

COUNCIL OF EUROPE

COMMITTEE OF MINISTERS

RESOLUTION (73) 5

STANDARD MINIMUM RULES FOR THE TREATMENT OF PRISONERS

*(Adopted by the Committee of Ministers on 19 January 1973
at the 217th meeting of the Ministers' Deputies)*

The Committee of Ministers,

Considering that it would be in the interest of Council of Europe member States to draw up common principles regarding penal policy ;

Noting that where the treatment of offenders in general is concerned, there is a trend away from detention in an institution towards treatment at liberty or semi-liberty, replacing sentences involving deprivation of liberty, wherever possible, by other penal measures which are equally effective and do not give rise to the drawbacks inherent in imprisonment ;

Considering that detention in a penal institution nonetheless remains an indispensable penal sanction in certain cases, and is still often applied, and that it is therefore appropriate to provide for common rules regarding its execution ;

Considering the importance for the prison system of the standard minimum rules for the treatment of prisoners adopted at the first United Nations Congress on the Prevention of Crime and the Treatment of Offenders in its Resolution of 30 August 1955 ;

Aware that changes which have occurred since this text was adopted call for the adaptation of these rules to meet the requirements of modern penal policy ;

Considering that the practical application of these rules should be promoted in the European framework, bearing in mind that, viewed as a whole, they merely represent minimum conditions ;

Having therefore considered it desirable to consider these rules in relation to the changing attitude towards treatment of offenders and to more advanced ideas already recognised in the legislation of a number of member States, and to proceed accordingly to a re-examination of these rules from a European viewpoint,

I. Recommends that governments of member States be guided in their internal legislation and practice by the principles set out in the text of the standard minimum rules on treatment of prisoners, appended to the present resolution, with a view to their progressive implementation ;

II. Invites the governments of member States to report every five years to the Secretary General of the Council of Europe, informing him of the action they have taken on this resolution.

APPENDIX

STANDARD MINIMUM RULES FOR THE TREATMENT OF PRISONERS

Preliminary observations

1. The following rules are not intended to describe in detail a model system of penal institutions. They seek only, on the basis of the general consensus of contemporary thought and the essential elements of the most adequate systems of today, to set out what is generally accepted as being good principle and practice in the treatment of prisoners and the management of institutions.

2. The minimum rules shall serve to stimulate a constant endeavour to overcome practical difficulties in the way of their application.

3. These rules cover a field in which thought is constantly developing. They are not intended to preclude the use of new methods or practices, provided that these are compatible with the principle of protection of human dignity and the purposes which derive from the text of the rules as a whole. It will always be justifiable for the central prison administration to authorise departures from the rules in this spirit.

4. 1. Part I of the rules covers the general management of institutions, and is applicable to all prisoners, criminal or civil, untried or convicted, including prisoners subject to "security measures" (preventive detention) or corrective measures.

2. Part II contains rules applicable only to the special categories dealt with in each section. Nevertheless, the rules under Section A, applicable to prisoners under sentence, shall be equally applicable to categories of prisoners dealt with in Sections B, C and D, provided they do not conflict with the rules governing those categories and are for their benefit.

PART I

Rules of general application

Basic principle

5. 1. The following rules shall be applied impartially. There shall be no discrimination on grounds of race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

2. On the other hand, it is necessary to respect the religious beliefs and moral precepts of the group to which a prisoner belongs.

3. Deprivation of liberty shall be effected in material and moral conditions which ensure respect for human dignity.

Reception arrangements for prisoners shall be based on the above principle and shall help prisoners to solve their urgent personal problems.

Registration

6. 1. No person shall be received in an institution without a valid commitment order. The details shall immediately be entered in an ad hoc register.

2. In every place where persons are imprisoned there shall be kept a register with numbered pages in which shall be entered in respect of each prisoner received :

- (a) Information concerning his identity ;
- (b) The reasons for his commitment and the authority therefor ;
- (c) The day and hour of his admission and release.

Distribution of prisoners

7. When prisoners are being allocated to different institutions, due account shall be taken of their judicial and legal situation (untried or convicted prisoner, first offender or habitual offender, short sentence or long sentence), of their physical condition (young, adult, sick), their mental condition (normal or abnormal), their sex, age and, in the case of convicted prisoners, the special requirements of their treatment.

