

EUROPEAN PRISON RULES

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- The **European Prison Rules** were drawn up by the Council of Europe. They are intended to provide legally non-binding standards on good principles and practices in the treatment of detainees and the management of detention facilities.
 - The European Prison Rules were adopted by the Committee of Ministers in 1973 (Resolution 73.5). The Prison Rules were reformulated in 1987 (R 87.3). In January 2006, the Committee of Ministers on the European Prison Rules recommended that the 1987 version needed “to be substantively revised and updated in order to reflect the developments which have occurred in penal policy, sentencing practice and the overall management of prisons in Europe”. Revisions can also be seen to reflect the expansion of Council of Europe membership: 15 member states in 1973, 21 in 1987, and 46 by 2005. A new version of the European Prison Rules was adopted in 2006, replacing all previous versions entirely. The 2006 European Prison Rules contain a significantly expanded section on health care in the prison setting. For the first time, they refer specifically to the prison authorities' obligation to safeguard the health of all prisoners (rule 39) and the need for prison medical services to be organized in close relationship with the general public health administration (rule 40).

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- The European Prison Rules are based on the United Nations Standard Minimum Rules for the Treatment of Prisoners. They are not legally binding for member states of the Council of Europe, but provide recognised standards on good principles and practices in the treatment of detainees and the management of detention facilities. One observer suggests that ‘almost all European countries aim to apply these standards but it is unlikely that a single one has succeeded in applying them fully.’ In 2006 the Quaker Council for European Affairs produced a gender critique of the European Prison Rules as part of its Women in Prison Project. In recent years the European Prison Rules have been reported to have formed the basis for complaints against penal services and institutions in Norway and Ireland, and have set officially acknowledged standards for prison reform in Armenia.^[11] There are 108 rules in nine parts. Part I (rules 1 to 13) sets out basic principles as well as the scope and application. Part II (rules 14 to 38) covers conditions of imprisonment, including: nutrition, hygiene, access to legal advice, education, contact with the outside world, freedom of thought, conscience and religion. Part III deals with health and health care in prisons. Part IV deals with order and security; Part V Management and staff; Part VI Inspection and monitoring; Part VII Untried prisoners; Part VIII Sentenced prisoners; and Part IX the requirements for updating the Rules.

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- The **Committee of Ministers of the Council of Europe** (French: *Comité des ministres du Conseil de l'Europe*) or **Committee of Ministers** (French: *Comité des ministres*) is the Council of Europe's decision-making body. It comprises the Foreign Affairs Ministers of all the member states, or their permanent diplomatic representatives in Strasbourg. It is both a governmental body, where national approaches to problems facing European society can be discussed on an equal footing, and a collective forum, where Europe-wide responses to such challenges are formulated. In collaboration with the Parliamentary Assembly, it is the guardian of the Council's fundamental values, and monitors member states' compliance with their undertakings.

STANDARD MINIMUM RULES FOR THE TREATMENT OF PRISONERS

- The **United Nations Standard Minimum Rules for the Treatment of Prisoners** ("the **Mandela Rules**") were adopted by the United Nations General Assembly on 17 December 2015 after a five-year revision process. They are known as the **Mandela Rules** in honor of the former South African President, Nelson Mandela. The **Mandela Rules** are composed of 122 "rules". Not all are rules, but some are principles such as institutional equality and the philosophy of confinement.

- The rules were first adopted on 30 August 1955 during a UN Congress on the Prevention of Crime and the Treatment of Offenders, held at Geneva, and approved by the Economic and Social Council in resolutions of 31 July 1957 and 13 May 1977.
- Since their adoption by the Economic and Social Council in 1957, the Standard Minimum Rules for the Treatment of Prisoners (SMR) have served as the universally acknowledged minimum standards for the treatment of prisoners. Despite their legally non-binding nature, the rules have been important worldwide as a source for relevant national legislation as well as of practical guidance for prison management.
- Although not legally binding, the SMRs provide guidelines for international and domestic law for citizens held in prisons and other forms of custody. The basic principle described in the standard is that "There shall be no discrimination on grounds of race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or other status".

