



CELS Case Study

National organizations: Key players in forging Mandela Rules

CELS
CENTRO DE ESTUDIOS
LEGALES Y SOCIALES

Piedras 547, p1º (C1070AAK) CABA, Argentina
tel/fax (+5411) 4334-4200
consultas@cels.org.ar
www.cels.org.ar



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The revision of the UN's Standard Minimum Rules for the Treatment of Prisoners (SMRs) underscored the relevant role that national organizations from the Global South and North can play in setting international standards – and implementing them.

In 2001, our organization, the Center for Legal and Social Studies (CELS), filed a habeas corpus on behalf of all the detainees being held illegally in police stations in Buenos Aires province, where more than half of the country's detained population is confined. After four lower courts rejected the complaint, the national Supreme Court ruled in favor of the province's 30,000 detainees, establishing the Standard Minimum Rules as the constitutional benchmark for detention conditions in the province's precincts and prisons.

Eager to see this ruling implemented, we quickly discovered that the Rules – adopted in 1955 – were outdated and incomplete. They did not reflect advances in international human rights law or address many problems that we had seen firsthand in the detention system in Argentina and elsewhere in the region. When the opportunity arose in 2011 to participate in the revision of the SMRs, we jumped at the chance.

Over the course of four years, CELS participated in all the meetings of the intergovernmental expert group that drafted the Rules' revisions and in various sessions of the Vienna-based UN Commission on Crime Prevention and Criminal Justice. With other national organizations from the Global South (Corporación Humanas) and Global North (the ACLU), as well as international organizations from the South and North – such as Conectas Derechos Humanos, Penal Reform International (PRI) and the International Commission of Catholic Prison Pastoral Care (ICPPC) – we forged an informal alliance that lasted throughout the revision process.

National organizations have daily experience applying international standards to on-the-ground situations, and our groups have direct relationships with victims. Through this work, we are able to assess which standards work, and which do not. That is

precisely where we draw legitimacy from to discuss revisions, or entirely new standards, at an international level.

In addition, national organizations bring to the table alliances with diverse actors and access to government officials. Thanks to years of domestic advocacy, we are well-positioned to lobby governments and influence processes in that way, since it is the States that make the final decisions on standard-setting. Argentina, Brazil and Uruguay took a leading role in revising the SMRs – which was no coincidence. CELS worked closely with these three country delegations to achieve consensus with other States, bridging gaps with the help of the ACLU, which was closely monitoring the U.S. position. All this behind-the-scenes work by civil society organizations helped ensure the success of the process, which threatened to falter several times.

For example, after the first expert group meeting in Vienna, which was gridlocked, we helped persuade the Argentine government to host a crucial second meeting in Buenos Aires. CELS invited other national organizations that we had worked with for years inside Argentine prisons to attend this gathering to ensure that more, and more diverse, voices were heard during the process. The input from organizations in developing countries was crucial to introducing new issues into the revision process, and new ways of understanding the issues already being discussed. CELS was invited to participate in meetings organized by PRI and the University of Essex that informed their written contributions to the revisions. However, we also felt the need to make [our own formal contributions](#), along with Conectas, which the UN Office on Drugs and Crime (UNODC) took into account when drafting its document for the expert group's consideration. Finally, with Conectas and PRI, we held briefings with Geneva-based UN human rights officials to get them involved in this process, which was playing out in Vienna under the UNODC's supervision.

Finally, in December 2015, the UN General Assembly unanimously adopted the revised SMRs and dubbed them the Mandela Rules. Some of the changes made, which we had specifically advocated for, included: the investigation of all deaths and all possible cases of torture or ill treatment during confinement; the requirement of exhaustive and independent inspections of places of detention; the need to keep statistics that would reveal overcrowding and help define prison capacity parameters; limits on the use of solitary confinement, searches, coercive measures and disciplinary sanctions; and improved health care standards for detainees. However, there were other important issues that did not get addressed – such as the use of force – which reflects the complexities of these intergovernmental processes.

Once the revisions were approved, we resumed our work to get the standards implemented on a national level, backing a campaign led by the National Prison Ombudsman's Office and the Ministry of Public Defense to raise public awareness and train judicial and prison officials on the Mandela Rules. We spoke at numerous public events to that end and began using the revised standards in cases that we litigate nationally. On Nelson Mandela International Day (July 18), we shared materials

contrasting Argentina's prison conditions with the Mandela Rule standards, underlining that several UN entities were calling Argentina to task over its noncompliance. In addition, we worked with PRI ahead of Mandela Day to encourage various rapporteurs and experts from the universal and regional human rights protection systems to issue a [joint statement](#) urging States to swiftly implement the Rules.

One institutional consequence of our international work on this issue is that Paula Litvachky, the director of CELS' Justice and Security area, was invited to serve on PRI's board. This inverts the logic that only big-name international organizations are worth bringing into the fold.

The Mandela Rules experience demonstrates that while the participation of national organizations in international standard-setting processes is unusual, it is also essential. Thanks to input from national groups, the Mandela Rules better reflect the real problems seen in developing countries' prisons. And this helps relegitimize the international human rights movement at a difficult time in history. Instead of taking the traditional global-to-local approach, it is crucial that we go local to global. The human rights system needs national organizations to play a leading role in broadening the global agenda and ensuring diverse participation in these processes, which they are then in a privileged position to implement. With precisely this vision, CELS has scaled up its international work in recent years in a way that is mutually reinforcing with its national agenda.