(a) Men and women shall in principle be detained separately ; this principle shall be departed from only as part of an established treatment programme ;

(b) Untried prisoners shall not be put in contact with convicted prisoners against their will ;

(c) Young prisoners shall be detained under conditions which protect them from harmful influences and which take account of the needs peculiar to their age.

Accommodation

8. 1. Prisoners shall normally be lodged during the night in individual cells unless circumstances dictate otherwise.

2. Where dormitories are used, they shall be occupied by prisoners suitable to associate with one other in those conditions. There shall be supervision by night, in keeping with the nature of the institution.

9. All accommodation provided for the use of prisoners and in particular all sleeping accommodation shall meet all requirements of health, due regard being paid to climatic conditions and particularly cubic content of air, minimum floor space, lighting, heating and ventilation.

10. In all places where prisoners are required to live or work,

(a) The windows shall be large enough to enable the prisoners, inter alia, to read or work by natural light, and shall be so constructed that they can allow the entrance of fresh air whether or not there is artificial ventilation. Moreover, the windows shall, with due regard to security requirements, present in their size, location and construction as normal an appearance as possible ;

(b) Artificial light shall satisfy the recognised technical standards.

11. The sanitary installations shall be adequate to enable every prisoner to comply with the needs of nature when necessary and in clean and decent conditions.

12. Adequate bathing and shower installations shall be provided so that every prisoner may be enabled and required to have a bath or shower, at a temperature suitable to the climate, as frequently as necessary for general hygiene according to season and geographical region, but at least once a week in a temperate climate.

13. All parts of an institution used by prisoners shall be properly maintained and kept scrupulously clean at all times.

Personal hygiene

14. Prisoners shall be required to keep their persons clean, and to this end they shall be provided with water and with such toilet articles as are necessary for health and cleanliness.

15. In order that prisoners may maintain a good appearance and preserve their self-respect, facilities shall be provided for the proper care of the hair and beard, and men shall be enabled to shave regularly.

Clothing and bedding

16. 1. Every prisoner who is not allowed to wear his own clothing shall be provided with an outfit of clothing suitable for the climate and adequate to keep him in good health. Such clothing shall in no manner be degrading or humiliating.

2. All clothing shall be clean and kept in proper condition. Underclothing shall be changed and washed as often as necessary for the maintenance of hygiene.

3. Whenever a prisoner obtains permission to go outside the institution he shall be allowed to wear his own clothing or other inconspicuous clothing.

17. Arrangements shall be made on their admission to the institution to ensure that their personal clothing is kept in good condition and fit for use.

18. Every prisoner shall, in accordance with local or national standards, be provided with a separate bed, and with separate and appropriate bedding which shall be kept in good order and changed often enough to ensure its cleanliness.

Food

19. 1. In accordance with the standards laid down by the health authorities, the administration shall provide the prisoners at the normal times with food which is suitably prepared and presented, and which satisfies in quality and quantity the standards of dietetics and modern hygiene and takes into account their age, health, the nature of their work, and, far as possible, any requirements based on philosophical and religious beliefs.

2. Drinking water shall be available to every prisoner.

Exercise and sport

20. 1. Every prisoner who is not employed in outdoor work shall be entitled, if the weather permits, to at least one hour of walking or suitable exercise in the open air daily, as far as possible, sheltered from intemperate weather.

2. Physical and recreative education shall be organised during the exercise period for young prisoners, and others of suitable age and physique.

Medical services

21. 1. At every institution there shall be available the services of at least one general practitioner. The medical services should be organised in close relation with the general health administration of the community or nation. They shall include a psychiatric service for the diagnosis and, in proper cases, the treatment of states of mental abnormality.

2. Sick prisoners who require specialist treatment shall be transferred to specialised institutions or to civil hospitals. Where hospital facilities are provided in an institution, their equipment, furnishings and pharmaceutical supplies shall be suitable for the medical care and treatment of sick prisoners, and there shall be a staff of suitably trained officers.

3. The services of a qualified dental officer shall be available to every prisoner.

22. The prisoners may not be submitted to medical or scientific experiments which may result in physical or moral injury to their person.

