



Promoting fair and
effective criminal justice

Revised United Nations Standard Minimum Rules for the Treatment of Prisoners (the “Mandela Rules”)

As proposed by the inter-governmental Expert Group¹

Note: The text below was compiled by Penal Reform International to provide interested parties with a complete version of the text of the Standard Minimum Rules for the Treatment of Prisoners if the recommended revisions of the intergovernmental expert group, completed at its meeting in Cape Town, South Africa, from 2 to 5 March 2015 were adopted. Revised text is marked in blue. - A further change by the expert group proposes “[t]o replace “he” with “he or she” and “his” with “his or her” throughout the Standard Minimum Rules if not already addressed in the revisions proposed under other thematic areas” which has not yet been incorporated in the text below.

PRELIMINARY OBSERVATIONS

1. The following rules are not intended to describe in detail a model system of penal institutions. They seek only, on the basis of the general consensus of contemporary thought and the essential elements of the most adequate systems of today, to set out what is generally accepted as being good principle and practice in the treatment of prisoners and the management of institutions.
2. In view of the great variety of legal, social, economic and geographical conditions of the world, it is evident that not all of the rules are capable of application in all places and at all times. They should, however, serve to stimulate a constant endeavour to overcome practical difficulties in the way of their application, in the knowledge that they represent, as a whole, the minimum conditions which are accepted as suitable by the United Nations.
3. On the other hand, the rules cover a field in which thought is constantly developing. They are not intended to preclude experiment and practices, provided these are in harmony with the principles and seek to further the purposes which derive from the text of the rules as a whole. It will always be justifiable for the central prison administration to authorize departures from the rules in this spirit.
4. (1) Part I of the rules covers the general management of institutions, and is applicable to all categories of prisoners, criminal or civil, untried or convicted, including prisoners subject to "security measures" or corrective measures ordered by the judge.

(2) Part II contains rules applicable only to the special categories dealt with in each section. Nevertheless, the rules under section A, applicable to prisoners under sentence, shall be equally applicable to categories of prisoners dealt with in sections B, C and D, provided they do not conflict with the rules governing those categories and are for their benefit.
5. (1) The rules do not seek to regulate the management of institutions set aside for young persons, such as juvenile detention facilities or correctional schools, but in general part I would be equally applicable in such institutions.

¹ This text was produced based on the then available ‘Final unedited’ report of their fourth meeting held in Cape Town in March 2015.

(2) The category of young prisoners should include at least all young persons who come within the jurisdiction of juvenile courts. As a rule, such young persons should not be sentenced to imprisonment.

Part I RULES OF GENERAL APPLICATION

Basic principles

6. (1) All prisoners shall be treated with the respect due to their inherent dignity and value as human beings. No prisoner shall be subjected to, and all prisoners shall be protected from, torture and cruel, inhuman or degrading treatment or punishment, and no circumstances whatsoever may be invoked as a justification. The safety and security of prisoners, staff, service providers and visitors, shall be ensured at all times.

(2) The following rules shall be applied impartially. There shall be no discrimination on the grounds of race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth, or any other status. The religious beliefs and moral precepts of prisoners shall be respected.

(3) In order for the principle of non-discrimination to be put into practice, prison administration shall take account of the individual needs of prisoners, in particular the most vulnerable categories in prison settings. Measures to protect and promote the rights of prisoners with special needs are required, and shall not be regarded as discriminatory.

(4) Imprisonment and other measures which result in cutting off persons from the outside world are afflictive by the very fact of taking from these persons the right of self-determination by depriving them of their 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. *(relocated; originally in Rule 57)*

(5) The purposes of a sentence of imprisonment or similar measures deprivative of a person's liberty are primarily to protect society against crime and to reduce recidivism. Those purposes can only be achieved if the period of imprisonment is used to ensure, so far as possible, the reintegration of such persons into society upon release so that they can lead a law-abiding and self-supporting life. *(relocated; originally in Rule 58)*

(6) To this end, institutions and competent authorities should offer education, vocational training and work, as well as other forms of assistance which are appropriate and available, including those of a remedial, moral, spiritual, social, and health- and sports-based nature. All such programmes, activities and services should be delivered in line with the individual treatment needs of prisoners. *(relocated; originally in Rule 59)*

(7) The regime of the institution should seek to minimize any differences between prison life and life at liberty that tend to lessen the responsibility of the prisoners or the respect due to their dignity as human beings. *(relocated; originally in Rule 60)*

(8) Prison administrations shall make all reasonable accommodation and adjustments to ensure that prisoners with physical, mental or other disabilities have full and effective access to prison life on an equitable basis.

Prisoner file management system

7. (1) There shall be a standardized prisoner file management system in every place where persons are imprisoned. Such a system may be an electronic database of records or a registration book with numbered and signed pages. Procedures shall be in place to ensure secure audit trail and to prevent unauthorized access to or modification of any information contained in the system.

(2) No person shall be received in an institution without a valid commitment order. The following

information shall be entered in the prisoner file management system upon admission of every prisoner:

- (a) Precise information enabling determination of his or her unique identity, respecting his or her self-perceived gender;
- (b) The reasons for his or her commitment and the authority therefor, including date, time and place of arrest;
- (c) The day and hour of his or her admission and release, as well as of any transfer;
- (d) Any visible injuries and complaints about prior ill-treatment;
- (e) An inventory of his or her personal property;
- (f) The names of his or her family members, including children, as applicable, their ages, location and custody or guardianship status.

(3) The following information shall be entered in the prisoner file management system in the course of imprisonment, as applicable:

- (a) Information related to the judicial process, including dates of court hearings and legal representation;
- (b) Initial assessment and classification reports;
- (c) Information related to behaviour and discipline;
- (d) Requests and complaints, including allegations of torture and other cruel, inhuman or degrading treatment or punishment, unless they are of a confidential nature;
- (e) Information on the imposition of disciplinary measures;
- (f) Information on the circumstances and causes of injuries or death and, in the case of the latter, the destination of the remains;
- (g) Emergency contact details and next of kin information.

(4) All records referred to above shall be kept confidential and made available only to those whose professional responsibilities require access to such records. Every prisoner shall be granted access to the records pertaining to him or her if so requested, subject to redactions authorized under domestic legislation, and be entitled to receive an official copy upon release.

