



UNITED NATIONS



**Seventh United Nations Congress
on the Prevention of Crime
and the Treatment of Offenders**

Distr.
GENERAL

A/CONF.121/8
29 May 1985

Milan, Italy, 26 August to 6 September 1985

ORIGINAL: ENGLISH

Item 7 of the provisional agenda

FORMULATION AND APPLICATION OF UNITED NATIONS
STANDARDS AND NORMS IN CRIMINAL JUSTICE

Working paper prepared by the Secretariat

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INTRODUCTION

1. The topic "Formulation and application of United Nations standards and norms in criminal justice" was included in the provisional agenda for the Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders in accordance with Economic and Social Council resolution 1982/29, thus affirming the continuing interest of the United Nations in that subject.
2. Since its foundation, the United Nations has played a crucial role in the formulation of a number of international instruments in criminal justice, such as the Standard Minimum Rules for the Treatment of Prisoners (Economic and Social Council resolution 663 C (XXIV)); the Declaration on the Protection of all Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (General Assembly resolution 3452 (XXX)); the Code of Conduct for Law Enforcement Officials (General Assembly resolution 34/169); the Principles of Medical Ethics relevant to the role of health personnel, particularly physicians, in the protection of prisoners and detainees against torture and other cruel, inhuman or degrading treatment or punishment (General Assembly resolution 37/194, annex); and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, which was adopted by the Assembly in its resolution 39/46 and opened for signature, ratification and accession.
3. Several emerging standards and norms are being finalized, among them the draft body of principles for the protection of all persons under any form of detention or imprisonment (A/34/146, annex), and an implementation mechanism for safeguards in capital punishment cases is under consideration.
4. Areas of interest for new standards include alternatives to imprisonment, social resettlement of offenders, independence of the legal profession, prosecution, rights of prisoners, supervision of conditionally sentenced or conditionally released offenders and transfer of criminal proceedings.
5. The Committee on Crime Prevention and Control, at its eighth session in 1984, formulated two sets of new criminal justice guidelines, which were subsequently approved by the Economic and Social Council and endorsed by the General Assembly in its resolution 39/118: safeguards guaranteeing protection of the rights of those facing the death penalty, and procedures for the effective implementation of the Standard Minimum Rules for the Treatment of Prisoners (Economic and Social Council resolutions 1984/50 and 1984/47 respectively).
6. In its decision 1984/153, the Council approved the recommendation of the Committee that three additional sets of guidelines should be submitted to the Seventh Congress for its consideration and adoption: Model agreement on the transfer of foreign prisoners; draft guidelines on the independence of the judiciary; and standard minimum rules for the administration of juvenile justice.
7. It is hoped that the Seventh Congress will adopt the guidelines referred to above, thus making a historic contribution to the standard-setting work of the United Nations in the field of crime prevention and control.

8. The formulation and adoption of international instruments in criminal justice is one thing, but their implementation at the national level is quite another matter. Indeed, all five regional preparatory meetings for the Seventh Congress, held in 1983, as well as the interregional preparatory meeting on topic V, held at Varenna, Italy, from 24 to 28 September 1984,* recommended that the Congress should consider devising more effective procedures for implementing the existing United Nations standards and norms in criminal justice. Subsequently, the General Assembly, in its resolution 39/118, requested the Seventh Congress to give urgent attention to this matter and to report thereon to the Assembly at its next session. Accordingly, the Assembly decided to consider at its fortieth session the question of human rights in the administration of justice.

9. Among the biggest obstacles to the successful implementation of United Nations norms and guidelines in criminal justice specified by the regional preparatory meetings were lack of co-ordinated action, lack of funds, and public apathy, issues that are closely linked to each other. If there was more public concern, for example, more funds might be forthcoming.

10. The Seventh Congress provides an opportunity to focus attention on the assessment of the impact achieved by, as well as the difficulties encountered in, the application of existing standards and norms in criminal justice. In considering measures for their more effective implementation, various means could be explored such as, for example, attuning standards and norms to the requirements of economic and social development, with full respect for human rights, and for the role of research, education, training, public information and dissemination of knowledge in the implementation process. The role and scope of international co-operation in promoting a more effective application of standards and norms at the regional and interregional levels also could be evaluated.

