concerning the construction of new prisons and, in fact, activities in this respect seemed to be considerable. For instance, one country reported that it planned to build 14 new prisons and additional accommodation at the existing ones, which would give more space for about 10,000 prisoners by the end of the decade. In addition to new construction, efforts to reopen facilities which had been closed were reported by a number of Governments.

71. A few countries expressed the view that the problem of overcrowding could be solved through alteration of the existing prisons, but the vast majority of the replies stressed the need to promote further steps to increase the number of facilities, and, in addition, to apply a variety of alternatives to imprisonment. One country, for example, noted that its Court of Appeal, supported by the Government, had recommended to use the sentence of imprisonment only selectively; imprisonment would be avoided whenever possible or, at least, imposed only for the shortest reasonable period. In the same country the courts had been given authority to suspend partly any prison sentence of up to two years, maintaining only a minimum number of days to be served. That country had furthermore reduced the time of the sentence which had to be served before parole could be granted. Finally, the limitation of the maximum period a person might be detained while awaiting trial was also considered.

72. The Governments of most countries were in contact with the courts, the police and the competent social services, in an effort to encourage the greatest possible application of non-custodial sanctions. Accordingly, one Government instructed its public prosecutors to suspend the execution of sentences if the prisons had insufficient capacity to accommodate convicted offenders. The judges of the same country were invited to make use of suspended sentences and fines in the case of first offenders and less serious offences.

73. The promotion of law reforms to improve sentencing policies was reported by many countries. The main goals of such reforms were, for most of the countries, depenalization of certain forms of crime, the extension of the use of semi-custodial sentences, and expediting criminal proceedings to reduce, in particular, the number of unconvicted prisoners. In one country the Solicitor General had started a review of conditional release programmes with a view to permitting earlier releases of non-violent offenders. Another country mentioned the introduction of two new forms of alternatives to imprisonment, namely the day-fine system and community service for offenders. Changes in legislation on drunken driving, involving the more frequent use of fines instead of imprisonment, were also reported by some countries. Finally, the development of more effective measures to prevent criminality was also seen as a means of reducing overpopulation in prisons.

74. Nearly all countries felt the need to cope with the problem of overcrowding by a broader and more systematic approach. The involvement of all the relevant agencies within and outside the criminal justice system required optimal co-ordination, and it was reported by some countries that studies in this regard were under way.

IV. TOWARDS MORE EFFECTIVE IMPLEMENTATION OF THE RULES

A. At the national level

75. Many countries felt that further efforts must be made to implement the Rules fully, in accordance with the Procedures for the Effective Implementation of the Standard Minimum Rules for the Treatment of Prisoners, approved by the Economic and Social Council in resolution 1984/47. In line with these Procedures, the main suggestions made in this regard were as follows:

(a) Ensuring further application of the Rules by incorporation of the relevant provisions into domestic law;

(b) Publicizing the Rules, including pertinent articles and reports, in the mass media;

(c) Increasing budgetary and staff resources of the agencies concerned, with a view to improving current prison conditions;

(d) Enhancing regular prison visits by judicial and other authorities responsible for the enforcement of sentences;

(e) Constructing new prison buildings and renewing old ones;

(f) Planning national congresses on correctional questions in order to examine critical issues in this field;

(g) Including the Rules in training programmes for prison staff.

B. At the regional and international level

76. The majority of Governments emphasized the importance of holding regional and international seminars and symposia in order to facilitate the exchange of information and experience as regards the implementation of the Rules. Such an exchange of views would promote co-operation in specific fields, such as training of prison staff and technical assistance on a bilateral or multilateral

basis, taking into account concrete local conditions. In this context, it was mentioned that a regional prison commission had made proposals for the uniform application of the Rules in all countries of the region concerned.

77. The hope was expressed that more expert advice, training and funding support through various international agencies would be provided to developing countries to help meet the challenges in the field of prison administration. It was also suggested that international organizations should collect and disseminate more information on prison conditions in specific countries, including statistics and prison censuses. One country proposed the establishment of an international agency with an appropriate authority to carry out regular inspections of all prisons.

78. The activities of the United Nations aimed at enhancing implementation of the Rules were appreciated by all countries. United Nations services, including technical co-operation, the provision of information and the assistance of interregional advisers, were requested by many countries with a view to improving the professional competence of prison staff and raising prison standards. For the same purpose, the need to support the United Nations regional and interregional research and training institutes for crime prevention and criminal justice was stressed by many countries. One African country mentioned that it would be prepared to consider the hosting of an institute for its region. The willingness to send experts to participate in the research work of regional institutes and to support any efforts undertaken by these institutes and by the United Nations was also expressed.



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**IMPLEMENTATION OF THE UNITED NATIONS STANDARD
MINIMUM RULES FOR THE TREATMENT OF PRISONERS**

Addendum

During the period of 1 June to 25 July 1985, four additional replies were received to the latest inquiry on the implementation of the Standard Minimum Rules for the Treatment of Prisoners, namely from Argentina, Bahamas, Mauritius and Mozambique. Taking into account the 58 countries which had submitted their replies on this subject before 31 May 1985, the total number of Member States from which information had been received amounted to 62. This addendum contains information provided by the four additional replies.

Echoing the responses contained in the main report, the Governments showed great concern regarding the implementation of the Rules and made considerable efforts to put an end to abuses and illegal measures in the treatment of prisoners. One country amended its legislation in order to conform to the provisions of the Rules. It was further emphasized that living conditions in prisons should be as similar as possible to those outside. Furthermore, one Government reported that it had issued a special decree extending all the provisions of the Code of Conduct for Law Enforcement Officials to its prison staff.

Various observations were made in connection with some specific points covered by the Rules. One country reported that, in order to alleviate conditions of accommodation, a list of all prisoners under trial was supplied to the prosecutors' offices, so as to alert them regarding the period that detainees had already spent in prison. Furthermore, discussions had been held with members of the criminal justice system regarding the use of alternatives to imprisonment, with a view to reducing overcrowding.

With respect to special categories, one country reported that welfare officers had been recruited to work for various categories to ensure that the required needs were met. Shortage of equipment was also pointed out. This shortage was reported to be counterbalanced with increased staff training and the expansion of academic and recreational programmes.

Regarding prison work, one country reported its endeavours to provide inmates with a spectrum of activities as broad as possible.

One country mentioned that, in compliance with the provisions of the Rules, corporal punishment had been recently abolished.

This archiving project is a collaborative effort between United Nations Office on Drugs and Crime and American Society of Criminology, Division of International Criminology. Any comments or questions should be directed to Cindy J. Smith at CJSmithphd@comcast.net or Emil Wandzilak at emil.wandzilak@unodc.org.