

CASE STUDY OF THE REVIEW OF THE
STANDARD MINIMUM RULES
FOR PRI AND DFID

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SUMMARY

The Standard Minimum Rules for Treatment of Prisoners (SMR) are the main authoritative source on prison conditions. Review, which started in 2010, was necessary because the version in use at the start of the process dated back to 1957, and had become out-dated in terms of standards and also language. The approval of the new rules, the Mandela Rules, in 2015, was widely seen as a success. The achievement lies both in the specific changes approved, and also in the general principle of bringing in a human rights perspective. All respondents to the 2015 evaluation survey were satisfied with the changes to the SMR. 24% of respondents said that the number of changes to the SMR that was agreed exceeded their expectations. A further 61% said that the number of changes met all or most of their expectations.

Attributions analysis that was unusually detailed – 45 full responses across two time periods – found that PRI played a pivotal role in the review of the SMR. A clear picture emerges of how PRI influenced the choice of a ‘targeted changes’ approach, the selection of areas for review, the arguments used to justify the changes, and then the changes that were adopted.

PRI had three broad tactics, which it operated concurrently: fostering support for the IEGM process, creating detailed guidance, and coordinating and leading the NGO group. PRI deployed these tactics with sensitivity, skill and commitment. All respondents said that the papers were clear and useful, and more than 90% said they were new thinking, important in the review process and persuasive. All of those who expressed an opinion said that PRI’s briefing meetings were well organised, well attended, helpful in building consensus, useful to them and important in the review process. 91% of respondents said that PRI kept the momentum going and ensured the process continued. All respondents described PRI as influential or very influential in the process of reviewing the SMR.

The case study has lessons for: funders, in terms of the need to fund the long process of advocacy projects; NGOs in terms of the tactics used; and international agencies, in terms of the involvement of civil society experts and organisations in a way that supports implementation as well as review. Another potential lesson for advocacy is the value of having one organisation curating the whole process.

The brief for the evaluation did not include cost-analysis. However, findings on potential long-term impact relative to input suggest that the project is likely to represent exceptionally high value for money in international development.

STANDARD MINIMUM RULES

INTRODUCTION

This case study is important because:

- It illustrates the value of advocacy that identifies and targets key pieces of regulation which have far reaching impacts.
- It explains the good practices that produced a positive outcome in the review of the SMR rules.
- It demonstrates the additionality from PRI's work. The organisation is special in being able to work in this way at this level.
- It illustrates the value for money of the DFID funding. International advocacy is particularly difficult to fund and this project would not have happened without DFID's support.
- It shows that it is possible to evaluate international advocacy, which is usually considered difficult because action takes place behind the scenes and influence is indirect.

BACKGROUND

The Standard Minimum Rules for Treatment of Prisoners (SMR) date back 58 years - to the First United Nations Congress on the Prevention of Crime and the Treatment of Offenders - approved by the Economic and Social Council in 1957. In December 2010, the United Nations General Assembly adopted a resolution asking the United Nations Crime Commission to set up a working group on how to review the Standard Minimum Rules.

DFID funding meant that PRI had the time to analyse the subject in detail, to seek expert input, to convene meetings, and to talk to representatives of member states face-to-face so that concerns could be discussed and addressed. PRI concluded that it would be possible to go for a selective revision, that is, to identify the areas with a pressing need and only revise those. This would be faster, easier and less risky: it wouldn't expose all the rules to re-negotiation. PRI called this 'targeted changes'. PRI would not have been able to do any of this work without core funding from DFID: it is freestanding work, not covered by any of its other programmes.

SMR are important because they are considered the main authoritative source on prison conditions. In many countries, the SMR are the only standard available, while in others they have formed the basis for national prison rules. Moreover, the SMR are one of the key frameworks used by regional, national and international monitoring and inspection processes on the treatment of prisoners.

Andrea Huber, Policy Director at PRI emphasises: "This was a one-time opportunity to review the SMR. There probably won't be another opportunity for another 55 years."

DESCRIPTION

STAGES

This kind of international advocacy takes time. These are the stages so far:

In December 2010, the UN General Assembly adopted **resolution 65/230**, “Twelfth United Nations Congress on Crime Prevention and Criminal Justice” which, among other things, requested the Commission on Crime Prevention and Criminal Justice to establish: “an open-ended intergovernmental expert group... to exchange information on best practices, as well as national legislation and existing international law, and on the revision of existing United Nations standard minimum rules for the treatment of prisoners so that they reflect recent advances in correctional science and best practices, with a view to making recommendations to the Commission on possible next steps.”

In October 2011, UNODC convened experts in Vienna for a consultation on a draft commentary drafted by Professor Andrew Coyle, to which PRI’s Policy Director was invited. PRI prepared a **Food for Thought Paper** which analysed the objective of the review, developments since the adoption of the SMR and suggested various options to use the window of opportunity the 2010 UNGA Resolution provided. The paper listed examples of where more recently adopted standards could inspire modern Standard Minimum Rules. At the meeting some of the experts expressed concern about reviewing the SMR because of the time it would take and the risks of undermining the integrity of the current rules and their international standing. Others emphasised that the changes needed were beyond what could be dealt with through a commentary. The Expert Meeting subsequently decided that “targeted changes” constituted an option that should be suggested to the inter-governmental Expert Meeting (IEGM) scheduled in January 2012, and invited PRI to outline its suggestions in more detail.

PRI prepared a **Targeted Changes paper** and submitted this to the UNODC, who included it in the Options Paper prepared for the first inter-governmental meeting (IEGM) in January 2012. PRI’s paper argued that: “At the meeting of experts in Vienna in October 2010 it became apparent that there are specific existing Rules that have become entirely inadequate. There are also gaps that are unacceptable in a modern set of standards of this kind. The UNSMR is the key document most often referred to as a primary source of standards. It therefore seems unthinkable that these Rules should pass through a process of review without being amended and supplemented. Moreover, the proposed amendments are likely to enjoy consensual support as they reflect current standards, and best practices developed since the adoption of the UNSMR.” The paper suggested nine essential changes: referring to the treaties and standards adopted since 1955, broadening the scope of the rules, specifying general principles, updating health care provisions, reconsidering disciplinary punishments, increasing access to legal assistance, recognising advances in independent inspection, providing for prisoners with a mental illness or disability, and reviewing terminology throughout.