*Henceforth referred to as the Varenna meeting. For the report of the meeting, see A/CONF.121/IPM/3.

I. IMPLEMENTATION OF EXISTING STANDARDS AND NORMS

A. International initiatives

11. As pointed out at the regional preparatory meetings for the Seventh Congress, the effectiveness of United Nations standards and norms in criminal justice, like any other United Nations instruments, depends largely on the willingness of Member States to accept and implement them. Full implementation could be achieved by incorporating United Nations instruments into national legislation and practice, whether verbatim or in spirit, and by strengthening national recourse procedures. Successful implementation depends, first, on the efforts of Member States and on their active and conscientious introduction of domestic measures. When appropriate, the international community can assist national authorities in this process, at their request, through measures at the regional and international levels.

12. An important factor in the more effective promotion and implementation of United Nations standards and norms in criminal justice at the national level is their application in the context of strategies for economic and social development. Community participation and informed public opinion could be valuable means for implementation. Possibilities for improving implementation may be found by considering measures for mobilizing public opinion, and creating an atmosphere of readiness towards the observance of the principles embodied in the instruments.

13. Areas on which to focus attention might include the following: incorporating the instruments and norms in national legislation; making available, in an appropriate language and form, the standards to all persons concerned; using educational and promotional processes in schools, colleges and academies of criminal justice and correction, as well as law faculties, which should include courses on criminal justice in their curricula; specifying the role of the mass media; increasing community involvement; establishing national committees for the promotion of the standards and procedures for the settlement of disputes; and enhancing evaluative research.

14. In this context, mention may be made of resolution 15 of the Sixth Congress on legal information and the dissemination of legal knowledge, 1/ which called upon Member States to give attention also, in the process of legal instruction, to the basic United Nations documents on the question of human rights, the prevention of crime and the treatment of offenders.

15. As far as specific standards are concerned, in 1957, the Economic and Social Council, in its resolution 663 C (XXIV), approved the Standard Minimum Rules for the Treatment of Prisoners and Related Recommendations, as adopted by the First Congress in 1955, 2/ and invited Governments to give favourable consideration to the adoption and application of the Rules and to take the Related Recommendations as fully as possible into account in the administration of penal and correctional institutions. Governments were requested to inform the Secretary-General regularly of the progress made with regard to the implementation of the Rules. Similarly, the General Assembly, in its resolutions 2858 (XXVI) and 3144 B (XXVIII), recommended that Member States should make all possible efforts to implement the Standard Minimum Rules in the administration of penal and correctional institutions and take the Rules into account in framing national legislation.

16. As regards the Code of Conduct for Law Enforcement Officials, the General Assembly, in its resolution 35/170, called upon all Member States to make the text of the Code available to all law enforcement officials in their own language and to instruct them, in basic training programmes and refresher courses, in the provisions of national legislation that are connected with the Code of Conduct and other basic texts on human rights. In addition, the General Assembly invited Governments to consider measures to promote the application of the Code of Conduct, including the organization of symposia on the role of law enforcement officials in the protection of human rights. The Assembly also invited the Committee on Crime Prevention and Control to study the application of the Code of Conduct, on the basis of the information received from Member States, and to report on the outcome to the Economic and Social Council.

B. Efforts to implement existing standards

17. Governments, the United Nations, and regional and interregional bodies and institutes and other interested parties have made efforts to ensure the effective implementation of the Standard Minimum Rules and the Code of Conduct by promoting programmes for their dissemination in various languages; organizing national, regional and international programmes for administrative and correctional personnel and law enforcement officials, using technical assistance and advisers, as well as by preparing surveys on the implementation of the Rules and the Code by Member States.