(5) Prisoner file management systems shall also be used to generate reliable data about trends relating to and characteristics of the prison population, including occupancy rates, in order to create a basis for evidence-based decision-making.

Separation of categories

8. The different categories of prisoners shall be kept in separate institutions or parts of institutions taking account of their sex, age, criminal record, the legal reason for their detention and the necessities of their treatment. Thus,

- (a) Men and women shall so far as possible be detained in separate institutions; in an institution which receives both men and women the whole of the premises allocated to women shall be entirely separate;
- (b) Untried prisoners shall be kept separate from convicted prisoners;
- (c) Persons imprisoned for debt and other civil prisoners shall be kept separate from persons imprisoned by reason of a criminal offence;
- (d) Young prisoners shall be kept separate from adults.

Accommodation

9. (1) Where sleeping accommodation is in individual cells or rooms, each prisoner shall occupy by night a cell or room by himself. If for special reasons, such as temporary overcrowding, it becomes necessary for the central prison administration to make an exception to this rule, it is not desirable to have two prisoners in a cell or room.

(2) Where dormitories are used, they shall be occupied by prisoners carefully selected as being suitable to associate with one another in those conditions. There shall be regular supervision by night, in keeping with the nature of the institution.

10. All accommodation provided for the use of prisoners and in particular all sleeping accommodation shall meet all requirements of health, due regard being paid to climatic conditions and particularly to cubic content of air, minimum floor space, lighting, heating and ventilation.

11. In all places where prisoners are required to live or work,

- (a) The windows shall be large enough to enable the prisoners to read or work by natural light, and shall be so constructed that they can allow the entrance of fresh air whether or not there is artificial ventilation;
- (b) Artificial light shall be provided sufficient for the prisoners to read or work without injury to eyesight.

12. The sanitary installations shall be adequate to enable every prisoner to comply with the needs of nature when necessary and in a clean and decent manner.

13. Adequate bathing and shower installations shall be provided so that every prisoner may be enabled and required to have a bath or shower, at a temperature suitable to the climate, as frequently as necessary for general hygiene according to season and geographical region, but at least once a week in a temperate climate.

14. All parts of an institution regularly used by prisoners shall be properly maintained and kept scrupulously clean at all times.

Personal hygiene

15. Prisoners shall be required to keep their persons clean, and to this end they shall be provided with water and with such toilet articles as are necessary for health and cleanliness.

16. In order that prisoners may maintain a good appearance compatible with their self-respect, facilities shall be provided for the proper care of the hair and beard, and men shall be enabled to shave regularly.

Clothing and bedding

17. (1) Every prisoner who is not allowed to wear his own clothing shall be provided with an outfit of clothing suitable for the climate and adequate to keep him in good health. Such clothing shall in no manner be degrading or humiliating.

(2) All clothing shall be clean and kept in proper condition. Underclothing shall be changed and washed as often as necessary for the maintenance of hygiene.

(3) In exceptional circumstances, whenever a prisoner is removed outside the institution for an authorized purpose, he shall be allowed to wear his own clothing or other inconspicuous clothing.

18. If prisoners are allowed to wear their own clothing, arrangements shall be made on their admission to the institution to ensure that it shall be clean and fit for use.

19. Every prisoner shall, in accordance with local or national standards, be provided with a separate bed, and with separate and sufficient bedding which shall be clean when issued, kept in good order and changed often enough to ensure its cleanliness.

Food

20. (1) Every prisoner shall be provided by the administration at the usual hours with food of nutritional value adequate for health and strength, of wholesome quality and well prepared and served.

(2) Drinking water shall be available to every prisoner whenever he needs it.

Exercise and sport

21. (1) Every prisoner who is not employed in outdoor work shall have at least one hour of suitable exercise in the open air daily if the weather permits.

(2) Young prisoners, and others of suitable age and physique, shall receive physical and recreational training during the period of exercise. To this end space, installations and equipment should be provided.

Health-care services

22. (1) The provision of health care for prisoners is a State responsibility. Prisoners should enjoy the same standards of health care as are available in the community, and should have access to necessary health services free of charge without discrimination on the grounds of their legal status. Health services should be organized in close relationship to the general public health administration, and in a way that ensures continuity of treatment and care, including for HIV, tuberculosis and other infectious diseases, as well as for drug dependence.

(2) Every prison shall have in place a health-care service tasked with evaluating, promoting, protecting and improving the physical and mental health of prisoners, with particular attention paid to prisoners with special health-care needs or with health issues that hamper their rehabilitation. The service shall consist of an interdisciplinary team with sufficient qualified personnel acting in full clinical independence, and encompass sufficient expertise in psychology and psychiatry. The services of a qualified dentist shall be available to every prisoner.

(3) The health-care service shall prepare and maintain accurate, up-to-date and confidential individual medical files on all prisoners, who should be granted access to their files upon request. A prisoner may appoint a third party to access his or her medical file.

(4) Medical files shall be transferred to the health care service of the receiving institution upon transfer of a prisoner, and shall be subject to medical confidentiality.

(5) All institutions shall ensure prompt access to medical attention in urgent cases. Prisoners who require specialist treatment or surgery shall be transferred to specialized institutions or to civil hospitals. Where a prison service has its own hospital facilities, they shall be adequately staffed and equipped to provide prisoners referred to them with appropriate treatment and care.

(6) Clinical decisions may only be taken by the responsible health care professionals, and may not be overruled or ignored by non-medical staff.

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 a child is born in prison, this fact shall not be mentioned in the birth certificate.

(2) A decision to allow a child to stay with his or her parent in prison shall be based on the best interests of the child concerned. Where children are allowed to remain in prison with a parent, provision shall be made for:

(a) Internal or external child-care facilities staffed by qualified persons, where the children shall be placed when they are not in the care of their parent;

(b) Child-specific health-care services, including health screenings upon admission and ongoing monitoring of their development by specialists.

(3) Children in prison with a parent shall never be treated as prisoners.

