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## Dignity unlocked? The Nelson Mandela Rules as a key to the transnational legal ordering of imprisonment

### Godność uwolniona? Reguły Nelsona Mandeli jako klucz do transnarodowych rozwiązań prawnych w zakresie pozbawiania wolności

**Abstract:** This paper explains how the United Nations Standard Minimum Rules for the Treatment of Prisoners (UNSMR), known since their 2015 amendment as the Nelson Mandela Rules, have become an international instrument regulating imprisonment. This explanation deals with the emergence of the original UNSMR and the process that led to their amendment. It pays particular attention to the impact of ideas about how prisons should ideally function, developed in a series of handbooks published by the United Nations Office on Drugs and Crime, both before and after the adoption of the Nelson Mandela Rules. The paper concludes that the campaign to publicise the Nelson Mandela Rules has made them an important component of discussions about prison reform worldwide. Although they are regarded as a soft law instrument, this has not lessened their impact on prison laws and policies. There is limited empirical evidence, however, of their ability to alter prison conditions substantively.

**Keywords:** Nelson Mandela Rules, transnational law, prison standards, United Nations Office on Drugs and Crime, prisons, prisoners

**Abstrakt:** Artykuł wyjaśnia, w jaki sposób Wzorcowe reguły minimalne Organizacji Narodów Zjednoczonych dotyczące postępowania z więźniami (UNSMR), znane od czasu ich nowelizacji w 2015 r. jako Reguły Nelsona Mandeli, stały się międzynarodowym instrumentem regulującym kwestię pozbawienia wolności. Analiza ta obejmuje pojawienie się pierwotnej treści reguł (UNSMR) i procesu, który doprowadził do ich zmiany. W szczególności uwaga poświęcona jest znaczeniu koncepcji idealnego sposobu

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funkcjonowania więzień, ujętych w serii podręczników publikowanych przez Biuro Narodów Zjednoczonych ds. Narkotyków i Przestępczości, zarówno przed przyjęciem Reguł Nelsona Mandeli, jak i po nim. Artykuł zawiera wniosek, że kampania mająca na celu upublicznienie Reguł Nelsona Mandeli uczyniła z nich ważny element dyskusji na temat reformy więziennictwa na całym świecie. Chociaż są one uważane za instrument prawa miękkiego, nie zmniejsza to ich wpływu na przepisy i politykę więzienną. Empiryczne dowody na to, że mogą one znacząco zmienić warunki panujące w więzieniach, są jednak ograniczone.

**Słowa kluczowe:** Reguły Nelsona Mandeli, prawo transnarodowe, standardy więzienne, Biuro Narodów Zjednoczonych ds. Narkotyków i Przestępczości, więzienia, więźniowie

## Introduction

On 17 December 2015, the General Assembly of the United Nations adopted the “Nelson Mandela Rules” (UNGA 2015). This was the new designation for the extensively revised version of what had been known since 1955 only by the more cumbersome title of the United Nations Standard Minimum Rules for the Treatment of Prisoners (UNSMR) (ECOSOC 1957). How important were these changes in reinforcing the role of the United Nations in setting international standards for imprisonment? This paper demonstrates that the revised UNSMR in their reincarnation as the Nelson Mandela Rules have become the lynchpin of a UN-led initiative to specify how prisons worldwide should and could operate. It also considers some of the practical implications of this development.

In the structure of its analysis, the paper uses the concept of transnational legal ordering as a heuristic tool. Transnational legal ordering was originally developed by sociologists of law working with international lawyers to understand the various kinds of international (and regional) legal interventions that are used to influence a wide range of national social and economic practices (Zumbansen 2021). The concept allows the consideration of a broader range of factors than those traditionally used to explain the international law instruments that ostensibly determine such interventions, and it can identify specific transnational legal orders that provide a vehicle for these interventions. Such thicker descriptions, which increasingly are being applied to a wide range of criminal justice questions (Aaronson, Shaffer 2020), focus particularly on the knowledge base that informs these interventions. This also allows for a better understanding of the potential impact of international ordering strategies and their intended, and sometimes unintended, consequences.

What is meant by a transnational legal order in the prison context? Elsewhere, I have argued that, for better or worse, imprisonment worldwide is increasingly the subject of transnational legal ordering at both the regional and international levels (Van Zyl Smit 2020). This conclusion was based on a few fundamental facts: Notwithstanding abolitionist challenges, prisons are at the core of punishment

in all countries worldwide. In their modern form, they are indubitably bureaucracies subject to “legal” ordering at the national level. My 2020 paper shows that prisons, to a greater or lesser extent, are also subject to “transnational” legal ordering through the operation of a wide range of international and regional legal instruments and institutions, which has important consequences for international cooperation in criminal matters.

Leading theorists of transitional legal ordering have pointed out that identifying transnational legal orders that operate in a particular context, such as criminal justice, is merely a point of departure. In order to understand their impact, one has to study not only (1) the formation of criminal justice transnational legal orders, but also (2) the institutionalisation of criminal justice transnational legal orders and (3) the consequences that transnational legal orders have as a means for shaping policies and practices (Aaronson, Shaffer 2020).

The paper undertakes such a tripartite analysis by focussing in more depth on one aspect of the transnational legal ordering of imprisonment, namely the role of the Nelson Mandela Rules and their institutionalisation and propagation by the United Nations Office on Drugs and Crime (UNODC) in particular. The paper is introduced with a brief synopsis of the early history of the 1955 UNSMR, of which the Nelson Mandela Rules are the latest iteration. It then turns to the emergence of the Nelson Mandela Rules. The paper focusses primarily on what has happened at the international level in the past decade, during which the Nelson Mandela Rules took form, became institutionalised by the United Nations and are now increasingly being applied both in the UN system and elsewhere.

Particular attention is paid to the sources of knowledge about prisons that informed the changes to the Nelson Mandela Rules and to the ambiguous legal status of the Rules. Methodologically, this meant closely analysing the documents generated by the UN when preparing for and subsequently propagating the Nelson Mandela Rules, and then placing the evolutionary process that these documents reveal in a wider context. The examples of the impact of the Nelson Mandela Rules are illustrative rather than systematic, and a fuller empirical analysis of their impact must await further research.

The paper concludes that the Nelson Mandela Rules have become a key element in the discourse about the transnational ordering of imprisonment and that, in some instances, they have contributed to improved prison conditions. There is limited evidence, however, of whether in fact they have succeeded in “unlocking” dignity for prisoners on a large scale worldwide.