1. Standard Minimum Rules for the Treatment of Prisoners

18. Problems regarding the Rules were discussed at length at the Fourth, Fifth and Sixth Congresses, held in 1970, 1975 and 1980 respectively. The Sixth Congress, recalling the Standard Minimum Rules for the Treatment of Prisoners, suggested in its resolution 14 that the General Assembly should include a specific item concerning the implementation of human rights for prisoners in the agenda of the Seventh Congress. 3/

19. Inquiries on the implementation of the Rules were addressed to Governments by the Secretary-General in 1967, 1974 and 1980.* In May 1984, a fourth inquiry was sent by the Secretary-General to Governments, the results of which are before the Seventh Congress (A/CONF.121/15). It is now possible to ascertain, from the number of replies received, that the general principles embodied in the Rules have established themselves as universal guidelines, and that even if Governments sometimes encounter difficulties in implementing the Rules, they have accepted them in principle, and have frequently incorporated them into their national legislation. It will be remembered that, according to paragraphs 2 and 3 of the Standard Minimum Rules, "not all of the rules are capable of application in all places and at all times" (para. 2), and that they "are not intended to preclude experiment and practices, provided these are in harmony with the principles and seek to further the purposes which derive from the text of the rules as a whole" (para. 3).

*For further information, see "The Standard Minimum Rules for the Treatment of Prisoners in the light of recent developments in the correctional field" (A/CONF.43/3), annex; "The treatment of offenders, in custody or in the community, with special reference to the implementation of the Standard Minimum Rules for the Treatment of Prisoners adopted by the United Nations" (A/CONF.56/6), annex I; and "The implementation of the United Nations Standard Minimum Rules for the Treatment of Prisoners" (A/CONF.87/11 and Add.1) respectively.

20. While some countries reported departures from the Rules, in order to adapt them to national characteristics and needs, they confirmed the observance of the main principles embodied therein. Even though the question of the revision of the Rules has been raised at some international meetings, the consensus is that, as previous Congresses have recommended, the Rules should not be revised until their major elements have been implemented at the national level.

2. Code of Conduct for Law Enforcement Officials

21. It may be recalled that the Committee on Crime Prevention and Control, at its seventh session in 1982, recommended that a report of the Secretary-General on the implementation of the Code should be submitted to its next session that would serve as a basis for further consideration. However, only 29 replies had been received in response to the Secretary-General's inquiry by September 1983 (E/AC.57/1984/4). The Committee, at its eighth session in 1984, therefore noted that more information was required to assess fully the degree of implementation. Accordingly, and pursuant to Economic and Social Council decision 1984/153, a second survey is before the Congress (A/CONF.121/12). It is expected that this survey will enable the Congress to evaluate the application of the Code on a more representative basis.*

22. It also may be recalled that the Committee expressed the view at its eighth session that other issues in connection with the Code required further consideration, such as the accountability of law enforcement officials and monitoring and evaluating their performance; a system for handling complaints made against law enforcement officials, as well as the discretionary use of force and weapons, including firearms. Some of the issues were raised again at the Varenna meeting and there was agreement regarding the need for further studies and consideration.

C. Future directions

23. The need to encourage Governments to incorporate the principles of the Rules and the Code in their domestic laws and regulations was stressed at all the regional preparatory meetings for the Seventh Congress held in 1983. In addition, special consideration was given to the subject by participants at the Varenna meeting. It was felt that, in view of the relatively low level of response to the Secretary-General's inquiry mentioned above, further efforts should be made to appeal to Governments to adopt the Rules and the Code.

*The implementation of the Code also received special attention at several international meetings, including: the Symposium on the Role of the Police in the Protection of Human Rights, held at the Hague in 1980, and organized by the United Nations at the invitation of the Government of the Netherlands; the Interregional Colloquium on the United Nations and Human Rights held at Eisenstadt, Austria, in 1981, and hosted by the government of Burgenland, Austria, the Alliance of Non-Governmental Organizations on Crime Prevention and Criminal Justice, Vienna, and the Lawyers' Association of Burgenland, in co-operation with the United Nations; the International Seminar on the Experience of Different Countries in the Implementation of International Standards on Human Rights, held at Geneva in 1983.