PRI wrote to delegations ahead of the Vienna meeting, drawing attention to the issue and to a precedent for a targeted changes approach, and submitted PRI’s papers. PRI also **coordinated NGOs**, organising phone conference calls and a meeting to discuss advocacy for the IEGM.

A **background note** drafted by the UNODC Justice section for Vienna, 31 January-2 February 2012 presented four options: a complete restructuring and substantive redrafting of the Rules, restricting the substantive redrafting of the Rules to an essential minimum, adding a binding instrument obliging States to ensure certain standards are in place, or retaining the Rules and adding a preamble and notes, while concentrating on implementation.

At the **IEGM** a significant group of states initially opposed, or resisted, any discussions about 'opening' SMR for change. These voices were balanced by the Group Latin America and Caribbean, led by Brazil and Argentina, who supported the option of targeted changes and were very supportive in their statements. The IEGM finally adopted a report including the following recommendation: "There was (...) a consensus that any changes to the SMR should not lower any of the existing standards. Bearing this in mind, the intergovernmental Expert Group recognised a need for some areas of the SMR to be reviewed and it identified the following preliminary areas for possible consideration in order to ensure that the SMR reflect recent advances in correctional science and best practice." The recommendations then listed nine areas from the discussion. The delegate from Argentina informed the meeting that his country would finance and host an Expert Group Meeting. PRI made interventions at this meeting.

Following the IEGM, PRI drafted a **report** to inform other civil society organisations of the discussions and outcome of the IEGM. PRI organised a phone conference call ahead of the Crime Commission, taking place in Vienna from 23 to 27 April 2012. PRI saw that the attendance at the UN Crime Commission of CELS, an NGO based in Argentina, was vital and so used DFID funds to cover the travel costs of a CELS staff member. This proved key in enabling advocacy to start ahead of the IEGM in Buenos Aires, and had a broader effect of increasing the capacity of this organisation to advocate in the context of the UN bodies in Vienna.

Ahead of the Crime Commission, PRI coordinated a **Joint NGO Submission**, with Amnesty International, CELS, Conectas, Humanas and FWCC, on the review of the SMR, and translated it into UN languages. This emphasised that: "This group of NGOs considers it unthinkable that the Rules should pass through a process of review without being amended and supplemented at least in its most outdated areas. This group of NGOs also believes that a commentary, while certainly useful, would not, by its very nature, suffice in assuring the compatibility of the Rules with modern standards. NGOs have also argued that the flaws and gaps of the SMR are even more problematic given they are often referred to as a primary source of standards relating to the treatment in detention. In many countries, the SMR are the only standards available to prisoners regarding their treatment in detention and in other countries the Rules are used as the "blueprint" for national prison rules."

Based on the recommendations of the first IEGM, UNODC and the chair of the IEGM drafted a **resolution**, to be tabled at the Crime Commission in April 2012. The paper was submitted to the members of the Bureau, for states to champion.

PRI persuaded Thailand, Argentina and Brazil to sponsor a **side event** on the "Standard Minimum Rules for the Treatment of Prisoners: 55 Years on," on 23 April 2012 in order to provide a platform for information and discussion for delegates of the Commission on Crime Prevention and Criminal Justice (CCPCJ) taking place in Vienna from 23 to 27 April 2012. PRI assisted the delegations in organising the side event, and

continued to organise such events at every subsequent Crime Commission, and also at the Crime Congress in Qatar in April 2015. The events helped in identifying concerns but also in conveying the progress made, the cross regional and growing support for the revision process.

Following discussions, changes and amendments, the plenary of the Crime Commission adopted the **Resolution** “Standard Minimum Rules for the Treatment of Prisoners” on 27 April. It extended the mandate of the IEGM and repeated the list of preliminary areas as identified by the IEGM for possible consideration, which mirrored to a considerable extent PRI’s analysis. The resolution **stated** that some areas of the SMR “could be reviewed so that the Rules reflect the latest advances in correctional science and good practices, provided that any changes to the Rules would not lower any existing standards.”

Following its adoption by the UN Commission on Crime Prevention and Criminal Justice, the resolution was passed onto the UN General Assembly, to be tabled for the 67th Session in autumn 2012.

PRI initiated the drafting of a **Joint NGO Briefing Paper**, outlining the process, in order to approach state delegations and UN bodies. The Briefing Paper was subsequently updated, re-circulated and used as an advocacy tool throughout the process. Relevant UN treaty bodies and Special Procedures were informed of the ongoing process and encouraged to submit their considerations and experience regarding outdated provisions of the SMR. As a result of this initiative, the UN Subcommittee on Torture constituted a working group on the SMR. The Special Rapporteur on torture dedicated his 2013 report to the UN General Assembly to the SMR Review.

Given the size and setting of the IEGM scheduled for 11 to 13 December 2012 in Buenos Aires, PRI considered that it would be beneficial to produce materials to aid discussion ahead of the meeting. Therefore, in cooperation with the Human Rights Centre of Essex University and using DFID funds, PRI co-hosted an expert meeting in Colchester on 3-4 October 2012, bringing together 28 international academic, NGO and independent experts. The purpose of the meeting was: “To identify current international norms and standards in the areas proposed for possible reform and any out-dated language or gaps in the SMR as a result of the international legal developments that have taken place since their adopting in 1955.” An outcome paper – the first **Essex Paper** – was drafted by Lorna McGregor from Essex University and Andrea Huber from PRI, based on the deliberations of experts at the meeting and following a screening of existing regional and international standards on the relevant topics in order to use, as far as possible, existing standards. The paper provided proposals for revised text in the areas identified by the IEGM as well as a rationale for the respective revisions. The first Essex Paper was translated into five UN languages, and shared with state delegations ahead of and during the IEGM in December, where it was widely referenced in interventions.

