

2 October 2013

English
Original: Spanish

**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 BRAZIL¹
TO NOTE VERBALE CU 2013/129/DO/JS**

¹ This document was received in Spanish language and has been officially translated.

**Standard Minimum Rules for the Treatment of Prisoners adopted by the
First United Nations Congress on the Prevention of Crime and the Treatment of Offenders,
held at Geneva in 1955, and approved by the Economic and Social Council in its
resolution 663 C (XXIV) of 31 July 1957 and extended by the Council by its
resolution 2076 (LXII) of 13 May 1977**

Explanation:

This text sets out only those rules that have been amended in writing, i.e. **the rules that are not referred to in this document would remain as they currently stand** (with only minor adjustments relating to obsolete terminology, such as the replacement of “prisoners” with “imprisoned persons”, etc.).

The position of Brazil comprises (1) contributions already made at the second meeting of the Expert Group in Buenos Aires by Argentina, Brazil, South Africa, the United States of America, Uruguay and Venezuela; (2) proposals made by several States during the meeting in Buenos Aires and included in the final document; and (3) a number of proposals made by Brazil following the second meeting of the Expert Group in Buenos Aires.

5. (1) The rules do not seek to regulate the management of institutions set aside for [young offenders](#)~~persons~~, such as ~~Borstal institutions~~ [juvenile detention centres](#) or [education institutions](#).

Rule 1. The following rules are not intended to describe in detail a model system of penal institutions. They seek only, on the basis of the general consensus of contemporary thought and the essential elements of the most adequate systems of today, [grounded in respect for human rights and fundamental freedoms](#), to set out what is generally accepted as being good principle and practice in the treatment of [imprisoned persons prisoners and the management of institutions](#).

[Rule 1 bis](#)) The United Nations Standard Minimum Rules for the Treatment of [Imprisoned Persons Prisoners](#) are inspired by the principles proclaimed in the Charter of the United Nations and in various United Nations conventions and declarations, recognizing that the dignity and worth of the human person is fundamental to the establishment of conditions under which justice and respect for obligations arising from treaties and other sources of international law can be maintained, and to promote social progress and better standards of life.

These rules are addressed to prison authorities, including senior management, administrative and professional corrections staff and head care staff; and to professionals throughout the criminal justice system whose actions have impact on [imprisoned persons prisoners](#) or their families, including policymakers, legislators, prosecutors, defence counsel, legal aid practitioners, the judiciary, probation services, counsellors and social services providers.

(2) ~~In view of~~ [Despite](#) the great variety of legal, social, economic and geographical conditions of the world, ~~it is evident that not all of~~ the rules ~~are capable of application in all places and at all times~~. ~~They should, however,~~ serve to stimulate a constant endeavour to overcome practical difficulties in the way of their application, in the knowledge that they represent, as a whole, the minimum conditions which are accepted as suitable by the United Nations.

[Rule 2 bis](#)) These Rules are based on the consideration that all person deprived of liberty, which is subject to the jurisdiction of any of the States Members of the United Nations, must be treated with humanity, with full respect for their inherent dignity, their fundamental rights and guarantees, and in strict adherence to international human rights instruments.

In their role of guarantor, States must ensure to all person deprived of liberty their respect for life and personal integrity, minimum conditions compatible with their dignity, and the prohibition, without exception, of any acts of torture, cruel, inhuman or degrading treatment.

The international obligations undertaken by the Member States are to be fully respected and implemented.

[Rule 2 ter](#)) States shall take into account that the present Rules are supplemented by the following specific Rules: the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules), the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules) GA Res. 65/229, U.N. GAOR, 65th Sess., U.N. Doc. A/RES/65/229 (Dec. 21, 2010), the United Nations Standard Minimum Rules for Non-custodial Measures (The Tokyo Rules), the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, General Assembly resolution 67/166 on human rights in the administration of justice (20 December 2012), the Convention on the Rights of Persons with Disabilities and any other international instrument applicable to the matter.

Rule 3. The rules cover a field in which thought is constantly developing. They are not intended to preclude experiment and practices, provided these are in harmony with the principles and seek to further the purposes which derive from the text of the rules as a whole. It will [always](#) be justifiable for the central prison administration to authorize departures from the rules in this spirit, [provided the prisoners' human rights and fundamental freedoms are respected](#).

