

**The United Nations Minimum Rules For
the Treatment of Offenders: An Overview With Specific
Reference To The Situation in Developing Countries**

**Sam S. Souryal, Ph.D.
College of Criminal Justice
Sam Houston State University**

Introduction

Anyone who reads the newspapers or watches the miracle of CNN on television cannot escape noting the atrocities committed against prisoners in so many parts of the world. Just recently, atrocities have been reported by the Serbs against Muslim prisoners in Bosnia-Herzegovina, by the Whites against black prisoners in South Africa, by fascist regimes against political prisoners in Latin America, and by the Israeli authorities against Arab prisoners. The world also recalls with horror the atrocities committed by the Iraqis against Kuwaiti prisoners whose sole crime was attempting to liberate their homeland during the Iraqi occupation of 1990-1991.

The mistreatment of prisoners is neither new to the history of man, nor is it limited to developing countries. It is the egotistical constitution of man which favors conquest over tolerance, power over reason, and humiliation over kindness. The mistreatment of prisoners has existed in just about every country, in one form or another, at one time or another in its development. Socrates, Jesus, Maciavelli, Thomas More, Galileo, Ghandi, Martin Luther King Jr., and Nelson Mandela, to mention just a few, are "living proof" of such acts of inmate oppression. Apostle Paul, perhaps because of his personal prison experience, wrote in the message to the Hebrews: "Remember those in prison as though you are imprisoned with them" (Hebrews 13: 3).

It is regrettable, however, to note, without being judgmental, that most--and perhaps the worst-- cases of prison oppression in recent times did occur in the so-called advanced countries. While such a record has been consistently explained in terms of improved reporting systems in these societies, it is lamentable, nevertheless, that many

countries which are now claiming a leadership role in the prison reform movement were, until recently, as guilty as those they accuse of barbarism and backwardness. Atrocities by advanced countries were committed by Hitler's infamous SS *Sturmtruppen*, by Stalin's *Gulag apparatiks*, by the French in Algeria, by the Japanese in China, Burma, and the Philippines, and by the Italians in Libya. The latter ingeniously invented the ultimate solution to the problem of political prisoners: they pushed them out of flying aircraft, without parachutes. The Germans and the Russians, on the other hand, built elaborate concentration camps to administer the "final solution," not only to Jews or members of the Bourgeoisie, but also to Gypsies, retarded people, undesirables (however that term was meant at the time) and to dissidents who dared to speak out against oppression. Today, even after the Cold War is over, there are reportedly hidden *Gulags* which continue to exist in many parts of the world. While most of these operate in a subtle manner, others, such as those where mass rape is used as an instrument of punishment, are certainly less subtle than others.

In my country, the United States of America, the criminal justice system has recently encountered one of its most embarrassing moments in a long time. Twenty-one Los Angeles police officers arrested and severely tortured a black prisoner (Mr. Rodney King) whom they stopped for a drunken driving charge in March of 1991. The incident was captured by an amateur cameraman, and the video tape was broadcast nationally for several weeks. The incident shocked the conscience of the nation, infuriated the black community, forced the resignation of perhaps the most famous police chief in the country,

The author would like to acknowledge a major source of information on this subject; a monograph entitled "World Implementation of the United Nations Standard Minimum Rules For the Treatment of Prisoners". The monograph was prepared in 1975 for the Washington World Law Conference, by Daniel L. Skoler, Director of the American Bar Association Commission on Correctional Facilities and Services. The monograph is published in Volume X, Issue No. 2, of the George Washington University of International Law and Economics, 1975. The monograph has been most helpful in the preparation of this paper and has been relied upon rather heavily.

caused President Bush to publicly apologize to the nation, and prompted major restructuring in the role of the police in a free society. While the Department of Justice continues to label the incident an aberration, members of the criminal justice community view it as a miscarriage of justice, routinely practiced in all large American cities.

The purpose of this paper is to present a brief overview of the UN Standard Minimum Rules for the Treatment of Prisoners and to assess the efforts by member states to implement such rules and to incorporate them in national legislation. This analysis will be attempted with a specific focus on the role of developing countries. This author, himself a product of the legal system of a developing country, feels a moral, as well as a professional, obligation to add his own insights to the literature in this area.

The subject matter of this paper will be presented in four sections: (a) background of the United Nations Standard Minimum Rules of 1958, (b) the extent of formal incorporation of the Rules in the penal codes and regulations of member nations, (c) major problems facing developing nations in their attempts toward implementation, and (d) conclusions and recommendations for remedy, taking into consideration the specific experiences of developing nations.

A- Background of the United Nations Minimum Rules of 1958

Even before the guns of World War II were silent, the United Nations was created to promote world peace, to improve the social and economic conditions of member states, and to enhance communication and cooperation among the family of nations. Toward the achievement of these ideals, the UN issued its historic Universal Declaration of Human Rights (1948), the essence of which was to put an end to tyranny and to uphold human rights in all member states and under all possible conditions.

At that time, the issue of prisons and the mistreatment of prisoners was a sore subject, especially after the German atrocities during the war years had been revealed. Such revelations shocked the conscience of the civilized world; they violated both the

letter and spirit of the Declaration by trampling upon the fundamentals of Human Rights and by repudiating man's basic rights to life, liberty, and the pursuit of happiness. These fundamental values cannot be viewed as gifts to be offered or withheld upon the whim of a given ruler or regime; they are immunities against the oppressive rule of government, regardless of the behavior of citizens. In the euphoria of victory over fascism, civilized governments were expected to treat the "worst among us" by the "most noble" means society can offer.

The UN Standard Minimum Rules for Treatment of Offenders were first proposed by the first UN Congress on Prevention of Crime and Treatment of Offenders, in 1955. The Rules had their roots in an earlier formulation for prison reform introduced by the International Penal and Penitentiary Commission in 1926, which was subsequently revised in 1933 and 1951. The Standard Minimum Rules were approved by the UN Economic and Social Council in 1957 and the action was later endorsed by the General Assembly in two resolutions; first in 1971 and later in 1973. The endorsement was the United Nations official mandate for the adoption and implementation of the Rules by all member states.

The objectives of the Standard Minimum Rules were three fold: (a) to promote world civilization by pressuring member states to comply with humane standards for the treatment of prisoners and to refrain from acts of violence and oppression, (b) to ensure a set of universally acceptable minimum standards for the treatment of offenders, thus further preserving the dignity of man everywhere, and (c) to improve correctional practices by making it possible for developing nations to apply for, and to receive, technical assistance and training through the United Nations or its affiliated organs. Indeed, since the United Nations has not enunciated comparable standards to guide the operation of law enforcement agencies, the criminal courts, or the prosecution and defense of accused people, the Standard Minimum Rules must be considered a historic

initiative and a major standard-setting effort by the United Nations in the area of criminal justice administration (Skoler: 1).

