Module 8. The United Nations

8.1 The United Nations and the promotion of international prison standards

These materials will help participants to:

- Describe how the United Nations (UN) is engaged in the promotion of international prison standards.
- Provide examples of agencies and organisations involved in the promotion of international prison standards within the UN.

International action on improving prison conditions

International action on improving prison conditions has a long history. In 1777, the English philanthropist John Howard published the ground-breaking book *State of the Prisons in England and Wales*, in which he advocated for humanising prison conditions. Howard's publication can be considered the first comprehensive account of the prison system in England and Wales and a starting point for prison reform (Roberts, 1985).

In the 20th century this work became more concrete. The League of Nations provided the first space in which prison conditions were discussed internationally. The International Penal and Penitentiary Commission started to work on standard minimum rules for prisoners as early as 1926, resulting in a draft of 55 rules that were endorsed by the League of Nations in 1934 (Clifford, 1972). This work was taken up again two decades later by the United Nations and resulted in the adoption of the Standard Minimum Rules for the Treatment of Prisoners (SMR) in 1955 (Clifford, 1972). In the second part of this chapter, the development of international action on improving prison conditions will be presented. This includes an overview of the main actors, the most important issue areas, and the modes of implementation and cooperation with individual states.

The United Nations and the promotion of prison standards

The United Nations plays a key role in the promotion of prisoners' rights and humane prison conditions (Bouloukos & Dammann, 2001). Within the UN framework, the United Nations Office on Drugs and Crime (UNODC) has the mandate to assist countries in building and reforming their prison systems, and in implementing non-custodial measures in compliance with human rights principles and UN standards and norms in

crime prevention and criminal justice. UNODC offers assistance in improving legal safeguards for prisoners. In addition, UNODC helps states develop alternatives to pre-trial detention within domestic criminal codes. In order to promote the practical application of international prison standards, UNODC has produced a series of technical guidance tools and publications, which are made available on its website.

In addition to UNODC, the UN Office of the High Commissioner for Human Rights and the UN Department of Peacekeeping work on prison issues within the UN system. In 2021, the three agencies published the Common Position on Incarceration, which lays out a common approach across three thematic areas: shifting policies towards crime prevention and alternatives to incarceration; strengthening prison management and improving prison conditions; and advancing the rehabilitation and social reintegration of offenders (Rope, 2021). The central objective of the common position is the reduction of global prison populations, which skyrocketed during the Covid-19 pandemic. Due to prison overcrowding and increased vulnerability, Covid-19 had a disproportionate impact in prison settings (UNODC, 2021).

The UN recognises prisoners as a particularly vulnerable and marginalised group that is subject to discrimination and exclusion (UNDOC, 2021). UN agencies therefore strive to improve prison conditions. The United Nations System Common Position on Incarceration provides a common framework for these efforts (UNDOC, 2021). The document is informed by research and emphasises the collaboration between the United Nations system, Member states, and societal actors, including social service providers and civil society organisations (UNDOC, 2021).

8.2 How United Nations promote international prison standards?

One of the most significant contributions of the United Nations in this field is the formulation of international guidelines known as the "**United Nations Standard Minimum Rules for the Treatment of Prisoners**", often referred to as the "**Nelson Mandela Rules**". These rules set out the basic principles and standards for the treatment of prisoners, covering issues such as humane treatment, health care, discipline, and other aspects of prison management.

- **Monitoring and advocacy**: The United Nations, through various mechanisms and agencies, conducts monitoring and advocacy to ensure that member states adhere to these international standards. This includes visits by independent experts, such as **the United Nations Subcommittee on Prevention of Torture,** to assess prison conditions and provide recommendations for improvement.

- **Human rights framework**: The United Nations promotes the idea that prisoners, like all individuals, have inherent human rights that must be respected, protected, and fulfilled. This framework emphasizes the need for humane treatment, the prevention of torture, and the provision of essential services within prisons.
- **Technical assistance and capacity building**: The UN provides technical assistance and capacity-building support to member states to help them improve their prison systems. This can include training for prison staff, support for the development of legislation and policies, and sharing best practices in prison management.
- **Rehabilitation and reintegration**: The United Nations emphasizes the importance of rehabilitation and reintegration programs within prisons to reduce recidivism rates and help prisoners successfully reintegrate into society upon release.
- **Focus on vulnerable groups**: The UN recognizes the particular vulnerabilities of certain groups within prison populations, such as women, children, and individuals with mental health issues. Efforts are made to ensure that the rights and specific needs of these groups are addressed.
- **Promoting alternatives to imprisonment**: As part of a broader criminal justice reform approach, the UN encourages member states to consider non-custodial measures and alternatives to imprisonment, in line with the principles outlined in documents like the **Tokyo Rules**.**Advocacy for Ratification of International Treaties**: The United Nations encourages member states to ratify and implement international human rights treaties related to the treatment of prisoners, such as **the International Covenant on Civil and Political Rights and the Convention against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment**.

HOW UNITED NATIONS PROMOTE INTERNATIONAL PRISON STANDARDS?