[Rule 3 bis](#)) States acknowledge that the excessive increase of prison populations and overcrowding constitute a challenge for the effective application of these minimum rules.

Rule 5. The rules do not seek to regulate the management of institutions set aside for young persons such as [juvenile detention centres or correctional schools](#), but in general part I would be equally

applicable in such institutions. For specific guidance applicable to juvenile offenders see United Nations Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines). General Assembly resolution 45/112, annex. of 14 Dec 1990 and the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules) General Assembly resolution 40/33 of 29 November 1985.

Rule 5 bis) The provisions of the Rules should not be interpreted as a limitation, suspension or restriction of the rights and guarantees of persons subject to these rules, recognized in national and international law.

If there are two possible interpretations the one that provides the greatest protection should be applied.

Rule 6. (1) The following rules shall be applied impartially. There shall be no discrimination on grounds of race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth, age, ethnic origin, cultural traditions, disability, gender identity and sexual orientation or other status. States should develop policies to protect those vulnerable groups.

(2) It is important to recognize that the principle underlying Rule 6 (1) means that no prisoner should be treated in a disadvantageous manner in respect of any of the listed criteria. This does not imply, however, that there is a prohibition against different treatment of imprisoned persons prisoners for specific reasons and in line with their special needs.

(3) In the application of these rules, the religious beliefs and moral precepts of the group to which an imprisoned person prisoner belongs are to be respected.

(4) All persons subject to these rules shall be treated with respect for their inherent dignity. Torture, cruel, inhuman or degrading treatment or punishment is prohibited.

(5) It is the responsibility of the correctional system to provide penitentiary conditions in a safe, secure, humane, and transparent manner with the goal of an eventual release of imprisoned persons prisoners upon the completion of their sentence and their successful reintegration into society. In this regard an effective prison management program should take into consideration the needs of imprisoned persons prisoners with respect to education, meaningful work, health care, exercise and cultural activities.

Rule 6 bis) Imprisoned persons prisoners shall be protected against all kinds of threats and acts of torture, execution, forced disappearance, cruel, inhuman or degrading treatment, sexual violence, corporal punishment, collective punishment, forced or coerced treatment intervention, methods intended to obliterate the personality or decrease the physical or mental capacity of the person.

Rule 6 ter) The special needs of imprisoned persons prisoners belonging to vulnerable groups deprived of their liberty shall be respected and such persons shall be afforded protection, in particular women; children; older imprisoned persons; imprisoned persons with disabilities; imprisoned persons with mental health-care needs; sick imprisoned persons, in particular patients with AIDS, tuberculosis patients and imprisoned persons with terminal illness; drug-dependent imprisoned persons; ethnic and racial minorities and indigenous peoples; imprisoned persons who are foreign nationals; lesbian, gay, bisexual and transgender imprisoned persons; imprisoned persons under sentence of death; and people in other situations of vulnerability.

[Rule 57.] Imprisonment and other measures which result in cutting off a person who has violated the law an offender from the outside world are afflictive by the very fact of taking from the person the right of self-determination by depriving him of his liberty. Therefore the prison system shall not, except as incidental to justifiable segregation or the maintenance of discipline, aggravate the suffering inherent in such a situation.

[Rule 58.] The purpose and justification of a sentence of imprisonment or a similar measure deprivative of liberty is ultimately to protect society against crime. This end can only be achieved if the period of imprisonment is used to ensure, so far as possible, that upon his or her return to society the person offender is not only willing but able to lead a law-abiding and self-supporting life.

[Rule 59.] To this end, the institution should utilize all the ~~remedial~~, educational, social, professional, ~~moral~~, spiritual and other forces and forms of assistance which are appropriate and available, and should seek to apply them according to the individual treatment needs of the ~~persons~~ prisoners.

[Rule 60.] (1) The regime of the institution should seek to minimize any differences between prison life and life at liberty which tend to lessen the responsibility of the ~~imprisoned persons~~ prisoners or the respect due to their dignity as human beings.