Towards achieving these objectives, the UN Standard Minimum Rules resolution was stated in clear and unambiguous language. For instance, Article 7 of the Rules of General Application, stresses:

In every place where persons are imprisoned, 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. On the other hand, it is necessary to respect the religious beliefs and moral precepts of the group to which a prisoner belongs.

Furthermore, Rule 59 recommends that correctional institutions "utilize all remedial, educational, moral, and spiritual forms of assistance which are appropriate and available." Rule One of the section entitled "Recommendations on the Selection and Training of Personnel for Penal and Correctional Institutions," recommends that the function of prison guards be transformed into one of "an important social service." Rule 7 of the same section, recommends that "prison staff be organized on civilian lines and not be recruited or seconded from members of the armed forces." The implications of this last rule, are not only self-evident, but crucial to penal reform programs, in light of the dismal track record military personnel have shown when allowed to tinker in the sensitive and socially-based area of corrections.

The Minimum Standard Rules themselves consist of 94 individual statements divided into two main parts: (a) Rules of General Application, consisting of 55 statements, and (b) Rules Applicable to Special Categories of prisoners, consisting of 39 statements. In addition, the United Nations, in 1977, added Rule 95 pertaining to the treatment of All Persons Arrested or Imprisoned Without Charge. The first 94 rules represent mandated minimum standards and cover 30 groupings based on general subject-matter. They include areas such as: registration of offenders (Rule 7); segregation of categories of prisoners, (Rule 8); separating convicted criminals from untried suspects (Rule 8b); physical conditions of confinement (Rule 9-10); health and climatic conditions

(Rule 11-14); hygiene, clothing and bedding (Rule 17-19); food (Rule 20); medical services (Rule 22-26); discipline and punishment (Rule 27-32); instruments of restraint (Rule 33-34); the handling of prisoner complaints (Rule 35); policies regarding the institutional administration of prison units (Rule 46-54); inspection of correctional facilities (Rule 55); inmate treatment programs (Rule 65-66); education and recreation (Rule 77 and 78); prisoners under arrest or awaiting trial (Rule 84-93-93); civil prisoners (Rule 94); and, of course, the new standard regarding the treatment of prisoners detained without charge or conviction (Rule 95).

In addition to Parts One and Two, the UN Rules also include two sections pertaining to the "Selection and Training of Personnel for Penal and Correctional Institutions" and to "Open Penal and Correctional Institutions." While these two sections may have presented revolutionary ideas at the time, especially among developing countries, it is fair to suggest that these statements were advisedly taken, at least in part, from the correctional philosophies and practices of Scandinavian nations which emerged around the turn of the century and were popularized in the United States by the Declaration of Principles of the American Correctional Association in 1930.

The 1971 and 1973 endorsements of the Minimum Standard Rules by the General Assembly had three objectives: (a) to further motivate member states to incorporate these Rules in their national legislation and to make every effort to implement the same in day-to-day penal practice; (b) to encourage member states to arrange for the widest possible application of the rules and for their execution "in good faith;" and (c) to allow the Secretary General the opportunity to review progress made in the implementation process by member states every three years and to report the findings to the General Assembly.

However, taking into consideration the great variety of legal, social, economic, and geographical conditions of member states, the Rules were neither designed to provide a modal system for all penal institutions of the world, nor were they intended to preclude experiment and practices, as long as they were in harmony with the spirit of the Rules.

The Rules, indeed, allowed member states ample flexibility by not venturing into some of the more complicated areas of corrections, such as the treatment of juveniles, of elderly inmates, of drug addicts, of those with a different sexual persuasion, or of inmates known to be gang members. The Rules were simply designed to set out "what is generally accepted as being good principle and practice in the treatment of prisoners and the management of institutions." (Preliminary Observations I)

From the viewpoint of developed nations, the Standard Minimum Rules for the Treatment of Offenders, as mentioned earlier, did not include anything which could be considered new. Most of the UN Rules do, indeed, parallel, to a large measure, the correctional philosophy and practices common in the Scandinavian nations, the United States, and perhaps, the European Community. In the United States, for instance, the Declaration of Principles of the American Correctional Association first appeared in 1870, and was revised in 1930 and 1960. For all practical purposes, the Declaration focused on rehabilitating offenders through "moral forces, organized persuasion, and scientific treatment" (Principle XX). The underlying concern of the United Nations, it must be assumed, was basically to extend the same humanist-rehabilitative approach to the treatment of prisoners in all other member states.

From a political point of view, it should be understood that at the time when the UN Rules were proposed (1958), the world was in great turmoil and the abuse of prisoners' rights was all too prevalent. The Soviet Union was strengthening its grip on its own peoples, as well as on large populations in Eastern Europe. The African nations were struggling for independence from colonial rule. The Middle East was in a state of chaos as the Arab states were shedding off their ties to imperialism and Israel was using every method of intimidation to conquer the will of the Palestinians. In Latin America, military regimes were notorious and thousands of *desaparecido* (disappeared prisoners) were vanishing without a trace. As a result, the administration of justice, especially in developing countries, was in shambles, and prisons were frequently used as torture farms

not too different from the practices of the dark ages in Europe, China, or the Byzantine empire.

In 1970, the Fourth United Nations Congress on Prevention of Crime and Treatment of Offenders met in Kyoto, Japan. The Congress recommended, among other matters, that the United Nations Social Defense program be given appropriate means to enhance the implementation process and to develop technical assistance programs for the promotion of the Minimum Rules. The Fourth Congress took a positive and useful action in recommending that the General Assembly itself "adopt a new resolution approving the Standard Minimum Rules and recommending their implementation to member States" (Skoler:7).

The Standard Minimum Rules gained substantially in prestige and influence after they were formally endorsed by the General Assembly in 1971 and 1973. In 1973, the General Assembly explicitly invited the attention of member states to the Standard Rules, and in 1973, it forcefully recommended:

Member States should make all possible efforts to implement the Standard Minimum Rules for the treatment of Offenders in the administration of penal and correctional institutions and take the Rules into account in the framing of National Legislation. {Resolution 3144 (XXVIII)}.

Following the Fifth Congress, and as a further follow-up to the Declaration on the Protection of All Persons from being Subjected to Torture and Other Cruel, Inhumane, or Degrading Treatment or Punishment, the General Assembly passed its Resolution 3452 on December 9, 1975. In accordance with this resolution, the Committee on Crime Prevention and Control, at its fourth session, drafted Rule 95 which extended the applicability of the Minimum Standard Rules to all persons arrested or imprisoned without charge or conviction. The Committee also authorized another set of procedures for the effective implementation of the Rules, as a whole. Subsequently, on July 13, 1977, the Economic and Social Council added the new section entitled "Persons Arrested or Imprisoned Without Charge" (Working Paper prepared by the Secretariat, 1980: 3).

