

(d) Meetings for professional and geographical interest groups;

(e) General meeting of national correspondents:

14. Urges the Secretary-General to strengthen the information programme related to the Seventh Congress.

21st plenary meeting
25 May 1984

1984/46. Alternatives to imprisonment

The Economic and Social Council,

Recalling resolutions 8 and 10 of the Sixth United Nations Congress on the Prevention of Crime and the Treatment of Offenders,¹⁰³

Acknowledging the importance of further developing alternatives to the sanction of imprisonment,

Considering the noticeable progress made in various countries in intensifying contacts between sentenced persons and the community at large,

Aware that further progress is needed in order to reduce the social and psychological costs related to imprisonment,

1. Takes note with appreciation of the report of the Secretary-General on alternatives to imprisonment and measures for the social resettlement of offenders;¹⁰⁴

2. Encourages Member States to increase their efforts in order to further expand the use of such measures;

3. Calls the attention of Member States to the recommendation of the Sixth United Nations Congress on the Prevention of Crime and the Treatment of Offenders that the principles on linking the rehabilitation of offenders to related social services should be taken into account when formulating strategies for deinstitutionalization within the overall framework of crime prevention;¹⁰⁵

4. Welcomes the recommendation of the Committee on Crime Prevention and Control that these matters should be considered by the Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders, under the item of the provisional agenda¹⁰⁶ entitled "Formulation and application of United Nations standards and norms in criminal justice";

5. Requests the Secretary-General to update the report on alternatives to imprisonment, on the basis of information to be provided by Member States and other sources, including relevant non-governmental

organizations and professional organizations, for submission to the Seventh Congress.

21st plenary meeting
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1984/47. Procedures for the effective implementation of the Standard Minimum Rules for the Treatment of Prisoners

The Economic and Social Council,

Considering the importance of the recommendations contained in the Standard Minimum Rules for the Treatment of Prisoners adopted by the First United Nations Congress on the Prevention of Crime and the Treatment of Offenders, and approved by the Council in its resolution 663 C (XXIV) of 31 July 1957.

Noting with satisfaction the impact of the Rules on national laws and practices,

Concerned, however, that there still exist obstacles of various kinds to the full implementation of the Rules, as evidenced in the periodic United Nations reports on their implementation,

Recalling the recommendations of the Fifth United Nations Congress on the Prevention of Crime and the Treatment of Offenders,¹⁰⁷ and Council resolution 1993 (LX) of 12 May 1976, in which the Committee on Crime Prevention and Control was requested at its fourth session to study the range of application of the Rules and to formulate a set of implementing procedures for the Rules,

Taking note with appreciation of the work accomplished in pursuance of that mandate by the Committee on Crime Prevention and Control at its fourth session in 1976¹⁰⁸ and at its eighth session¹⁰⁹ in pursuance of the recommendations of the Sixth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, which invited the Committee to finalize the procedures in the light of its report,¹¹⁰

1. Approves the procedures for the effective implementation of the Standard Minimum Rules for the Treatment of Prisoners, as set out in the annex to the present resolution;

2. Invites Member States to take the procedures annexed hereto into consideration in the process of implementing the Rules and in their periodic reports to the United Nations;

3. Requests the Secretary-General to bring the present resolution to the attention of the Governments of the Member States, and to assist them at their

¹⁰³ See *Sixth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Caracas, 25 August-5 September 1980: report prepared by the Secretariat* (United Nations publication, Sales No. E.81.IV.4), chap. I, sect. B.

¹⁰⁴ E/AC.57/1984/9.

¹⁰⁵ See *Sixth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Caracas, 25 August-5 September 1980: report prepared by the Secretariat* (United Nations publication, Sales No. E.81.IV.4), chap. I, sect. C.6, para. 8.

¹⁰⁶ See Council resolution 1982/29, para. 1.

¹⁰⁷ See *Fifth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Geneva, 1-12 September 1975: report prepared by the Secretariat* (United Nations publication, Sales No. E.76.IV.2 and corrigendum), para. 23.

¹⁰⁸ See E/CN.5/536.

¹⁰⁹ See *Official Records of the Economic and Social Council, 1984, Supplement No. 6 (E/1984/16)*, chap. IV.

¹¹⁰ See *Sixth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Caracas, 25 August-5 September 1980: report prepared by the Secretariat* (United Nations publication, Sales No. E.81.IV.4), chap. I, sect. C.6, para. 4.

request in implementing the Rules in accordance with the procedures annexed hereto.

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ANNEX

Procedures for the effective implementation of the Standard Minimum Rules for the Treatment of Prisoners

Procedure 1

All States whose standards for the protection of all persons subjected to any form of detention or imprisonment fall short of the Standard Minimum Rules for the Treatment of Prisoners shall adopt the Rules.