Comment [CMD1]: Rules 57-59 and 60, para. 1, were moved to this point in the document at the suggestion of the plenary of the second meeting of the Expert Group (final report) and in general agreement with the position of Brazil.

Rule 6 bis

Prisons should be located close to the homes of the prisoners or to places of social reintegration, ~~to the extent possible~~.

REGISTER MANAGEMENT

Rule 7. (1) In every place where persons are imprisoned there shall be kept a record, which may be a hard-copy system or an electronic system of records, that registers every person admitted to, held or released from the facility and the system. Sufficient procedures shall be in place to prevent unauthorized access or modification of any information contained in these registries. With respect to each prisoner received, the record will include among others:

- (a) Information concerning his identity;
 - (b) The reasons for his commitment and the authority therefor;
 - (c) The day and hour of his admission and release.
- (2) No person shall be received in an institution without a valid commitment order of which the details shall have been previously entered in the register.

Rule 7 bis. (1) Consistent with good case management, in addition to the information provided in Rule 7(1)(a)-(c), records should be maintained on non-routine events affecting an imprisoned person ~~a prisoner~~; for example, transfers, interventions by health-care personnel ~~medical interventions~~, infractions, injuries, claims, disciplinary measures, achievements, complaints, requests, torture, serious injury, cause of death, deaths and the destination of remains.

- (2) All such records shall be kept confidential and made available only to those whose professional responsibilities require access to such records.
- (3) Imprisoned persons should be provided with copies of the records pertaining to them, upon request.

Information systems should contain data on prison capacity and occupancy rate by prison.

Rule 8. The different categories of ~~imprisoned persons~~ prisoners shall be kept in separate institutions or parts of institutions taking account of their age, gender identity, criminal record, the legal reason for their detention, ~~other relevant categories~~ and the necessities of their treatment. Thus, (a) Men and women shall so far as possible be detained in separate institutions; in an institution which receives both men and women the whole of the premises allocated to women shall be entirely separate; (b) Untried prisoners shall be kept separate from convicted prisoners; (c) Persons imprisoned for debt and other civil prisoners shall be kept separate from persons imprisoned by reason of a criminal offence; (d) Young prisoners shall be kept separate from adults.

Rule 11

(c) There shall be natural light at all times in order to prevent infectious illnesses.

Rule 16. In order that imprisoned persons ~~prisoners~~ may maintain a good appearance compatible with their self-respect, facilities shall be provided for the proper care of their personal hygiene according to their needs, men shall be enabled to shave regularly.

Rule 20. (1) ~~Every imprisoned person~~ Every prisoner shall be provided by the administration at the usual hours with food of nutritional value adequate for health, taking into account any special needs, and strength, of wholesome quality and well prepared and served. (2) Drinking water shall be available to every imprisoned person whenever he needs it.

MEDICAL HEALTH-CARE SERVICES

Rule 22. (1) The provisions of health-care services for imprisoned persons ~~prisoners~~ is a State responsibility. Imprisoned persons ~~prisoners~~ should enjoy the same standards of health care as is available in the community, and should have access to the health services without discrimination on the grounds of their legal status or their ability to pay.

(2) At every institution there shall be available the services of at least one physician and one male nurse ~~qualified medical officer who should have some knowledge of psychiatry~~. The medical services should be organized in close relationship to the general health administration of the community or nation. They shall include a psychiatric service for the ~~diagnosis and, in proper cases, the treatment of~~ care of imprisoned persons ~~prisoners~~ in states of mental or psychosocial illness ~~and disability~~ or with disabilities.

(3) Sick prisoners who require specialist treatment shall be transferred to specialized institutions or to civil hospitals. Where hospital facilities are provided in an institution, their equipment, furnishings and pharmaceutical supplies shall be proper for the ~~medical~~ health care and treatment of sick imprisoned persons ~~prisoners~~, and there shall be a staff of suitable trained officers.

(4) The services of a qualified dental officer shall be available to every imprisoned person.

(5) For the special needs of women, Rule 6 of the Bangkok Rules, supplements Rules 22 to 26 of the Standard Minimum Rules on the Treatment of Imprisoned Persons ~~Prisoners~~.