As mentioned earlier, the United Nations was obviously not oblivious to the difficulties facing developing countries in their attempts to comply with the Rules. Indeed, the preliminary observations (Preamble) in the UN Rules are so stated as to relieve any undue anxiety on the part of developing countries. The preamble states that the Rules only reflect "the consensus of contemporary thought and the essential elements of the most adequate systems of today" (Rule 1). Each member state was also urged to "overcome practical difficulties in the way of their (the Rules) application," and, it would be "justifiable for the central prison administration to authorize departures from the rules in this spirit," (Rule 3).

From the vantage point of many developing nations, the Rules may have indeed presented "insurmountable difficulties," not only from an economic point of view, but also from ideological, religious, and political viewpoints. For example, the Rules called upon all governments to provide individual cell occupancy with adequate space and ventilation (Rule 9); personal hygiene facilities (Rules 15-19); advanced classification techniques (Rule 7 and 8); medical, dental, and pre-natal and post-natal services for women (Rule 22 & 23); banning of corporal punishment and all cruel and degrading penalties (Rule 31); guarantees for prisoners to make complaints, without censorship (Rule 36); and the provision of after-care services to assist in community reintegration (Rule 81). Most developing nations considered these rules as substantially high expectations, indeed. Also, as will be explained later in this paper, many developing countries which were not particularly hindered by shortages of resources, were simply unwilling to comply with certain rules because of individual reasons.

Over the years, the enunciation of the Standard Minimum Rules by the United Nations, as expected, had to give rise to a number of problem areas which are yet to be resolved. Chief among these are: (a) given the vast differences among member states, how can they agree on which measures can qualify as "appropriate and available" as allowed in Rule 59?, (b) how can the UN and its related organs realistically ensure a

universally accepted set of rules without having to introduce a set of sanctions to be imposed in case of non-compliance? (The issue of sanctions has always been particularly sensitive, since it could be misinterpreted as interference in the domestic affairs of member states by the United States), and (c) what kinds of assistance, technical or otherwise, can the United Nations offer member states to empower or to influence them to incorporate the UN Rules in their national legislations and correctional practices? These are undoubtedly difficult questions which are becoming even more difficult to address, given the ever increasing number of member states. On the other hand, given the great improvements in global communication, including space technologies and computer-based assistance programs now available, the challenge of finally establishing universal standards for the treatment of prisoners may not be as far fetched as first thought.

B. The Extent of Formal Incorporation by Member States in National Legislation and Administrative Regulations

In 1975, the subject of implementation was discussed at the World Law Conference On the Implementation of the Standard Minimum Rules For the Treatment of Prisoners Adopted by the United Nations, which met in Washington D.C. The Conference was concluded by the publication of a working paper (the Skolar Monograph) that stated, "The record of actual incorporation of the Standard Minimum Rules in legislation and administrative regulations is hazy, not well documented, and largely disappointing" (Skolar: 9). Indeed, one commentator cited in the monograph concluded that "After 20 years, they (the Rules) are satisfactorily applied in less than 10 countries only" (Skolar: 9). The working paper further suggests that attempts to force implementation by suggesting sanctions for noncompliance would not be the most productive course of action. Instead, the paper advocates practical solutions such as the wider dissemination of the Rules, the solicitation of commentaries, the encouragement of further studies and

research projects. Other recommendations include holding regional and interregional seminars and maintaining close cooperation with the overall UN program of human rights enforcement.

It must be noted, however, that the 1975 Conference was notably productive in at least one respect: investigating the reasons behind the apparent non-compliance by many member states. The investigation was based on two valuable surveys conducted by the United Nations in 1967 and 1974. Another survey was later conducted in 1980 which basically confirmed the findings of the previous ones. The 1967 and 1974 surveys attempted to measure the extent of implementation by member states and to determine the degree to which the United Nations Rules have been incorporated in national and local legislation. Regretfully, the return rate of the three UN surveys were rather disappointing: the 1967 survey had 43 responding nations, the 1974 survey had 62 responding nations, and the 1980 survey had 38 responding nations.

In the 1967 survey, the UN concluded that the situation was not totally helpless: fifteen out of 43 responding countries indicated that their new laws and prison regulations enacted since 1955 were indeed "influenced" by the UN Rules. Most of these countries showed at least one law or regulation which had been modified to comply with the UN Minimum Rules. Nevertheless, it is rather puzzling to note that the group of nations which indicated a modification of their penal legislation in response to the UN Minimum Standards, included Argentina in 1958, Chile in 1965, France in 1957, and, even more surprisingly, the Republic of South Africa in 1965. Several other nations reported similar modifications, noting that many of the UN Standard Rules were taken into account in their correctional policies, although there was no verification of the exact extent of conformity in most of these cases (Skolar: 10).

In the 1974 survey, the influence of the UN Standard Rules on the penal legislation of member states was further compounded. A majority of the 62 responding countries reported attempted changes, on their part, to comply with UN Rules. However,

explanatory commentaries attached to the survey failed to indicate any citation of actual instances or circumstances of adoption or inclusion (Skolar:11). Surprisingly, in the 1974 survey, only one country, Israel, expressly reported that parts of its prison regulations reflect a literal application of the standard Minimum Rules. The State of Israel, nevertheless, had no commentary as to which rules were involved or whether they were practiced in prisons designated to incarcerate Arab prisoners.

On the other hand, in the 1974 survey, it was not surprising, that most states in the United States of America had cited the UN Rules as a major influence in their prevailing legislation and correctional policies. These states reported that most of the correctional policies in their jurisdiction were in full compliance with the content and spirit of the UN Rules. Furthermore, most of them reported that their practice did go well beyond the UN Rules by adhering to the much stricter rules of the American Correctional Association. The association had adopted a "Bill of Rights" for prisoners and has been actively overseeing its implementation in all of the states of the Union. Compliance with the "Bill of Rights" was also mandated by Executive orders signed by the governors of these states and continues to be closely monitored by the Corrections authority in each state.

The European nations were not too far behind the United States on the issue of compliance. Indeed, on certain causes, such as the imposition of capital punishment and the use of community corrections, many European countries reported much more liberal rules than those in the United States. Since 1973, several interesting developments in the treatment of offenders have evolved from the Council of Europe and its Committee of Ministers. This committee recommended that member governments should "be guided in their internal legislation and practice" by the European Rules with a view toward their "progressive implementation." (Skolar: 13).