Commentary

The General Assembly, in its resolution 2858 (XXVI) of 20 December 1971, invited the attention of Member States to the Standard Minimum Rules and recommended that they should be effectively implemented in the administration of penal and correctional institutions and that favourable consideration should be given to their incorporation in national legislation. Some States may have standards that are more advanced than the Rules, and the adoption of the Rules is therefore not requested on the part of such States. Where States feel that the Rules need to be harmonized with their legal system and adapted to their culture, the emphasis is placed on the substance rather than the letter of the Rules.

Procedure 2

Subject, as necessary, to their adaptation to the existing laws and culture but without deviation from the spirit and purpose of the Rules, the Standard Minimum Rules shall be embodied in national legislation and other regulations.

Commentary

This procedure emphasizes that it is necessary to embody the Rules within national legislation and regulations, thus covering also some aspects of procedure 1.

Procedure 3

The Standard Minimum Rules shall be made available to all persons concerned, particularly to law enforcement officials and correctional personnel, for purposes of enabling their application and execution in the criminal justice system.

Commentary

This procedure stresses that the Rules, as well as national statutes and regulations implementing the Rules, should be made available to all persons concerned with their implementation, in particular law enforcement officials and correctional personnel. The effective implementation of the Rules might also involve the organization of training courses by the central administration in charge of correctional matters. The dissemination of procedures is discussed in procedures 7 to 9.

Procedure 4

The Standard Minimum Rules, as embodied in national legislation and other regulations, shall also be made available and understandable to all prisoners and all persons under detention, on their admission and during their confinement.

Commentary

To achieve the goal of the Standard Minimum Rules, it is necessary to make the Rules, as well as the implementing national statutes and regulations, available to prisoners and all persons under detention (rule 95), in order to further the awareness that the Rules represent the minimum conditions that are accepted as suitable by the United Nations. Thus, this procedure supplements the provisions contained in procedure 3.

A similar requirement, that the Rules be made available to the persons for whose protection they have been elaborated, has been already established in the four Geneva Conventions of 12 August 1949,¹¹¹ of which articles 47 of the first Convention, 48 of the second, 127 of the third and 144 of the fourth state in common:

“The High Contracting Parties undertake, in time of peace as in time of war, to disseminate the text of the present Convention as widely as possible in their respective countries, and, in particular, to include the study thereof in their programmes of military and, if possible, civil instruction, so that the principles thereof may become known to the entire population, in particular to the armed fighting forces, the medical personnel and the chaplains.”

Procedure 5

States shall inform the Secretary-General of the United Nations every five years of the extent of the implementation and the progress made with regard to the application of the Standard Minimum Rules, and of the factors and difficulties, if any, affecting their implementation, by responding to the Secretary-General's questionnaire. This questionnaire should, following a specified schedule, be selective and limited to specific questions in order to secure an in-depth review and study of the problems selected. Taking into account the reports of Governments as well as other relevant information available within the United Nations system, the Secretary-General shall prepare independent periodic reports on progress made with respect to the implementation of the Standard Minimum Rules. In the preparation of those reports the Secretary-General may also enlist the co-operation of specialized agencies and of the relevant intergovernmental organizations and non-governmental organizations in consultative status with the Economic and Social Council. The Secretary-General shall submit the above-mentioned reports to the Committee on Crime Prevention and Control for consideration and further action, as appropriate.

Commentary

It will be recalled that the Economic and Social Council, in its resolution 663 C (XXIV) of 31 July 1957, recommended that the Secretary-General be informed every five years of the progress made with regard to the application of the Standard Minimum Rules and authorized the Secretary-General to make arrangements for the publication, as appropriate, of such information and to ask for supplementary information if necessary. Seeking the co-operation of specialized agencies and relevant intergovernmental and non-governmental organizations is a well-established United Nations practice. In the preparation of his independent reports on progress made with respect to the implementation of the Standard Minimum Rules, the Secretary-General will take into account, *inter alia*, information available in the human rights organs of the United Nations, including the Commission on Human Rights, the Sub-Commission on Prevention of Discrimination and Protection of Minorities, the Human Rights Committee functioning under the International Covenant on Civil and Political Rights, and the Committee on the Elimination of Racial Discrimination. The implementation work under the future convention against torture could also be taken into account, as well as any information which might be gathered under the body of principles for the protection of prisoners and detainees currently under preparation in the General Assembly.

Procedure 6

As part of the information mentioned in procedure 5 above, States should provide the Secretary-General with:

(a) Copies or abstracts of all laws, regulations and administrative measures concerning the application of the Standard Minimum Rules to persons under detention and to places and programmes of detention;

(b) Any data and descriptive material on treatment programmes, personnel and the number of persons under any form of detention, and statistics, if available;

¹¹¹ United Nations, *Treaty Series*, vol. 75, Nos. 970-973.

