

9 October 2013

Original: English

**OPEN-ENDED INTERGOVERNMENTAL EXPERT GROUP
ON THE STANDARD MINIMUM RULES FOR THE
TREATMENT OF PRISONERS**

VIENNA, AUSTRIA, 25 – 28 March 2014

**RESPONSE OF THE GOVERNMENT OF AUSTRALIA¹
TO NOTE VERBALE CU 2013/129/DO/JS**

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Australia broadly supports the draft resolution but makes the following comments:

Issue 1: Proposed change to Paragraph 18(d) - to add, in rule 31, the reduction of diet and of drinking water, prolonged and indefinite solitary confinement, collective punishment and **the suspension of family and intimate visits to the practices completely prohibited as punishments for disciplinary offences.**

Australia notes its laws already include appropriate safeguards to satisfy the intent of the current rule 31. Further changes to the legal and operating frameworks around contact and residential visits could restrict the capacity of countries to respond effectively to prison misconduct and may diminish the impact of incentivising good behaviour.

Issue 2: Paragraph 18(e) - To add, in rule 31, **a prohibition on imposing solitary confinement for juveniles, pregnant women, women with infants, breastfeeding mothers and prisoners with mental disabilities, as a disciplinary punishment;** for life-sentenced prisoners and prisoners sentenced to death, by virtue of their sentence; and for pretrial detainees, as an extortion technique

Australia seeks to accommodate prisoners in environments where they are able to mix safely with other prisoners. Where prisoners present a significant risk to the Correctional system, either due to an assessed risk to themselves or the risk they pose to others, it may not be possible for those prisoners to have physical contact with other prisoners, but those persons will still have routine contact with custodial and non-custodial staff, service providers (such as medical staff, education staff, chaplains etc), professional and official visitors, volunteers and his or her visitors. These restrictions are only applied when there are no other appropriate options available.

Issue 3. Paragraph 22 (j) - To require, in a new subparagraph of rule 55, that any inspections should be followed by a written report to be submitted to the competent authority, which would include an assessment of compliance of penal institutions and services with national law and relevant standards, as well as recommended reform steps to improve compliance, and **the findings of which should be made public**, excluding any personal data of a prisoners without his or her express consent.

Australia notes that inspections of prisons in Australia may be made by a number of authorities who may release their findings publicly. These reports are made to responsible parties such as the Parliament, Premier, Minister for Corrections, or Secretary to the Department of Justice, as required. In certain circumstances, it may be appropriate to make public these reports. Australia believes that the purpose and findings of the report should guide whether a report is made publicly available.