The European Rules included numerous amendments and refinements over the UN Rules. Such amendments range from the substitution of "outmoded" terms to the introduction of entirely new provisions consistent with the spirit of the UN Rules. For

instance, provisions pertaining to reinforcing respect and human dignity as a basic principle of confinement (Rule 6), prohibition of injurious medical or scientific experimentation with prisoners (Rule 22), improving communication and cooperation between prisoners and staff to facilitate the treatment of prisoners (Rule 51), and requiring individual treatment programs to accommodate the needs of individual prisoners (Rule 67). Moreover, the European Rules added a novel, but significant, safeguard to the protection of prisoners through requiring outside monitoring by humanitarian organizations or other duly constituted visiting bodies. Such bodies include the European Commission of Human Rights and the European Court of Human Rights, and in Scandinavian nations, the power of the Ombudsman. No similar provisions were mentioned in the UN Minimum Standards. Other European improvements include the right of prisoners to maintain access to the outside world through the medium of radio and television, and to care for untried prisoners in the same way other prisoners are normally cared for. In summary, it should be safe to argue that the European Rules did, indeed, address a new wave of sensitive issues in contemporary corrections.

In the 1980 survey, all replies indicated further confirmation of the influence of the Standard Minimum Rules on national legislation and/or administrative regulations. The great majority of the responding countries stated that both the prevailing laws and the administrative regulations, though often not yet completely incorporating the UN Rules, had taken into account their content so as to fully comply with them. Some countries pointed out that their prison laws had already been established at the time the Rules were adopted, but the Rules were influential in promulgating changes in current practice. A few countries, however, noted that no specific enactments were necessary since their existing statutory provisions surpassed the principles contained in the Rules (Working Paper prepared by the Secretariat, 1980: 4). With regard to the new Rule (95), pertaining to persons arrested or imprisoned without charge or conviction, only a few countries reported that they had modified their laws and regulations in accordance with its

provisions. In many countries, instead, no need to modify existing laws was deemed necessary, simply because this rule would not apply since all persons were indeed detained on the basis of a judicial order. A few countries, however, reported that this new rule had not been received (Working Paper by the Secretariat, 1980: 5).

To give a more comprehensive coverage of the state of implementation of the UN Minimum Standard Rules, a summary chart of all the replies received in response to the 1980 survey is here presented in Table 1. Also, since the table speaks for itself, the analysis and comments that will follow will be kept to the bare essentials, mentioning only the significant comments made by responding countries, and in particular, by developing countries. All this information has been gleaned from the Working Paper prepared by the Secretariat in 1980.

Table I. Survey of the replies from Member States on the implementation of the Standard Minimum Rules

Rule(s)/Section	Number and types of replies a/						Total
	Implemented	Implemented partially	Recognized in principle	Not implemented	Not applicable	No response	
PART I. RULES OF GENERAL APPLICATION							
Rule 5 (Basic principles)	36		3				36
Rule 7 (Register)	35	1					36
Rule 8 (Separation of categories)	21	3	3	2	1		36
Rules 9 - 14 (Accommodation)	18	12	3		1		36
Rules 15 - 16 (Personal hygiene)	32	3	1				36
Rules 17 - 19 (Clothing and bedding)	31	2	2	1			36
Rule 20 (Food)	34	1	1				36
Rule 21 (Exercise and sport)	26	3	2				36
Rules 22 - 26 (Medical services)	26	3	1				36
Rules 27 - 32 (Discipline and punishment)	29	3	1	1			36
Rules 33 - 34 (Instruments of restraint)	33	2				1	36
Rules 35 - 36 (Information and complaints)	31	3	1	1			36
Rules 37 - 39 (Contacts with the outside world)	34	2					36
Rule 40 (Books)	29	6	1				36
Rules 41 - 42 (Religion)	32	3				1	36
Rule 43 (Retention of prisoner's property)	34	1	1				36
Rule 44 (Notification of death, etc.)	34	1	1				36
Rule 45 (Removal of prisoners)	29	6				1	36
Rules 46 - 54 (Institutional personnel)	23	9		3		1	36
Rule 55 (Inspection)	30	1	2	2		1	36
PART II. RULES APPLICABLE TO SPECIAL CATEGORIES							
Rules 56 - 64 (Prisoners under sentence)	25	9	2				36
Rules 65 - 66 (Treatment)	26	7	3				36
Rules 67 - 69 (Classification and individualization)	24	9	1	2			36
Rule 70 (Privileges)	23	6	1	3	3		36
Rules 71 - 76 (Work)	24	10	1	1			36
Rules 77 - 78 (Education and recreation)	23	13					36
Rules 79 - 81 (Social relations and after-care)	27	3	2	3	1		36
Rules 82 - 83 (Insane and mentally abnormal prisoners)	29	6		1			36
Rules 84 - 93 (Prisoners under arrest or awaiting trial)	24	9	1	2			36
Rule 94 (Civil prisoners)	21				12	3	36
Rule 95 (Persons arrested or detained without charge)	23	1		1	6	5	36
Percentage	77.5	14	3.1	2	2.1	1.2	99.9

a/ One country that did not use the questionnaire when replying is not included in this survey.

Rule 6 (Basic principle) This rule is fully implemented except in two countries where it is recognized in principle.

Rule 7 (Registration) This rule is fully implemented except in one country where it is partly implemented.

Rule 8 (Separation of Categories) This rule is implemented in almost two thirds of the respondent countries. Several countries reported deviations from this Rule in different aspects and for different reasons. The more common rationale was overcrowding and the lack of separate facilities.

Rules 9-14 (Accommodation) These rules are implemented in half of the responding countries and were partially implemented or recognized in principle in the remaining countries. However, several countries which implemented these rules only partially, mentioned financial problems as obstacles for their full implementation. Overcrowding and obsolete prisons represented a major problem in some countries--presumably developing ones.

Rule 15-16 (Personal Hygiene) These rules are generally implemented except in several developing countries where inmates are individually held responsible for their hygiene needs. Lack of state funds has been cited frequently.

Rule 20 (Food) This rule is generally implemented except in two developing countries where the lack of funds is cited.

Rule 22-26 (Medical Services) In both developed and developing countries, there were some difficulties with the full implementation of these Rules. Several countries pointed out the difficulty of providing full-time doctors, particularly in remote areas, while others--presumably developing nations--cited the economic factor and the shortage of medical expertise as major factors.

Rules 27-32 (Discipline and Punishment) These Rules are implemented, or at least recognized in principle, in all reporting countries except one, since many prisons--

presumably in developing nations--do not have internal regulations for the proper application of these rules.