Ahead of the IEGM in Buenos Aires, PRI proposed to the mission of Argentina in Geneva to host a **briefing for missions based in Geneva**. The Briefing on 22 November 2012 at UN Palais Nations and was attended by 70 participants, including representatives of 36 Permanent Missions. 60 participants signed up to receive a copy of the Essex Paper. Another such briefing was organised, again co-hosted by the mission of Argentina and PRI, on 10 April 2013 following the IEGM and ahead of the Crime Commission, to increase support. Further intended briefings in Geneva later in the process did not go ahead due to lack of support by the missions of Brazil and South Africa.

The **IEGM meeting in Buenos Aires** reached a consensus on the Rules to be considered under each of the nine preliminary areas of the Rules that had been identified for possible revision at its first meeting and the elements to be considered further for inclusion, deletion or change.

Based on the recommendations of Buenos Aires, in April 2013, a **Draft Resolution** was tabled for adoption at the Commission on Crime Prevention and Criminal Justice to extend the mandate of the Expert Group on the SMR. In order to retain direct advocacy capacity with the then potential future host of Brazil, PRI facilitated the participation of an NGO representative from Brazil.

On 10 July 2013, PRI was invited to an expert consultation of the Special Rapporteur on Torture on the revision of the United Nations SMR at the University of Oxford, which culminated in a report to the UN General Assembly. This report (UN-Doc. A/68/295) was presented by the Special Rapporteur during the Interactive Dialogue in the GA's Third Committee and accompanied by a panel co-hosted by the Special Rapporteur and PRI at UN Headquarters on 22 October 2013, with representatives of the three main torture prevention bodies on the panel (Special Rapporteur on torture, Chair of the Subcommittee on the Prevention of Torture and Chair of the UN Committee against Torture).

To react to the then state of negotiations and to complete deliberations of independent experts, the Human Rights Centre of Essex University and PRI convened a second meeting at Colchester on 12-13 September 2013 and, as previously, drafted a submission to the 3rd IEGM which PRI tabled based on its ECOSOC status at the UN.

In October 2012, April 2013 and December 2013 PRI's Policy Director undertook **advocacy missions** to Vienna, setting up 27 meetings in total with various Member States to discuss the review and next steps, address concerns and garner support. The **third IEGM meeting** was planned to take place in Brasilia in January 2014, however, was cancelled by Brazil a week ahead of the proposed date. In order to ensure the continuation of the process, UNODC made "emergency" arrangements to organise the meeting in Vienna at UN premises instead, although it did not have the budget to provide for interpretation into the UN languages. The IEGM took place in Vienna on 25-28 March 2014, with many participating states represented by mission personnel rather than corrections experts. The expert group started to negotiate changes to the Rules identified for revision based on an overview of proposals made by states in the format of submissions prior to the IEGM, but made little progress. The meeting ended with agreed text for Rule 6(1) on discrimination grounds, Rule 22(1) on medical and health care services, Rule 27(1) on disciplinary punishment, Rule 30 on the right to access legal representation and Rules 57 to 60 on the purpose of a sentence of imprisonment and rehabilitation. The expert group also agreed on a new provision on searches (Rule 34bis). In a session dedicated to interventions on the overall process all 20 delegations that took the floor voiced support for the revision and commitment to continue. Given the difficulties experienced with the Working Paper states agreed for the first time that subsequent negotiations should be based on a "zero draft", to be drafted by the Bureau of the IEGM with support of the UNODC Secretariat.

At the **UN Commission on Crime Prevention and Criminal Justice**, another resolution was tabled in order to extend the mandate of the IEGM. It renewed the commitment not to lower any of the existing standards (OP6) and tasked the IEGM to take into account "the progressive development of international

standards pertaining to the treatment of prisoners since 1955", listing relevant international instruments. South Africa expressed its intention to host the next IEGM.

On 2-5 March 2015 the Government of South Africa hosted the **fourth IEGM** in Cape Town. The Working Paper of the Bureau served as the basis for discussions. The experts reached consensus on all Rules identified for revision within the relevant thematic areas. The IEGM report recommended that the Crime Commission transmit the revised Rules to the Economic and Social Council for approval and subsequent adoption by the General Assembly as the "United Nations Revised Standard Minimum Rules for the Treatment of Prisoners" to be known as "Mandela Rules", to "honour the legacy of the late President of South Africa, Mr. Nelson Rolihlahla Mandela, who spent so many years of His life in prison."

The Mandela Rules were **adopted by the UN Commission on Crime Prevention and Criminal Justice** on 22 May 2015, by acclamation. The Chair noted that the conclusion of this process was a historic event. The adoption of the Mandela Rules has strong legitimization given the inclusive negotiation process and the unanimous adoption. The Resolution was endorsed by the Economic and Social Council on 21 July 2015 and adoption recommended to the UN General Assembly, seeking to provide the highest possible legitimacy.

This is not the end of the process. As with all advocacy campaigns, there is a further stage of **implementation**, with the risk that agreements could be watered down. PRI is primed to continue its work.

TACTICS

PRI had three broad tactics, which ran concurrently:

FOSTERING SUPPORT FOR THE PROCESS

PRI's work consisted of:

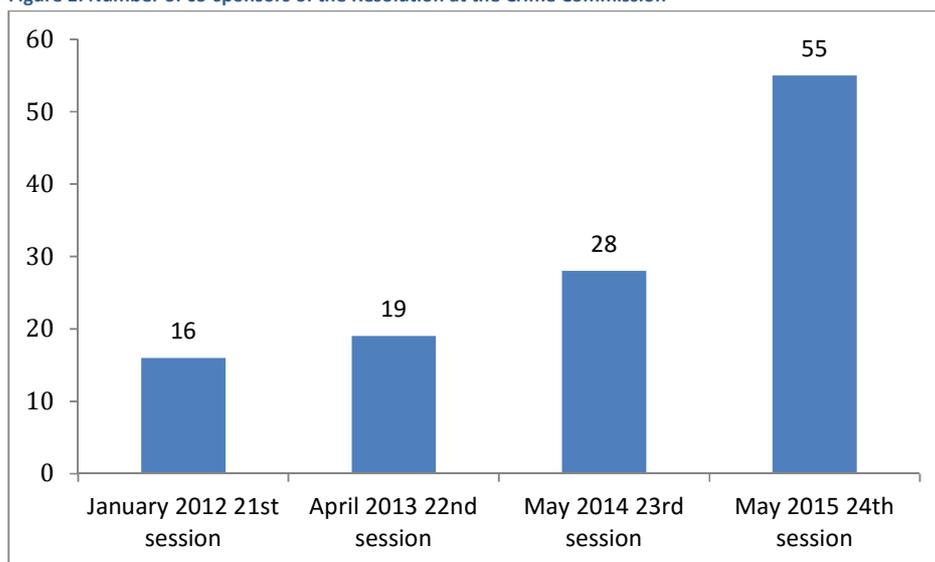
- Each year, helping to make the case to the Commission on Crime Prevention and Criminal Justice for an extension of the work of the IEGM.
- Encouraging States to commit to hosting IEGM meetings. States needed to find on average \$.05 million to host a meeting. PRI encouraged states from different regions to take the lead so that the review process had, and could be seen to have, global support.
- Reminding IEGM organisers to set the discussion within the strict framework that no changes should lower standards.
- Supporting IEGM organisers in finding and selecting a strong and expert chair who would help bring discussion to a conclusion.
- Advocate for involvement of relevant human rights bodies with specialist expertise in aspects of the rules to take an active role in the review (specifically Subcommittee for the Prevention of Torture, Special Rapporteur on Torture, Office of the High Commissioner for Human Rights and World Health

Organization). Outreach to the UN Committee against Torture was undertaken by Amnesty International. Subject-specific specialists did not always know about the process or see the relevance of the review to them.

- Supporting the process of IEGM meetings. For example, PRI identified situations where discussion stalled because of misunderstandings or disagreements between states, and acted as a go-between, to problem-solve alongside the negotiations.
- Issuing updates after each IEGM meeting to ensure all stakeholders felt involved. This provided factual information and also fostered morale for example, when the third meeting which had been planned for Brazil, was cancelled at short notice.

PRI's approach was aimed at increasing commitment and consensus over the long negotiation process. The data suggests that commitment did increase over time. By the end of the process, 54 Member States had made a submission and 83 had participated in IEGMs. The number of sponsors and co-sponsors of the respective Resolutions at the Crime Commission also increased over the years.

Figure 1: Number of co-sponsors of the Resolution at the Crime Commission



CREATING DETAILED GUIDANCE

PRI's work consisted of:

- Carrying out, with the Human Rights Centre of Essex University, a review of international human rights standards, some 50 sources. Rather than taking all the language from the most advanced standards, which were the European prison rules, Essex University and PRI deliberately decided to draw on a wide range of sources from different regions in order to emphasise the universal nature of the changes.

- Drafting the Essex Papers with the Director of the Human Rights Centre of Essex University, that proposed wording for the targeted changes suggested to states. Wherever possible the papers used language that was already available from other standards, so making the case that the process was ensuring consistency rather than creating new standards.

Creating concrete proposals made the suggested "targeted revision" concrete and tangible, and provided a basis for state representatives in negotiations as well as for NGO advocacy, with a clear impression of the change required. The process of consulting on the detailed wording and its rationale itself helped to build momentum.

COORDINATING AND LEADING THE NGO GROUP

PRI's work consisted of:

- Creating a structure with a core group and a wider group. The wider group provided ideas and received information on progress. The core group, which constituted a small number of heavy weight NGOs, took part in the negotiation.
- Identifying and supporting NGOs from the region in which IEGM meetings were held. In two instances, PRI was able to pay expenses for local NGOs to attend the Crime Commission. Given the role of Argentina and Brazil in the process local NGOs provided added value in negotiation because of their direct contact to state representatives in the region, their understanding of the language and context.
- Organising two or three telephone conference calls a year for the core group to discuss and agree strategy and tactics.
- Organising and facilitating planning meetings at, and just before, the IEGM meetings and the Crime Commission sessions to consider the agenda, the style of the chair, the group's objectives, and possible outcomes. The meeting also agreed a division of labour between group members.
- Making interventions in the meetings.
- Organising debriefs during the IEGM meetings – every evening and as needed – to check who had spoken to whom, and who would still benefit from contact.
- Distributing updates at each stage in the process. Overall, PRI sent out 20 updates.
- Drafting and coordinating Joint NGO statements, where appropriate.

This process ensured the NGOs had a coherent message, which increased their visibility and credibility. In the one area where NGOs did not agree, relating to persons with disabilities, the success was lower. Overall, PRI encouraged an approach that took account of the realities of prison management. For example, PRI asked NGOs not to try to incorporate standards that are beyond the remit of prison administration such as on independent investigation of deaths.

OUTCOMES

The Mandela Rules make a step change to the SMR by incorporating a human rights focus. 77% of the 162 changes proposed in the Essex papers and advocated by PRI and other NGOs of the core group were achieved in whole or part. In most cases the proposed amendment includes the exact wording proposed in the Essex Paper: an indicator of attribution, but also evidence of the high calibre of the advice that was given, that it was in many cases already 'the finished article'. PRI was particularly successful with topics included in the Essex Paper 1, with a success rate (full or partial) of 79%, compared to 63% for the topics introduced in Essex Paper 2. For example, the lowest rated category, 'Prisoner safety and security' emerged as a gap during the process, rather than being identified at the beginning. This shows the importance of early input.

