

17 September 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 EL SALVADOR¹
TO NOTE VERBALE CU 2013/129/DO/JS**

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

Embassy of El Salvador in Austria
Permanent Mission to the United Nations and the International Organizations

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The Permanent Mission of El Salvador to the United Nations and the International Organizations in Vienna presents its compliments to the Justice Section, Division for Operations, of the United Nations Office on Drugs and Crime (UNODC) and has the honour to refer to draft resolution VI of the General Assembly, entitled “Standard Minimum Rules for the Treatment of Prisoners”. It would like to submit a number of drafting proposals in this regard that should be taken into account at the third meeting of the Expert Group that is tentatively scheduled to take place in Brazil from 3 to 6 December 2013. These proposals have been provided by the Directorate-General of Prisons of the Ministry of Justice and Public Security.

The Permanent Mission of El Salvador to the United Nations and the International Organizations in Vienna takes this opportunity to convey to the Justice Section, Division for Operations, of the United Nations Office on Drugs and Crime the renewed assurances of its highest consideration.

Vienna, 17 September 2013
[*Official stamp of Mission*]

Justice Section
Division for Operations
United Nations Office on Drugs and Crime (UNODC)
Vienna

V.13-86891 (E)

Comments by El Salvador

The Directorate-General of Prisons of the Ministry of Justice and Public Security of El Salvador would like to make the following comments with regard to the work of the Expert Group on the Standard Minimum Rules for the Treatment of Prisoners (E/CN.15/2013/23):

- Area (a): Respect for prisoners' inherent dignity and value as human beings

In paragraph 16 (a), the reasons for which discrimination should be prohibited should be extended to include the economic, social and legal condition of the person deprived of liberty. In paragraph 16 (b), in addition to the recommendation to amend the title, the word "offender" in rule 58 should be replaced by the word "prisoner".

- Area (b): Medical and health services

In paragraph 17 (a), the provision relating to disease prevention, treatment, care and support services should include a reference to the specialized care required by persons deprived of liberty who are suffering from a terminal illness. At the end of the paragraph, a reference might also be made at some point to the possibility for a person deprived of liberty to receive physical therapy, where it is a deserving case. As regards paragraph 17 (c), which relates to the need to provide ongoing health-care services to children living with their mothers in prison, the words "y niñas" ("and girls") should be added to the Spanish text in order to reflect the need for both genders to be provided with ongoing health services in the prison system of every State. By the same token, reference should be made to the need to provide adequate health-care services for children with special needs or requiring special care or treatment.

- Area (c): Disciplinary action and punishment, including the role of medical staff, solitary confinement and reduction of diet

In paragraph 18 (c), the reference to visitors should be deleted, since the section in which rule 29 appears relates to discipline and punishment. This means that it applies to the person deprived of liberty and has nothing at all to do with the visitors to a prison. For this reason, it would be sensible to add a new rule 29 bis, setting out the overall principles governing searches of prisoners in line with international standards and norms, including reference to the principles of legality, necessity and proportionality.

In line with that approach, a clarification should be made concerning the prohibition set out in paragraph 18 (d) on using the suspension of family and intimate visits as punishments for disciplinary offences, to the effect that such a practice may be used where a visitor commits an administrative offence defined as such by the national legislation of any State that imposes such a punishment.

- Area (h): The replacement of outdated terminology

With regard to the replacement of the heading "Insane and mentally abnormal prisoners", referred to in paragraph 23 (d), the heading could be replaced by the phrase "Prisoners with psychological and psychiatric illnesses". The wording in paragraph 23 (f) and (g) should therefore be amended correspondingly.

As for the other areas and recommendations, we consider that they will serve to update the text of this international instrument. This will lead to a better understanding for its future implementation in the prison system of every member country that supports this resolution.