Rule 40 (Books) This rule is generally observed. Some developing countries, however, reported difficulties due to financial reasons and lack of space

Rules 46-54 (Institutional Personnel) Developed, as well as developing, countries reported difficulties in observing these Rules to the fullest extent. Shortage or lack of adequate funds were cited as difficulties related to the recruitment and training of staff.

Rules 56-66 (Guiding Principles) Several countries considered acute budget difficulties and the lack of qualified personnel as an obstacle with regard to the implementation of these rules.

Rules 65-66 (Treatment). All countries reported recognition or implementation of these Rules. Again, several developing countries cited the lack of financial resources, the inadequacy of the physical facilities, and the shortages of specialized personnel.

Rules 71-76 (Work) These Rules are recognized or implemented in almost all the responding countries. Among developing countries, negative factors included overcrowding of workshops, antiquated machinery, and lack of qualified instructors.

Rules 82-83 (Insane and mentally Abnormal Prisoners) These rules are mostly implemented, although many developing countries cited limited implementation due to the lack of qualified psychiatrists.

Rule 95 (Persons Arrested or Detained without Charge) Various countries from different regions pointed out that the Rule was not applicable since there were no prisoners without charge in their institutions. Many developing countries, however, stated that such persons are being detained in open camps with only barbed wire or fencing; that they are accommodated in dormitory blocks, and that they are not required to work. Other countries indicated that some changes had been made in their legislation to make Rule 95 applicable.

C. Major Problems Faced By Developing Nations Which Frustrate Their Attempts To Implement the Rules

The UN surveys of 1967, 1974, and 1980, were instrumental in understanding the main problems behind the reluctance of many developing countries to comply with the UN Standard Rules. The methodology used in these surveys uniformly consisted of a rule-by-rule inquiry into the status of implementation among member states. As mentioned earlier, the stated purpose of these surveys was to determine: a) the extent to which the Minimum Rules were incorporated in the national legislation and correctional policies of member states, and b) the major obstacles which face member states and hinder their efforts to comply.

The 1974 questionnaire was perhaps the most revealing, since it received more responses (62 countries) than either of the other two surveys (43 and 38 countries respectively). The focus of this inquiry will naturally be focused on it, rather than on the others. The 1974 survey tested 30 clusters of the substantive Rules stated in the Minimum Standards. The survey design asked respondent nations to indicate which rules were incorporated in terms of being "fully implemented," "partially implemented," "recognized in principle," (although not implemented), or "not implemented." As mentioned, the responding countries were 62 member states (approximately 45% of the UN membership at the time). The remaining nations either chose not to respond in order to avoid national embarrassment or simply did not care to respond (Skolar: 17). As a minor comment on the pattern of participation by developing countries in the 1974 survey, 41 African countries were queried, only eight responded, while 29 European countries were queried with 26 countries responding (Working Paper prepared by the Secretariat, 1975: 45).

According to the 1974 survey, more than 70% of the total replies were in the "fully implemented" category. Less than full implementation was reported for the Rules on accommodation and living conditions (50%), separation of prisoners by category (62%),

medical services (65%), discipline and punishment (65%), institutional personnel (55%), guiding principles for sentenced prisoners (57%), treatment (69%), classification and individualization (59%), work (52%), and untried prisoners (46%). In Skolar's analysis, the "full implementation" figures were probably overstated since they were based on self-reported assessments by prison authorities, rather than on actual inspection of prison facilities by independent observers (Skolar: 19)

Upon further analysis, it appears from the 1974 summary chart that Part One of the Rules which is related to statements of General Application enjoyed a fuller level of implementation than the other parts (Skolar: 17). Skolar reports that in several areas where "non-implementation" or "partial implementation" was reported, the reason behind such a stance was an ideological departure from the rules, rather than the country's inability to comply. For instance, some Eastern European countries rejected the idea of a one person cell as advocated in Rules 9-1 and Rule 86, preferring instead a multiple prisoner cell or a dormitory. This was explained on the basis of the re-socialization ideology of these countries. They considered the incarceration of a prisoner with a group of his peers as a much more effective method of rehabilitation than the European principle of isolation and repentance. By the same token, many Eastern European nations rejected Rule 41 which recommends allowing prisoners to attend religious services or to receive visits by a religious representative (chaplain), since state policy disapproves of such doctrine and prohibits any governmental intervention of this kind (Skolar: 19). Several nations also indicated a conscious departure from Rule 32 which permits punishment by restricting an inmate's diet as long as the inmate is medically supervised. Many countries considered that mode of punishment unjustifiably cruel and unusual. Also, departure from the rule of separating prisoners by category (Rule 8) was not uncommon in the survey chart. The intermingling of juveniles with adult prisoners in special circumstances, bringing together youthful offenders and adults in prerelease activities, or making joint treatment programs available for inmates of both sexes, was

often reported by "advanced" countries as justifiable and in use (Skolar 20). In dealing with prisoners awaiting trial, many countries opted to abandon or restrict Rules 87 and 91, which allow inmates to procure food or the services of personal doctors at their own expense.

As to major obstacles to the fuller implementation of the Rules by developing nations, both the 1974 and the 1980 surveys show a clear picture of "spotty implementation, perhaps optimistic in terms of the true conditions, poor financing, and trained personnel shortages of most prison systems." Nevertheless, in the overall profile of the survey, there appears a clear indication that there is a "basic understanding on the part of developing states along with a desire to adhere to the rules" (Skolar: 20).

As to causes for failure to comply fully with the Rules, Skolar identifies four factor areas which impede the fuller implementation by developing countries: (1) gaps in legislative authorization, (2) inadequate financial resources, (3) overcrowding and other shortages in accommodation capacity, and (4) personnel problems related to inadequate numbers of staff, training, supervision, and basic skills. Without any further evidence, Skolar concludes that "the prospects for alleviation of these difficulties in nations strapped with continuing financial stress, resource scarcity, and demands for expanding government services do not present an encouraging picture for the future" (Skolar: 20).

In light of this researcher's inability to locate and examine first-hand country-by-country responses to each item on the survey (conducting an item analysis), Skolar's findings appear consistent with the overall picture portrayed by both surveys. Any prudent person who is fairly familiar with conditions in developing nations can appreciate the rationale behind Skolar's findings. There are, however, additional insights which this researcher would like to suggest in his capacity as a student of Political Science and as an observer of the socio-political patterns in developing nations. Many of these insights may overlap with Skolar's findings, but in this essay, this should be considered an added point of explanation, rather than one of contention.

My observations will be presented in three broad categories: (a) ideological factors, (b) political factors, and (c) economic factors. Each category will be discussed in terms of specific practices which may be concretely linked to one or more of the UN Standard Rules.

