



**Promoting fair and
effective criminal justice**

Organisation for Security and Co-operation in Europe (OSCE):
The Human Dimension Implementation Meeting (HDIM)
Warsaw, September 2018

Working session 5: Rule of law

Oral Statement of Penal Reform International

Working Session 5: Rule of law – prevention of torture

Dear Chairperson,
Dear delegates,

Penal Reform International (PRI)¹ would like to bring delegates' attention to the revised UN Standard Minimum Rules for the Treatment of Prisoners – or Nelson Mandela Rules – as a critical tool for the prevention of torture and ill-treatment.

The Mandela Rules are a primary source of standards relating to the treatment of detainees, and are the key framework used by monitoring and inspection mechanisms in assessing the treatment of prisoners.

Full implementation of the Nelson Mandela Rules, together with the UN Bangkok Rules on women prisoners, will prevent torture or ill-treatment, and ensure the appropriate action is taken in cases where it has occurred. Their implementation will furthermore assist staff in fulfilling the primary purpose of prisons – that is rehabilitation and reintegration – by creating safer, productive environments.

The Rules explicitly oblige to refrain from torture or similar prohibited ill-treatment or punishment on behalf of prison staff and healthcare staff. But there is also a whole host of provisions that seek to protect and prevent ill-treatment, torture or any treatment that would efface the right to dignity.

For example, the Rules now limit the use of solitary confinement, defined as separation from the general prison population for more than 22 hours without meaningful human contact. Indefinite and prolonged solitary confinement – ie. in excess of fifteen days – is now prohibited.

¹ Penal Reform International (PRI) is an independent non-governmental organisation that develops and promotes fair, effective and proportionate responses to criminal justice problems worldwide. We promote alternatives to prison which support the reintegration of offenders, and promote the right of detainees to fair and humane treatment. We campaign for the prevention of torture and the abolition of the death penalty, and we work to ensure just and appropriate responses to children and women who come into contact with the law.

There are also rules on conducting searches of prisoners and visitors, a part of prison regimes that often leads to humiliation and ill-treatment. The rules require that searches are applied only when necessary and proportionate, and respectful of human dignity. Particular restrictions apply to body cavity searches.

As part of OSCE participation States' commitment to treating individuals in detention with humanity and respecting their inherent dignity, there is the commitment to observing the internationally recognized standards relating to the administration of justice and the human rights of detainees, including the Standard Minimum Rules.

Penal Reform International therefore calls on States to implement the Mandela Rules by reviewing and reforming prison rules and regulations, investing in staff training and prioritising significant gaps in their systems accordingly.

To assist in this PRI is proud to have recently published a practical Guidance Document on the Mandela Rules, together with ODIHR. This is available in English, and soon will be available also in Russian and Georgian for free from our websites.

Thank you for your attention.