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- Part I contains Rules of General Application. It contains standards which set out what is generally accepted as being good practices in the treatment of prisoners and the management of penal institutions. Specifically, it covers issues related to: minimum standards of accommodation (rules 12 to 17); personal hygiene (18); clothing and bedding (19 to 21); food (22); exercise (23); medical services (24 to 35); discipline and punishment (36 to 46); the use of instruments of restraint (47 to 49); complaints (54 to 57); contact with the outside world (58 to 63); the availability of books (64); religion (65 and 66); retention of prisoners' property (67); notification of death, illness, transfer (68 to 70); removal of prisoners (73); the quality and training of prison personnel (74 to 82); and prison inspections (83 to 85).
 - Part II contains rules applicable to different categories of prisoners including those under sentence. It contains a number of guiding principles (rules 86 to 90); the treatment (rehabilitation) of prisoners (91 and 92); classification and individualization (93 and 94); privileges (95); work (96 to 103); education and recreation (104 and 105); social relations and after-care (106 to 108). Part II also contains rules for prisoners under arrest or awaiting trial (generally referred to as "remand"), rules for civil prisoners (for countries where local law permits imprisonment for debt, or by order of a court for any other non-criminal process) and rules for persons arrested or detained without charge.

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- The General Assembly, in 2010, requested that the Commission on Crime Prevention and Criminal Justice establish an open-ended intergovernmental expert group to exchange information on the revision of the SMRs so that they reflected advances in correctional sciences and best practices, provided that any changes to the rules would not result in lowering existing standards. The General Assembly further highlighted a number of principles which should guide the continued revision process, including that (a) any changes to the SMR should not lower any of the existing standards, but should improve them so that they reflect advances in corrections science and good practices, so as to promote safety, security and humane conditions for prisoners; and that (b) the revision process should maintain the existing scope of application of the SMR for the treatment of prisoners, and continue to take into account the social, legal and cultural differences, as well as human rights obligations, of member states.

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- In December 2015, the General Assembly adopted resolution 70/175 entitled "United Nations Standard Minimum Rules for the Treatment of Prisoners (the Mandela Rules)". The reference was added not only in recognition of South Africa's major support to the revision process, but also to honor Nelson Mandela, who spent 27 years in prisons in the course of his struggle for democracy and the promotion of a culture of peace. Accordingly, the General Assembly also decided to extend the scope of International Nelson Mandela Day (18 July) to be also utilized in order to promote humane prison conditions of imprisonment, to raise awareness about prisoners being a contiguous subset of society, and to value the work of prison staff as a social service of importance.

QUAKER COUNCIL FOR EUROPEAN AFFAIRS

- The **Quaker Council for European Affairs** (QCEA) is an international not-for-profit organisation which seeks to promote the values and political concerns of the Religious Society of Friends (Quakers) at the European level. It undertakes research and advocacy in the fields of peacebuilding and human rights policy, notably in relation to the European Union and the Council of Europe. Founded in 1979 by Quakers who worked in the European institutions, it is based in Brussels, Belgium and is registered under Belgian law.

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- QCEA undertakes policy research, political advocacy and “quiet diplomacy” on peacebuilding and human rights issues in the context of European politics. Its efforts currently focus on building support for nonviolent conflict resolution, shared security, and the human rights of refugees in Europe. In general, QCEA’s advocacy efforts focus on the European Union and the Council of Europe, where many of the political decisions relevant to its work are made.
 - More generally, QCEA argues in favour of peaceful cooperation between European countries, and in defence of the European human rights framework established after the Second World War. It hosts conferences and tours for Quakers from across Europe which explore these themes further.
 - Prior to 2016, QCEA was also responsible for EU-level Quaker advocacy on matters such as economic justice and sustainability.

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- QCEA is a member of several civil society working groups and umbrella organisations in Brussels, including the European Peacebuilding Liaison Office, the Human Rights and Democracy Network, and the European NGO Platform on EU Asylum and Migration Policy. It also collaborates bilaterally with other NGOs on specific matters.
 - QCEA also possesses “participatory status” at the INGOs Conference of the Council of Europe, allowing it to contribute to the work of the Council in a formal capacity.
 - Structure[[edit](#)]
 - QCEA is established as a non-profit association under Belgian law (*association internationale sans but lucratif / internationale vereniging zonder winstoogmerk*). Its ultimate decision-making body is its General Assembly, with a smaller Executive Committee empowered to make decisions.
 - Support groups, which fundraise for QCEA and also participate in its governance, have been established in the United Kingdom, the Netherlands and Ireland.

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- **Thank you for your attention**