It is important, however, before explaining how these factors may affect prison policies in developing countries, that an operational definition of a developing country be made. While no such definition officially exists, for obvious reasons, there is consensus among political scientists and policy makers that a developing country is one basically characterized by: (a) meager natural resources which could be effectively used for national development, (b) absence of a legitimate and/or stable government which is supported by the governed, (c) absence of adequate infrastructure capable of sustaining the needs of large groups of citizens, (d) absence of an advanced--or potentially advanced--industrial base, (e) absence of educational and research centers capable of improving the quality of life in terms of medical, social, or economic benefits, (f) absence of a unifying tradition of religious and/or social beliefs. With this operational framework in mind, I now turn to the observations.

Ideological Factors: Prisons are a major stock in the social order of any country. Over the course of modern history, prisons have become social institutions. Besides death, imprisonment remains society's most ominous response to social disorder. Penal policy must, therefore, be an extension of social policy which, in turn, is an integral element of state ideology. After all, the correctional system in any country will be improved to the extent that it is included in the broader "social planning prospectus" and brought into more direct relationship with the ideological values for which the country stands. In fascist, communist, or radical regimes, prisoners are more likely to be viewed as enemies of the state, as a nuisance, or as a threat, rather than as social delinquents who could be salvaged, rehabilitated, and returned to society. Consequently, prisoners are normally perceived as the "scum of the earth," deserving of every extent of deprivation

possible. Under these perceptions, prisons become isolated from the mainstream of society and prisoners relegated to the status of the "forgotten garbage" of the criminal justice system. This view inevitably forces: (a) a national attitude of indifference and apathy toward prisoners fostering further obstacles to obtain support for programs designed for assist them, and (b) a belief that inhumane treatment is a natural response to crime, one which, in time, legitimizes the paranoia of detention camps, psychiatric wards, torture chambers, and Gulag-like prisons.

As such, any country which espouses such ideologies is --indeed--in violation of all, or most, of the UN Rules, if not literally, in the spirit. By contrast, democratic systems produce humane penal policies, ones which take the interests of prisoners in mind, seek to preserve their self-esteem, restore their human rights, and strive toward their rehabilitation. Democratic values are the overriding factor in compliance with the UN Rules. They provide the national empetus behind any compassionate social policy and subsequently establish the foundation for any benevolent correctional program. The concept of democracy galvanizes the integral forces of rationality, accountability, constitutionalism, rule of law, moderation, and human rights, kneading them all in a well balanced policy that seeks social protection, on one hand, and the rehabilitation of prisoners to return to society as law abiding citizens on the other. It is my premise, therefore, that as long as developing countries are disinterested in, or unable to reach, an acceptable level of democratic rule, a genuine compliance with the UN Rules remains a mirage; at times totally non-existent, at other times, masked by pretenses and false promises. This premise, it must be noted, has been vindicated, to a large measure, by the results of all three UN surveys mentioned earlier, and was indirectly reiterated in Skolar's working paper, 1975. It is my conviction, that if the United Nations truly endeavored to improve conditions in the prisons of developing countries, the first step should be educating the people of these countries as to the social and political advantages of democratic rule.

Political Factors: While many developing countries are fortunate to have stable governments, most of them are not so politically fortunate. Under unstable political conditions, national constitutions are often suspended, martial law is often declared, and criminal legislation is concocted to criminalize normal behavior by innocent citizens who fail to support the new regime. Unstable governments may also contribute to overcrowded prisons through promoting acts of terrorism, tolerating official corruption, covering up for drug traffickers who thrive both domestically and globally, and perhaps sponsoring assassination attempts. To perpetuate their power, unstable governments find it inevitable to rely more and more on curtailing the rights of prisoners, on torture, on inhuman treatment, and on long term prison sentences. Intoxicated with power, unstable governments usually suspend *habeas corpus*, deny due process, resort to detention camps, and staff penal institutions with mediocre--but cruel-- political supporters who are usually seconded from the armed forces.

Developing countries which are plagued with unstable governments are, most likely, in violation of many UN Rules. Chief among these are: (a) Rule 6 (Basic principle), Rule 27-32 (Discipline and Punishment), Rule 46-54 (Institutional Personnel), and section B (Selection and Training for Penal and Correctional Institutions), and of course Rule 95 (Treatment of Persons Detained without Charge or Conviction).

Economic Factors: In developing countries, especially those experiencing perennial poverty conditions, prison facilities leave a lot to be desired, if full compliance with the UN Rules is seriously considered. All too frequently, the prison is a decaying place with limited space for inmates to move, little light for them to see, little ventilation for them to breathe, and a lot of uninvited little creatures uninhibitedly roaming the limited human space. Amnesty International, in *Report on Torture* (1973) reported that inadequate prisons existed in over sixty countries. A decade later, its report *Torture in the Eighties*, related to a similar number of countries and presented clear evidence that

torture had taken place in a majority of them. Morn and Toro report that prison conditions in Spain are abominable;

...oppressively hot during the summer and cold in the winter. Packs of rats took over the latrines and occasionally boldly raided the dormitories and cells. Water was so scarce that little existed for drinking and none was available for bathing or flushing the toilets. Prison food was unedible and was resorted to only after private packages did not arrive (Morn & Toro, 1992:71).

From personal observation, it also appears that inmates in several Middle Eastern countries sleep on a cement floor with or without a crude mattress, are allowed less than three meals a day given the financial capacity of their families, and have minimal access to medical and recreational facilities, let alone law books and magazines. Rodley in *The Treatment of Prisoners Under International Law* describes prison facilities in developing countries as "places of harsh deprivation...[they] may be overcrowded and may offer little change of exercise or of adequate diet... [their] conditions may be generally poor,... and sometimes an arbitrary or even brutal prison administration will prevail" (Rodley, 1987: 13). Furthermore, the Working Paper prepared by the Secretariat (1975) states unambiguously:

It is obvious that prisons in most parts of the world are badly overcrowded and make little or no effective contribution to the prevention and control of crime. Moreover, the harmful effects of incarceration are widely recognized, especially where long-term imprisonment is involved. (P: 30).

If these conditions prevail in most developing countries--as I have little doubt they do--the countries in question must irrefutably be in violation of numerous UN Rules. Main among these are: (a) Rules 9-14 (Accommodation), (b) Rules 61-21 (Personal hygiene, Clothing and Bedding, Exercise), (c) Rules 37-39 (Contacts with the outside world), (d) Rules 46-54 (Institutional personnel), (e) Rules 65-66 (Treatment), and (f) Rule 95 (Imprisonment of Persons without Charge or Conviction).