23. 1. In penal institutions there shall be special accommodation and the necessary staff for the treatment of pregnant women, their confinement and their post-natal care. Nevertheless, arrangements shall be made wherever practicable for children to be born in a hospital outside the institution. If a child is born in prison, this fact shall not be mentioned in the birth certificate.

2. Where nursing infants are allowed to remain in the institution with their mothers, provision shall be made for a nursery staffed by qualified persons, where the infants shall be placed when they are not in the care of their mothers.

24. The medical officer shall see and examine every prisoner promptly after his admission and thereafter as necessary, with a view particularly to the discovery of physical or mental illness and the taking of all necessary measures ; the segregation of prisoners suspected of infectious or contagious conditions ; the noting of physical or mental defects which might hamper rehabilitation, and the determination of the physical capacity of every prisoner to work.

25. 1. The medical officer shall have the care of the physical and mental health of the prisoners and shall see, under the conditions, and with a frequency, consistent with hospital standards, all sick prisoners, all who complain of illness, and any prisoner to whom his attention is specially directed.

2. The medical officer shall report to the director whenever he considers that a prisoner's physical or mental health has been or will be injuriously affected by continued imprisonment or by any condition of imprisonment.

26. 1. The medical officer shall regularly inspect and advise the director upon :

- (a) The quantity, quality, preparation and serving of food ;
- (b) The hygiene and cleanliness of the institution and prisoners ;
- (c) The sanitation, heating, lighting and ventilation of the institution ;
- (d) The suitability and cleanliness of the prisoners' clothing and bedding ;
- (e) The observance of the rules concerning physical education and sports.

2. The director shall take into consideration the reports and advice that the medical officer submits according to rules 25, 2. and 26 and, where he concurs with the recommendations made, shall take immediate steps to give effect to those recommendations ; if they are not within his competence or if he does not concur with them, he shall immediately submit his own report and the advice of the medical officer to higher authority.

Discipline and punishment

27. 1. Discipline and order shall be maintained in the interest of safe custody and well-ordered community life.

2. Collective punishment shall be prohibited.

28. 1. No prisoner shall be employed, in the service of the institution, in any disciplinary capacity.

2. This rule shall not, however, impede the proper functioning of systems based on self-government, under which specified social, educational or sports activities or responsibilities are entrusted, under supervision, to prisoners who are formed into groups for the purposes of treatment.

29. The following shall always be determined by the law or by the regulation of the competent administrative authority :

- (a) Conduct constituting a disciplinary offence ;

(b) The types and duration of punishment which may be imposed;

(c) The authority competent to impose such punishment.

30. 1. No prisoner shall be punished except in accordance with the terms of such law or regulation, and never twice for the same act.

2. Reports of misconduct shall be presented promptly to the competent authority who shall decide on them without delay.

3. No prisoner shall be punished unless he has been informed of the offence alleged against him and given a proper opportunity of presenting his defence.

4. Where necessary and practicable the prisoner shall be allowed to make his defence through an interpreter.

31. Corporal punishment, punishment by placing in a dark cell, and all cruel, inhuman or degrading punishment shall be completely prohibited as punishments for disciplinary offences.

32. 1. Punishment by disciplinary confinement and any other punishment which might have an adverse effect on the physical or mental health of the prisoner, shall only be imposed if the medical officer has examined the prisoner and certified in writing that he is fit to sustain it.

In no case may such punishment be contrary to or depart from the principle stated in Rule 31.

2. The medical officer shall visit daily prisoners undergoing such punishments and shall advise the director if he considers the termination or alteration of the punishment necessary on grounds of physical or mental health.

Instruments of restraint

33. The use of chains and irons shall be prohibited. Handcuffs, restraint-jackets and other body restraints shall never be applied as a punishment. They shall not be used except in the following circumstances :

(a) As a precaution against escape during a transfer, provided that they shall be removed when the prisoner appears before a judicial or administrative authority;

(b) On medical grounds by direction of the medical officer;

(c) By order of the director, if other methods of control fail, in order to prevent a prisoner from injuring himself or others or from damaging property; in such instances the director shall at once consult the medical officer and report to the higher administrative authority.