## 1. The formation of the Nelson Mandela Rules

### 1.1. Background

Part of the case for recognising the international dimension to the transnational ordering of imprisonment is that there is a long history of conscious international attempts to specify in a single international instrument the ideas that should govern the functioning of prisons. This work was preceded by exposés by moral entrepreneurs, such as John Howard (1792) and Elizabeth Fry (1827), of inhumane prison conditions that undermined the human dignity of persons detained therein. From the mid-19th century onwards international conferences and meetings of prison experts, many with close government links, from European and North American countries – that is, “Western” countries – sought to provide the intellectual underpinnings for guidelines on how prisons and prisoners should be managed (Radzinowicz 1999: 359–371). These meetings provided the intellectual underpinnings for this endeavour.

An institutional structure, the International Penal and Penitentiary Commission (IPPC), was also created, which after the First World War worked closely with the League of Nations. This well-researched history reveals attempts by the League of Nations to formulate “prison rules” that were to be lent the imprimatur of an international body (Clifford 1972). However, the League of Nations did not succeed in adopting these guidelines before its demise in the tensions that led to the Second World War. However, the work of the IPPC for the League of Nations was absorbed into the United Nations structures of the early 1950s (UNODC 2023). It eventually culminated in the adoption of these guidelines, in the form of the 1955 UNSMR, by the first United Nations Congress on the Prevention of Crime and Treatment of Offenders (Radzinowicz 1999: 390).<sup>1</sup>

The UNSMR attracted considerable attention as the first international standard-setting product in the criminal justice sphere of the post-WWII United Nations (Clark 1994; Joutsen 2016). Nevertheless, the UNSMR did not have international law treaty status. On the contrary, the UNSMR went out of their way to stress their “soft law” status. Thus, Rule 1 of the 1955 UNSMR emphasised that they were not intended to describe in detail a model system of penal institutions (ECOSOC 1957). Rule 2 states further that “in view of the great variety of legal, social, economic and geographical conditions of the world, it is evident that not all of the rules are capable of application in all places and at all times”, while adding that “they represent, as a whole, the minimum conditions which are accepted as suitable by the United Nations” (ECOSOC 1957).

The UNSMR would remain largely unaltered for 60 years. Only one further Rule was added during this time; Rule 95 in 1977, which extended the protection of the SMR to persons arrested or imprisoned without charge (ECOSOC 1977). It was

<sup>1</sup> The 1955 UNSMR was the first example of a widespread trend for the UNO to develop criminal justice standards generally. For an overview, see Redo (2012).

a minimal addition, proposed as a compromise by the UN Committee on Social Development, which regarded the UNSMR as having already become “a kind of prisoners’ ‘Magna Carta’”, and was reluctant to put forward an amendment to any of the existing rules (ECOSOC 1976: para. 90). Similarly, the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, adopted in 1988 (UNGA 1988), and the Basic Principles for the Treatment of Prisoners, adopted in 1990 (UNGA 1990), emphasised the general principles that should govern imprisonment worldwide, but were less comprehensive than the UNSMR and did not have a comparable worldwide impact. Between 1990 and 2015 there was no significant further development in comprehensive international standards for imprisonment.

Part of the reason for this long period of relative inaction was a change in the structure of the UN for developing such standards. The initial criminal justice standards were the product of a series of quinquennial international UN Congresses on the Prevention of Crime and Treatment of Offenders, starting in 1955, which adopted such standards, largely on the recommendation of the expert-driven UN Committee on Crime Prevention and Control, and then passed them up the UN chain to its Economic and Social Council and eventually to the General Assembly, where they were routinely adopted (Clark 1994).

International politics, however, upset this comfortable relationship. Following the Eighth UN Congress on the Prevention of Crime and Treatment of Offenders in Havana in 1990, where the Congress adopted resolutions critical of the penal practices of individual member states, the USA, which was one of the states that had been subject to criticism, led a campaign to cut back the decision-making powers of the Congress. The Congress was kept in place, but its power to adopt new standards was largely curtailed. The Committee on Crime Prevention and Control was abolished. It was replaced by the Commission on Crime Prevention and Criminal Justice (the Crime Commission), consisting of representatives of a number of elected UN member states, which in the future would take the primary decisions on new standards that could be advanced through the UN system (Clark 1994). In 2006 the Crime Commission also became the governing body of the UNODC, thus giving it formal control of the officials within the UN that are directly responsible for its prison policies (Joutsen 2016).

## **1.2. Towards the emergence of the Nelson Mandela Rules**

The changes to this process did not make it impossible for the reorganised UN organs to engage in further transnational legal ordering of imprisonment worldwide, but it did make it harder for them to do so. For example, at the 1995 Congress on the Prevention of Crime and Treatment of Offenders – the first Congress held under the new structure – the government of the Netherlands, working closely with the international non-governmental organisation (NGO) Penal Reform International (PRI), tabled a comprehensive document, “Making Standards Work” (PRI 1995),

that sought to give renewed impetus to the UNSMR, not by amending them but instead by commenting in detail on their provisions and suggesting broader interpretations of them. However, even this limited and carefully crafted initiative was not adopted directly by the Congress, as some states feared that it would provide the basis for stricter international standards that could be used to criticise their national prison systems. Instead, the Congress simply noted “Making Standards Work”, “with appreciation” (UN 1995: 16), and emphasised the collection of further data on the operation of the UNSMR.

While the scope for transnational legal ordering of imprisonment was being constrained by the more restrictive framework imposed on the part of the UNODC that deals with criminal justice matters, other developments were taking place that would eventually contribute to the institutionalisation of a UN-led transnational legal order on imprisonment.