(6) Appropriate health services should be provided to imprisoned persons ~~prisoners~~ who have problems with substance abuse consistent with community standards.

Rule 23. (2) Where nursing infants are allowed to remain in the institution with their mothers, provision shall be made for a nursery staffed by qualified persons, where the infants shall be placed when they are not in the care of their mothers. (3) ~~The institution shall provide permanent health-care services for children living with their mothers at that institution.~~

Rule 24. The ~~medical~~ health-care officer shall see and examine every imprisoned person ~~prisoner~~ as soon as possible after his admission and thereafter as necessary, with a view particularly to the discovery of physical or mental illness and the taking of all necessary measures; the segregation of imprisoned persons ~~prisoners~~ suspected of infectious or contagious conditions; the noting of physical or mental defects which might ~~hamper~~ limit ~~rehabilitation~~ everyday activities, and the determination of the physical capacity of every imprisoned person ~~prisoner~~ for work.

Rule 24 bis) Physicians and nurses in prisons shall, ~~as an ethical obligation,~~ record all signs of torture and other cruel, inhuman or degrading treatment or punishment of which they may become aware in the context of medical examinations upon admission, or when providing medical care to prisoned persons any time thereafter, using the necessary procedural safeguards, and to report such cases to the competent medical, administrative or judicial authority, after having obtained the explicit consent of the patient concerned, and in exceptional circumstances, without the explicit consent of the patient concerned in case he or she is unable to express himself or herself freely, and without putting the life and safety of the patient and/or associated persons at risk.

Rule 25. (1) The relationship between the ~~physician or~~ health-care practitioner and ~~prisoners~~ imprisoned persons is governed by the same ethical principles as those between the physician or health-care practitioner and any other patient. The primary duty of ~~medical and~~ health-care staff in prison is to treat imprisoned persons as patients, to base health care decisions on clinical grounds and act in line with the normal principles of their profession.

(2) The physician ~~or~~ and other health-care practitioners shall have the care of the physical and mental health of the ~~prisoners~~ imprisoned persons and should daily see all sick ~~prisoners~~ imprisoned persons, all who complain of illness, and any ~~prisoner~~ imprisoned person to whom his attention is specially directed.

(3) The physician or health-care practitioner shall report to the director whenever he considers that ~~a prisoner's~~ an imprisoned person's physical or mental health has been or will be injuriously affected by continued imprisonment or by any condition of imprisonment.

(4) The confidentiality of medical information shall be respected, unless doing so would result in a real imminent threat of harm to the patient or to others.

(5) The need to prepare and maintain accurate, up-to-date and confidential medical files of all ~~prisoners~~ imprisoned persons, under the exclusive responsibility of the health staff.

(6) The health staff shall abstain, under all circumstances, from engaging, actively or passively, in acts which may constitute participation in, complicity in, incitement to or attempts to commit torture or other cruel, inhuman or degrading treatment or punishment.

Rule 26. (1) The ~~medical-officer~~ health-care personnel shall regularly inspect and advise the director upon: (a) The quantity, quality, preparation and service of food; (b) The hygiene and cleanliness of the institution and the ~~prisoners~~ imprisoned persons; (c) The sanitation, heating, lighting and ventilation of the institution; (d) The suitability and cleanliness of the ~~prisoners'~~ imprisoned persons' clothing and bedding; (e) The observance of the rules concerning physical education and sports, in cases where there is no technical personnel in charge of these activities. (2) The director shall take into consideration the reports and advice that the ~~medical-officer~~ health-care personnel submits according to rules 25 (2) and 26 and, in case he concurs with the recommendations made, shall take immediate steps to give effect to those recommendations; if they are not within his competence or if he does not concur with them, he shall immediately submit his own report and the advice of the ~~medical-officer~~ health-care personnel to higher authority.

Rule 26 bis) To allow for the participation of ~~prisoners~~ imprisoned persons in clinical trials accessible in the community and to other health research only in case it is expected to produce a direct and significant benefit to their health, and include a requirement for procedural safeguards to ensure free and informed consent, ~~complemented by external review~~; and to prohibit a detained or imprisoned person, even with his or her consent, from being subjected to any form of medical or scientific experimentation which may be detrimental to his or her health.

