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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
THE UNITED STATES OF AMERICA¹
TO NOTE VERBALE CU 2013/129/DO/JS**

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Submission from the United States of America regarding The Standard Minimum Rules for the Treatment of Prisoners

Pursuant to the UN Office on Drugs and Crime (UNODC) note verbale, dated August 30, 2013, the United States is pleased to submit comments in advance of the experts group meeting on the Standard Minimum Rules for the Treatment of Prisoners (SMRs) planned for December 3-6, 2013. The United States views the SMRs as one of the most significant tools of the international community to reinforce respect for the rule of law and human rights in the administration of justice. We are deeply committed to continuing the process of updating the rules to ensure they reflect current correctional standards and best practices, as well as reinforcing the human rights foundation of the rules. We recognize the need for the rules to retain the flexibility to apply to all member states, taking into account the unique social, legal and cultural specificities of each, but at the same time, we acknowledge the leading role of the SMRs to eliminate tolerance for bias, prejudice and discrimination, particularly of the most vulnerable members of society.

In this regard, the United States has reviewed the SMRs, including the rules not addressed during the prior expert group meetings, and those reviewed previously, including in the document entitled, "Proposal of the Government of Argentina, Brazil, South Africa, Uruguay, USA and Venezuela" and will be prepared to discuss proposed edits at the December meeting in Brasilia.

In addition, the United States would like to underscore its view that the SMRs are applicable *only* in the context of the administration of justice. The SMRs represent the first effort of the international community to recognize normative principles and standards in crime prevention and criminal justice. Over the years, a considerable body of United Nations standards and norms related to crime prevention and criminal justice has emerged, covering a wide variety of issues such as juvenile justice, the treatment of offenders, international cooperation, good governance, victim protection and violence against women. These standards and norms have provided a collective vision of how criminal justice systems should be structured and have helped to significantly promote more effective and fair criminal justice structures. While some provisions of the SMRs may be relevant to the treatment of persons detained outside the criminal justice system, it is imperative that we, as member states acting pursuant to an Economic and Social Council mandate to the UN Commission on Crime Prevention and Criminal

Justice (CCPCJ), continue to adhere to that mandate, including by updating the SMRs to reflect advances in correctional science. The CCPCJ has no mandate to address confinement or detention unrelated to crime prevention or criminal justice. Moreover, with respect to detention pursuant to the law of armed conflict, existing international instruments already govern the field. Extending the SMRs to cover detention unrelated to crime prevention or criminal justice would lead to confusion in both fields and ultimately undermine state support for the UN standards and norms for crime prevention and criminal justice.