In order to provide an idea of how costly the prison industry is today, some figures from the United States will here be presented. It now costs the American taxpayers somewhere in the neighborhood of \$ 22 billion a year for operating American prisons, a

cost much higher than the entire budget of many developing countries. At this time, correctional agencies in America employ over 600,000 professional staff and employees and the cost of maintain a maximum security cell has risen to \$ 85,000 per year. In my state of Texas, alone, where the cost of prisons has exceeded \$2.5 billion annually, 11 new prisons were built in the last year, and 14 more are in the planning stages (Souryal, 1992: 318). The cost of operating prisons in Germany, in the Scandinavian countries, and to a large measure, in England, tends to be a little lower given the smaller numbers of prisoners they normally house.

Given these figures, it becomes self-evident why so many developing countries will experience unbearable difficulties if their correctional systems are to comply fully with the UN Rules. Taking into consideration the ideological and political factors mentioned earlier, and the astronomical cost of building, staffing, and operating modern prisons, it becomes clear why the governments of developing countries may justifiably chose not to comply fully with the UN Rules, preferring, instead, to continue their traditional practices of incarcerating prisoners. From the viewpoint of developing countries, given the economics of today, and the absence of strict enforcement measures by the United Nations, investing in building new prisons or improving older ones may indeed be counter-productive, if not totally unwarranted. To make it easier, perhaps, and to avoid unnecessary embarrassment, many such governments continue to ignore UN surveys, as was the case in the 1967, 1974, and 1980.

Conclusions and Recommendations For Remedy

As has been indicated, no international or multinational conventions or treaties exist as yet to monitor or facilitate enforcement of the Standard Minimum Rules. As a result, compliance by member states remain voluntary and enforcement must rely on the legal machinery of individual states. Nevertheless, as a method of informal enforcement, the

United Nations Social Defense Research Institute in Rome (UNSDRI) has articulated in *Interim Report on Prisoners Rights, Their Enforceability and Supervisory Mechanisms* (Nov. 1974) certain expectations for effective protection of prisoners rights within governmental systems. UNSDRI requested each member state to submit: (a) a detailed formal statement describing prisoner interests worthy of protection (including delineation of those peculiar to prison life), (b) legal procedures readily accessible to prisoners, (c) duly constituted and independent authorities (judicial and administrative) which carry out the established procedures, and (d) decisions that are really enforceable in view of traditional resistance of affected correctional agencies and prevailing divisions of governmental powers and authorities. No information is available concerning the outcome of this request.

What all this translates to is the fact that while the United Nations is most intent on effectively upgrading the standards of imprisonment in member states, the responsibility for change lies, for all practical purposes, with the individual country and the vision of its leaders. The following remedies are specifically designed for developing countries are here recommended for your consideration and discussion.

Cultural Reforms: Before prisons can be changed, any developing nation must develop a viable climate conducive to change. As alluded to earlier, such a climate requires an accelerated level of education, a social momentum, and a politically attuned leadership. Furthermore, given the present revolution in satellite dishes, TV's, radios, and international newspapers, people in developing nations should have little difficulty in appreciating the effects of liberty and civilization in the rest of the world, especially in developed nations. An appropriate climate for change, however, must focus on, at least, three general topics: (a) the state of rising expectations, (b) the key issue of prisoners' rights, and (c) the role of special interest groups and their pursuit of correctional reform (Working Paper prepared for the Secretariat, 1975: 10). These topics will be covered briefly in the following section.

First, evidence of the impact of rising expectations has already been observed in many countries where prisoners have organized riots and disturbances in an effort to call attention to prison conditions and abuses and to seek redress of grievances. The Attica riots in 1968 is a prime example. The situation is likely to be exacerbated in developing countries where conditions of life in the community at large improve while prison conditions remain pathetic. Even if the level of care provided for prisoners cannot reasonably be expected to be higher than the level available for citizens in the community at large, it is still important that the treatment of prisoners should reflect the rising standard of living for the population at large. (*ibid.* 10).

Second, the issue of prisoners' rights is indivisible from the issue of human rights. The concept of human rights emerged after World War II and was popularized by the liberation of the blacks in the United States in the sixties and in South Africa in the eighties. It is inconceivable, therefore, that in such a climate of "liberte", egalite", and fraternete," increasing attention would not be directed at the rights of offenders behind bars. Such attention for inmates began in earnest in the United States about 1860, and was culminated in 1930 in the Declaration of Principles of the American Correctional Association. It is inevitable, one must presume, that the people in developing nations will realize that in the name of "fairness and common decency," all prisoners must be entitled to inalienable rights which must be protected, and in the name of "treatment," they must not be subjected to physical or psychological abuses that offend the conscience of the world community. Hence, there is the imperative need for supporting the UN Rules.

Third, volunteers and prison visitors have long played an important role in the prisons of many countries and have provided the prison inmate with a legitimate means of contact with the outside world (*ibid.* 14). In the United States, the United Kingdom, and the Scandanavian countries, special interest groups have made their power felt, especially through organized groups of ex-offenders. Others have concerned themselves with the reform of prison conditions or with the provision of direct services to prisoners

returning to the community (ibid. 14). In the United States, the name Quakers has been synonymous with such interest groups. By the same token, special interest groups in developing countries can be organized under the auspices of civic or religious groups, bar associations, or philanthropic organizations. This kind of involvement, especially when championed by community advocates, academic figures, or religious leaders, can be instrumental in influencing legislative change in the direction of improving conditions of imprisonment and reshaping correctional policies.

Legal Remedies: An assumed truism states that laws in any society trail social thought by at least ten years. In developing countries, however, it can be expected to take a little longer. Despite the time factor, however, it is also a truism that without effective legal change, cultural remedies--short of a violent revolution--will remain sterile. Given a cultural climate in favor of the compassionate treatment of offenders, legislative remedies can smoothly follow taking into account a number of significant correctional policies:

- 1- Pass legislation to abolish all sorts of detention without charge or conviction. A similar version of the Western concept of *habeas corpus* is absolutely necessary (Rule 95).
- 2- Pass legislation to allow inmates who suffer a miscarriage of justice (i.e. incarcerated illegally or by mistake) to sue in court for damages incurred because of negligence by the political authority which caused the miscarriage to occur.
- 3- Pass legislation to put an end, once and for all, to the practice of torture in all aspects of the correctional process regardless of excuse or the crime committed (General Assembly Resolution 3452 (XXX) of December 9, 1975).
- 4- Pass legislation to introduce (or enhance) the use of probationary sentencing for crimes not considered severe enough to warrant incarceration. Imprisonment should be only reserved for criminals who provide a reasonable degree of danger to society.
- 5- Pass legislation to introduce (or enhance) the use of parole mechanisms and half-way

houses in order to improve the inmate's chances for rehabilitation, as well as to alleviate overcrowding conditions in prisons.