Rule 27. Discipline and order shall be maintained with firmness, but with no more restriction than is necessary for safe custody and well-ordered community life.

Rule 27 bis) The prison staff shall establish and resort to mediation mechanisms to solve conflicts, with the possibility of defence.

Rule 29. The following shall always be determined by the law or by the regulation of the competent ~~administrative~~ authority: (a) Conduct constituting a disciplinary offence; (b) The types and duration of punishment which may be inflicted; (c) The authority competent to impose such punishment.

Rule 29 bis) The law or regulation of the competent authority relating to searches of imprisoned persons and visitors shall be based on international standards and norms and on the principles of legality, necessity and proportionality.

Rule 30. (1) No ~~prisoner~~-imprisoned person shall be punished except in accordance with due process and the terms of such law or regulation, and never twice for the same offence.

(2) No ~~prisoner~~-imprisoned person shall be punished unless he has been informed of the offence alleged against him and given a proper opportunity of presenting his defence.

(3) The competent authority shall conduct a thorough examination of the case.
3 bis) The imprisoned person shall have the conditional right to legal advice in the context of disciplinary proceedings.

(4) The ~~prisoner~~-imprisoned person shall have the opportunity to seek judicial review.

(5) Where necessary and practicable the imprisoned person shall be allowed to make his defence through an interpreter.

Rule 31. Corporal punishment, punishment by placing in a dark cell, ~~isolation, reduction of diet and water, collective punishment~~, and all cruel, inhuman or degrading punishments shall be completely prohibited.

Rule 31 bis) Restrictions on visitation shall not be used as a punishment ~~should only be used in exceptional circumstances~~.

[Rule 32. (1) Confinement constitutes an exceptional measure applied only for severe cases and only to preserve the life and integrity of ~~prisoners~~ imprisoned persons, and shall be applied when the health-care staff, after examining the person, have certified in writing that he/she is fit to sustain it.

1 bis) Solitary confinement as a disciplinary measure shall never be imposed on juveniles, pregnant women or women with infants, breastfeeding mothers or ~~prisoners~~ imprisoned persons with mental disabilities; on ~~prisoners~~ imprisoned persons sentenced to life imprisonment or death, by virtue of their sentence; or on pretrial detainees, as an extortion technique.

(2) The same shall apply to any other punishment that may be prejudicial to the physical or mental health of the person deprived of liberty. In no case may such measures be contrary to or depart from the principle stated in rule 31.

(3) The health-care staff shall visit daily the persons deprived of their liberty undergoing such punishments and shall advise the director if he considers the termination or alteration of the punishment necessary on grounds of physical or mental health.

(4) Confinement orders shall be authorized by competent authority and shall be subjected to judicial review.

Rule 32. (1) The use of restricted ~~living conditions and~~ privileges shall be limited to situations of serious rule infractions, violent behaviour, and cases of personal protection of self or others. It shall never be used as punishment for a particular crime or discrimination in violation of Rule 6. All conditions associated with restricted living conditions shall comply with the standards for other prisoners, such as light, ventilation, heating, sanitation, water, and adequate personal space, including bedding and linens. At no time shall ~~restricted living conditions~~ such restriction involve isolation from human contact or interaction, including staff during any shift.

(2) Admission to ~~restricted living conditions~~ restrictions shall only be imposed through a transparent administrative process and should be applied to ensure the safety, security, and orderly operation of the facility or to protect the public.

(3) Extended periods of ~~restricted living conditions~~ restriction shall be regularly reviewed through an administrative process that includes an evaluation of the ~~prisoners'~~ medical and mental conditions of the imprisoned persons, current behaviour, original reason for admission, and other factors that may be relevant. The decisions of the administrative committee shall be reviewed by the appropriate higher authority. A reduction in diet shall never be inflicted.

Rule 35. (1) Every ~~prisoner~~ imprisoned person on admission shall be provided with written information, in an accessible language, about the regulations governing the treatment of ~~prisoners~~ imprisoned persons of his category, the disciplinary requirements of the institution, the authorized methods of seeking information and making complaints, and all such other matters as are necessary to enable him to understand both his rights and his obligations and to adapt himself to the life of the institution. (2) If a ~~prisoner~~ an imprisoned person is illiterate, the aforesaid information shall be conveyed to him orally. (3) ~~Prisoners~~ Imprisoned persons shall have the right to access legal advice to the information with which every ~~prisoner~~ imprisoned person should be provided upon admission.