24. A physician, or other competent health professionals reporting to such physician, where required, shall see, talk with and examine every prisoner as soon as possible after his or her admission, and thereafter as necessary. Particular attention shall be paid to:

- (a) Identifying health care needs, and taking all necessary measures for treatment;
- (b) Identifying any ill-treatment, which arriving prisoners may have been subjected to prior to admission;
- (c) Identifying any signs of psychological or other stress brought on by the fact of imprisonment, including, but not limited to, the risk of suicide or self-harm and of withdrawal symptoms resulting from the use of drugs, medication or alcohol, and undertaking all appropriate individualised measures or treatment;
- (d) Providing for the clinical isolation and adequate treatment of prisoners suspected of having contagious diseases during the infectious period;
- (e) Determining the fitness of prisoners to work, to exercise and to participate in other activities, as appropriate.

25. (1) The physician or, as applicable, other qualified health-care professionals, shall have daily access to all sick prisoners, all who complain of physical or mental health issues or injury, and any prisoner to whom their attention is specially directed. All medical examinations shall be undertaken in full confidentiality.

(2) The relationship between the physician or other health-care service providers and prisoners shall be governed by the same ethical and professional standards as those applicable to patients in the community, in particular:

- (a) The duty of protecting prisoners' physical and mental health and the prevention and treatment of disease on the basis of clinical grounds only;
- (b) Adherence to prisoners' autonomy with regards to their own health and informed consent in the doctor-patient relationship;
- (c) The confidentiality of medical information, unless maintaining such confidentiality would result in a real and imminent threat to the patient or to others;
- (d) An absolute prohibition on engaging, actively or passively, in acts which may constitute torture or other cruel, inhuman or degrading treatment or punishment, including medical or scientific experimentation which may be detrimental to a prisoner's health, such as the removal of cells, body tissues and organs of a prisoner.

(3) Without prejudice to paragraph 2 (d) above, prisoners may be allowed, upon their free and informed consent and in accordance with applicable law, to participate in clinical trials and other health research accessible in the community if these are expected to produce a direct and significant benefit to their health, and to donate cells, body tissues and organs to a relative.

(4) The physician shall report to the director whenever he or she considers that a prisoner's physical or mental health has been or will be injuriously affected by continued imprisonment or by any condition of imprisonment.

(5) In cases in which health-care service providers become aware of any signs of torture and other cruel, inhuman or degrading treatment or punishment in the course of examining prisoners upon admission, or when providing medical care to prisoners thereafter, they shall document and report such cases to the competent medical, administrative or judicial authority. Proper procedural safeguards shall be followed in order not to expose the prisoner or associated persons to foreseeable risk of harm.

26. (1) The physician or competent public health body shall regularly inspect and advise the director on:

- (a) The quantity, quality, preparation and service of food;
- (b) The hygiene and cleanliness of the institution and the prisoners;
- (c) The sanitation, heating, lighting and ventilation of the institution;
- (d) The suitability and cleanliness of the prisoners' clothing and bedding;
- (e) The observance of the rules concerning physical education and sports, in cases where there are no technical personnel in charge of these activities.

(2) The director shall take into consideration the reports and advice submitted according to paragraph (1) of

this rule and according to rule 25, paragraph (4), and shall take immediate steps to give effect to those recommendations. If those reports do not fall within the director's competence or if he or she does not concur with their findings, the director shall immediately submit his or her own report and the advice of the physician or competent public health body to a higher authority.

Discipline and punishment

27. (1) Discipline and order shall be maintained with no more restriction than is necessary for safe custody and secure operations of an institution and well-ordered community life.

(2) The following shall always be subject to authorization by the law or by the regulation of the competent administrative authority:

(a) Conduct constituting a disciplinary offence;

(b) The types and duration of sanctions which may be inflicted;

(c) The authority competent to impose such sanctions.

(d) Any form of involuntary separation from the general prison population, such as solitary confinement, isolation, segregation, special care units and restricted housing, whether as a disciplinary sanction or for the maintenance of order and security, including promulgating policies and procedures governing its use, admission, case review and release.

(3) Prison administrations are encouraged to use, to the extent possible, conflict prevention, mediation or any other alternative dispute resolution mechanism to prevent disciplinary offences or to resolve conflicts.

(4) For prisoners who are, or have been, segregated, the prison administration shall take the necessary measures to alleviate the potential detrimental effects of their confinement on themselves and on their community upon release.

27 bis. (1) No prisoner shall be sanctioned except in accordance with the terms of the law or regulation referred to in rule 27, paragraph 2, and the principles of fairness and due process. A prisoner must never be sanctioned twice for the same act or offence.

(2) Prison administrations shall ensure proportionality between disciplinary punishment and the offence for which it is established, and shall keep a proper record of all disciplinary measures imposed.

(3) Before imposing disciplinary punishment, prison administrations shall consider whether and how a prisoner's mental illness or developmental disability may have contributed to the prisoner's conduct and the act of offense underlying the prisoner's disciplinary charge. Prison administrations shall not sanction prisoners' conduct that is considered the direct result of the prisoners' mental illness or intellectual disability.

28. (1) No prisoner shall be employed, in the service of the institution, in any disciplinary capacity.

(2) This rule shall not, however, impede the proper functioning of systems based on self-government, under which specified social, educational or sports activities or responsibilities are entrusted, under supervision, to prisoners who are formed into groups for the purposes of treatment.

29. The following shall always be determined by the law or by the regulation of the competent administrative authority:

(a) Conduct constituting a disciplinary offence;

(b) The types and duration of punishment which may be inflicted;

(c) The authority competent to impose such punishment.

30. (1) Any allegation of a disciplinary offence by a prisoner shall be reported promptly to the competent authority, which shall investigate it without undue delay.

(2) Prisoners shall be informed, without delay and in a language which they understand, of the nature of the accusations against them, and be given adequate time and facilities for the preparation of their defence.

(3) Prisoners shall be allowed to defend themselves in person, or through legal assistance when the interests of justice so require, particularly in cases involving serious disciplinary charges. If they do not understand or speak the language used at a disciplinary hearing, they shall be assisted by a competent interpreter free of charge.

(4) Prisoners shall have the opportunity to seek judicial review of disciplinary punishment imposed on them.