(c) Any other relevant information on the implementation of the Rules, as well as information on the possible difficulties in their application.

Commentary

This requirement derives from both resolution 663 C (XXIV) of the Economic and Social Council and the recommendations of the United Nations congresses on the prevention of crime and the treatment of offenders. Although the items of information suggested here are not specifically provided for, it seems feasible to collect such information in order to assist Member States in overcoming difficulties through an exchange of experience. Furthermore, the request for such information is analogous to the existing periodic reporting system on human rights originally established by the Economic and Social Council in its resolution 624 B (XXII) of 1 August 1956.

Procedure 7

The Secretary-General shall disseminate the Standard Minimum Rules and the present implementing procedures, in as many languages as possible, and make them available to all States and intergovernmental and non-governmental organizations concerned, in order to ensure the widest circulation of the Rules and the present implementing procedures.

Commentary

The need for the widest possible dissemination of the Standard Minimum Rules is self-evident. Close co-operation with all appropriate intergovernmental and non-governmental organizations is important to secure more effective dissemination and implementation of the Rules. Therefore, the Secretariat should maintain close contacts with such organizations and should make relevant information and data available to them. It should also encourage those organizations to disseminate information about the Standard Minimum Rules and the implementing procedures.

Procedure 8

The Secretary-General shall disseminate his reports on the implementation of the Rules, including analytical summaries of the periodic surveys, reports of the Committee on Crime Prevention and Control, reports prepared for the United Nations congresses on the prevention of crime and the treatment of offenders as well as the reports of the congresses, scientific publications and other relevant documentation as from time to time may be deemed necessary to further the implementation of the Standard Minimum Rules.

Commentary

This procedure reflects the present practice of disseminating such reports as part of the documentation for the United Nations bodies concerned, as United Nations publications or as articles in the *Yearbook on Human Rights* and the *International Review of Criminal Policy*, the *Crime Prevention and Criminal Justice Newsletter* and any other relevant publications.

Procedure 9

The Secretary-General shall ensure the widest possible reference to and use of the text of the Standard Minimum Rules by the United Nations in all its relevant programmes, including technical co-operation activities.

Commentary

It should be ensured that all relevant United Nations bodies include or make reference to the Rules and the implementing procedures, thus contributing to wider dissemination and increasing the awareness of specialized agencies, governmental, intergovernmental and non-governmental bodies and the general public of the Rules and of the commitment of the Economic and Social Council and the General Assembly to their implementation.

The extent to which the Rules have any practical effect on correctional administrations depends to a great extent on the measures through which they permeate local legislative and administrative practices. They should be known and understood by a wide range of professionals and non-professionals throughout the world. Therefore there is a great need for more publicity in

any form, which could also be attained by frequent references to the Rules, accompanied by public information campaigns.

Procedure 10

As part of its technical co-operation and development programmes the United Nations shall:

(a) Aid Governments, at their request, in setting up and strengthening comprehensive and humane correctional systems;

(b) Make available to Governments requesting them the services of experts and regional and interregional advisers on crime prevention and criminal justice;

(c) Promote national and regional seminars and other meetings at the professional and non-professional levels to further the dissemination of the Standard Minimum Rules and the present implementing procedures;

(d) Strengthen substantive support to regional research and training institutes in crime prevention and criminal justice that are associated with the United Nations.

The United Nations regional research and training institutes in crime prevention and criminal justice, in co-operation with national institutions, shall develop curricula and training materials, based on the Standard Minimum Rules and the present implementing procedures, suitable for use in criminal justice educational programmes at all levels, as well as in specialized courses on human rights and other related subjects.

Commentary

The purpose of this procedure is to ensure that the United Nations technical assistance programmes and the training activities of the United Nations regional institutes are used as indirect instruments for the application of the Standard Minimum Rules and the present implementing procedures. Apart from regular training courses for correctional personnel, training manuals and the like, particularly at the policy and decision-making level, provision should be made for expert advice on the questions submitted by Member States, including an expert referral system to interested States. This expert referral system seems particularly necessary in order to implement the Rules according to their spirit and with a view to the socio-economic structure of the countries requesting such assistance.

Procedure 11

The United Nations Committee on Crime Prevention and Control shall:

(a) Keep under review, from time to time, the Standard Minimum Rules, with a view to the elaboration of new rules, standards and procedures applicable to the treatment of persons deprived of liberty;

(b) Follow up the present implementing procedures, including periodic reporting under procedure 5 above.

Commentary

As most of the information collected in the course of periodic inquiries as well as during technical assistance missions would be brought to the attention of the Committee on Crime Prevention and Control, ensuring the effectiveness of the Rules in improving correctional practices rests with the Committee, whose recommendations would determine the future course in the application of the Rules, together with the implementing procedures. The Committee should therefore clearly define existing shortcomings in or the reasons for the lack of implementation of the Rules, *inter alia*, through contacts with the judiciary and ministries of justice of the countries concerned, with the view to suggesting appropriate remedies.