### 1.2.1. Regional developments

Some of these developments were regional. The European Prison Rules were adopted in 1987 (Council of Europe 1987) and were followed by the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment, which came into force in 1989. The latter was particularly important as the key operating body set up by the Convention. The European Committee on Torture (CPT) also began formulating its own, highly influential prison standards. In 2006, the European Prison Rules were substantially rewritten (Council of Europe 2006), including several features that went further than the 1955 UNSMR in protecting prisoners’ rights.<sup>2</sup>

In Africa there were similar progressive developments of standards. These were reflected in the 1996 Kampala Declaration on Prison Conditions in Africa (Pan African 1996), the 1999 Arusha Declaration on Good Prison Practice (CESCA 1999) and the 2002 Ouagadougou Declaration and Plan of Action on Accelerating Prison and Penal Reforms in Africa (PRI, African Commission 2002). In the Americas, the 2008 Principles and Best Practices on the Protection of Persons Deprived of Liberty in the Americas (Inter-American Commission on Human Rights 2008) set a particularly high bar for prison standards (Morales Antoniazzi 2022). These developments are significant as they reflect interventions beyond the Western core that led to the eventual emergence of the 1955 UNSMR.

### 1.2.2. Developments within the United Nations framework

For a while, further important developments broadly related to imprisonment took place primarily within the wider UN human rights structures, rather than within the specific framework of the UN criminal justice initiatives led by the

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<sup>2</sup> In 2020 the European Prison Rules were amended, *inter alia* to reflect the Nelson Mandela Rules (Council of Europe 2020).



UNODC. Key amongst these was the treaty-level International Covenant on Civil and Political Rights that came into force in 1976, which not only outlaws “torture or cruel, inhuman or degrading treatment or punishment” (Art. 7), but also provides, somewhat enigmatically, that “[t]he penitentiary system shall comprise treatment of prisoners the essential aim of which shall be their reformation and social rehabilitation” (Art. 10.2). Also of particular relevance was the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, which came into force in 1987. Both these treaty-level instruments had enforcement mechanisms: the Human Rights Committee (HRC) and the Committee against Torture, respectively. Both committees required detailed knowledge of prisons and prison standards to decide whether the conduct of states in respect of imprisonment met the requirements these instruments set out in general terms, and turned to the 1955 UNSMR in this regard (Williams 1990; Rodley and Pollard 2009).

In the case of the 1955 UNSMR, by as early as 1987 Nigel Rodley was able to quote several references by the HRC to rules pertaining to diverse prison conditions, ranging from cell size to the use of dark cells and handcuffs as punishment, which the HRC now regard as embodying direct legal obligations of states, as they infringed the International Covenant on Civil and Political Rights as interpreted in the light of the UNSMR (Rodley 1987: 222). Since the adoption of the Nelson Mandela Rules this process has accelerated, as noted in the decision of the UN tribunals referred to above. Arguably, as Nigel Rodley explained, several specific rules could be regarded as reflecting customary international law. This meant that, notwithstanding their ostensible “soft law” status, they were regarded in international law as legally binding.

The United Nations Office of the High Commissioner for Human Rights (UNOHCHR) also produced technical manuals to support the work of these bodies. Prominent amongst these was the so-called Istanbul Protocol, the Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (UNOHCHR 2004), which focussed on the medical indicia for torture. The need for such information increased when the Optional Protocol to the Convention against Torture (OPCAT), itself a treaty-level instrument, entered into force in 2006. The OPCAT set up a new UN inspecting body for places of incarceration, the Subcommittee for Prevention of Torture (SPT), and required State Parties to create National Preventive Mechanisms to perform a similar function at the national level and to liaise with the SPT (Murray et al. 2011).

### **1.2.3. Knowledge production on prisons within the UNODC**

During the first decade of the 21st century the UNODC began to expand its series of meticulously produced Criminal Justice Handbooks, which focussed on prison-related topics. The series was aimed primarily at senior civil servants worldwide dealing with criminal justice and penal policy at the national level, and also at diplomats who, while not necessarily criminal justice experts, would

be engaged in setting international standards. While earlier handbooks, such as the “Handbook on Alternatives to Imprisonment” (UNODC 2007), had dealt with wider policy issues, newer handbooks covered topics relating directly to the implementation of imprisonment. Particularly important in this regard were the “Handbook on Prisoner File Management” (UNODC 2008a), the “Handbook for Prison Managers and Policymakers on Women and Imprisonment” (UNODC 2008b) and the “Handbook on Prisoners with Special Needs” (UNODC 2009). What these handbooks did most effectively was combine principles extracted from human rights treaties, such as the International Covenant on Civil and Political Rights and the UN Convention against Torture, and existing UN prison-related standards, such as the UNSMR, with a detailed and expert examination of how practical aspects of imprisonment should be dealt with.

Within the UN system this material was complemented by a comprehensive publication, “Human Rights and Prisons”, produced by the United Nations Office of the High Commissioner for Human Rights (UNOHCHR 2005). As may be expected, it emphasised human rights principles, but it was given a strong practical focus by its presentation as “a Manual on Human Rights Training for Prison Officials”. All the knowledge generated in this way, both by the UNODC and the UNOHCHR, formed an invaluable basis for a critique of the existing standards, combining a familiarity with human rights law and prison practice.

#### **1.2.4. The Bangkok Rules as a forerunner of wider reforms**

In 2009 the Crime Commission took an important step towards introducing a new set of Rules dealing with an aspect of adult imprisonment, when it formally set in train the process to develop rules on the treatment of women in prison. At the time, the improvement of prison conditions for women was widely seen as less controversial than the development of more rigorous general prison standards. The initiative of the Crime Commission led to the adoption by the General Assembly of the UN in December 2010 of the United Nations Rules for the Treatment of Women Prisoners and Non-Custodial Measures for Women Offenders (the Bangkok Rules) (UNGA 2010a). A full analysis of how and why the Bangkok Rules emerged in the form they did is beyond the scope of this paper, but they have been criticised from a gender perspective for adopting a narrow view of what women in prison require and ignoring the problems faced by prisoners who do not conform to cisgender stereotypes (Barberet, Jackson 2017; for a more positive overview, see Huber 2016). Nevertheless, the Bangkok Rules are of considerable relevance to the history of the Nelson Mandela Rules, insofar as they demonstrated that it was still possible to introduce new Rules that would complement the somewhat outdated UNSMR.

When one considers the substance of the Bangkok Rules, it is noteworthy that several of its rules that deal with imprisonment are written in the form of glosses on specific rules of the UNSMR. For example, Rule 5 of the Bangkok Rules, which deals with “personal hygiene”, is preceded by a note that explains



that it supplements Rules 15 and 16 of the UNSMR. The Rule then states that “the accommodation of women prisoners shall have facilities and materials required to meet women’s specific hygiene needs” and spells these out. This way of working provided a clear indication of areas in which the UNSMR could be improved. The further history of the Bangkok Rules also provided a model of how the UNODC Handbook Series could be used to institutionalise a body of Rules: the UNODC produced a much-expanded version of its “Handbook on Women and Imprisonment” (UNODC 2014), which referred in detail to the substantive provisions of the Bangkok Rules and integrated them closely into what previously had simply been policy suggestions.