(5) In the event that a breach of discipline is prosecuted as a crime, prisoners shall be entitled to all due process guarantees applicable to criminal proceedings, including unimpeded access to a legal adviser.

31. (1) General living conditions addressed in these rules, including those related to light, ventilation, temperature, sanitation, nutrition, drinking water, access to open air and physical exercise, personal hygiene, health care and adequate personal space, shall apply to all prisoners without exception.

(2) In no circumstances may restrictions or disciplinary sanctions amount to torture or other cruel, inhuman or degrading treatment or punishment. The following practices, in particular, shall be prohibited:

- (a) Indefinite solitary confinement;
- (b) Prolonged solitary confinement in excess of 15 consecutive days;
- (c) Placement of a prisoner in a dark or constantly lit cell;
- (d) Corporal punishment, or the reduction of diet or drinking water;
- (e) Collective punishment.

(3) Restraints shall never be applied as a sanction for disciplinary offences.

(4) Disciplinary sanctions or restrictive measures shall not include the prohibition of family contact. The means of contact may only be limited as strictly required for the maintenance of security and order, and imposed only for a limited time period.

32. (1) For the purpose of these rules, solitary confinement shall refer to the confinement of prisoners for 22 hours or more a day without meaningful human contact.

(2) Solitary confinement shall only be used in exceptional cases as a last resort, for as short a time as possible and subject to independent review, and only pursuant to the authorization by a competent authority. It shall not be imposed by virtue of a prisoner's sentence.

(3) The imposition of solitary confinement should be prohibited in the case of prisoners with mental and physical disabilities when their conditions would be exacerbated by such measures. Prohibitions on the use of solitary confinement and similar measures related to women and children, as contained in other UN standards and norms on crime prevention and criminal justice¹², continue to apply.

(4) Health personnel shall not have any role in the imposition of restrictive or disciplinary measures. They shall, however, pay particular attention to the health of prisoners held under any form of involuntary confinement, including through daily visits to such prisoners and the provision of prompt medical assistance and treatment at the request of such prisoners or of prison staff.

(5) Health personnel shall report to the director, without delay, any adverse effect on the physical or mental health of a prisoner undergoing disciplinary sanctions or restrictions, and shall advise the director if they consider the termination or alteration of the sanctions or other restrictive measures necessary on grounds of physical or mental health.

(6) Health personnel shall have authority to review and recommend changes to involuntarily segregated

prisoners in order to ensure that such placement does not exacerbate any medical condition, or any mental or physical disability.

33. (1) The use of chains, irons and other instruments which are inherently degrading or painful shall be prohibited. Other instruments of restraint shall only be used when authorized by law, and in the following circumstances:

(a) As a precaution against escape during a transfer, provided that they shall be removed when the prisoner appears before a judicial or administrative authority;

(b) By order of the director, if other methods of control fail, in order to prevent a prisoner from injuring him- or herself or others, or from damaging property; in such instances, the director shall at once alert the physician or other qualified health care professional and report to the higher administrative authority.

(2) When the imposition of restraints is authorized according to paragraph 1, the following principles shall apply:

(a) Restraints are to be imposed only when no lesser form of control would be effective to address the risks posed by unrestricted movement;

(b) The method of restraint shall be the least intrusive necessary that is reasonably available to control the prisoner's movement, based on the level and nature of the risks posed;

(c) Restraints should only be imposed for the period required, and are to be removed as soon as possible once the risks posed by unrestricted movement are no longer present.

(3) Women during labour, during childbirth and immediately after childbirth, shall never be restrained.

(4) The prison administration should seek access to, and provide training in the use of, control techniques that would obviate the need for the imposition of restraints or reduce their intrusiveness.

34. The patterns and manner of use of instruments of restraint shall be decided by the central prison administration. Such instruments must not be applied for any longer time than is strictly necessary.

Searches

34bis. (1) The law and regulations governing searches of prisoners and cells shall be in accordance with obligations under international law and take into account international standards and norms, keeping in mind the need to ensure security in the institution. Searches shall be conducted in a manner that respects the inherent human dignity and privacy of the individual being searched.

(2) Searches shall respect the principles of proportionality, legality and necessity. Searches shall not be used to harass, intimidate or unnecessarily intrude upon a prisoner's privacy. For the purpose of accountability, appropriate records of searches shall be kept by the prison administration, in particular of strip searches, body-cavity searches and searches of cells, as well as the reasons for the searches, the identities of those who conducted them and any results of the searches.

(3) Intrusive searches, including strip searches and body-cavity searches, should be undertaken only if absolutely necessary. Institutions shall be encouraged to develop and use appropriate alternatives to intrusive searches. Intrusive searches shall be conducted in private and by trained staff of the same sex as the prisoner. Body-cavity searches shall only be conducted by medical staff other than those primarily responsible for the care of the prisoner or, at a minimum, by staff appropriately trained by a medical professional in standards of hygiene, health and safety.

(4) Prisoners shall have access to, or be allowed to keep in their possession, without access by the prison administration, documents relating to their legal proceedings.

Information to and complaints by prisoners

35. (1) Upon admission, every prisoner shall be promptly provided with written information about:

- (a) The prison law and applicable prison regulations;
- (b) His or her rights, including authorized methods of seeking information, access to legal advice, including through legal aid schemes, and procedures for making requests or complaints;
- (c) His or her obligations, including applicable disciplinary measures;
- (d) All other matters necessary to enable the prisoner to adapt himself or herself to the life of the institution.

(2) The information shall be available in the most commonly used languages, in accordance with the needs of the prison population. If a prisoner does not understand any of these, interpretation assistance should be provided.

(3) If a prisoner is illiterate, the aforesaid information shall be conveyed to him or her orally. Prisoners with disabilities should be provided with information in a manner appropriate to their needs.

(4) The prison administration shall prominently display summaries of the information referred to in paragraph 1 in common areas of the institution.

36. (1) Every prisoner shall have the opportunity each day of making requests or complaints to the director of the institution or the officer authorized to represent him or her.

(2) It shall be possible to make requests or complaints to the inspector of prisons during his or her inspections. The prisoner shall have the opportunity to talk to the inspector or to any other inspecting officer freely and in full confidentiality, and without the director or other members of the staff being present.