	REVISIONS	ACHIEVED			% ALL OR PART
		YES	PARTLY	NO	
Basic principles	8	5	3	0	100%
Children of incarcerated parents	11	4	0	7	36%
Complaints and independent inspection	17	14	2	1	94%
Deaths and injuries in custody	9	7	1	1	89%
Disciplinary action and punishment	28	18	5	5	82%
Medical and health services	25	18	2	5	80%
Other	3	2	0	1	67%
Preamble	1	0	0	1	0%
Prisoner safety and security	5	0	1	4	20%
Prisoners with disabilities	10	3	3	4	60%
Record-keeping and case management	11	7	0	4	64%
Right of access to legal representation	13	10	2	1	92%
Scope of the Rules	1	0	0	1	0%
Searches	9	8	0	1	89%
Staff training	11	6	3	2	82%
Total	162	102	22	38	
Percentage		63%	14%	24%	

EVALUATION

METHODOLOGY

Annabel Jackson Associates Ltd evaluated the project at two times: in 2012 and 2015.

The methodology was a version of the critical success factor approach to attribution suggested by Davies,¹ which recommends surveying stakeholders to find out their views on the importance of a potential contributor to the success for an advocacy campaign. We identified possible interviewees with PRI, being careful to include those critical of PRI's approach as well as allies. Interviewees answered a standard set of questions either online or in a telephone interview. The questions gave different perspectives on attribution. The first round of evaluation received eleven responses from the UN, NGOs and states. The second round of evaluation received 34 responses: five state representatives, five intergovernmental organisations, 15 NGOs, four academics, and five others. The 2015 evaluation shows an increase in involvement over time.

The survey instruments are reproduced in Appendix One.

ATTRIBUTION ON THE TARGETED CHANGES APPROACH

Respondents generally didn't know whether PRI came up with the idea of targeted changes. Ten of the eleven respondents from 2012 thought PRI added depth to the discussion. Nine of the eleven thought PRI developed the idea, put targeted changes on the agenda, and raised support for it.

"PRI has taken a leadership role in the review of the SMRs." 2012 evaluation

"I don't know whether they came up with the idea, but they have played a significant role in developing and moving it forward." 2012 evaluation

"PRI was one of the instigators of the group of UK based NGOs which prepared detailed comments on possible changes to the SMRs. This group took the proposals to meetings at UNODC Vienna and was instrumental in advocating successfully the notion of targeted changes." 2012 evaluation

"The Crime Commission has a number of options, and some Members were resistant to any change. PRI produced solid arguments in support of targeted changes and led the co-ordination of NGOs in advocating this option." 2012 evaluation

All 2012 respondents said they knew of PRI's Targeted Changes paper or its Food For Thought paper. All eleven respondents described these as clear and persuasive. Nine described them as new thinking.

¹ Davies, Rick (2001) *Evaluating the Effectiveness of DFID's Influence with Multinationals. Part A: A Review of NGO Approaches to the Evaluation of Advocacy Work*. DFID.

Six of the nine respondents said that the proposal for targeted changes would not have happened without PRI. Comments emphasised that these kinds of actions are affected by many factors so attribution is not straightforward.

“It is never that simple to answer the question of who came up with targeted changes as this is social matter.” 2012 evaluation

“It is hard to say, because the support at the IEGMs was widespread, including many Member States. But PRI’s contribution was very persuasive.” 2012 evaluation

THE VALUE OF A TARGETED CHANGES APPROACH

Respondents to the 2012 evaluation supported the idea of targeted changes and used the same reasons as PRI and mentioned the same conditions: that implementation was as important as phrasing, and that the changes must not be regressive.

“The review is on the table, there are a number of areas where the SMR is out of date, but opening up the whole SMR would have been risky and a commentary wouldn’t have been enough. Now they have been opened up, a targeting approach is the best way of recognising some of the ways international law have changed.” 2012 evaluation

“It is risky but necessary.” 2012 evaluation

“I have two qualifications: one, that targeted changes must not be regressive (and there is a risk of that happening) and two that this continues to be the best we can hope for (as a Convention is unlikely to be achieved).” 2012 evaluation

ATTRIBUTION ON CHANGES ADOPTED

There is documentary proof of PRI’s influence on the review:

- The report of the Buenos Aires Intergovernmental Expert Group refers to the 1st Essex paper. “The Expert Group took note of the paper submitted by the Subcommittee on Prevention of Torture and other submissions, including the summary of an expert meeting on the review of the Standard Minimum Rules for the Treatment of Prisoners, held at the University of Essex.”
- The resolution of the Crime Commission 2013 mentions the Essex paper in footnote 19.

In addition, the 2015 survey found strong attribution to PRI:

- 94% of respondents had heard of the Essex Papers and the Joint NGO Briefing. All respondents said that PRI’s briefing papers were clear and useful to them. 97% said they were important in the review process and persuasive, and 91% said they were new thinking. Comments emphasised the importance of the papers and their unusual status.

“The Essex Papers were treated by the expert meetings as authoritative. For an independent source to be accorded such respect is a remarkable achievement.” 2015 evaluation

“PRI’s briefings were essential to the success of the process.” 2015 evaluation

“I think the papers provided an excellent roadmap/history of the developments for anyone who has not been following very closely or just needed a reminder since it was a long process.” 2015 evaluation

- All of those who expressed an opinion said that briefing meetings were well organised and well attended. 97% said they were helpful in building consensus, and useful to them. 96% said they were important in the review process.

“I appreciated very much PRI taking the lead in organising these and ensuring that there was at least internal consensus among NGOs or, if not, we could iron out issues prior to official negotiations. They were also good at flagging potential issues in the drafts that Member States may disagree with or we needed to focus our advocacy on.” 2015 evaluation

“The meetings were extremely useful for the incremental success of what we were doing.” 2015 evaluation

- 91% said that PRI kept the momentum/ensured the process continued. Comments emphasised the importance of PRI’s contribution.