Procedure 12

The Committee on Crime Prevention and Control shall assist the General Assembly, the Economic and Social Council and any other United Nations human rights bodies, as appropriate, with recommendations relating to reports of *ad hoc* inquiry commissions, with respect to matters pertaining to the application and implementation of the Standard Minimum Rules.

Commentary

As the Committee on Crime Prevention and Control is the relevant body to review the implementation of the Standard Minimum Rules, it should also assist the above-mentioned bodies.

Procedure 13

Nothing in the present implementing procedures should be construed as precluding resort to any other means or remedies available under international law or set forth by other United Nations bodies and agencies for the redress of violations of human rights, including the procedure on consistent patterns of gross violations of human rights under Economic and Social Council resolution 1503 (XLVIII) of 27 May 1970, the communication procedure under the Optional Protocol to the International Covenant on Civil and Political Rights¹¹² and the communication procedure under the International Convention on the Elimination of All Forms of Racial Discrimination.¹¹³

Commentary

Since the Standard Minimum Rules are only partly concerned with specific human rights issues, the present procedures should not exclude any avenue for redress of any violation of such rights, in accordance with existing international or regional standards and norms.

1984/48. Crime prevention and criminal justice in the context of development

The Economic and Social Council,

Having considered the report of the Committee on Crime Prevention and Control in respect of crime trends, operations of criminal justice systems and crime prevention strategies in the context of social and economic change, and with respect to the different facets of development,¹¹⁴

Emphasizing the progress made towards the provision of assistance to Member States in improving national crime-related statistics, the establishment of a United Nations crime-related data base, and the long-term nature of such programmes of work,

1. *Takes note, with appreciation,* of the reports of the Secretary-General on the relationship between crime and specific socio-economic issues¹¹⁵ and on crime trends and crime prevention strategies;¹¹⁶

2. *Recommends* the Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders to give detailed consideration both to the further development of such studies, including specific questions such as the relationship between criminality and particular socio-economic factors, for example, the transmission of social values and changes in family functions, and to concrete problems of crime and criminal justice data, in the light of the Second United Nations Survey of Crime Trends, Operations of Criminal Justice Systems and Crime Prevention Strategies, and the proposed manual on the collection and analysis of crime statistics;

3. *Requests* the Secretary-General to submit a report on crime prevention and criminal justice in

relation to socio-economic change and development to the Committee on Crime Prevention and Control at its ninth session:

4. *Also requests* the Secretary-General to maintain and develop the United Nations crime-related data base by continuing to conduct quinquennial surveys of crime trends, operations of criminal justice systems and crime prevention strategies, and to report periodically to the Committee on Crime Prevention and Control on the progress made;

5. *Further requests* the Secretary-General to develop concrete projects of technical co-operation for assistance in the collection and analysis of criminal justice data to Member States requesting such assistance.

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25 May 1984*

1984/49. Fair treatment of women by the criminal justice system

The Economic and Social Council,

Having considered the report of the Secretary-General on the fair treatment of women by the criminal justice system,¹¹⁷

Taking into account resolution 9 of the Sixth United Nations Congress on the Prevention of Crime and the Treatment of Offenders,¹¹⁸ on the specific needs of women prisoners,

1. *Takes note* of the report of the Secretary-General on the fair treatment of women by the criminal justice system;

2. *Reaffirms* resolution 9 of the Sixth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, in particular paragraph 4 thereof, in which the Congress requested that, at future Congresses and their preparatory meetings, as well as in the work of the Committee on Crime Prevention and Control, time should be allotted for the study of women as offenders and victims;

3. *Decides* that the question of the fair treatment of women by the criminal justice system and the question of the situation of women as victims of crime should be included in the provisional agenda for the Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders¹¹⁹ under the items entitled "Criminal justice processes and perspectives in a changing world" and "Victims of crime", respectively;

4. *Requests* the Secretary-General to submit reports on the two above-mentioned questions to the Seventh Congress.

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¹¹² General Assembly resolution 2200 A (XXI), annex.

¹¹³ General Assembly resolution 2106 A (XX), annex.

¹¹⁴ See *Official Records of the Economic and Social Council, 1984, Supplement No. 6 (E/1984/16)*, chap. V.

¹¹⁵ E/AC.57/1984/5.

¹¹⁶ E/AC.57/1984/11 and Corr.1.

¹¹⁷ E/AC.57/1984/15.

¹¹⁸ See *Sixth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Caracas, 25 August-5 September 1980: report prepared by the Secretariat* (United Nations publication, Sales No. E.81.IV.4), chap. I, sect. B.

¹¹⁹ See Council resolution 1982/29, para. 1.