Rule 36. (1) Every ~~prisoner~~ imprisoned person shall have the opportunity ~~each week day~~ of making requests or complaints to the director of the institution or the officer authorized to represent him.

(2) It shall be possible to make requests or complaints to the inspector of prisons during his inspection. The ~~prisoner~~ imprisoned person shall have the opportunity to talk to the inspector or to any other inspecting officer without the director or other members of the staff being present.

(3) Every ~~prisoner~~ imprisoned person shall be allowed, directly or through someone acting on his behalf, to make a request or complaint, without censorship as to substance but in proper form, to the central prison administration, the judicial authority or other proper authorities through approved channels, including in a safe and confidential manner.

(4) Every request or complaint shall be responded to appropriately and without undue delay.

(4 bis) Allegations of torture and other cruel, inhuman or degrading treatment or punishment shall be dealt with immediately and shall result in a prompt and impartial investigation conducted by an independent national authority as per rule 54 bis.

(5) ~~Prisoners~~ Imprisoned persons who provide information or make complaints shall be protected against retaliation by facility personnel, including staff and other inmates.

(6) For special needs of women, Rule 25 of the Bangkok Rules supplements rule 36.

Rule 36 bis) For the effective fulfilment of the rights of ~~prisoners~~ imprisoned persons that are enshrined in these Rules, States shall inform them their right to legal information, appeals, and complaints and must ensure the same access to legal representation without delay or censorship, ensuring confidentiality.

Rule 36 ter) In addition to requests made directly to the authorities by persons deprived of liberty or their representatives, States shall also permit the receipt and handling of complaints by an external body independent of the prison administration, and shall establish the means by which such complaints may be made confidentially and free of charge.

Rule 37. ~~Prisoners~~ Imprisoned persons shall be allowed under necessary supervision to communicate with their family and ~~reputable~~ friends at regular intervals, both by correspondence and by receiving visits, or by telephone.

Rule 37 bis) ~~Prisoners~~ Imprisoned persons shall have the right to meet and consult with a legal advisor of their own choice and at their own expense, on any legal matter and under similar conditions as established in rule 93, to be complemented by access of ~~prisoners~~-imprisoned persons to legal aid mechanisms to the maximum extent possible, including at the pretrial and post-trial stages, in line with international standards and norms. (1) Those ~~prisoners~~ imprisoned persons who do not speak the local language shall be guaranteed access to an interpreter in the course of correspondence or meetings with legal advisors.

Rule 44. (1) Upon the death or serious illness of, or serious injury to ~~a prisoner~~ an imprisoned person, or his removal to an institution for the treatment of mental or psychosocial illness or disability, the director shall at once inform the spouse, if the ~~prisoner~~ imprisoned person is married, or the nearest relative and shall in any event inform any other person previously designated by the ~~prisoner~~ imprisoned person. In the event of a death (natural, violent or of unknown cause) in custody or shortly following release, a prompt and thorough investigation by an impartial and competent authority, including independent forensic or post-mortem examinations, shall be conducted and the findings disclosed to competent authorities, if warranted, and selected control bodies, whereas further disclosure should respect the need to protect personal data as per national law.

(2) ~~A prisoner~~ An imprisoned person shall be informed at once of the death or serious illness of any near relative. In case of the critical illness of a near relative, the ~~prisoner~~ imprisoned person should be authorized, whenever circumstances allow, to go to his bedside either under escort or alone.

(3) Every ~~prisoner~~ imprisoned person shall have the right to inform at once his family of his imprisonment or his transfer to another institution.

Rule 44 bis) Prison authorities should institute policies provided that any person who dies in custody will have a proper ~~burial~~-funeral appropriate to his or her culture, in those cases where there is no other responsible party.

Rule 46.

1 bis) Prison staff should preferably be civilians.

4) The State shall provide prison staff with access to mental health services.

