



**ACLU Statement at the High Level Presentation of the Nelson
Mandela Rules**

UN General Assembly, New York

October 7, 2015

Madame Chair,

The ACLU wholeheartedly supports the adoption of the Mandela Rules.

The Mandela Rules — aptly named in honor of the late South African President Nelson Mandela, who was imprisoned for 27 years by the country's apartheid regime — are the product of hard work and strong commitment by many Member States to revise and improve the United Nations Standard Minimum Rules for the Treatment of Prisoners, which were adopted in 1955 and were badly in need of updating.

As noted by Assistant Secretary-General for Human Rights Ivan Šimonović, the revisions to some of the Rules could have been made stronger, but overall, the revised rules constitute a significant improvement to the Standard Minimum Rules. They will not only

provide greater human rights protections for persons deprived of liberty, but will also deliver more up-to-date guidance and hence legal certainty to prison administrations and prison staff.

For example, the revisions provide that solitary confinement "shall be used only in exceptional cases as a last resort for as short a time as possible and subject to independent review." Indefinite solitary confinement and prolonged solitary confinement — defined as more than 15 consecutive days — are now prohibited. Solitary confinement will also be prohibited in the case of persons with mental or physical disabilities when their condition would be exacerbated.

The Mandela Rules include other important revisions addressing the treatment of women and persons with disabilities. The provisions regarding health care are strengthened, and significant safeguards on the use of restraints have been added.

Madame Chair:

We are heartened that the rules will honor Nelson Mandela and calls for July 18 – the global icon's birthday – to be known as Mandela Prisoner Rights Day, which will promote humane conditions of confinement and raise awareness of prisoners as a continuing part of society.

We also wish to specifically thank the U.S. government for championing the Mandela Rules and making commitments to implement them at home and abroad. We also thank the U.S. government for including corrections directors from Washington and Colorado in the last inter-governmental expert meeting. These two states have significantly reduced solitary confinement and pioneered other progressive prison reforms.

It is important to remember that the outcome is a compromise that was reached after a lengthy intergovernmental process and extensive negotiations, which often attempted to water down progressive revisions. That said, civil society groups as well as independent experts like the UN Special Rapporteur on Torture played a significant role in guiding the process and advocating for progressive human rights-based revisions

Our work isn't over yet.

While we recognize that the Mandela Rules aren't binding, they represent a powerful global consensus on minimum standards. The real work — ensuring that the Mandela Rules are implemented and make a difference in the lives of the millions of prisoners throughout the world — begins now.

We stand ready to work with federal, state and local governments across the United States to make the Mandela Rules a reality.

Thank you Madame Chair.