- 6- Pass legislation to introduce (or enhance) automated classification systems by which prisoners can be psychologically assigned to particular prisons, to particular cell blocks, and to particular cell mates, in accordance with a well designed profile system (Rule 67-69).
- 7- Pass legislation to establish a credible system for inmate grievances which guarantees sustaining the rights of prisoners and punishing the officials who attempt to ignore them.
- 8- Pass legislation to incorporate advanced treatment programs which can meet the individual and diverse needs of inmates (Rules 65-66).
- 9- Pass legislation to incorporate productive work programs as an integral part of the rehabilitative process (Rules 71-76).
- 10- Pass legislation to incorporate educational opportunities, at all levels, in the rehabilitative process (Rule 77-78).
- 11- Pass legislation to make psychiatric treatment and services available to the inmates who need it (Rule 82-83).

Judicial Remedies: In developing countries, the administration of prisons is left entirely to government-appointed directors, and the courts keep a "hands off" doctrine. Except, perhaps, in the case of a death of an inmate, the courts usually refuse to interfere for fear of blame or retaliation by the executive branch. In advanced countries, on the other hand, the courts are the designated authorities empowered with safeguarding prisoners' rights. This interventionist role has increased to the extent of accusing the courts of "judicial piracy," whereby they can make, change, or abolish crucial prison policies related to day-to-day operations. In the United States, the Federal Courts are responsible for guaranteeing that the "Bill of Rights" is applied to the states and, therefore, take an active role in enforcing prisoners' right of access to courts and counsel, of relief from cruel and

unusual punishment, of freedom from discriminatory treatment on grounds of race or religion, of unreasonable classification and discipline, as well as of all matters pertaining to parole or probation revocation, among other inmate rights.

Reliance on judicial power to supervise prison administration has gradually become the norm in many developing countries, like Argentina, Mexico, Portugal, Spain, Yugoslavia, and Poland. In these countries, judicial supervision is accomplished either by means of special courts (e.g. "courts for the enforcement of punishment" in Poland, "courts for the execution of sentences" in Portugal), or by means of granting designated judges specific powers under the law (e.g. Yugoslavia, Argentina, and Mexico). Somewhat similar to the latter arrangement is the designation of special "supervisory judges" to oversee the imposition of penalties and inmate release procedures, to visit prisons, and to hear complaints in order to ensure that penal conditions conform to existing laws and regulations (Skolar: 26).

What I am suggesting here is not a plea to transplant the American system of judicial intervention, since the cultural climate is different, and the final assessment of the utility of the American model is yet to be verified. What I am recommending, instead, is an enabling mechanism by which the concept of "judicial protection" can be extended to all inmates, regardless of the nature of their crimes or the agencies which detain them. Each developing country, however, must experiment with the concept and adapt it to its own cultural climate and judicial system. In some developing countries the practice may already be in place; in others it may be as alien as the moon. The practice of judicial protection, in my judgment, is so necessary because the professional quality of prison administration in most developing countries remains questionable. On the other hand, the practice can involve intensive litigation which could prove so costly that most developing countries would be unable to apply it, even if they wanted to.

Toward enforcing the concept of "judicial protection," some legal preparations must be first put in place:

- 1- Legislation reaffirming the authority of courts to rule on the constitutionality of imprisonment each time an inmate files an official complaint and to hold a judicial proceeding to ascertain the facts involved.
- 2- Legislation reaffirming a Bill of Rights for prisoners. Such a bill must articulate the extent of inmates' rights and responsibilities and should, at least, mirror the UN Minimum Standard Rules recognized by the family of nations.
- 3- Adequate communication (through professional training) with the administrative staff of prisons in order to ensure their readiness to support the practice and to collaborate in good faith with the judicial authorities. Failure to accomplish this could lead to a lot of unnecessary resentment on the part of prison administrators who may perceive such a practice as a premeditated threat to their traditional authority to rule their prisons with an iron fist.

In conclusion, I must reiterate that improving prison conditions in developing countries is neither a hopeless case nor need be a financially forbidding endeavor. One need not share the pessimism of George Bernard Shaw about the impossibility of prison reform, but, instead, one should share Dostoyevsky's sentiment that improving the plight of prisoners is the ultimate test of a nation's humanity. The boldness of the United Nations' initiative that led to the issuance of the Rules in 1958 must be considered a universal triumph, not only to those who are behind bars, but to the large number of societies which subscribe to the definition of civilization as "the treatment of the worst among us by the most noble means we can possibly marshal." It is my firm conviction that the question of compliance with the UN Rules, by developing nations, continues to require more social awareness, political leadership, and good faith, than the mere availability of economic resources.

References

United Nations Documents

United Nations, Department of Economic and Social Affairs (1958). Standard Minimum Rules for the Treatment of Prisoners and Related Recommendations (United Nations Publication no.: 1956.iv.4). New York. United Nations.

Fourth United Nations Congress on the Prevention of Crime and the Treatment of Offenders. (1970). The Standard Minimum Rules for the Treatment of Prisoners in the Light of Recent Developments in the Correctional Field (United Nations Publication 70-09513). New York. United Nations.

United Nations General Assembly. (1975). Declaration on the Protection of all Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Resolution 3452 (XXX)). New York. United Nations.

Fifth United Nations Congress on the Prevention of Crime and the Treatment of Offenders. (1975). The Treatment of Offenders, in Custody or in the Community, With Special Reference to the Standard Minimum Rules for the Treatment of Prisoners Adopted by the United Nations (United Nations Publication 75-99964). New York. United Nations.

Sixth United Nations Congress on the Prevention of Crime and the Treatment of Offenders. (1980). The Implementation of the United Nations Standard Minimum Rules for the Treatment of Prisoners (United Nations Publication 80-16928). New York. United Nations.

Monographs

Skoler, D. L. (1975). World Implementation of the United Nations Minimum Rules for the Treatment of Prisoners (un-numbered monograph). Washington, D.C. American Bar Association.

Books

Dirk van Zyl Smit and Frieder Dunkel (1991). Imprisonment Today and Tomorrow: International Perspectives on Prisoner's Rights and Prison Conditions. Deventer, The Netherlands: Kluwer Law and Taxation Publishers.

Rodley, N. (1987). The Treatment of Prisoners Under International Law. Oxford: Clarendon Press.

Souryal, S. S. (1992). Ethics in Criminal Justice. Cincinnati, Ohio.: Anderson Publishing Company.

Journals

Morn, F. and Toro, M. (1992). "Prisons and Prisoners in Contemporary Spain." International Journal of Comparative and Applied Criminal Justice. Vol. 16, pp. 67-78.