(3) Every prisoner shall be allowed to make a request or complaint regarding his or her treatment, without censorship as to substance, to the central prison administration and to the judicial or other competent authorities, including those vested with reviewing or remedial power.

(4) The rights under paragraphs 1 and 3 shall extend to the legal adviser of the prisoner. In those cases where neither the prisoner nor his or her legal adviser has the possibility to exercise such rights, a member of the family of the prisoner or any other person who has knowledge of the case may do so.

(5) Every request or complaint shall be promptly dealt with and replied to without delay. If the request or complaint is rejected, or in the event of undue delay, the complainant shall be entitled to bring it before a judicial or other authority.

(6) Safeguards shall be in place to ensure that prisoners can make requests or complaints safely, and in a confidential manner if so requested by the complainant. A prisoner or other person mentioned under paragraph 4 must not be exposed to any risk of retaliation, intimidation or other negative consequences as a result of having submitted a request or complaint.

(7) Allegations of torture or other cruel, inhuman or degrading treatment or punishment of prisoners shall be dealt with immediately and result in a prompt and impartial investigation conducted by an independent national authority as per rule 44 bis, paragraph 2.

Contact with the outside world

37. (1) Prisoners shall be allowed, under necessary supervision, to communicate with their family and friends at regular intervals, both by:

- (a) Written and, where available, telecommunication, electronic, digital, and other means;
- (b) Receiving visits.

(2) Where conjugal visits are allowed, this right shall be applied without discrimination, and women prisoners shall be able to exercise this right on an equal basis with men. In addition, procedures and premises shall be in place to ensure fair and equal access with due regard to safety and dignity.

(3) Prisoners shall be allocated, as far as possible, to prisons close to their homes or their places of social rehabilitation.

37 bis. (1) Admission of visitors to the prison facility is contingent upon the consent of the visitor to being searched. The visitor may withdraw consent at any time in which case the prison administration may refuse access.

(2) Search and entry procedures of visitors shall not be degrading. Body cavity searches should be avoided, and not be applied to children.

37 ter. (1) Prisoners shall be provided with adequate opportunity, time and facilities to be visited by, and to communicate and consult with, a legal adviser of their own choice or a legal aid provider, without delay, interception or censorship and in full confidentiality, on any legal matter, in conformity with applicable domestic law. Consultations may be within sight, but not within hearing, of prison staff. In cases in which prisoners do not speak the local language, the prison administration shall facilitate access to the services of an independent competent interpreter.

(2) Prisoners should have access to effective legal aid.

38. (1) Prisoners who are foreign nationals shall be allowed reasonable facilities to communicate with the diplomatic and consular representatives of the State to which they belong.

(2) Prisoners who are nationals of States without diplomatic or consular representation in the country and refugees or stateless persons shall be allowed similar facilities to communicate with the diplomatic representative of the State which takes charge of their interests or any national or international authority whose task it is to protect such persons.

39. Prisoners shall be kept informed regularly of the more important items of news by the reading of newspapers, periodicals or special institutional publications, by hearing wireless transmissions, by lectures or by any similar means as authorized or controlled by the administration.

Books

40. Every institution shall have a library for the use of all categories of prisoners, adequately stocked with both recreational and instructional books, and prisoners shall be encouraged to make full use of it.

Religion

41. (1) If the institution contains a sufficient number of prisoners of the same religion, a qualified representative of that religion shall be appointed or approved. If the number of prisoners justifies it and conditions permit, the arrangement should be on a full-time basis.

(2) A qualified representative appointed or approved under paragraph (1) shall be allowed to hold regular services and to pay pastoral visits in private to prisoners of his religion at proper times.

(3) Access to a qualified representative of any religion shall not be refused to any prisoner. On the other hand, if any prisoner should object to a visit of any religious representative, his attitude shall be fully respected.

42. So far as practicable, every prisoner shall be allowed to satisfy the needs of his religious life by attending

the services provided in the institution and having in his possession the books of religious observance and instruction of his denomination.

Retention of prisoners' property

43. (1) All money, valuables, clothing and other effects belonging to a prisoner which under the regulations of the institution he is not allowed to retain shall on his admission to the institution be placed in safe custody. An inventory thereof shall be signed by the prisoner. Steps shall be taken to keep them in good condition.

(2) On the release of the prisoner all such articles and money shall be returned to him except in so far as he has been authorized to spend money or send any such property out of the institution, or it has been found necessary on hygienic grounds to destroy any article of clothing. The prisoner shall sign a receipt for the articles and money returned to him.

(3) Any money or effects received for a prisoner from outside shall be treated in the same way.

(4) If a prisoner brings in any drugs or medicine, the medical officer shall decide what use shall be made of them.

Notifications

44. (1) Every prisoner shall have the right, and be enabled, to inform at once his or her family, or any other person designated as a contact person, of his or her imprisonment, as well as of his or her transfer to another institution, of serious illness or of injury. The sharing of prisoners' personal information shall be subject to domestic legislation.

(2) In the event of a prisoner's death, the director shall at once inform the prisoner's next of kin or emergency contact. In addition, when the prisoner has previously designated individuals to receive their health information, the director shall notify them of a prisoner's serious illness, injury or transfer to a health institution. The explicit request of a prisoner to not have his or her spouse or nearest relative notified in the event of illness or injury shall be respected.

(3) The prison administration shall inform a prisoner at once of the serious illness or death of a near relative or any significant other. The prisoner should be authorized, whenever circumstances allow, to go to the person's bedside in the case of critical illness or to attend the person's funeral, either under escort or alone, in the case of death.

Investigations

44 bis. (1) Notwithstanding the initiation of an internal investigation, the director shall report, without delay, any custodial death, disappearance or serious injury to a judicial or other competent authority which is independent of the prison administration and mandated to conduct prompt, impartial and effective investigations into the circumstances and causes of such cases. The prison administration shall fully cooperate with such authority and ensure that all evidence is preserved.

(2) The obligation in paragraph 1 shall equally apply whenever there are reasonable grounds to believe that an act of torture or other cruel, inhuman or degrading treatment or punishment has been committed in prison, irrespective of whether a formal complaint has been received.