34. The patterns and manner of use of the instruments of restraint authorised in the preceding paragraph shall be decided by the central prison administration. Such instruments must not be applied for any longer time than is strictly necessary.

Information to and complaints by prisoners

35. 1. Every prisoner on admission shall be provided with written information about the regulations governing the treatment of prisoners of his category, the disciplinary requirements of the institution, the authorised methods of seeking information and making complaints, and all such other matters as are necessary to enable him to understand both his rights and his obligations and to adapt himself to the life of the institution.

2. If a prisoner is illiterate, or for any other reason cannot understand the written information provided, the aforesaid information shall be conveyed to him orally.

36. 1. Every prisoner shall have the opportunity each week-day of making requests or complaints to the director of the institution or the officer authorised to represent him.

2. It shall be possible to make requests or complaints to an inspector of prisons during his inspection. The prisoner shall have the opportunity to talk to the inspector or to any other duly constituted authority entitled to visit the prison without the director or other members of the staff being present.

3. Every prisoner shall be allowed to make a request or complaint, under confidential cover, to the central prison administration, the judicial authority or other proper authorities.

4. Unless it is obviously frivolous or groundless, every request or complaint addressed or referred to a prison authority shall be promptly dealt with and replied to by this authority without undue delay.

Contact with the outside world

37. Prisoners shall be allowed to communicate with their family and all persons or representatives of organisations and to receive visits from these persons at regular intervals subject only to such restrictions and supervision as are necessary in the interests of their treatment, and the security and good order of the institution.

38. 1. Prisoners who are foreign nationals shall be allowed reasonable facilities to communicate with the diplomatic and consular representatives of the State to which they belong.

2. Prisoners who are nationals of States without diplomatic or consular representation in the country and refugees or stateless persons shall be allowed similar facilities to communicate with the diplomatic representative of the State which takes charge of their interests or any national or international authority whose task it is to protect such persons.

39. Prisoners shall be allowed to keep themselves informed regularly of the news by the reading of newspapers, periodicals or special institutional publications, by radio or television transmissions, by lectures or by any similar means as authorised or controlled by the administration.

Books

40. Every institution shall have a library for the use of all categories of prisoners, adequately stocked with both recreational and institutional books, and prisoners shall be encouraged to make full use of it.

Religious and moral assistance

41. So far as practicable, every prisoner shall be allowed to satisfy the needs of his religious, spiritual and moral life by attending the services or meetings provided in the institution and having in his possession any necessary books.

42. 1. If the institution contains a sufficient number of prisoners of the same religion, a qualified representative of that religion shall be appointed or approved. If the number of prisoners justifies it and conditions permit, the arrangement should be on a full-time basis.

2. A qualified representative appointed or approved under paragraph 1 shall be allowed to hold regular services and to pay pastoral visits in private to prisoners of his religion at proper times.

3. Access to a qualified representative of any religion shall not be refused to any prisoner. On the other hand, if any prisoner should object to a visit of any religious representative, his attitude shall be fully respected.

Retention of prisoners' property

43. 1. All money, valuables, clothing and other effects belonging to a prisoner which under the regulations of the institution he is not allowed to retain shall on his admission to the institution be placed in safe custody. An inventory thereof shall be signed by the prisoner. Steps shall be taken to keep them in good condition. If it has been found necessary on hygienic grounds to destroy any article of clothing, this shall be recorded.

2. On the release of the prisoner all such articles and money shall be returned to him except in so far as there have been authorised withdrawals of money or the authorised sending of any such property out of the institution, or it has been found necessary on hygienic grounds to destroy any article of clothing. The prisoner shall sign a receipt for the articles and money returned to him.

3. Any money or effects received for a prisoner from outside shall be treated in the same way.

4. If a prisoner brings in any drugs or medicine, the medical officer shall decide what use shall be made of them.

Notification of death, illness, transfer etc.

44. 1. Upon the death or serious illness of or serious injury to a prisoner, or his removal to an institution for the treatment of mental illnesses or abnormalities, the director shall at once inform the spouse, if the prisoner is married, or the nearest relative and shall in any event inform any other person previously designated by the prisoner.