8.3 The key UN agencies involved in International Standard Promotion

The key UN agencies involved in these actions are:

- **The United Nations Office on Drugs and Crime** (UNODC)
- **The United Nations Human Rights Council** (UNHRC)
- **The United Nations Commission on Crime Prevention and Criminal Justice** (CCPCJ)

The United Nations Office on Drugs and Crime (UNODC) is a specialized agency of the United Nations responsible for addressing issues related to drug control, crime prevention, and criminal justice. UNODC was established in 1997 through a merger of the United Nations Drug Control Program (UNDCP) and the Centre for International Crime Prevention (CICP). Its primary mandate is to promote international cooperation in these areas and to assist member states in combating drug trafficking, transnational organized crime, corruption, terrorism, and other related threats to global security and development.The United Nations Office on Drugs and Crime (UNODC) has the mandate to assist countries in building and reforming their prison systems, and in implementing non-custodial measures in compliance with human rights principles and UN standards and norms in crime prevention and criminal justice. UNODC offers assistance in improving legal safeguards for prisoners. In addition, UNODC helps states in developing alternatives to pre-trial detention within domestic criminal codes. In order to promote the practical application of international prison standards, UNODC has produced a series of technical guidance tools and publications which are made available on the office's website: https://www.unodc.org/

The United Nations Human Rights Council (UNHRC) is a subsidiary body of the United Nations General Assembly responsible for promoting and protecting human rights around the world. The UNHRC was established in 2006. The UNHRC consists of 47 member states elected by the United Nations General Assembly. These members serve fixed terms and are chosen based on equitable geographic distribution. Members are expected to uphold the highest standards in the promotion and protection of human rights.

Key features of the United Nations Human Rights Council include:

- To conduct the Universal Periodic Review, which is a process through which it assesses the human rights records of all United Nations member states. During the UPR, each country's human rights practices and compliance with international human rights norms are reviewed, and recommendations for improvement are made.

- Special procedures: The UNHRC establishes special procedures, such as special rapporteurs, independent experts, and working groups, to investigate and report on specific human rights issues or situations in different countries. These mechanisms help monitor and address human rights violations globally.
- Thematic resolutions and discussions: The UNHRC regularly addresses specific thematic issues and human rights concerns, such as freedom of expression, the rights of women, the rights of children, and more. It adopts resolutions and holds discussions on these topics.
- Urgent debates: The UNHRC can convene urgent debates to address pressing human rights situations that require immediate attention and action.
- Promotion of international human rights standards: The UNHRC works to promote the adoption and implementation of international human rights standards and treaties. It encourages states to uphold their human rights obligations and commitments.
- Cooperation and capacity building: The UNHRC cooperates with other United Nations bodies and agencies, as well as with civil society organizations, to build the capacity of states to protect and promote human rights.
- Advisory role: The UNHRC provides advice and recommendations to the United Nations General Assembly on human rights issues and developments.
- Engagement with civil society: The UNHRC actively engages with civil society organizations, allowing them to participate in its sessions, provide input, and share their expertise and experiences.

The United Nations Commission on Crime Prevention and Criminal Justice (CCPCJ) is one of the functional commissions of the United Nations Economic and Social Council (ECOSOC). It is a specialized body within the United Nations system that focuses on addressing issues related to crime prevention, criminal justice, and the promotion of the rule of law at the international level.The other UN agencies involved in the prison system are:

- United Nations Children's Fund (UNICEF): UNICEF focuses on the rights and well-being of children, including those who are in conflict with the law or in detention facilities. It works to ensure that child detainees are treated in accordance with international standards and that alternatives to detention are explored for child offenders.
- United Nations Development Programme (UNDP): UNDP works on criminal justice reform, including prison system improvement, as part of its broader

efforts to strengthen the rule of law and promote human rights and development.

- United Nations Office of the High Commissioner for Human Rights (OHCHR): OHCHR is responsible for promoting and protecting human rights around the world. It monitors and provides guidance on human rights issues, including those related to prison conditions, and offers technical assistance to states in aligning their practices with international human rights standards.
- United Nations Women (UN Women): UN Women focuses on the rights of women, including those who are incarcerated or in conflict with the law. It advocates for gender-sensitive prison reform and the protection of the rights and dignity of women prisoners.
- United Nations Special Rapporteurs: Special Rapporteurs appointed by the United Nations, under the Human Rights Council, often investigate and report on specific human rights concerns, including those related to the treatment of prisoners.

While these UN entities have their specific areas of focus, they often collaborate and coordinate their efforts to address the broader issues of criminal justice reform, prison system improvement, and the protection of human rights within detention facilities. Their work contributes to the development and promotion of international standards for the treatment of prisoners and efforts to reduce recidivism while respecting human dignity.Overall, the United Nations plays a crucial role in setting standards, monitoring compliance, and providing support to improve prison conditions worldwide. This work is driven by the UN's commitment to upholding human rights and ensuring the dignity and well-being of all individuals, including those in custody.

References

Roberts, L.H. (1985). John Howard, England's Great Prison Reformer. His Glimpse Into Hell, Journal of Correctional Education, 36(4), 136–139.

Clifford, W. (1972). The standard minimum rules for the treatment of prisoners. The American Journal of International Law, 66(4), 232–244.

Bouloukos, A.C. & B. Dammann (2001). The United Nations: And the Promotion of Prison Standards, in: Imprisonment Today and Tomorrow. Brill: Nijhoff, 756–774.

Rope, O. (2021). UN system agrees on priorities to tackle global prison issues in their first "common position on incarceration"

UNODC (2021). United Nations System Common Position on Incarceration