24. A major step in this direction was made when the Economic and Social Council, in its resolution 1984/47, approved the procedures for the effective implementation of the Standard Minimum Rules for the Treatment of Prisoners, which had been formulated by the Committee on Crime Prevention and Control at its eighth session in 1984, in pursuance of Economic and Social Council resolution 1993 (LX). The General Assembly, in its resolution 39/118, endorsed the procedures and called upon Member States to spare no effort in providing for adequate mechanisms and resources so as to ensure the implementation of the procedures both in law and practice. In the same resolution, the Assembly requested the Secretary-General to discharge fully his tasks in connection with the implementation of the Standard Minimum Rules, particularly as regards procedures 7, 8, 9 and 10.

25. Reflecting the long-standing concern of the United Nations for the treatment of prisoners, the procedures seek to ensure further dissemination of the Rules, as well as their availability to all those concerned, including prisoners. Governments are requested to respond to the Secretary-General's periodic inquiries on the implementation of the Rules and on difficulties encountered, and are reminded of the importance of technical co-operation and of research.

26. As regards the scope of the principles contained in the procedures, which the Seventh Congress may wish to discuss, it may be appropriate to consider whether some of the implementation procedures applicable to the Standard Minimum Rules could not also be used for other United Nations standards and guidelines in crime prevention and criminal justice, including the Code of Conduct for Law Enforcement Officials. In this context, the potential role of the Committee on Crime Prevention and Control in monitoring the implementation of the Code, taking into account the provisions of Economic and Social Council resolutions 1979/19 and 1983/25, could also be explored.

27. In view of the difficulties reportedly being encountered in the implementation of existing standards, and taking into account the views of all the regional preparatory meetings and the Varenna meeting to the effect that further efforts at the national, regional and international levels are needed to translate the existing standards into reality, the Seventh Congress may wish to pay special attention to General Assembly resolution 39/118 in which, as mentioned, the Congress was requested to give urgent attention to these issues and to report thereon to the Assembly at its next session under the agenda item "Human rights in the administration of justice". In the same resolution, the Assembly requested the Economic and Social Council, through the Committee on Crime Prevention and Control, to keep these matters under constant review. The Assembly also invited all parties concerned to cooperate with the Secretary-General in devising ways and means for ensuring more effective application of the existing standards by providing assistance, as may be appropriate, and by submitting relevant action proposals to the Seventh Congress.

II. NEWLY ADOPTED STANDARDS: SAFEGUARDS WITH RESPECT TO CAPITAL PUNISHMENT

28. In view of the strong and continuous concern of the United Nations for the right to life, as set forth in article 3 of the Universal Declaration of Human Rights and in article 6 of the International Covenant on Civil and Political Rights, the Committee on Crime Prevention and Control, at its eighth session, formulated a set of safeguards guaranteeing protection of the rights of those facing the death penalty. The Committee expressly affirmed that the safeguards should not be interpreted as affecting the consideration of the

abolition of capital punishment, which is a clearly established goal of the United Nations, in accordance with General Assembly resolution 32/61 and other mandates. In particular, the Assembly, in its resolution 2857 (XXVI), emphasized that, in order to guarantee fully the right to life, the main objective to be pursued was that of progressively restricting the number of offences for which capital punishment might be imposed, with a view to the desirability of abolishing this punishment in all countries.

29. Taking this policy of the United Nations into account, the safeguards were based on the provisions bearing on capital punishment contained in the above-mentioned International Covenant, in particular article 2, paragraph 1, and articles 6, 14 and 15, but they elaborated some of these provisions, or went beyond them. Besides setting out several important procedural guarantees, the safeguards stipulated, in principle, that in countries where it had not been abolished, capital punishment might be imposed only for the most serious crimes and only if it was prescribed by law at the time of their commission. Persons below 18 years of age at the time of the commission of the crime should not be sentenced to death, nor should the death sentence be carried out on pregnant women, or on new mothers or on persons who had become insane. Where capital punishment occurred, it should be carried out so as to inflict the minimum possible suffering.