2. A prisoner shall be informed at once of the death or serious illness of any near relative. In these cases and whenever circumstances allow, the prisoner should be authorised to go to this sick relative or see the deceased either under escort or alone.

3. Every prisoner shall have the right to inform at once his family of his imprisonment or his transfer to another institution.

Removal of prisoners

45. 1. When prisoners are being removed to or from an institution, they shall be exposed to public view as little as possible, and proper safeguards shall be adopted to protect them from insult, curiosity and publicity in any form.

2. The transport of prisoners in conveyances with inadequate ventilation or light, or in any way which would subject them to unnecessary physical hardship, shall be prohibited.

3. The transport of prisoners shall be carried out at the expense of the administration and in accordance with regulations which it shall draw up.

Institutional personnel

46. 1. The prison administration shall provide for the careful selection of every grade of the personnel, since it is on their integrity, humanity, professional capacity and personal suitability for the work that the proper administration of the institutions depends.

2. The prison administration shall constantly seek to awaken and maintain in the minds both of the personnel and of the public the conviction that this work is a social service of great importance, and to this end all appropriate means of informing the public should be used.

3. To secure the foregoing ends, personnel shall be appointed on a full-time basis as professional prison officers and have civil service status with security of tenure subject only to good conduct, efficiency and physical fitness. Salaries shall be adequate to attract and retain suitable men and women; employment benefits and conditions of service shall be favourable in view of the exacting nature of the work.

47. 1. The personnel shall possess an adequate standard of education and intelligence.

2. On recruitment, the personnel shall be given a course of training in their general and specific duties and be required to pass theoretical and practical tests.

3. During their career, the personnel shall maintain and improve their knowledge and professional capacity by attending courses of in-service training to be organised by the central administration at suitable intervals.

48. All members of the personnel shall at all times so conduct themselves and perform their duties as to influence the prisoners for good by their example and to command their respect.

49. 1. So far as possible the personnel shall include a sufficient number of specialists such as psychiatrists, psychologists, social workers, teachers and trade instructors.

2. Social workers, teachers and trade instructors shall be employed on a permanent basis. This shall not preclude part-time or voluntary workers.

50. 1. The director of an institution should be adequately qualified for his task by character, administrative ability, suitable training and experience.

2. He shall devote his entire time to his official duties and shall not be appointed part-time.

3. He shall reside on the premises of the institution or in its vicinity.

4. When two or more institutions are under the authority of one director, he shall visit each of them at frequent intervals. A responsible official shall be in charge of each of these institutions.

51. The administration shall introduce forms of organisation to facilitate communication between the different categories of staff in an institution with a view to ensuring co-operation between the various services, in particular, with respect to the treatment of prisoners.

52. 1. The director, his deputy, and the majority of the other personnel of the institution shall be able to speak the language of the greatest number of prisoners, or a language understood by the greatest number of them.

2. Whenever necessary and practicable the services of an interpreter shall be used.

53. 1. In institutions which are large enough to require the services of one or more full-time medical officers, at least one of them shall reside in the vicinity of the establishment.

2. In other institutions the medical officer shall visit daily and shall reside near enough to be able to attend without delay in cases of urgency.

54. Special care should be taken in the appointment and supervision of staff in institutions or parts of institutions housing prisoners of the opposite sex.

55. 1. Officers of the institutions shall not use force against prisoners except in self-defence or in cases of attempted escape, or active or passive physical resistance to an order based on law or regulations. Officers who have recourse to force must use no more than is strictly necessary and must report the incident immediately to the director of the institution.

2. Prison officers shall be given special physical training to enable them to restrain aggressive prisoners.

3. Except in special circumstances, staff performing duties which bring them into direct contact with prisoners should not be armed. Furthermore, staff should in no circumstances be provided with arms unless they have been trained in their use.

Inspection and control

56. 1. There shall be a regular inspection of penal institutions and services by qualified and experienced inspectors appointed by a competent authority. Their task shall be in particular to ensure that these institutions are administered in accordance with existing

laws and regulations and with a view to bringing about objectives of penal services.

2. The protection of the individual rights of prisoners with special regard to the legality of the execution of detention measures shall be secured by means of a control carried out, according to national rules, by a judicial authority or other duly constituted body authorised to visit the prisoners and not belonging to the prison administration.

