

44th session of the Human Rights Council

Annual thematic panel discussion on technical cooperation and capacity-building

Theme: Upholding the human rights of prisoners, including women prisoners and offenders: enhancing technical cooperation and capacity-building in the implementation of the Nelson Mandela Rules and the Bangkok Rules

Concept note (draft as of 5 June 2020)

- Date and venue:** TBD
(will be broadcast live and archived on <http://webtv.un.org>)
- Objectives:** The panel discussion aims to facilitate exchange of experiences and views to strengthen technical cooperation and capacity-building efforts to continue supporting States efforts to uphold the human rights of prisoners, including women prisoners and offenders, in the implementation of the Nelson Mandela Rules and the Bangkok Rules.
- Chair:** H.E. Ms. Elisabeth Tichy-Fisslberger, President of the Human Rights Council (TBC)
- Opening statement:** Ms. Nada Al-Nashif, United Nations Deputy High Commissioner for Human Rights (TBC)
- Moderator:** H.E. Mr. Sek Wannamethee, Ambassador and Permanent Representative of Thailand to the United Nations Office and other international organizations in Geneva
Video screening: Implementation of the Bangkok Rules in practice – Ministry of Justice in Thailand (2.10 min.)
- Panellists:** [There will be 3 panelists. The list below comprises potential panelists, all are tentative and have not been confirmed. Other potential panelists could be proposed.]
- H.E. Mr. Sabri Bachtobji, Ambassador and Permanent Representative of Tunisia to the United Nations Office at Geneva and specialized institutions in Switzerland
 - Ms. Olivia Rope, Director of Policy and International Advocacy, Penal Reform International
 - Representative of the United Nations Office on Drugs and Crime (TBC)
- Outcome:** The expected outcomes of this thematic discussion are as follows:
- States and other stakeholders will learn from shared experiences in implementing technical cooperation and capacity building activities on upholding the human rights of prisoners, including women prisoners and offenders.
 - Key examples on how the Nelson Mandela Rules and the Bangkok Rules have served to improve in practice the lives particularly of women and children deprived of liberty, and in the current context of the COVID-19 pandemic, how these standards have helped States protect prisoners' health.
 - Challenges, lessons learned and good practices in the implementation of the Nelson Mandela Rules and the Bangkok Rules are identified.
 - The importance of partnerships with civil society groups addressing the particular situation of specific groups, persons with disabilities in particular mental disabilities and situations of ethnic groups.
 - States and other relevant stakeholders will be better informed of the technical capacities and expertise available in the United Nations system and other actors in this area.
 - A set of recommended actions will be identified to further enhance technical cooperation for the promotion and protection of human rights of persons deprived of liberty.

