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English
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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 MEXICO¹
TO NOTE VERBALE CU 2013/129/DO/JS**

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

Permanent Mission of Mexico

Ref.: AUA-03815

The Permanent Mission of Mexico to the International Organizations based in Vienna presents its compliments to the United Nations Office on Drugs and Crime (UNODC) and has the honour to refer to the third meeting of the Expert Group on the Standard Minimum Rules for the Treatment of Prisoners, to be held in Brasilia from 3 to 6 December 2013.

In that regard, the Permanent Mission is pleased to transmit to UNODC a number of drafting proposals for revision of the Standard Minimum Rules for the Treatment of Prisoners, those proposals relating to the nine areas identified for possible revision, in compliance with the relevant resolution adopted by the Commission on Crime Prevention and Criminal Justice at its twenty-second session.

The Permanent Mission of Mexico to the International Organizations based in Vienna takes this opportunity to convey to the United Nations Office on Drugs and Crime the renewed assurances of its highest consideration.

Vienna, 1 October 2013
[*Stamp of Permanent Mission*]

United Nations Office on Drugs and Crime (UNODC)
Vienna

Comments relating to the document on the Standard Minimum Rules for the Treatment of Prisoners

In accordance with article 18, paragraph 2, of the Political Constitution of the United Mexican States, the prison system is organized on the basis of respect for human rights and of work, training for such work, education, health and sport as means of achieving the social reintegration of the prisoner and ensuring that he or she does not commit a crime again; the system also guarantees the prisoner certain entitlements as provided for by the law. Women serve their sentences in facilities separate from those where male prisoners are held.

The final paragraph of article 19 of the Political Constitution establishes that any ill treatment during arrest or confinement, any molestation without legal justification and any exaction or contribution levied in prison constitute abuses which shall be punishable by law and repressed by the authorities.

Area (a): Respect for prisoners' inherent dignity and value as human beings (rules 6, para. 1; 57-59; and 60, para. 11)

It is necessary to use inclusive language throughout the document on the rules under revision, i.e. to use a more general term such as “persons in prison” or “persons deprived of their liberty” in order not to disregard women prisoners.*

It is suggested that the following words highlighted in bold be added to rule 6:

6. (1) The following rules shall be applied impartially. There shall be no discrimination on grounds of race, colour, sex, language, religion, **sexual orientation, disability, ethnic origin**, political or other opinion, national or social origin, property, birth or other status. (2) On the other hand, it is necessary to respect the religious beliefs, **ways and customs**¹ and moral precepts of the group to which a **person deprived of liberty/person in prison** belongs.

It is suggested that the words highlighted in bold be added:

57. Imprisonment and other measures which result in cutting off 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. **In that context, consideration could be given to the possibility for persons deprived of liberty/persons in prison, in the cases and conditions provided for by the legislation of each country, to serve their sentences in prisons/establishments closest to their homes, in order to accord priority to the family unit and seek the reintegration of those persons into the community as a form of social reintegration. This provision shall not apply in the case of organized crime or with respect to other persons in prison who require special security measures.**

The above proposal is based on article 18 of the Political Constitution of the United Mexican States.

59. To this end, the institution should utilize all the **health-related**, educational, **training-based**, moral, spiritual, **sports-based** and other forms of assistance which are appropriate and available, and should seek to apply them according to the individual treatment needs of the prisoners.

* *Translator's note*: this refers to the fact that “recluso” (“prisoner”) in Spanish is not gender-neutral.

¹ Act Establishing Minimum Standards for the Social Rehabilitation of Convicted Persons, as amended in the Official Gazette of 17 April 2012.

Area (b): Medical and health services (rules 22-26; 52; 62; and 71, para. 2)

It is suggested that the following phrase in bold be added:

23. (1) In women's institutions there shall be special accommodation for all necessary pre-natal and post-natal care and treatment. Arrangements shall be made wherever practicable for children to be born in a hospital outside the institution. If the child is born in prison, this fact shall not be mentioned in the birth certificate, **and the identity of the child shall be kept confidential.**

(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. **It is important to promote conditions of confinement that are aimed at ensuring the welfare of and strengthening the bond between mother and child in an enclosed area so that confinement is not harmful to the psychosocial development of the children of women deprived of their liberty.**

62. The medical services of the institution/**prison** shall seek to detect and shall treat any physical or mental illnesses or defects which may hamper ~~a prisoner's rehabilitation~~ the rehabilitation of **a person deprived of liberty/person in prison**. All necessary medical, surgical and psychiatric services shall be provided to that end.

Area (f): The right of access to legal representation (rules 30; 35, para. 1; 37; and 93)

It is suggested that the following phrase in bold be added:

35. (1) Every prisoner on admission shall be provided with written information **in a language which he or she understands, particularly in the case of indigenous persons**, about the regulations governing the treatment of prisoners 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, **including information on motivation measures and meritorious conduct.** (2) If a prisoner is illiterate, the aforesaid information shall be conveyed to him orally. **Consideration shall be given to the use of interpreters, including sign language interpreters, in the case of indigenous persons and persons with disabilities.**

Area (i): Training of relevant staff to implement the Standard Minimum Rules

47. (1) The managerial, administrative, technical and custodial personnel shall possess an adequate standard of education and intelligence/a level of professional training appropriate to their functions. (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 **and aimed, inter alia, at the promotion of human rights and gender balance and the elimination of corruption.**

Area (d): 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 (rules 7, 44 bis and 54 bis)

It is suggested that a new rule be added to this section, to the following effect:

It is necessary to implement effective mechanisms for the monitoring, supervision and control of prisons with the aim of detecting irregularities in a timely manner and implementing the necessary preventive measures or improvements in order to ensure the safety and protect the dignity of persons in prison.