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**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 JAPAN¹
TO NOTE VERBALE CU 2013/129/DO/JS**

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NOTE VERBALE

The Permanent Mission of Japan to the International Organizations in Vienna presents its compliments to the Secretary-General of the United Nations and, with reference to the correspondence from the United Nations Office on Drug and Crime (UNODC) dated 3 July 2013 (Reference: CU 2013/129/DO/JS) entitled the *Revision of Standard Minimum Rules for the Treatment of Prisoners*, has the honour to transmit herewith the Government of Japan's comments on the subject.

Japan appreciates every effort made by the open-ended intergovernmental expert group during its meetings in Vienna and Buenos Aires and the subsequent progress achieved. Japan fully agrees with UNODC's recommendation that any changes made to the Rules should not lower any of the existing standards, but improve them so they reflect the recent advances in correctional sciences and good practices, and thus promote safety, security and humane conditions for prisoners.

Meanwhile, Japan is of the opinion that the Rules should show literally standard and minimum rules which are practicable for every Member State. Based upon these basic principles, Japan would like to submit a draft proposal for revision of the Rules as follows:

Medical and health services (Area (b))

If all the medical information shall be treated as a classified one, and they can not be provided to prison managers without the consent of a concerned prisoner, prison authorities may not be able to deal with emergent situations, such as acute attacks, or to prevent infectious diseases. Therefore, the following rule should be inserted after Rule 25. (1);

25. (1) bis The medical information of prisoners shall not be disclosed to others except in cases where there is a risk of endangering the prisoner's life or infecting his/her disease to others. This shall not, however, apply in the case where the prisoner gives his/her consent.

2 Investigations of all deaths in custody, as well as of any signs or allegations of torture or inhuman or degrading treatment or punishment of prisoners (Area (d))

Concerning deaths in custody, SMR should set rules in limited areas as duties of examination and report to the investigative authority, however, it is not proper to include investigation and prosecution duties conducted by the law enforcement or other concerned authorities in SMR. Therefore, the following 44. bis should be inserted;

44. bis When a prisoner has deceased, the director of an institution should immediately examine the suspicious death of the prisoner, and report to the investigation authority in case where the prisoner is suspected to have died an unnatural death.

3 The right of access to legal representation (Area (f))

Although prisoners shall be granted the right to receive legal assistance, it is difficult to unlimitedly guarantee the confidential communication concerning civil affairs because of the necessity of preventing a member of a criminal organization from contacting the organization. For such reason, Rule 37. bis should be inserted as follows;

37. bis Every prisoner shall be allowed, within the limits permitted by domestic laws and regulations, to access to the defense counsel or any other legal specialist in order to seek the legal advise regarding making complaints or any other legal matters in and outside of the institution.

The Permanent Mission of Japan to the International Organizations in Vienna avails itself of the opportunity to renew to the Secretary-General of the United Nations the assurances of its highest consideration.



Vienna

30 September, 2013

To the Secretary General of the United Nations