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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 SPAIN¹
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

With regard to the provisions of paragraph 5 of draft resolution VI, which the Economic and Social Council is to recommend for adoption by the General Assembly, the Government of Spain submits the following drafting proposals in order to enable the open-ended intergovernmental Expert Group on the Standard Minimum Rules for the Treatment of Prisoners to conduct its work on revising the rules.

Rule 7: Add the following as rule 7.(3) [(d)]*

A person who has been imprisoned, and his or her legitimate heirs, shall be entitled to obtain from the prison administration a document certifying the period for which he or she was deprived of liberty, in what place and on what grounds.

Rule 8: Renumber the existing rule as 8.(1) and add the following as rule 8.(2)**

Without prejudice to the provisions of the previous paragraph, and in exceptional circumstances, mixed centres or departments may be established, in which both men and women may be housed in order to conduct specific treatment programmes or to avoid family breakdown.

Rule 22: Add the following as rule 22.(4) [(b)]

Prisoners shall, in accordance with the national legislation of each country, have the same rights to confidentiality of health data as those of free citizens. Prison doctors shall respect this right in the use and treatment of their patients' health information.

Rule 24: Renumber the existing rule as 24.(1) and add the following as 24.(2) [(b)]

In order to safeguard the supreme value of human life, which the prison administration is duty bound to protect, the medical officer, together with a psychologist and a social worker, if any, shall, at the time of admission and at any time that the circumstances or behaviour of the prisoner may suggest that it is advisable, assess a prisoner's suicide risk. Risk profiles based on criminological and situational variables shall be used to this end and the director shall take reasonable steps to prevent a possible suicide.

Rule 28: Add the following as rule 28.(3) [(a)]

In addition, under the management and supervision of the administration, inmates may form groups with a view to the settlement of conflicts through the use of mediation, dialogue and responsible compromise on the part of the inmates themselves.

Rule 37: Renumber the existing rule as 37.(1) and add the following as rule 37.(2) [(f)]

Prisons shall have at their disposal specially adapted premises to ensure that prisoners can receive intimate visits with due regard for safety and dignity.

Rule 60: Renumber the existing rule 60.(2) as 60.(3) and insert the following as rule 60.(2) [(a)]

Notwithstanding the provisions of rule 44.(2), a system of exit permits shall be established as a preparation for a future life at liberty for prisoners who provide guarantees of making good use of such permits.

* The proposals are set out in the order of the Rules. The letters in square brackets correspond to the order of the questions contained in paragraph 5 of the draft resolution.

** Although rules 8 and 65 are not expressly mentioned among the recommendations made by the Expert Group, we consider it appropriate to include proposals on these two rules in order to follow good practices in current prison science relating to prison treatment, the possibilities of social reintegration and the reduction of recidivism.

Rule 65: Renumber the existing rule as rule 65.(1) and add the following as rule 65.(2)

Depending on the conditions obtaining in each country and with a view to reducing the incidence of recidivism, steps shall be taken to establish specific treatment programmes to address behavioural disorders that lie at the origin of a significant number of offences, such as drug dependency, gender-based violence or violation of sexual freedom.