“The involvement of PRI has been absolutely fundamental to the success of the entire operation. Not just in briefing, but also strategy. Also as a kind of engine to restart the process in delicate moments when it seemed that the whole things was not going in the right direction. It was tremendously important, to keep the process going and energise it at the right time, and to coordinate the input with other NGOs.” 2015 evaluation

“They gave strategic direction in a very respectful way. Their contribution was crucial, they were able to put together organisations that wanted to follow the process and could provide different contributions. We were working together, and they had a leading role.” 2015 evaluation

“I don’t think that the SMRs would have been reviewed without PRI.” 2015 evaluation

“Overall PRI’s leadership role was instrumental to the whole process because of its position as an international organisation with expertise and advocacy experience from around the world, with contact not just with civil society organisations but also decision makers at the UN level; all of which allowed them to play a very effective coordinating role over the years.” 2015 evaluation

“I cannot thank PRI enough for the effort and time they put into organising all of the above and, while there were many difficult moments, PRI made the whole process look effortless.” 2015 evaluation

“PRI did more than coordinating NGOs. It coordinated all participants and stakeholders in the process.” 2015 evaluation

“PRI led the whole NGO movement in support of the SMR review process and was instrumental in keeping the governmental delegations focused on the most important innovations that were eventually approved.” 2015 evaluation

- 82% of respondents said that PRI influenced the choice of targeted changes. 76% of respondents said that PRI influenced the areas that were reviewed. 91% of respondents said that PRI influenced the arguments used to justify the changes. 88% of respondents said that PRI influenced the way that the NGOs worked. 85% of respondents said that PRI influenced the changes that were adopted. Comments emphasised that NGOs can influence but of course cannot decide anything.

“It's essential to understand that NGOs had varying status through the process - sometimes equal, sometimes treated as experts, and sometimes shunned as interlopers. During hostile times, it was a remarkable achievement just to maintain a presence, and that is when a small influence represented huge efforts.” 2015 evaluation

- In 2012 and 2015, all respondents described PRI as influential or very influential in the process of reviewing the SMR.

“PRI played the key role among non governmental participants due to its expertise in the subject matter and to Andrea Huber's sophisticated leadership and dedication.” 2015 evaluation

THE OVERALL ACHIEVEMENT

The SMR review was a considerable success. All respondents to the 2015 survey were satisfied with the changes to the SMR. 24% of respondents said that the number of changes to the SMR exceeded their expectations. A further 61% said that the number of changes met all or most of their expectations.

“There are some aspects we would have wanted to be even better but we know how this international process works. We are realistic.” 2015 evaluation

“Those of us who worked throughout the process probably all share a mixed sense of achievement and mild frustration with changes that did not go far enough or were hastily drafted.” 2015 evaluation

“Obviously we didn't get everything we wanted, but the revisions represent real and substantial progress.” 2015 evaluation

“I think we reached a great consensus considering the diversity of views and sensitivity of issues that had to be dealt with in the SMRs.” 2015 evaluation

“I would never have thought to see the day where all states would agree to prohibit 15 days of solitary confinement. It is incredible what we managed to achieve. Having seen the process - as painstaking and painful as it was - it was a miracle.” 2015 evaluation

THE IMPORTANCE OF THE SMR

Seven out of the eleven respondents from 2012 and 75% respondents from the 2015 survey said that the SMR affect conditions in prisons, or rather they affect conditions in some prisons in some countries. Comments emphasised their importance as a point of reference in a wide variety of situations, as a baseline for prison authorities, and a source for international courts and tribunals. Some countries have incorporated them into law.

"They are the soft law instrument that is referred to the most." 2015 evaluation

"They are the single most widely accepted benchmark against which to assess conditions and argue for change." 2015 evaluation

"They add persuasive authority for progressive change in systems that are inclined to a) take notice of international standards and b) improve prison conditions." 2015 evaluation

PRI'S ADVOCACY APPROACH

In 2012, nine of the eleven respondents said that PRI is good at influencing discussions. The comments were that there are limits to how influential any one party can be.

"My impression is that they are pretty fantastic. They have accessed States and high-level people. They develop a good rapport with different people. When they started, there were states that weren't willing to receive papers from PRI, which has changed. They are able to develop sustained relationships with people, partly because PRI has a travel budget which other organisations don't have." 2012 evaluation

"Although we and other NGOs are engaged in the review of the SMRs, PRI has been the leader in organising key NGO meetings, meeting with Governments and UNODC, and also because of its high standing as an NGO actually working on improving prison conditions." 2012 evaluation

"It has expertise, including knowledge of conditions in countries in which few other NGOs work." 2012 evaluation

"Its advocacy skills are well targeted and it is a highly respected player in this field." 2012 evaluation

"PRI's voice at UN meetings and in working with Member States carries the weight of global experience in prison management." 2012 evaluation

Respondents were asked their views of PRI's tone and style of influencing. Respondents described it as "clear and persuasive", "very serious, very considered", with "very good political judgement about how far you can push things at each stage", "very professional and helpful", "targeted and appropriate to the diplomatic setting", and "well focussed and non-confrontational." One person in the UN emphasised how well informed and up to date PRI was: that half the time they heard information from PRI before, or in more detail than, other UN routes.

"I admire it. It is not shrill but based on real expertise in penology rather than only human rights." 2012 evaluation

"A key is positioning: does the NGO operate as a thorn in the side of government, as an unfailing fan, or as a critical friend? I think PRI approaches governments as a well-informed, evidence-based expert and critical friend." 2012 evaluation

"The tone is a very good approach, not pushy, convincing, based on experience, and at the same time it touches the most important issues, without being weak, it can still say things that are not liked, it doesn't overdo things." 2015 evaluation

"PRI's advocacy on the SMR revision was tenacious and demonstrated a willingness to work very hard. Strategically, PRI understood what had to be achieved to maintain the momentum. From an NGO perspective, PRI played the leading, organiser role, and PRI was inclusive throughout." 2015 evaluation

"PRI did a superb job on the SMR review, coordinating a sometimes fractious group of NGOs so as to achieve consensus and maximum impact on the process." 2015 evaluation

"PRI is a powerhouse with advocacy. They are targeted, strategic, clear and persuasive. They are skilled at bringing together divergent interests, and bringing varied Member States from around the world together on the world's most pressing issues. They have a tremendous reputation and we enjoy working with them." 2015 evaluation