(3) Whenever there are reasonable grounds to believe that an act referenced in paragraph 2 has been committed, immediate steps shall be taken to remove all persons potentially implicated from having any involvement in the investigation, and from having any contact with the witnesses, victim or the victim's family.

(4) The prison administration shall treat the body of a deceased prisoner with respect and dignity. The body of a deceased prisoner should be returned to the next of kin as soon as is reasonable, and upon completion of the investigation at the latest. The prison administration shall facilitate a culturally appropriate funeral if there is no other responsible party willing or able to do so, and keep a full record thereof.

Removal of prisoners

45. (1) When the prisoners are being removed to or from an institution, they shall be exposed to public view as little as possible, and proper safeguards shall be adopted to protect them from insult, curiosity and publicity in any form.

(2) The transport of prisoners in conveyances with inadequate ventilation or light, or in any way which would subject them to unnecessary physical hardship, shall be prohibited.

(3) The transport of prisoners shall be carried out at the expense of the administration and equal conditions shall obtain for all of them.

Institutional personnel

46. (1) The prison administration shall provide for the careful selection of every grade of the personnel, since it is on their integrity, humanity, professional capacity and personal suitability for the work that the proper administration of the institutions depends.

(2) The prison administration shall constantly seek to awaken and maintain in the minds both of the personnel and of the public the conviction that this work is a social service of great importance, and to this end all appropriate means of informing the public should be used.

(3) To secure the foregoing ends, personnel shall be appointed on a full-time basis as professional prison officers and have civil service status with security of tenure subject only to good conduct, efficiency and physical fitness. Salaries shall be adequate to attract and retain suitable men and women; employment benefits and conditions of service shall be favourable in view of the exacting nature of the work.

47. (1) All personnel shall possess an adequate standard of education, and shall be enabled to carry out their duties in a professional manner.

(2) Before entering on duty, all personnel shall be provided with training tailored to the general and specific duties of prison staff, which shall be reflective of contemporary evidence-based best practice in penal sciences. Only those candidates who successfully pass theoretical and practical tests at the end of such training shall be allowed to enter the prison service.

(3) After entering on duty and during their career, the prison administration shall ensure the continuous provision of in-service training courses with a view to maintaining and improving the knowledge and professional capacity of its personnel.

(4) Training referred to in paragraph 2 shall include, at a minimum, training on:

(a) Relevant national legislation, regulations and policies, as well as applicable international and regional instruments, the provisions of which must guide their work and interactions with inmates;

(b) Rights and duties of, and prohibitions on, prison staff in the exercise of their functions, including respect for the human dignity of all prisoners and an absolute prohibition of torture and other cruel, inhuman or degrading treatment or punishment;

(c) Security and safety, including the concept of dynamic security, the use of force and instruments of restraint, and the management of violent offenders, with due consideration of preventive and defusing techniques, such as negotiation and mediation;

(d) First aid, the psychosocial needs of prisoners and the corresponding dynamics in prison settings, as well as social care and assistance, including early detection of mental health issues.

(5) Personnel who are in charge of working with certain categories of prisoners, or who are assigned other specialized functions, shall receive training that has a corresponding focus.

48. All members of the personnel shall at all times so conduct themselves and perform their duties as to influence the prisoners for good by their example and to command their respect.

49. (1) So far as possible, the personnel shall include a sufficient number of specialists such as psychiatrists, psychologists, social workers, teachers and trade instructors.

(2) The services of social workers, teachers and trade instructors shall be secured on a permanent basis, without thereby excluding part-time or voluntary workers.

50. (1) The director of an institution should be adequately qualified for his task by character, administrative ability, suitable training and experience.

(2) He shall devote his entire time to his official duties and shall not be appointed on a part-time basis.

(3) He shall reside on the premises of the institution or in its immediate vicinity.

(4) When two or more institutions are under the authority of one director, he shall visit each of them at frequent intervals. A responsible resident official shall be in charge of each of these institutions.

51. (1) The director, his deputy, and the majority of the other personnel of the institution shall be able to speak the language of the greatest number of prisoners, or a language understood by the greatest number of them.

(2) Whenever necessary, the services of an interpreter shall be used.

[52. deleted]

53. (1) In an institution for both men and women, the part of the institution set aside for women shall be under the authority of a responsible woman officer who shall have the custody of the keys of all that part of the institution.

(2) No male member of the staff shall enter the part of the institution set aside for women unless accompanied by a woman officer.

(3) Women prisoners shall be attended and supervised only by women officers. This does not, however, preclude male members of the staff, particularly doctors and teachers, from carrying out their professional duties in institutions or parts of institutions set aside for women.

54. (1) Officers of the institutions shall not, in their relations with the prisoners, use force except in self-defence or in cases of attempted escape, or active or passive physical resistance to an order based on law or regulations. Officers who have recourse to force must use no more than is strictly necessary and must report the incident immediately to the director of the institution.

(2) Prison officers shall be given special physical training to enable them to restrain aggressive prisoners.

(3) Except in special circumstances, staff performing duties which bring them into direct contact with prisoners should not be armed. Furthermore, staff should in no circumstances be provided with arms unless they have been trained in their use.

Internal and external inspections

55. (1) There shall be a twofold system for regular inspections of penal institutions and services:
- (a) Internal or administrative inspections conducted by the central prison administration;
 - (b) External inspections conducted by a body independent from the prison administration, which may include competent international or regional bodies.
- (2) In both cases, the objective of inspections shall be to ensure that penal institutions are managed in accordance with existing laws, regulations, policies and procedures with a view to bringing about the objectives of penal and correctional services, and that the rights of prisoners are protected.
- (3) Inspectors shall have the authority to:
- (a) Access all information on the number of prisoners and places and locations of detention, as well as all information relevant to the treatment of prisoners, including their records and conditions of detention;
 - (b) Freely choose which prisons to visit, including by making unannounced visits at their own initiative, and which prisoners to interview;
 - (c) Conduct private and fully confidential interviews with prisoners and prison staff in the course of their visits;
 - (d) Make recommendations to the prison administration and other competent authorities.
- (4) External inspection teams shall be composed of qualified and experienced inspectors appointed by a competent authority, and encompass medical personnel. Due regard shall be given to balanced gender representation.
- (5) Every inspection shall be followed by a written report to be submitted to the competent authority. Due consideration shall be given to making the reports of external inspections publicly available, excluding any personal data without the prisoner's explicit consent.
- (6) The prison administration or other competent authorities, as appropriate, shall indicate, within a reasonable time, whether it will implement the recommendations resulting from the external inspection.

