



UNODC

United Nations Office on Drugs and Crime

**UNODC's contribution to the work entrusted to the Open-Ended Working Group
on Ageing (resolution 67/139)
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As part of its role as custodian of the international standards and norms in crime prevention and criminal justice, UNODC provides assistance to Member States, upon request, in rendering their criminal justice systems more efficient, fair and humane. Numerous resolutions adopted by the UN General Assembly and the Economic and Social Council have asked UNODC to further develop its comprehensive programme in strengthening the rule of law and the reform of criminal justice institutions with a continued focus on vulnerable groups.

The area of prison reform is one of UNODC's focus areas in this regard, and includes both extensive normative and operational work. Developing policies and suitable services relating to the treatment of prisoners with special needs and vulnerabilities, such as women, children, prisoners with mental healthcare needs, drug users, older prisoners, prisoners with disabilities, prisoners with terminal illness and prisoners facing the death penalty, among others, constitutes a focus of UNODC's work on penal reform.

In this regard, and as outlined in the UNODC Handbook on Prisoners with Special Needs (<http://www.unodc.org/documents/justice-and-prison-reform/Prisoners-with-special-needs.pdf>), UNODC would like to bring to the attention of the Working Group the fact that the number of older prisoners is on the rise, especially in developed countries, where general life expectancy is increasing. The growth of the older prison population is equally a consequence of a hardening of sentencing practices, the increased use of imprisonment and reduced mechanisms for early release in some countries. The number of offenders serving life sentences, in particular, has increased considerably in recent years. Toughening of sentencing practices has meant that life imprisonment is increasingly being used for less serious and non-violent offences, and longer prison terms are being handed down by the courts under mandatory sentencing laws. It has also resulted in the increased use of life imprisonment without the possibility of parole, currently applied in countries of all regions of the world. In some societies, it is reported that the breaking down of traditional family and community ties has led to older persons turning to crime due to poverty and isolation. Unfortunately, these factors lead to the expectation of a continued growth in the older prison population in many countries worldwide.

UNODC is pleased to note that in its report to the General Assembly, the High Commissioner on Human Rights has equally identified older persons in prisons and access to justice as a gap in the international protection regime applicable to older persons (E/2012/51, April 2012, paras. 60-62). Given the above, UNODC would therefore like to encourage the Open-Ended Working Group on Ageing to consider the following key points in its work on considering proposals for an international legal instrument to promote and protect the rights and dignity of older persons:

(1) The increase of general life expectancy in some countries, as well as the trend towards increasing the length of sentences and the introduction of harsh sentences, such as life without parole, have influenced the growth of the older prison population, in many countries worldwide.

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(2) Prisons are designed for younger offenders, which comprise the majority of the prison population. Prisoner programmes are also developed with the needs of younger prisoners in mind. The quite different physical capabilities and programming needs of older prisoners are rarely taken into account.

(3) Most older prisoners have a variety of health care needs which most prison systems are unable to provide for to the fullest possible extent, and which place a significant burden on the resources of prison health care services.

(4) Taking account of the fact that most older prisoners can be better cared for in the community, within the framework of suitable non-custodial sanctions and measures, the age of offenders, their mental and physical health, prospects of receiving adequate care in prison should be taken into account by sentencing authorities, to ensure that the sentence does not comprise a disproportionately harsh punishment.

(5) The growth rate of older prisoners, the prospects for further increase, and human rights concerns relating to their treatment and care in prisons justify the development of special policies and strategies by prison services to address the special needs of this vulnerable group of prisoners, including, *inter alia*, in the area of access to justice, individual assessments, accommodation, health care, family links and prisoner programmes, preparation for release and post-release support and early conditional release.

Furthermore, UNODC would like to suggest that the Open-Ended Working Group on Ageing addresses the risks of violence faced by older women. As recognised in the the text of the Agreed Conclusions, the Commission on the Status of Women at its 57th session (March 2013) recognised the vulnerability of older women and the particular risk of violence they face, and stresses the urgent need to address violence and discrimination against them, especially in the light of the growing proportion of older people in the world's population.