### 1.3. The adoption of the Nelson Mandela Rules

The process that would lead to the Nelson Mandela Rules being adopted formally began with a careful resolution adopted by the UN General Assembly in December 2010 during the same meeting at which the Bangkok Rules were adopted. In this resolution, the UNGA requested the Crime Commission to establish:

an open-ended intergovernmental expert group ... to exchange information on best practices [in relation to imprisonment], as well as national legislation and existing international law, and on the revision of existing United Nations standard minimum rules for the treatment of prisoners so that they reflect recent advances in correctional science and best practices, with a view to making recommendations to the Commission on possible next steps. (UNGA 2010b: para. 9)<sup>3</sup>

The Crime Commission duly convened the first of a series of Intergovernmental Expert Group Meetings (IEGM), which met in Vienna from 31 January to 2 February 2012.

Before the first IEGM, however, the UNODC first held two informal “high level” meetings to consider possible revision strategies. This strategy allowed the UNODC to incorporate non-governmental “experts”, including members of NGOs, who were both knowledgeable on prison policy and sympathetic to the UNODC’s knowledge agenda to be incorporated into the revision process at an early stage. The first such meeting in Santa Domingo, was broadly pessimistic, expressing concerns that amendments to the UNSMR would weaken them and suggesting instead other means to increase their impact (UNODC 2011). It was equally pessimistic about the prospects of a treaty-level Charter of Prisoners’ Rights being adopted.

In partial contrast, the second informal, high-level meeting, held in Vienna, was more optimistic, expressing the view that it might be possible to go further than merely producing a new commentary on the existing UNSMR (UNODC

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<sup>3</sup> The General Assembly was reacting to a proposal contained in “the Salvador Declaration on Comprehensive Strategies for Global Challenges: Crime Prevention and Criminal Justice Systems and Their Development in a Changing World” adopted by the 12th quinquennial Crime Congress in April 2010 (UN 2010).

2012a: 6). While it also regarded a treaty-level Charter of Prisoners' Rights as politically unrealistic in the sense that few national governments appeared to have any appetite for such change, and was also concerned about the possibility of regressive changes to the existing UNSMR, it did not reject the option of a targeted reform. Instead, it came up with a short list of aspects of the existing SMR that were ripe for improvement. These were not formal proposals, however, and the UNODC officials could mould the ideas that emerged from the two informal meetings into alternatives to be put forward at the IEGM.

The first formal IEGM came to a similar conclusion as the second informal meeting that preceded it, in terms of rejecting the options of a binding instrument, radical changes to the existing UNSMR or a mere commentary on the existing rules. Instead, the IEGM, having confirmed the "consensus that any changes to the Rules should not lower any of the existing standards" (UNODC 2012b: para. 4), recommended, as a middle way, "a list of areas for possible consideration in order to ensure that the Rules reflected recent advances in correctional science and best practices". These were:

- a) respect for prisoners' inherent dignity and value as human beings;
- b) medical and health services;
- c) disciplinary action and punishment, including the role of medical staff, solitary confinement and reduction of diet;
- d) investigation of all deaths in custody, as well as any signs or allegations of torture or inhumane or degrading treatment of prisoners;
- e) protection and special needs of vulnerable groups deprived of their liberty, taking into consideration countries in difficult circumstances;
- f) the right of access to legal representation;
- g) complaints and independent inspection;
- h) the replacement of outdated terminology;
- i) training of relevant staff to implement the Standard Minimum Rules (UNODC 2012b: para. 5).

Once the basic decision had been taken at the first Vienna IEGM on the initial scope of the reform, much further work had to be undertaken. This was conducted through three further IEGMs held in Buenos Aires from 11–13 December 2012 (UNODC 2012c), Vienna (again) from 25–28 March 2014 (ECOSOC 2014) and Cape Town from 2–5 March 2015 (ECOSOC 2015a). At the final IEGM, the Nelson Mandela Rules emerged in the form in which they would be adopted almost unaltered by the UNGA in December 2015, after having duly received the approval of the appropriate chain of UN bodies: the Crime Commission (ECOSOC 2015b) and ECOSOC (ECOSOC 2015c).

In her thorough study of the emergence of the Nelson Mandela Rules through the four IEGM meetings devoted to the Rules, Jennifer Peirce (2018) focusses on a number of factors that go beyond what can be gleaned from the official records of the IEGM meetings, where the changed rules were given substance. Although Jennifer Peirce does not use the language of transnational legal ordering, her ob-

servations are fully congruent with this analytical framework. In particular, she points to the role of international NGOs, such as PRI, and the individual experts who were actively involved in the process from the beginning. They were given the opportunity to do so by the way in which the UNODC cooperated with them, both in building up its own knowledge base through its early Handbooks and by ensuring that they were able to play a larger role than otherwise expected at the IEGM meetings (Huber 2015).

Jennifer Peirce (2018) rightly draws attention to the so-called “Essex papers”, which were a key source of substantive proposals of what reforms could be made to the existing UNSMR. The Essex papers were initiated by PRI and the University of Essex, which brought together a diverse group of representatives of NGOs specialising in prison matters and independent experts to participate in the development of the papers. The substantive proposals were grounded in analyses of high-status legal instruments, such as the ICCPR. Attention was also paid to the latest ideas on rehabilitation-orientated prison management, which recognised that rehabilitation should not be imposed on prisoners, but rather that opportunities to rehabilitate should be offered to them in a human rights-compliant way. “Essex Paper 1” (PRI, University of Essex 2012) was a direct response to what should be done in the areas of change identified at the first Vienna IEGM and fed into the debate at the second IEGM in Buenos Aires, while “Essex Paper 2” (PRI, University of Essex 2014) focussed on a narrower range of issues that emerged in Buenos Aires – safety of prisoners, prisoners in a position of vulnerability, use of force and restraints, body searches, deaths and injuries in custody and record keeping, case management and training – and placed them before the third IEGM in Vienna.