- Mandate:** Since 2012, the Human Rights Council has been holding annual thematic discussions to promote the sharing of experiences and best practices and technical cooperation in the promotion and protection of human rights, in accordance with Council resolution 18/18.
- In its resolution 42/32, the Council decided that the 2020 annual thematic panel discussion would focus on technical cooperation and capacity building efforts to uphold the human rights of prisoners, including women prisoners and offenders in the implementation of the Nelson Mandela Rules and the Bangkok Rules. To serve as a basis for discussion, OHCHR has prepared a report entitled “Activities and plans undertaken by the Office and relevant United Nations country teams, agencies and regional organizations to support States’ efforts to promote and protect the human rights of prisoners, including women prisoners and offenders, in particular in the implementation of the Nelson mandeal Rules and the Bangkok Rules” (A/HRC/44/37).
- Format (to be confirmed):** The panel discussion will be limited to two hours. The opening statement and initial presentations by the panellists, the latter guided by the moderator, will be followed by an interactive discussion divided into two slots and chaired by the President or Vice-President of the Human Rights Council.
- A maximum of one hour will be set aside for the podium, including the opening statement, moderator’s introduction, panellists’ presentations, responses to questions and concluding remarks. The remaining hour will be reserved for two slots of interventions from the floor for States and observers (2x12), national human rights institutions (2x1) and non-governmental organizations (2x2).
- The list of speakers for the discussion will be established through the online registration system and, as per practice, statements by high-level dignitaries and groups of States will be moved to the beginning of the list. Each speaker will have two minutes to raise issues and to ask questions. Participants are encouraged to share concrete proposals and considerations concerning the rights. Delegates who have not been able to take the floor due to time constraints will be able to upload their statements on the online system to be posted on the HRC Extranet. Interpretation will be provided in the six United Nations official languages (Arabic, Chinese, English, French, Russian and Spanish).
- Background:** The year 2020 marks the tenth anniversary of the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules) and the sixty-fifth anniversary of the the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules, revised in 2015). The importance of technical assistance, capacity building and the exchange of good practices and challenges faced in the efforts to enhance the protection of human rights of persons deprived of liberty is critical. Protecting the rights of prisoners has never been easy. The Universal Declaration of Human Rights of 1948 did not specifically refer to prisoners, although the rights it laid out—including the prohibition of torture, the right to a fair trial and the presumption of innocence—implicitly covered them. Seven years later, in 1955, the First United Nations Congress on the Prevention of Crime and the Treatment of Offenders adopted the Standard Minimum Rules for the Treatment of Prisoners. This was an important start, and in 2015, the General Assembly adopted the expanded rules, known as the “Nelson Mandela Rules”, in honour of arguably the most celebrated prisoner of the twentieth century. The Office of the United Nations High Commissioner for Human Rights (OHCHR) ensured that the revised rules reflected international human rights standards adopted since the 1950s. As a result, the Mandela Rules provide States with detailed guidelines for protecting the rights of persons deprived of their liberty, from pre-trial detainees to sentenced prisoners. The Rules are based on an obligation to treat all prisoners with respect for their inherent dignity and value as human beings, and to prohibit torture and other forms of ill-treatment. They offer detailed guidance on a wide variety of issues ranging from disciplinary measures to medical services. For example, they prohibit the reduction of a prisoner’s food or water, as well as the use of instruments of restraint

that are inherently degrading or painful, such as chains or irons. The Rules restrict the use of solitary confinement as a measure of last resort, to be used only in exceptional circumstances.

Globally, women represent between 2 and 10 per cent of national prison populations but their numbers are increasing rapidly. In fact, throughout the world, women's imprisonment is growing at a disproportionately higher rate than men. Particular groups of women, such as pregnant women, girls, women with disabilities, women living with mental health problems, drug problems or HIV and AIDS, women who are detained in armed conflict, women who are foreign nationals or from indigenous and minority communities and lesbian, bisexual and transgender women have further needs specific to them. Empirical evidence shows that women have a heightened vulnerability to mental and physical abuse during arrest, questioning and in prison. Many women detainees face inhuman and degrading treatment during arrest, interrogation and in custody including stripped naked, threats of rape, touching, "virginity testing", invasive body searches, insults and humiliations of a sexual nature or even rape. Once imprisoned, women may be subjected to several forms of abuse. To address the lack of standards providing for the specific characteristics and needs of women offenders and prisoners, in 2010, the General Assembly adopted the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules). The Bangkok Rules together with other international standards obligate States to address the pathways that lead women to prison and the consequences of their incarceration.

At the moment of the finalization of OHCHR report [A/HRC/44/37](#) and the organization of the thematic panel, the world was facing an unprecedented test, combating the COVID-19 pandemic as the Secretary General described it. Concerns regarding the spread of COVID-19 in prisons were raised by the United Nations and many other stakeholders. On 25 March 2020 the High Commissioner for Human Rights urged governments to reduce overcrowding in prisons and other closed facilities in order to prevent the spread of COVID-19 infection.

Background documents:

- [Human Rights Council resolution 42/32](#) of 27 September 2019 on enhancement of technical cooperation and capacity-building in the field of human rights
- Background report for the panel discussion prepared by the Office of the High Commissioner for Human Rights ([A/HRC/44/37](#))
- United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules), [General Assembly resolution 70/175](#) of 17 December 2015
- United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules), [General Assembly resolution 65/229](#) of 21 December 2010