PART II

Rules applicable to special categories

A. Prisoners under sentence

Guiding principles

57. The guiding principles hereafter are intended to show the spirit in which penal institutions should be administered and the purposes at which they should aim, in accordance with the declaration made under Preliminary Observation 1 of the present text.

58. Imprisonment and other measures which result in cutting off an offender from the outside world are, by the deprivation of liberty, a punishment in themselves. Therefore the prison system shall not, except as incidental to justifiable segregation or the maintenance of discipline, aggravate the suffering inherent in such a situation. The regime of the institution should seek to minimise any differences between prison life and life at liberty which tend to lessen the responsibility of the prisoners or the respect due to their dignity as human beings.

59. The purpose and justification of a sentence of imprisonment or a similar measure depriving a person of liberty is ultimately to protect society against crime. This end can only be achieved if the period of imprisonment is used to ensure, so far as possible, that upon his return to society the offender is not only willing but able to lead a law-abiding and self-supporting life.

60. 1. To this end, the institution should utilise all the remedial, educational, moral, spiritual and other forces and forms of assistance which are appropriate and available, and should seek to apply them in accordance with the individual treatment needs of prisoners.

2. Communication between prisoners and staff shall be facilitated in order to prevent and cope with tensions which may occur in prison communities and to ensure the prisoners' acceptance of treatment programmes.

61. It is desirable that the necessary steps be taken to ensure for the prisoner a gradual return to life in society. This aim may be achieved, in particular, by a pre-release regime organised in the same institution or in another appropriate institution, or by release on trial under some kind of supervision combined with effective social aid.

62. The treatment of prisoners should emphasise not their exclusion from the community but their continuing part in it. Community agencies should, therefore, be enlisted wherever possible to assist the staff of the institution in the task of social rehabilitation of the prisoners. There should be in connection with every institution social workers charged with the duty of maintaining and improving the relationship of a prisoner with his family, with other persons and with valuable social agencies. Steps should be taken to safeguard, to the maximum extent compatible with the law and the sentence, the rights relating to civil interests, social security rights and other social benefits of prisoners.

63. The medical services of the institution shall seek to detect and shall treat any physical or mental illnesses or defects which may hamper a prisoner's rehabilitation. All necessary medical, surgical and psychiatric services shall be provided to that end.

64. 1. The fulfilment of these principles requires individualisation of treatment and, for this purpose, a flexible system of allocating prisoners; it is therefore desirable that prisoners be placed in separate institutions or sections where each can receive the appropriate treatment.

2. These institutions and units should be of various types. It is desirable to provide varying degrees of security according to need. Open institutions, by the very fact that they provide no physical security against escape but rely on the self-discipline of the inmates, provide the conditions most favourable to rehabilitation for carefully selected prisoners.

3. It is desirable that the type, size, organisation and capacity of these institutions or units be determined essentially by the nature of the treatment to be provided.

65. The duty of society does not end with a prisoner's release. There should, therefore, be governmental and private agencies capable of providing efficient after-care for the released prisoner and directed towards lessening prejudice against him and towards his social rehabilitation.

Treatment

66. The treatment of persons sentenced to imprisonment or a similar measure shall have as its purpose, so far as the length of the sentence permits, to establish in them the will to lead law-abiding and self-supporting lives after their release and to fit them to do so. The treatment shall be such as will encourage their self-respect and develop their sense of responsibility.

67. 1. To these ends, all appropriate means shall be used, including spiritual guidance in the countries where this is possible, education, vocational guidance and training, social case-work, group activities, employment counselling, physical development and strengthening of moral character, in accordance with the individual needs of each prisoner, taking account of his social and criminal history, his physical and mental capacities and aptitudes, his personal temperament, the length of his sentence and his prospects after release.

2. For every prisoner with a sentence of suitable length, the director shall receive, as soon as possible after his admission, full reports on the various matters referred to in the foregoing paragraph. Such reports shall always include reports by a medical officer, and wherever possible by a psychiatrist.

3. Reports and other relevant information shall be collected in individual files. Files shall be kept up to date and be accessible to responsible persons.