In 2012 and 2015, respondents were asked about the strengths of PRI's work on the SMR. Responses had these themes:

- **Partnership.** "The willingness and ability to work with various partner organizations around the world." "Collaboration with other NGOs." "Networks and links across governments, NGOs and official UN bodies."
- **Coordination.** "In NGO circles PRI is leading the civil society input. I would struggle to see what more they could do. PRI is very effective and thorough." "Coordination and organisation of ideas and group discussions of the issues." "PRI mobilised key organisations and help to develop a clear and coherent approach enabling a large group to speak with one voice thereby ensuring greater impact. PRI participated actively in all of the major meetings ensuring visibility of the organisation, the coalition and ensuring that the expert comments were fed into the discussions at the highest levels."
- **Effectiveness.** "Strong focus on the issues and process, energy in maintaining the momentum and engaging governments and others, clear and consistent messages based on experience in practice, and good at bringing in others and keeping them informed." "Excellent networking, personal commitment, background information, multinational perspective and openness to new approaches." "Clear and efficient communication."
- **Leadership.** "They are the driving force behind the ideas and the SMR process and coordinate the informal NGO coalition, a key role which is essential."
- **Expertise.** "Quiet well-directed expertise and in this instance good networking." "Detailed legal understanding." "Comprehensive perspective on the SMR and prison conditions." "In depth background research." "The exclusive combination of legal, institutional, strategic, procedural and historic knowledge with management and communication skills. Also, PRI has a "face" and continuous presence and is highly valued and respected by all stakeholders."
- **Status.** "High recognition among the NGOs and international bodies."
- **Reasonableness.** "The early engagement of academics, special procedures and expert organizations on various topics relevant to SMR, which facilitated the acceptability of the recommendations (Essex documents), and the tempering of the NGO voice to meet the reality of what was possible."
- **Persistence.** "At many times, it seemed PRI single-handedly built momentum to move forward the SMR review process when it had lagged; successfully brought together the ideas of many different

civil society actors with divergent interests, ensuring there was coordination and clarity in the proposals; and they built coalitions with key governments, ensuring the final product would be supported and adopted.”

“I firmly believe that without the influence and encouragement provided by PRI the SMRs would not be at the stage they are today and indeed may have been shelved for some considerable years to come.” 2015 evaluation

- **Attention to implementation.** “PRI created a process that ensuring their voices of civil society were pushed into the fore. They helped to empower those voices but also helped government to realise the importance of civil society, realising these rules will have no impact if there is no coordination between government and civil society during implementation. So the way PRI supported the process will strengthen implementation.”

Respondents were asked about possible improvements to PRI’s approach. Responses had these themes:

- **Nothing.** “I can’t imagine what they could do better, they are trying to bring everyone on board, they are giving space for discussion, but also giving a coherent voice from civil society, speaking to states.” “Within the resources it has available it does extremely well.” “Honestly, nothing, given the size of the organization. It outdid itself as it is.” “PRI has done a perfect job.” “I think they did the very best that could be done in the circumstances, and it was a very good best indeed.”
- **Balance between leadership and inclusion in the NGO group.** Comments were that some NGOs felt that PRI was too dominant in the meetings, too willing to compromise to keep the process moving, and that its criteria for who was involved in the core group were not clear.

“Hard to think of improvements. Perhaps a broader coalition would ensure not only passage but effective implementation of the Mandela rules, but it was never supposed to be PRI’s responsibility to attract stakeholders to the task. And when interested parties (like me) demonstrated interest, we all found in PRI a welcoming and generous guide to the deliberations.” 2015 evaluation

- **Balance between sensitivity and effectiveness with the UN.** Comments were that PRI tended to involve the top officials, and bypassed the lower ranking officers, who did much of the work, although they changed when this was drawn to their attention; that there were too many briefing meetings; and that PRI occasionally did not follow due process when drawing organisations into the review.
- **Raising their profile.** “Aside from SMR work, which at this stage must be done carefully, more should be known about their excellent work. They should develop tools and be given the resources to be able to publicize their work.” “PRI could probably make the work it did more visible to others.”

OVERALL LESSONS

Respondents to the 2015 evaluation were asked about the overall lessons from the review process. Answers emphasised the importance of having:

- Actors from different regions participating.
- Good contacts with state delegations.

- Meetings outside Vienna, so that the local context would be clearer.
- Authoritative and jointly submitted papers as a sound, multidisciplinary base.
- Coordination with other UN stakeholders, such as the Rapportoire for Torture.
- A clear strategy from the beginning.
- Well-organised and coordinated NGOs.
- Pre-meetings that get people acquainted and working together in a focused and constructive way.
- A strong inclusive lead organisation that will consistently follow up on all details.
- The right chair for meetings.

“The main lesson is that even the most seemingly intractable issues/processes can move forward.” 2015 evaluation

“Even in the current international climate, standards can be improved without compromise on human rights principles, with the right amount of cooperation of all interested parties as well as caution, professionalism, and hard work.” 2015 evaluation

“Perhaps more than in previous experiences, civil society participation determined the outcome, which was not expected, especially in some areas like solitary confinement.” 2015 evaluation

CONCLUSION

The PRI SMR case study is exceptional in terms of:

- The far-reaching – indeed global - impact of the document reviewed.
- The flexibility of the funder – DFID – in enabling PRI to work on the review for five years.
- The complexity of the stakeholder involvement, potentially across the 193 States of the UN.
- The pivotal role played by a small NGO, PRI.
- The skill with which PRI supported the process, and helped maintain momentum and focus.
- The number of people who were able and prepared to give detailed responses in the attributions analysis across two time periods – 45.