Rule 47.

(1 bis) Staff training should have a positive impact on professionalism and sound prison management.

(1) The personnel shall possess an adequate standard of education and intelligence.

(2) Before entering on duty, the personnel shall be given a course of training in their general and specific duties and be required to pass theoretical and practical tests.

(3) After entering on duty and during their career, the personnel shall maintain and improve their knowledge and professional capacity by attending courses of in-service training to be organized at suitable intervals.

(3 bis) Training should be based on research results and be reflective of contemporary best practice in penal sciences.

(4) Staff training should occur upon entry and ~~at suitable intervals~~ on an ongoing basis and should include relevant national and international laws and standards, and applicable codes of conduct and similar provisions which guide correctional workers in their daily work and interactions with inmates; it should also include the rights, duties and prohibitions of prison staff in the exercise of their functions, including respect for the human dignity of all ~~prisoners~~ imprisoned persons and the prohibition of torture and other cruel, inhuman or degrading treatment or punishment; security matters, including the use of force and the management of violent offenders, with a focus on preventive and defusing techniques; and training oriented towards care and social inclusion.

~~(5) Staff training should be conducted on an ongoing basis and be reflective of current evidence-based correctional practices.~~ The training should be appropriate to the special needs of offenders and include information regarding first aid, health, social assistance, general social and psychological considerations, issues relating to vulnerable groups, reporting and records management designed to encourage the importance of communication between staff and inmates realizing that staff are the most important resource in good prison management.

Rule 54. (1) Officers of the institutions shall not, in their relations with the ~~prisoners~~ imprisoned persons, use force except in self-defence or in cases of attempted escape, or active or passive physical resistance to an order based on law or regulations. Officers who have recourse to force must use no more than is strictly necessary and must report the incident immediately to the director of the institution.

(2) Prison officers shall be given special physical training to enable them to restrain aggressive prisoners. (3) Except in special circumstances, staff performing duties which bring them into direct contact with prisoners should not be armed. Furthermore, staff should in no circumstances be provided with arms unless they have been trained in their use.

Rule 54 bis) Prison administrations or other competent bodies, as appropriate, shall initiate prompt and impartial investigations whenever there are reasonable grounds to believe that an act of torture or other inhuman or degrading treatment or punishment has been committed in prison settings, irrespective of whether a complaint has been received.

Rule 55. (1) There shall be a mechanism for regular inspections of penal institutions and services by qualified and experienced inspectors appointed or assigned by a competent authority. Their task shall be in particular to ensure that these institutions are administered in accordance with existing laws and regulations and with a view to bringing about the objectives of penal and correctional services. The inspection system should ideally comprise both governmental agencies (internal) and external inspection bodies in a complementary way, whereby external inspection bodies should be independent from the authority in charge of the administration of places of detention or imprisonment.

(2) Inspectors should be allowed:

(A) Access to all information, including on numbers of persons deprived of their liberty and places and locations of detention, as well as to all information relevant to the treatment of persons deprived of their liberty, including conditions of detention;

(B) The power to freely choose which places of detention to visit, including unannounced visits at their own initiative, and which persons deprived of liberty to interview;

(C) And authority to conduct private and fully confidential interviews with persons deprived of their liberty in the course of visits;

(D) To make recommendations to competent authorities, including an assessment of compliance of penal institutions and services with national law and relevant international standards, as well as recommended reform steps to improve compliance, inter alia, and the findings of which should be made public, excluding any personal data of a prisoner without his or her express consent.

(3) For special needs of women with regard to inspections, Rule 25 of the Bangkok Rules supplements rule 55.

Rule 55 bis) (1) Internal systems to monitor and document adherence to applicable laws, regulations, policies and procedures governing the management and administration of such institutions shall be adopted, identifying the responsibilities of staff, and shall include procedures for reporting, investigating, and where appropriate referring to legal authorities allegations of torture, excessive use of force, or other abuses. These internal systems shall be available to inspectors.

(2) Prisoners, staff, inspectors, or others who provide information, including regarding abuses, shall be protected against retaliation by facility personnel, including staff and other inmates.