Formally, the IEGMs remained state-driven because, as in treaty negotiations, the member states who were represented were given priority in speaking and leading the discussion at the various meetings. However, the state delegations varied greatly in the degree of “prison expertise” that they brought to bear on the topics discussed. This was particularly true at the final IEGM, in Cape Town, where the US delegation included experienced American prison managers who could speak with authority on a number of issues, including the advantages of limiting the use of solitary confinement as disciplinary punishment (UNODC 2015a). Similarly, the pragmatic approach adopted by the NGO representatives allowed them to play an important role. This cooperation proved crucial in the adoption of perhaps the most significant change introduced by the Nelson Mandela Rules, namely the definition of solitary confinement as “confinement of prisoners for 22 hours or more a day without meaningful human contact”, and the limitation of its use to a maximum of 15 consecutive days (UNGA 2015: Rule 44).

Looking back at the process after the new draft rules had gained the imprimatur of the Crime Commission in May 2015, Andrea Huber of PRI reflected that most of the specific reform objectives of the participating NGOs, including restrictions on the use of solitary confinement, had been met (Huber 2015). The immediate further challenge was to ensure that the Nelson Mandela Rules became embedded as a key part of the transnational legal order governing prisons.

## 2. The institutionalisation of the Nelson Mandela Rules

The process of institutionalising the Nelson Mandela Rules at the international core of the transnational legal ordering of imprisonment began immediately on their adoption by the General Assembly in late 2015. Not surprisingly, the lead was again taken by the UNODC, the body most actively involved in developing the Nelson Mandela Rules, had been declared the “custodian of the Nelson Mandela Rules” (UNODC n.d.a) and had been instructed by the UN General Assembly to provide technical assistance for implementing the Rules in resolutions adopted in 2017 (UNGA 2017: para. 26) and 2018 (UNGA 2018a: para. 11). In this process the prison specialists within the UNODC, or those appointed ad hoc by it to perform specific tasks, played a prominent part by further developing the body of knowledge that had underpinned the emergence of the Nelson Mandela Rules and pointing to its implementation in a way that gave further prominence to specific aspects of the Rules.

One way in which this was done was through further expanding the set of Criminal Justice Handbooks on aspects of imprisonment published by the UNODC, and by linking the guidance that the handbooks give to the Nelson Mandela Rules. A good example is the “Handbook on the Management of Violent Extremist Prisoners and the Prevention of Radicalization to Violence in Prisons” (UNODC 2016a), on which work had begun prior to the adoption of the Nelson Mandela Rules but which was published after their adoption. In this Handbook, as in several others produced after 2015, pride of place was given to the Nelson Mandela Rules. As the “Handbook on the Management of Violent Extremist Prisoners” explains in its contextual introduction:

As the core standard applicable to prisons adopted by the United Nations General Assembly, the *United Nations Standard Minimum Rules for the Treatment of Prisoners* (the Nelson Mandela Rules) are considered as an overall lens through which all other guidelines and recommendations should be read and interpreted. (UNODC 2016a: 7)

This approach is followed throughout the Handbook, with more than 30 references being made to the Nelson Mandela Rules, including extensive quotations on minimum standards to which “violent and extremist” prisoners are entitled, as they progress through the prison system, from admission and allocation to work, education and leisure activities through to release and post-incarceration supervision.

The “Handbook on the Management of Violent Extremist Prisoners cross-references the Handbook on the Management of High-Risk Prisoners” (UNODC 2016b), which appeared in the same year. The latter Handbook references the Nelson Mandela Rules even more fully (45 times), and also places security concerns, which are raised by the “high-risk” prisoners on which it focusses, in the framework of structures guaranteeing prisoners’ rights in respect of various aspects of an “ordinary” prison regime.

A third Handbook published just after the introduction of the Nelson Mandela Rules was the “Handbook on Dynamic Security and Prison Intelligence” (UNODC 2015b).<sup>4</sup> It cross-references the “Handbook on Managing High-Risk Prisoners” and refers to “violent extremists”. The “Handbook on Dynamic Security and Prison Intelligence” also refers extensively to various of the Nelson Mandela Rules in order to ensure a balanced prison regime even where the emphasis is on security. This Handbook moves the attention away from physical security and towards “dynamic security”, where the emphasis is on good staff–prisoner relations. These relations ideally should enable staff to know what prisoners need and want, and allow these needs and wants to be dealt with promptly in order to avoid unrest. At the same time good relationships should provide the staff with intelligence that will also ensure that potential security breaches are nipped in the bud. Interestingly, “dynamic security” is not mentioned in the 1955 UNMSR at all, and in the Nelson Mandela Rules it appears only in the context of something that staff must be trained to apply. Nevertheless, by making it a central theme of this important Handbook, the way was opened for “dynamic security” to become a key element in national legislation derived from the Nelson Mandela Rules put forward by the UNODC.

Also in the Criminal Justice Handbook Series was the “Roadmap for the Development of Prison-Based Rehabilitation Programmes” (UNODC 2017a), which built directly on the earlier introductory “Handbook on the Prevention of Recidivism and the Social Reintegration of Offenders” (UNODC 2012d). The difference was that the 2017 “Roadmap” referred in considerable detail to the Nelson Mandela Rules, with particular reference to the rules on education, vocational training and work.

An interesting further contemporaneous development was the “Handbook on Anti-Corruption Measures in Prisons” (UNODC 2017b), a joint product of the Corruption and Economic Crime Branch of the UNODC and the Justice Section of the UNODC. While the Justice Section was solely responsible for the other handbooks discussed here, the corruption experts brought with them a body of “hard law”, the Convention Against Corruption – which is a core component of the transnational criminalisation of corruption (Hatchard 2015; Ivory 2020) and which can be applied to prisons. As the introduction to the “Handbook on Anti-Corruption Measures in Prisons” explains:

[T]he handbook highlights which articles of the Convention Against Corruption and which provisions of the Nelson Mandela Rules are of particular relevance to preventing corruption in prisons and presents practical measures to implement those provisions to strengthen integrity, accountability, transparency and oversight in the prison system. While it is not a direct focus, this handbook also recognizes

<sup>4</sup> The given publication date is December 2015, which is the same month that the Nelson Mandela Rules were adopted by the General Assembly. However, in practice it may have been later, as it is hard to see how the details for the Nelson Mandela Rules could have been added only in December 2015 and the Handbook published in the same month. Alternatively, the approval of the Nelson Mandela Rules may have been anticipated by its authors as its substance had been agreed before the General Assembly gave the Rules its imprimatur.

the correlation between the level of corruption and the prevalence of torture and ill-treatment: corruption breeds ill-treatment, disregard for human rights and contributes to the prevalence of corruption. (UNODC 2017b)

With its multiple references to the Nelson Mandela Rules, what this Handbook effectively does is place the “soft-law” Nelson Mandela Rules on the same level as a “hard-law” treaty, the Convention Against Corruption, when developing a knowledge base in this overlapping area.