APPENDIX ONE: SURVEY QUESTIONNAIRES

SMR CASE STUDY QUESTIONNAIRE 2012						
Name						
Position						
Organisation						
1. What has been PRI's/Andrea's role in reviewing the SMR?		Came up with the idea of targeted changes Develop the idea of targeted changes Put targeted changes on the agenda Added depth to the discussion on targeted changes Raised support for targeted changes Influenced decision making to agree targeted changes Other please specify:				
2. What did you think about the Food for Thought Paper? IS THIS THE KEY PAPER?		Yes definitely	Yes probably	Mixed/DK	Probably not	Definitely not
Clear						
New thinking						
Authoritative						
Persuasive						
3. Would the proposal for targeted changes have happened without PRI/Andrea?		Yes in its current form Yes in a weaker form Don't know Probably not Definitely not				
4. Do you support the idea of targeted changes? Why		Yes definitely Yes probably It depends Probably not Definitely not Comment:				
5. Do SMR really affect conditions in prisons? What is the evidence?		Yes definitely Yes probably It depends Probably not Definitely not Comment:				
6. Is PRI good at influencing discussions?		Yes definitely Yes probably It depends Probably not Definitely not				

	Comment:
7. What do you think about the tone and style of PRI's approach to influencing?	
8. Overall how influential would you say PRI has been in its work to introduce targeted changes to the SMR?	
9. Overall, what are the strengths of PRI's work on the SMR?	
10. What could PRI do better?	

SMR CASE STUDY QUESTIONNAIRE 2015	
1. Name	
2. Position	
3. Organisation	
4. Type of organisation	State Representative Inter-Governmental Organisation NGO Academic Other, please specify:
5. In which year(s) have you had some involvement in the Standard Minimum Rules review? Please tick all that apply	2011 2012 2013 2014 2015 Comment:
6. Which, if any, of these papers have you heard about?	Essex paper 1: Summary of the Expert Meeting at the University of Essex on the Standard Minimum Rules for the Treatment of Prisoners Review, 2012 Essex paper 2: Second Report of Essex Expert Group, March 2014 Joint NGO briefing: The process of review of the SMR
7. What do you think about the briefing papers that PRI prepared? Were they:	Yes definitely Yes probably Don't know Probably not Definitely not
Clear	
New thinking	
Authoritative	
Persuasive	
Helpful in building consensus	
Important in the review process	
Useful to you	

Comment:						
8. What do you think about the preparatory meetings that PRI organised? (side events and briefings) Were they?	Yes definitely	Yes probably	Don't know	Probably not	Definitely not	
Well organised						
Well attended						
Helpful in building consensus						
Important in the review process						
Useful to you						
Please explain:						
9. Overall, what is/was PRI's contribution to reviewing the SMR? Please tick all that apply	Organised important events and briefings Drafted relevant papers, submissions and briefings Provided important background information Provided expert input on the changes Brought important stakeholders into the discussion Coordinated the NGO group Gave strategic direction to the NGO group Kept the momentum/ensured the process continued Don't know Other, please specify:					
10. Which aspects of the SMR review did PRI influence?	To a large extent	To a moderate	To a small extent	Not at all	Don't know	
The choice of a targeted changes approach						
The areas that were reviewed						
The arguments used to justify the changes						
The way that the NGOs worked						
The changes that were approved						
Other, please specify:						
11. Are you satisfied with the agreed revisions to the SMR?	Yes definitely Yes probably Don't know Probably not Definitely not Comment:					
12. Overall, did the number of revisions agreed meet your expectations?	Exceeded expectations Met all expectations Met most expectations Met some expectations Didn't meet expectations Didn't have an expectation					
13. Do the SMR really affect conditions in	Yes definitely					

prisons?	Yes probably It depends Probably not Definitely not How do the SMR affect prison conditions?
14. What do you think about the tone and style of PRI's approach to advocacy? For example, is it well informed, inclusive, participatory?	
15. Overall, how influential would you say PRI has been in its work on the SMR review?	Very influential Influential Don't know Not very influential Not influential at all
16. Overall, what are the strengths of PRI's work on the SMR?	
17. What could PRI have done better?	
18. What are the lessons of the SMR review process?	

APPENDIX TWO: STATE INVOLVEMENT IN THE SMR PROCESS

	PARTICIPATED IN IEGM	MADE A SUBMISSION
Angola	√	
Algeria	√	√
Argentina	√	√
Australia		√
Austria	√	√
Azerbaijan	√	
Bahrain	√	√
Belarus	√	
Bolivia (Plurinational State of)	√	
Botswana	√	
Belgium	√	√
Brazil	√	√
Burkina Faso	√	
Canada	√	√
Chile		√
China	√	√
Colombia	√	
Congo	√	
Croatia		√
Costa Rica	√	
Côte d'Ivoire	√	
Cuba	√	
Czech Republic		√
Denmark	√	
Dominican Republic	√	
Ecuador	√	√
Egypt	√	√
El Salvador	√	√
Estonia		√
Finland	√	√
France	√	√
Georgia	√	
Germany	√	√
Guatemala	√	√
Guyana	√	√
Hungary	√	
India	√	

Indonesia	√	
Iran (Islamic Republic of)	√	
Iraq	√	
Israel	√	√
Italy	√	√
Japan	√	√
Jordan	√	√
Kenya	√	
Kuwait	√	
Lebanon	√	√
Madagascar		√
Malaysia	√	
Mauritius		√
Mexico	√	√
Morocco	√	√
Mozambique	√	
Namibia	√	
Netherlands	√	
New Zealand		√
Nicaragua	√	
Nigeria	√	
Norway	√	√
Oman	√	
Pakistan	√	
Panama	√	
Paraguay	√	
Peru	√	
Philippines	√	√
Poland	√	
Qatar	√	√
Romania	√	√
Russian Federation	√	√
Saudi Arabia	√	√
Senegal	√	
Serbia	√	
Slovakia	√	
Slovenia	√	
South Africa	√	√
Spain	√	√
Sri Lanka	√	

Sudan	√	
Swaziland	√	
Sweden	√	
Switzerland	√	√
Syrian Arab Republic	√	
Tajikistan	√	
Thailand	√	
Tunisia	√	
Turkey	√	√
Turkmenistan		√
Ukraine		√
United Kingdom	√	√
Uruguay	√	√
United Arab Emirates	√	√
United States of America	√	
Venezuela	√	√
Zambia	√	
Zimbabwe	√	