62. The ~~medical~~ health-care services of the institution shall seek to detect and shall treat any physical or mental illnesses or defects ~~which may hamper a prisoner's rehabilitation~~. All necessary medical, surgical and psychiatric services shall be provided to that end, ~~provided that the health-care personnel have recommended such services and that the treatment to be provided has been explained to the patient~~.

Rule 66. (1) To these ends, all appropriate means shall be used, including ~~religious care in the countries where this is possible~~, education, vocational guidance and training, social casework, employment counselling, ~~and physical development and strengthening of moral character~~, in accordance with the individual needs of each prisoner, taking account of his ~~social and criminal personal life~~ history, his physical and mental capacities and aptitudes, his personal temperament, the length of his sentence and his prospects after release. (2) For every prisoner with a sentence of suitable length, the director shall receive, as soon as possible after his admission, full reports on all the matters referred to in the foregoing paragraph. Such reports shall always include a report by a ~~medical health-care officer, wherever possible qualified in psychiatry~~, on the physical and mental condition of the prisoner. (3) The reports and other relevant documents shall be placed in an individual file. This file shall be kept up to date and classified in such a way that it can be consulted by the responsible personnel whenever the need arises.

Rule 67. The purposes of classification shall be: (a) To separate ~~from others those~~ prisoners ~~who, by reason of according to their criminal records or need for protection bad characters, are likely to exercise a bad influence~~; (b) To divide the prisoners into classes in order to facilitate their treatment with a view to their social rehabilitation; ~~and (c) to monitor the activities of each group~~.

Rule 69. As soon as possible after the admission ~~and after a study of the personality~~ of each prisoner with a sentence of suitable length, a programme of treatment shall be prepared for him in the light of the knowledge obtained about his individual needs, his capacities and dispositions.

Rule 77. (1) Provision shall be made for the further education of all prisoners capable of profiting thereby, ~~including education aimed at the development of civic-mindedness religious instruction in the countries where this is possible~~. The education of illiterates and young prisoners shall be compulsory and special attention shall be paid to it by the administration. (2) ~~So far as practicable, the~~ The education of prisoners ~~shall should preferably~~ be integrated with the educational system of the country so that after their release they may continue their education without difficulty.

~~INSANE AND MENTALLY ABNORMAL PRISONERS~~

~~PRISONERS WITH MENTAL ILLNESSES~~

Rule 82. (1) ~~Persons who are found to be insane~~ Prisoners with mental illnesses shall not be detained in prisons and arrangements shall be made to remove them to ~~mental institutions~~ mental-health services as soon as possible. (2) Prisoners who suffer from ~~other~~ mental ~~diseases or abnormalities~~ illnesses shall be observed and treated ~~in specialized institutions under medical management by health-care personnel~~. (3) During their stay in a prison, such prisoners shall be placed under the special supervision of ~~a medical officer~~ health-care personnel until they are relocated to a suitable home. (4) The ~~medical or psychiatric~~ health service of the penal institutions shall provide for the ~~psychiatric~~ mental-health treatment of all other prisoners who are in need of such treatment.

Rule 83. It is desirable that steps should be taken, by arrangement with the appropriate agencies, to ensure if necessary the continuation of ~~psychiatric mental-health treatment after release and the provision of social assistance after release.~~

93. For the purposes of his defence, an untried prisoner shall be allowed to apply for free legal aid where such aid is available, and to receive visits from his legal adviser with a view to his defence and to prepare and hand to him confidential instructions. For these purposes, he shall if he so desires be supplied with writing material. Interviews between the prisoner and his legal adviser may be within sight but not within the hearing of a police or institution official.

~~Rule 93 bis) To ensure compliance with current norms relating to legal assistance, including the provision of such assistance without delay or interception of communications and in full confidentiality.~~

Rule 95. Without prejudice to the provisions of article 9 of the International Covenant on Civil and Political Rights, persons arrested or imprisoned without charge shall be accorded the same protection as that accorded under part I and part II, section C. Relevant provisions of part II, section A, shall likewise be applicable where their application may be conducive to the benefit of this special group of persons in custody, ~~provided that no measures shall be taken implying that re-education or rehabilitation is in any way appropriate to persons not convicted of any criminal offence.~~