Two further handbooks were introduced explicitly to propagate the Nelson Mandela Rules. The introduction to the Handbook, “Assessing Compliance with the Nelson Mandela Rules” (UNODC 2017c: 1), notes that it was undertaken with the specific objective of responding to the request made by the UN General Assembly when it adopted the Nelson Mandela Rules that the UNODC should:

ensure broad dissemination of the Nelson Mandela Rules, to design guidance material and ... provide technical assistance and advisory services to Member States in the field of penal reform, in order to develop or strengthen penitentiary legislation, procedures policies and practices in line with the Rules. (UNGA 2015: para. 15)

The Handbook proceeds to develop an elaborate checklist that refers systematically to the substance of specific Rules. In so doing it feeds directly into the operationalisation of the additional emphasis – in comparison to the original UNSMR – that the Nelson Mandela Rules place on inspection.

In 2022 the UNODC added “Incorporating the Nelson Mandela Rules into National Prison Legislation” to its Handbook series (UNODC 2022a). As its subtitle, “A Model Prison Act and Related Commentary”, reveals, this Handbook is designed to give states clear guidance on what would be entailed in converting the Nelson Mandela Rules into national legislation. Model legislation produced at the international level has been used to entrench transnational legal ordering of other criminal justice areas as well, for example, in the report, “Justice in Matters Involving Children in Conflict with the Law: Model Law on Juvenile Justice and Related Commentary” (UNODC 2013). The advantage of applying this technique to the Nelson Mandela Rules is that specific rules that may have been stated in abstract terms are made more concrete by converting them into statute law which national officials can envisage applying to their existing prison systems in order to produce better outcomes.

The work of specialist international NGOs since the adoption of the Nelson Mandela Rules has complemented that of the UNODC, also in terms of knowledge production. Thus, for example, PRI and the University of Essex collaborated again early in 2016 to produce “Essex Paper 3”, which not only complemented their influential inputs (“Essex Paper 1” and “Essex Paper 2”) during the development of the Nelson Mandela Rules, but also provided an extended commentary in what was modestly subtitled “Initial Guidance on the Interpretation and Implementation of the UN Nelson Mandela Rules” (PRI, University of Essex 2017). PRI also joined the Warsaw-based Office for Democratic Institutions and Human Rights



(ODIHR) of the Organization for Security and Co-operation in Europe (OSCE) to produce an even more comprehensive “Guidance Document on the Nelson Mandela Rules” (OSCE ODIHR, PRI 2018).<sup>5</sup>

While the handbooks and the various NGO-related commentaries were aimed at international and national policymakers and higher-level prison management, steps have also been taken by the UN to bring the Nelson Mandela Rules to the attention of prison officers worldwide. In 2023 the Secretary General could report that by the end of 2022, 74,000 users from 160 countries had completed the UNODC scenario-based e-learning course on the Nelson Mandela Rules, adding that:

[t]he course remains the most popular course on the UNODC e-learning platform and is currently available in 15 languages. UNODC continued to promote its use and formal inclusion in the national training curriculum for prison officers in several Member States, including Ethiopia, Indonesia, Kazakhstan, Malaysia, Nigeria, Thailand and Viet Nam. UNODC also finalized the translation of the course into Bangla and Kazakh. (ECOSOC 2023: para. 13)

Similar programmes are provided by NGOs or developed by national governments directly.<sup>6</sup>

The association of Nelson Mandela’s name with the revised Standard Minimum Rules provided opportunities for various organs of the United Nations to support the institutionalisation of the Rules. When the General Assembly adopted the Nelson Mandela Rules in December 2015, it also decided to extend the scope of Nelson Mandela International Day, observed each year on 18 July, by allowing it “to be also utilized in order to promote humane conditions of imprisonment” (UNGA 2015: para. 7). On 18 July 2016, the first anniversary of Mandela’s birthday following the adoption of the Rules, the United Nations Special Rapporteur on Torture, Juan Méndez, together with the Rapporteur on Prisons, Conditions of Detention and Policing in Africa, Med Kaggwa, the Rapporteur on the Rights of Persons Deprived of Liberty of the Inter-American Commission on Human Rights, President James Cavallaro, and the Council of Europe Commissioner for Human Rights, Nils Muižnieks, jointly welcomed the Nelson Mandela Rules as “one of the most significant human rights achievements in recent years” and commented that “the revised Rules represent a universally accepted minimum standard for the treatment of prisoners, conditions of detention and prison man-

<sup>5</sup> A noteworthy feature of the “Guidance Document” is that it begins by emphasising the importance of “Prisoner File Management”, a topic raised in one of the earlier UNODC handbooks, which, perhaps unexpectedly, had become a key reform in the revision of the Nelson Mandela Rules.

<sup>6</sup> See, for one example among many, the “Introduction to the Nelson Mandela Rules Training Course for Italian Prison Staff” organised by the OSCE Office for Democratic Institutions and Human Rights (ODIHR), held in partnership with the Italian Department of Penitentiary Administration from 10 to 14 October 2022 at the Italian Department of Penitentiary Administration’s Training School for prison staff, *Castiglione delle Stiviere* (Mantova Province), Italy (OSCE ODIHR 2022).

agement” (UNOHCHR 2016). Mendez added that “the revised Rules are premised on the recognition of prisoners’ inherent dignity and value as human beings, and contain essential new procedural standards and safeguards that will go a long way in protecting detainees from torture and other ill-treatment” (UNOHCHR 2016).

In 2017 the link between Nelson Mandela’s name and the ongoing institutionalisation of the Rules was formalised with the establishment, following a proposal of the government of South Africa, of the Group of Friends of the Nelson Mandela Rules. Since then, more than 30 Member States of the United Nations and other entities have joined the Group of Friends of the Nelson Mandela Rules. Its purpose is to create awareness and promote the practical application of the Nelson Mandela Rules worldwide. It works closely with the UNODC by “serving as a main support vehicle for the technical assistance” delivered by the UNODC “including by means of financial, technical and/or political support”. It also facilitates “the widest possible involvement of Member States in the yearly celebrations of Nelson Mandela International Day ... to promote humane conditions of imprisonment and the application of the Nelson Mandela Rules” (UNODC n.d.b).