Part II RULES APPLICABLE TO SPECIAL CATEGORIES

A. Prisoners under sentence

Guiding principles

56. The guiding principles hereafter are intended to show the spirit in which penal institutions should be administered and the purposes at which they should aim, in accordance with the declaration made under Preliminary Observation 1 of the present text.

[Rules 57, 58, 59 relocated]

60. (1) [relocated]

(2) Before the completion of the sentence, it is desirable that the necessary steps be taken to ensure for the prisoner a gradual return to life in society. This aim may be achieved, depending on the case, by a pre-release regime organized in the same institution or in another appropriate institution, or by release on trial under some kind of supervision which must not be entrusted to the police but should be combined with effective social aid.

61. The treatment of prisoners should emphasize not their exclusion from the community, but their continuing part in it. Community agencies should, therefore, be enlisted wherever possible to assist the staff of the institution in the task of social rehabilitation of the prisoners. There should be in connection with

every institution social workers charged with the duty of maintaining and improving all desirable relations of a prisoner with his family and with valuable social agencies. Steps should be taken to safeguard, to the maximum extent compatible with the law and the sentence, the rights relating to civil interests, social security rights and other social benefits of prisoners.

[62. deleted]

63. (1) The fulfilment of these principles requires individualization of treatment and for this purpose a flexible system of classifying prisoners in groups; it is therefore desirable that such groups should be distributed in separate institutions suitable for the treatment of each group.

(2) These institutions need not provide the same degree of security for every group. It is desirable to provide varying degrees of security according to the needs of different groups. Open institutions, by the very fact that they provide no physical security against escape but rely on the self-discipline of the inmates, provide the conditions most favourable to rehabilitation for carefully selected prisoners.

(3) It is desirable that the number of prisoners in closed institutions should not be so large that the individualization of treatment is hindered. In some countries it is considered that the population of such institutions should not exceed five hundred. In open institutions the population should be as small as possible.

(4) On the other hand, it is undesirable to maintain prisons which are so small that proper facilities cannot be provided.

64. The duty of society does not end with a prisoner's release. There should, therefore, be governmental or private agencies capable of lending the released prisoner efficient after-care directed towards the lessening of prejudice against him and towards his social rehabilitation.

Treatment

65. The treatment of persons sentenced to imprisonment or a similar measure shall have as its purpose, so far as the length of the sentence permits, to establish in them the will to lead law-abiding and self-supporting lives after their release and to fit them to do so. The treatment shall be such as will encourage their self-respect and develop their sense of responsibility.

66. (1) To these ends, all appropriate means shall be used, including religious care in the countries where this is possible, education, vocational guidance and training, social casework, employment counselling, physical development and strengthening of moral character, in accordance with the individual needs of each prisoner, taking account of his social and criminal history, his physical and mental capacities and aptitudes, his personal temperament, the length of his sentence and his prospects after release.

(2) For every prisoner with a sentence of suitable length, the director shall receive, as soon as possible after his admission, full reports on all the matters referred to in the foregoing paragraph. Such reports shall always include a report by a medical officer, wherever possible qualified in psychiatry, on the physical and mental condition of the prisoner.

(3) The reports and other relevant documents shall be placed in an individual file. This file shall be kept up to date and classified in such a way that it can be consulted by the responsible personnel whenever the need arises.

Classification and individualization

67. The purposes of classification shall be:

(a) To separate from others those prisoners who, by reason of their criminal records or bad characters, are

likely to exercise a bad influence;

(b) To divide the prisoners into classes in order to facilitate their treatment with a view to their social rehabilitation.

68. So far as possible separate institutions or separate sections of an institution shall be used for the treatment of the different classes of prisoners.

69. As soon as possible after admission and after a study of the personality of each prisoner with a sentence of suitable length, a programme of treatment shall be prepared for him in the light of the knowledge obtained about his individual needs, his capacities and dispositions.

Privileges

70. Systems of privileges appropriate for the different classes of prisoners and the different methods of treatment shall be established at every institution, in order to encourage good conduct, develop a sense of responsibility and secure the interest and co-operation of the prisoners in their treatment.

Work

71. (1) Prison labour must not be of an afflictive nature.

(2) Sentenced prisoners shall have the opportunity to work and/or actively participate in their rehabilitation, subject to a determination of physical and mental fitness by a physician or health care professional.

(3) Prisoners shall not be held in slavery or servitude.

(4) No prisoner shall be required to work for the personal and private benefit of prison officials.

(5) Vocational training in useful trades shall be provided for prisoners able to profit thereby and especially for young prisoners.

(6) Within the limits compatible with proper vocational selection and with the requirements of institutional administration and discipline, the prisoners shall be able to choose the type of work they wish to perform.

72. (1) The organization and methods of work in the institutions shall resemble as closely as possible those of similar work outside institutions, so as to prepare prisoners for the conditions of normal occupational life.

(2) The interests of the prisoners and of their vocational training, however, must not be subordinated to the purpose of making a financial profit from an industry in the institution.

73. (1) Preferably institutional industries and farms should be operated directly by the administration and not by private contractors.

(2) Where prisoners are employed in work not controlled by the administration, they shall always be under the supervision of the institution's personnel. Unless the work is for other departments of the government the full normal wages for such work shall be paid to the administration by the persons to whom the labour is supplied, account being taken of the output of the prisoners.

74. (1) The precautions laid down to protect the safety and health of free workmen shall be equally observed in institutions.

(2) Provision shall be made to indemnify prisoners against industrial injury, including occupational disease, on terms not less favourable than those extended by law to free workmen.

75. (1) The maximum daily and weekly working hours of the prisoners shall be fixed by law or by administrative regulation, taking into account local rules or custom in regard to the employment of free workmen.