4. Individual treatment programmes shall be drawn up after consultation between the various categories of personnel. Prisoners shall be involved in the drawing up of their individual treatment programmes. The programmes should be periodically reviewed.

Classification of prisoners and individualisation of treatment

68. The purposes of classification of prisoners shall be :

(a) to separate from others those prisoners who, by reason of their criminal records or their personality, are likely to exercise a bad influence;

(b) so to place the prisoners as to facilitate their treatment, taking into account the security requirements and their social rehabilitation.

69. So far as possible separate institutions or separate sections of an institution shall be used for the treatment of the different types of prisoners.

70. As soon as possible after admission and after a study of the personality of each prisoner with a sentence of suitable length, a programme of treatment shall be prepared for him in the light of the knowledge obtained about his individual needs, his capacities and dispositions.

71. 1. Prisoners shall be given opportunity to participate in activities of the institution likely to develop their sense of responsibility and to stimulate interest in their own treatment.

2. Efforts should be made to develop methods of co-operating and participation of the prisoners in their treatment. To this end prisoners shall be encouraged to assume, within the limits specified in Article 28, responsibilities in certain sectors of the institution's activity.

Work

72. 1. Prison labour must not be of a punitive nature. Prisoners shall not be asked to do any especially dangerous or unhealthy work.

2. Prisoners under sentence may be required to work, subject to their physical and mental fitness as determined by the medical officer and to the needs of education at all levels.

3. Sufficient work of a useful nature shall be provided to keep prisoners actively employed for a normal working day.

4. So far as possible the work provided shall be such as will maintain or increase the prisoner's ability to earn a normal living after release.

5. Vocational training in useful trades shall be provided for prisoners able to profit thereby and especially for young prisoners.

6. Within the limits compatible with proper vocational selection and with the requirements of institutional administration and discipline, the prisoners shall be able to choose the type of work they wish to perform.

73. 1. The organisation and methods of work in the institutions shall resemble as closely as possible those of similar work outside institutions, so as to prepare prisoners for the conditions of normal occupational life.

2. The interests of the prisoners and of their vocational training, however, must not be subordinated to the purpose of making a financial profit from an industry in the institution.

74. 1. Work for prisoners shall be assured by the Penal Administration in its own workshops and farms or with private contractors, where practicable.

2. Where prisoners are working for private contractors they shall always be under the supervision of the Penal Administration. The full normal wages for such work shall be paid by the persons to whom the labour is supplied, account being taken of the output of the prisoners.

75. 1. Safety and health precautions for prisoners shall be similar to those enjoyed by workers outside.

2. Provision shall be made to indemnify prisoners against industrial injury, including occupational disease, on terms not less favourable than those extended by law to workers outside.

76. 1. The maximum daily and weekly working hours of the prisoners shall be fixed in conformity with local rules or custom in regard to the employment of free workmen.

2. Prisoners should have at least one rest-day a week and sufficient time for education and other activities required as part of their treatment and rehabilitation.

77. 1. There shall be a system of equitable remuneration of the work of prisoners.

2. Under the system prisoners shall be allowed to spend at least a part of their earnings on approved articles for their own use and to allocate a part of their earnings to their family or for other approved uses.

3. The system may also provide that a part of the earnings be set aside by the administration so as to constitute a savings fund to be handed over to the prisoner on his release.

Education and recreation

78. 1. Provision shall be made for the further education of all prisoners capable of profiting thereby, including religious instruction. Special attention shall be given by the administration to the education of illiterates and young prisoners.

2. So far as practicable, the education of prisoners shall be integrated with the educational system of the country so that after their release they may continue their education without difficulty.

79. Recreational and cultural activities shall be provided in all institutions for the benefit of the mental and physical health of prisoners.

80. From the beginning of a prisoner's sentence consideration shall be given to his future after release and he shall be encouraged and assisted to maintain or establish such relations with relatives, other persons or agencies outside the institution as may promote the best interests of his family and his own social rehabilitation.

81. 1. Effective services and agencies shall be set up to assist released prisoners to re-establish themselves in society, in particular with regard to work.