The careful use that the UNODC has made of the events hosted by the Group of Friends has allowed it to focus overall UN prison policy on the Nelson Mandela Rules, thus contributing greatly to the institutionalisation of the Rules. Typically, Group of Friends gatherings are held during the annual Crime Commission meetings and on Nelson Mandela International Day.

A good example of the former was the launch of the “United Nations System Common Position on Incarceration” (UNODC 2021a) at a public event hosted by the Group of Friends of the Nelson Mandela Rules during the May 2021 meeting of the Crime Commission. The “Common Position”, which was developed by the UNODC, together with the UNOHCHR and the Office for Rule of Law and Security Institutions in the Department of Peace Operations (DPO), “constitutes the common framework for the United Nations support to Member States in relation to incarceration ... [and] efforts to rethink the current overreliance on and implementation of incarceration, including through better coordination and integrated efforts” (UNODC 2021a: 2). The primary source for this strategic document was again the Nelson Mandela Rules, which are referred to 19 times. The “Common Position” places the Rules at the heart of the UN’s overall prison strategy:

Constituting the minimum conditions accepted as suitable by the United Nations, the revised United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules) have led to a renewed momentum in prison reform efforts worldwide, and form the basis for United Nations support. The Nelson Mandela Rules promote a human rights-based approach to prison management that places the human dignity of prisoners at centre stage and outlines what is generally accepted as being good principles and practice in the treatment of prisoners and prison management. (UNODC 2021a: 12)

The 2022 meeting of the Group of Friends on Nelson Mandela International Day underlined the importance of the Nelson Mandela Rules-related material being presented in this forum. The event was organised around the theme “dignity unlocked”. This time the substantive focus of the event in Vienna was on presentations regarding two handbooks most closely associated with the Nelson Mandela Rules, namely “Assessing Compliance with the Nelson Mandela Rules” (UNODC 2017c) and “Incorporating the Nelson Mandela Rules into National Prison Legislation” (UNODC 2022a). Diplomats representing 37 countries, from Algeria to the USA, responded by linking Mandela the political figure to prison reform, and then specifically to support for the Nelson Mandela Rules and the requirements of the Rules on matters such as solitary confinement. Several also claimed that prisons in their countries now conformed to the Nelson Mandela Rules.<sup>7</sup> Although these claims have not been tested empirically, the fact that they were being made indicates the extent to which the Rules are becoming part of the international discourse on prisons.

### 3. The consequences of the Nelson Mandela Rules

As Gregory Shaffer and Ely Aaronson (2020: 19) noted when reflecting on the consequences of criminal justice transnational legal orders generally, “[t]he production of new legal norms and institutional forms is not an end in itself. Rather it is meant to shape behavior”. Beyond the 2022 Nelson Mandela International Day event, the UNODC “dignity unlocked” campaign sought to involve both prison leaders and ordinary prison staff worldwide directly in order to influence their behaviour. In this regard it achieved a remarkable degree of outreach, with more than 3.5 million users verified as having accessed the campaign on social media (ECOSOC 2023: para. 74). A striking feature of the campaign was the wide range of responses addressed to the UNODC, in both text and video format from practitioners in diverse countries applying the different aspects of the Nelson Mandela Rules directly in the field. They included the reactions not only of prison officials, but also NGOs and even UN peacekeeping operatives who claimed to be applying the Nelson Mandela Rules in practice.

The Report of the Secretary General on the “use and application of United Nations standards and norms in crime prevention and criminal justice” in 2022 reflects on how the Nelson Mandela Rules are being put into practice (ECOSOC 2023). The UNODC prioritised prison management in line with the Nelson Mandela Rules in the more than 30 countries where it intervened directly to strengthen the capacity of the prison services (ECOSOC 2023: para. 64). The UNODC also

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<sup>7</sup> Much of the electronic record of the 2022 Nelson Mandela Day meeting is available online (UNODC 2022c).

increased the impact of the Nelson Mandela Rules by contributing to the promotion of the UN Common Position on Incarceration, which is applied by UN agencies involved in peace missions or in rule-of-law assistance to post-conflict countries (ECOSOC 2023: para. 83).

A good example of how the Nelson Mandela Rules have become central to the outreach work of the UNODC is the three-year prison reform project it launched together with the Ghana Prison Service in December 2021 (UNODC 2021b). Subsequent reports state that in 2022 representatives of the UNODC visited more than half of all prisons in Ghana to design a tailor-made project that focusses on improving – in line with the Nelson Mandela Rules – various aspects of prison conditions, including health and basic services, the classification, categorisation and allocation of prisoners according to their individual risk and needs, and on enhancing prisoners' access to sustainable rehabilitation programmes. Similar UNODC-led initiatives are underway in Iraq, Kazakhstan, Kyrgyzstan, Nigeria, Tajikistan, Tunisia and Uganda (UNODC 2022b).

The application of the Nelson Mandela Rules has also gathered pace in the work of agencies of the United Nations other than the UNODC. Not only the Human Rights Committee (*Zhaslan Suleimenov v. Kazakhstan* [2012]: para. 8.7; *Pavel Barkovsky v. Belarus* [2013]: para. 6.2), but also the Committee on the Rights of Persons with Disabilities (*Munir Al Adam v. Saudi Arabia* [2016]: para. 11.3) and the Committee Against Torture (*John Alfred Vogel v. New Zealand* [2015]: para. 5.3; *Ali Aarrass v. Morocco* [2017]: para. 8.5) have relied on the Nelson Mandela Rules when dealing with applications from individuals alleging infringements of provisions of the key treaties. In the *Suleimenov* case, for example, the Human Rights Committee relied on the right to adequate medical care set out in Rule 24 of the Nelson Mandela Rules to find that the human dignity of prisoners guaranteed in Art. 10 of the International Covenant on Civil and Political Rights had been infringed. In the *Al Adam* case the Committee on the Rights of Persons with Disabilities referred generally to limitations on solitary confinement and prohibitions of violence against prisoners in the Nelson Mandela Rules to support its finding that the treatment to which a prisoner with disabilities had been subject violated Art. 16 of the Convention on the Rights of Persons with Disabilities. In *Ali Aarrass v. Morocco*, the Committee against Torture considered in some detail the strict limitations on the use of solitary confinement set out in Rule 44 of the Nelson Mandela Rules. The Committee concluded that Morocco, in its solitary confinement of Aarrass, had not adhered to these limits and thus infringed Art. 16 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. In each instance, the Nelson Mandela Rules were crucial to the interpretation of a general provision of those treaty-based instruments when applied to prisoners, thus underlining their importance in the application of international law.