(2) The hours so fixed shall leave one rest day a week and sufficient time for education and other activities required as part of the treatment and rehabilitation of the prisoners.

76. (1) There shall be a system of equitable remuneration of the work of prisoners.

(2) Under the system prisoners shall be allowed to spend at least a part of their earnings on approved articles for their own use and to send a part of their earnings to their family.

(3) The system should also provide that a part of the earnings should be set aside by the administration so as to constitute a savings fund to be handed over to the prisoner on his release.

Education and recreation

77. (1) Provision shall be made for the further education of all prisoners capable of profiting thereby, including religious instruction in the countries where this is possible. The education of illiterates and young prisoners shall be compulsory and special attention shall be paid to it by the administration.

(2) So far as practicable, the education of prisoners shall be integrated with the educational system of the country so that after their release they may continue their education without difficulty.

78. Recreational and cultural activities shall be provided in all institutions for the benefit of the mental and physical health of prisoners.

Social relations and after-care

79. Special attention shall be paid to the maintenance and improvement of such relations between a prisoner and his family as are desirable in the best interests of both.

80. From the beginning of a prisoner's sentence consideration shall be given to his future after release and he shall be encouraged and assisted to maintain or establish such relations with persons or agencies outside the institution as may promote the best interests of his family and his own social rehabilitation.

81. (1) Services and agencies, governmental or otherwise, which assist released prisoners to reestablish themselves in society shall ensure, so far as is possible and necessary, that released prisoners be provided with appropriate documents and identification papers, have suitable homes and work to go to, are suitably and adequately clothed having regard to the climate and season, and have sufficient means to reach their destination and maintain themselves in the period immediately following their release.

(2) The approved representatives of such agencies shall have all necessary access to the institution and to prisoners and shall be taken into consultation as to the future of a prisoner from the beginning of his sentence.

(3) It is desirable that the activities of such agencies shall be centralized or co-ordinated as far as possible in order to secure the best use of their efforts.

B. Prisoners with mental disabilities and/or health conditions

82. (1) Persons who are found not criminally responsible, or later diagnosed with severe mental disabilities and/or health conditions, for whom staying in prison would mean an exacerbation of their condition, shall not be detained in prisons, and arrangements shall be made to transfer them to mental health facilities as

soon as possible.

(2) If necessary, other prisoners with mental disabilities and/or health conditions can be observed and treated in specialized facilities under the supervision of qualified health care professionals.

(3) The health service shall provide for the mental health treatment of all other prisoners who are in need of such treatment.

83. It is desirable that steps should be taken, by arrangement with the appropriate agencies, to ensure if necessary the continuation of psychiatric treatment after release and the provision of social psychiatric after-care.

C. Prisoners under arrest or awaiting trial

84. (1) Persons arrested or imprisoned by reason of a criminal charge against them, who are detained either in police custody or in prison custody (jail) but have not yet been tried and sentenced, will be referred to as "untried prisoners" hereinafter in these rules.

(2) Unconvicted prisoners are presumed to be innocent and shall be treated as such.

(3) Without prejudice to legal rules for the protection of individual liberty or prescribing the procedure to be observed in respect of untried prisoners, these prisoners shall benefit by a special regime which is described in the following rules in its essential requirements only.

85. (1) Untried prisoners shall be kept separate from convicted prisoners.

(2) Young untried prisoners shall be kept separate from adults and shall in principle be detained in separate institutions.

86. Untried prisoners shall sleep singly in separate rooms, with the reservation of different local custom in respect of the climate.

87. Within the limits compatible with the good order of the institution, untried prisoners may, if they so desire, have their food procured at their own expense from the outside, either through the administration or through their family or friends. Otherwise, the administration shall provide their food.

88. (1) An untried prisoner shall be allowed to wear his own clothing if it is clean and suitable.

(2) If he wears prison dress, it shall be different from that supplied to convicted prisoners.

89. An untried prisoner shall always be offered opportunity to work, but shall not be required to work. If he chooses to work, he shall be paid for it.

90. An untried prisoner shall be allowed to procure at his own expense or at the expense of a third party such books, newspapers, writing materials and other means of occupation as are compatible with the interests of the administration of justice and the security and good order of the institution.

91. An untried prisoner shall be allowed to be visited and treated by his own doctor or dentist if there is reasonable ground for his application and he is able to pay any expenses incurred.

92. An untried prisoner shall be allowed to inform immediately his family of his detention and shall be given all reasonable facilities for communicating with his family and friends, and for receiving visits from them, subject only to restrictions and supervision as are necessary in the interests of the administration of justice and of the security and good order of the institution.

93. (1) Every untried prisoner has the right to be promptly informed about the reasons for his or her detention and of any charges against him or her.

(2) If an untried prisoner does not have a legal adviser of his or her own choice, he or she shall be entitled to have a legal adviser assigned to him or her by a judicial or other authority in all cases where the interests of justice so require and without payment by the untried prisoner if he or she does not have sufficient means to pay. Denial of access to a legal adviser or legal aid provider shall be subject to independent review without delay.

(3) The entitlements and modalities governing the access of an untried prisoner to his or her legal adviser or legal aid provider for the purpose of his or her defence, shall be governed by the same principles as outlined in rule 37 ter.

(4) An untried prisoner shall, upon request, be provided with writing material for the preparation of documents related to his or her defence, including confidential instructions for his or her legal adviser or legal aid provider.

D. Civil prisoners

94. In countries where the law permits imprisonment for debt, or by order of a court under any other non-criminal process, persons so imprisoned shall not be subjected to any greater restriction or severity than is necessary to ensure safe custody and good order. Their treatment shall be not less favourable than that of untried prisoners, with the reservation, however, that they may possibly be required to work.

E. Persons arrested or detained without charge

95. Without prejudice to the provisions of article 9 of the International Covenant on Civil and Political Rights, persons arrested or imprisoned without charge shall be accorded the same protection as that accorded under part I and part II, section C. Relevant provisions of part II, section A, shall likewise be applicable where their application may be conducive to the benefit of this special group of persons in custody, provided that no measures shall be taken implying that re-education or rehabilitation is in any way appropriate to persons not convicted of any criminal offence.

End./