2. Steps must be taken to ensure that on release prisoners are provided, as necessary, with appropriate documents and identification papers, have suitable homes and work to go to, be provided with immediate means of subsistence, are suitably and adequately clothed having regard to the climate and season, and have sufficient means to reach their destination.

3. The approved representatives of the agencies or services mentioned in paragraph 1 shall have all necessary access to the institution and to prisoners with a view to making a full contribution to the preparation for release and after-care programme of the prisoner.

4. The activities of all agencies and services concerned with the after-care of prisoners must be co-ordinated.

B. Insane and mentally abnormal prisoners

82. 1. Persons who are found to be insane shall not be detained in prisons and arrangements shall be made to remove them to appropriate establishments for the mentally ill as soon as possible.

2. Specialised institutions or sections under medical management should be available for the observation and treatment of prisoners suffering gravely from other mental disease or abnormality.

3. The medical or psychiatric service of the penal institutions shall provide for the psychiatric treatment of all prisoners who are in need of such treatment.

83. Steps should be taken, by arrangement with the appropriate agencies, to ensure where necessary the continuation of psychiatric treatment after release and the provision of social psychiatric after-care.

C. Prisoners under arrest or awaiting trial

84. 1. Persons arrested or imprisoned by reason of a criminal charge against them, who are detained either in police custody or in prison custody (jail) but have not yet been tried and sentenced, will be referred to as "untried prisoners" hereinafter in these rules.

2. Without prejudice to legal rules for the protection of individual liberty or prescribing the procedure to be observed in respect of untried prisoners, these prisoners, who are presumed to be innocent until they are found guilty, shall be treated without restrictions other than those necessary for the penal procedure and the security of the institution.

85. 1. Untried prisoners shall not be put in contact with convicted prisoners against their will.

2. Young untried prisoners shall be detained under conditions which protect them from harmful influences and which take account of the needs peculiar to their age.

86. Untried prisoners shall be given the opportunity of having separate rooms, except where climatic conditions require otherwise.

87. In accordance with the standards laid down by the health authorities, the administration shall provide the untried prisoners at the normal times with food which is suitably prepared and presented, and which satisfies in quality and quantity the standards of dietetics and modern hygiene and takes into account their age, health, the nature of their work, and, as far as possible, any requirements based on philosophical and religious beliefs.

88. 1. An untried prisoner shall be given the opportunity of wearing his own clothing, if it is clean and suitable.

2. If he does not avail himself of this opportunity, he shall be supplied with suitable dress.

3. If he has no suitable clothing of his own, an untried prisoner shall be provided with civilian clothing in good condition in which to appear in court or on outings organised under the regulations.

89. An untried prisoner shall always be offered opportunity to work, but shall not be required to work. If he chooses to work, he shall be paid for it.

90. An untried prisoner shall be allowed to procure at his own expense or at the expense of a third party such books, newspapers, writing materials and other means of occupation as are compatible with the interests of the administration of justice and the security and good order of the institution.

91. An untried prisoner shall be given the opportunity of being visited and treated by his own doctor or dentist if there is reasonable ground for his application and he is able to pay.

92. An untried prisoner shall be allowed to inform his family of his detention immediately, and shall be given all reasonable facilities for communicating with his family and friends and persons with whom it is to his legitimate interest to enter into contact and for receiving visits from them under conditions that are fully satisfactory from the human point of view, subject only to such restrictions and supervision as are necessary in the interests of the administration of justice and of the security and good order of the institution.

93. An untried prisoner shall be entitled, as soon as he is imprisoned, to choose his legal representative, or shall be allowed to apply for free legal aid where such aid is available, and to receive visits from his legal adviser with a view to his defence and to prepare and hand to him, and to receive, confidential instructions. At his request he shall be given all necessary facilities for this purpose. In particular, he shall be given the free assistance of an interpreter for all essential contacts with the administration and for his defence. Interviews between the prisoner and his legal adviser may be within sight but not within hearing, either direct or indirect, of a police or institution official.

D. Civil prisoners

94. In countries where the law permits imprisonment for debt or by order of a court under any other non-criminal process, persons so imprisoned shall not be subjected to any greater restriction or severity than is necessary to ensure safe custody and good order. Their treatment shall not be less favourable than that of untried prisoners, with the reservation, however, that they may possibly be required to work.