When commenting on prison conditions in countries, rather than dealing with individual cases of abuse of prisoners' rights, the UN Special Rapporteur on Torture (UNGA 2018b: para. 19; UNGA 2021: para. 13), the Committee Against

Torture (CAT 2019: para. 15; CAT 2023: para 22) and the specialist, detention-focused Subcommittee for the Prevention of Torture (SPT 2020: para. 8; SPT 2022: para. 53) refer routinely to the Nelson Mandela Rules as setting overall standards that countries' prisons must meet. To take a single recent example, the Committee Against Torture, in its report on Brazil (CAT 2023), refers to the Nelson Mandela Rules nine times. Some of these references are quite specific. Rule 45(2) of the Nelson Mandela Rules is invoked to warn Brazil that minors should not be subject to solitary confinement, while the importance of due process in prison disciplinary proceedings is underlined with reference to Rule 41. Brazil is also instructed to "ensure the allocation of the human and material resources necessary for the proper medical and health care of prisoners, in accordance with rules 24 to 35 of the Nelson Mandela Rules" (CAT 2023: para. 28(b)).

It must be recognised, however, that whilst court judgments relying heavily on the Nelson Mandela Rules may lead to legislation designed to improve prison conditions, effective change does not follow automatically. In 2019, for example, two major decisions by provincial appellate courts held that "administrative detention" in Canada was solitary confinement as defined in the Nelson Mandela Rules and that it was being enforced for longer than the 15 days that these Rules allow (British Columbia Civil Liberties Association v. Canada (Attorney General) 2019; Canadian Civil Liberties Association v. Canada (Attorney General) 2019). Accordingly, they applied the Nelson Mandela Rules to support their finding that such lengthy solitary confinement was therefore inherently a "cruel and unusual" form of punishment forbidden by Art. 12 of the Canadian Charter of Rights. These judgements led to an amendment of Canadian prison law that explicitly outlawed detention practices that would amount to solitary confinement.<sup>8</sup> However, empirical research has shown that this legislation is not always enforced in practice, and that *de facto* solitary confinement is still a feature of imprisonment in Canada (Sprott, Doob 2021).

In the USA too, developments are similarly patchy. The Nelson Mandela Rules have been referred to in court decisions, and legislation limiting the use of solitary confinement has been passed in a number of individual states (Resnik et al. 2021). However, such legislation has not been adopted everywhere. Even in relatively liberal California, when the legislature adopted the aptly named "California Mandela Act", which was designed to drastically limit solitary confinement, it was vetoed by the governor on grounds that it was too expansive (Wiley 2021). Overall, excessive solitary confinement is still widespread in many federal states in the USA.

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<sup>8</sup> This was done by the Act to amend the Corrections and Conditional Release Act and another Act, Bill C-83 (42nd Parliament, 1st session), which received royal assent on 21 June 2019.

## Conclusion

When reflecting on the historical role of the UNSMR, and particularly the impact of their modern iteration as the Nelson Mandela Rules, it is clear that their formal legal status has not determined their influence. Throughout the process of producing and propagating these Rules, they have been classified as a “soft law” instrument. The Nelson Mandela Rules contributed to this perception by retaining, in its Preliminary Observations 1 and 2, the formulation of the 1955 UNSMR that emphasised that they were not intended to describe in detail a model system of penal institutions and noting that not all the rules can be applied in all places and at all times (UNGA 2015: 7). The UNODC has also continued to emphasise the soft-law designation of the Nelson Mandela Rules, and has therefore implied that they are never binding in international law (UNODC n.d.a). In some ways, however, these formulations are disingenuous, even from a narrowly legal point of view. As explained above, at least by 1987 some of the individual rules of the UNSMR were regarded as reflecting legally binding customary international law. Since the adoption of the Nelson Mandela Rules this process has accelerated, as noted by the reference to them in the decisions of UN tribunals.

When viewed through the lens of transnational legal ordering, it is clear that what matters is not the formal legal status of the Nelson Mandela Rules, but how they have become integrated into international policymaking on prisons. The early recognition of the UNSMR as a Magna Carta of prisoners’ rights, even though they were not initially conceived as a human rights instrument, points to the evolutionary status that such rules can have. My analysis of the role of the UNODC, particularly in preparing the ground for, institutionalising and propagating the Nelson Mandela Rules, illustrates how a focussed international campaign can impact the transnational legal ordering of imprisonment. The effect has been that policies about how imprisonment should be organised, and even the extent to which it should be used at all, are open to influence by the Nelson Mandela Rules. I predict that such influence will increase in future.

The UNODC’s catchy slogan, linking “dignity unlocked” to the Nelson Mandela Rules, should not be dismissed as a mere aspiration, for it has fed effectively into a wider debate on prison policy. Clearly, however, more needs to be done to make it a reality. In this regard the UNODC’s development of assessment tools in its handbook, “Assessing Compliance with the Nelson Mandela Rules” (UNODC 2017c: 1), is particularly important, as is the growing network of national, regional and international inspecting bodies (Van Zyl Smit 2010) that can now refer to the Nelson Mandela Rules for guidance.

These developments do not mean that the substantive Rules are uniformly enforced worldwide. On the contrary, as the examples from Canada and the USA reveal, even changes explicitly informed by the standards of the Nelson Mandela Rules may be implemented only to a limited extent, if at all. More such independent research is needed to measure and evaluate the impact of the Nelson Mandela Rules in the many countries worldwide where lip service is paid to them.



## Declaration of Conflict Interests

The author has no conflicts of interest with respect to the research, authorship and publication of this article. At the invitation of the United Nations, the author attended some of the meetings described in the paper as an independent expert. The analysis in this paper and its conclusions reflect the author's own views and not those of the United Nations.

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