30. On the recommendation of the Committee, the Economic and Social Council, in its resolution 1984/50, approved the safeguards and invited the Seventh Congress to consider them with a view to establishing an implementation mechanism. The General Assembly, in its resolution 39/118, endorsed the Council's resolution and called upon Member States to spare no effort in providing for adequate mechanisms, procedures and resources so as to ensure the implementation of the safeguards. The Assembly also requested the Secretary-General to employ his best endeavours in cases where the safeguards were violated.

31. Special recommendations on the establishment of an implementation mechanism for the safeguards were made by participants at the Varenna meeting in order to assist the Seventh Congress in its task of devising such a mechanism, as requested by the Council and the Assembly. Accordingly, the principles that the Seventh Congress might wish to incorporate in the mechanism could include the resolution recommended at the Varenna meeting, which invites all States still retaining the death penalty, and whose present standards fall short of the safeguards, to adopt the safeguards and to take the necessary steps to implement them. The United Nations and other interested parties are requested to promote the safeguards and to take them fully into account in their work.

III. TOWARDS THE ADOPTION OF NEW STANDARDS AND NORMS

32. The concern of the United Nations with the formulation of universally acceptable standards in criminal justice is an expression of the ever increasing interest of the international community in ensuring that the values underlying these standards are shared by all human beings, everywhere. Consequently, criminal justice questions should be examined globally, taking into account both the overall context of the various societies in which such questions present themselves as well as the need for the promotion of the dignity of the human person and the development and well-being of society. Moreover, the experience and contribution of both developed and developing countries, as well as of non-governmental organizations in consultative status, to the standard-setting work of the United Nations must be emphasized.

33. A considerable step forward in the establishment of new United Nations standards in criminal justice was taken by the Committee on Crime Prevention and Control at its eighth session in 1984, in pursuance of mandates of the General Assembly and the Sixth Congress. On the recommendation of the Committee, the Economic and Social Council in its decision 1984/153, has referred the following sets of guidelines to the Seventh Congress for adoption:

- (a) Model agreement on the transfer of foreign prisoners and recommendations on the treatment of foreign prisoners; 4/
- (b) Draft guidelines on the independence of the judiciary; 5/
- (c) Standard minimum rules for the administration of juvenile justice. 6/

The Congress will doubtless wish to give the highest priority to these matters, following the tradition of previous Congresses.

A. Foreign prisoners: transfer and treatment*

1. Model agreement on the transfer of foreign prisoners

(a) Mandate of the Sixth Congress

34. It will be recalled that in resolution 13 on the transfer of offenders, which was adopted by the Sixth Congress, the Committee on Crime Prevention and Control was requested to give priority to the development of a model agreement for the transfer of offenders with a view to presenting it to the General Assembly for its consideration as soon as possible. 7/ In the same resolution, Member States were urged "to consider the establishment of procedures whereby such transfers of offenders may be effected, recognizing that any such procedures can only be undertaken with the consent of both the sending and the receiving countries and either with the consent of the prisoner or in his interest".

35. Basing its deliberations on the previous work accomplished by the Fifth Congress 8/ and the United Nations Secretariat (A/CONF.87/8, paras. 52-70), the Sixth Congress took note with appreciation of the extensive research carried out in the past years at the national level as well as by inter-governmental and international non-governmental organizations interested in the treatment of offenders.** In view of all these initiatives, the Sixth Congress deemed it appropriate to request the United Nations to identify the important common elements in the existing treaties in order to incorporate them as universal principles in a model agreement.

*For a fuller discussion of the subject, see also "Model agreement on the transfer of foreign prisoners and recommendations for the treatment of foreign prisoners" (A/CONF.121/10).

**These organizations include the Council of Europe, the Howard League for Penal Reform, the International Association of Penal Law, and the International Prisoners Aid Association.

(b) Bilateral treaties and regional co-operation

36. Since the early 1970s, bilateral treaties on the execution of penal sentences have been ratified by many countries.* In addition, several similar arrangements for the transfer of foreign prisoners have been concluded on a multilateral basis at the regional and subregional levels, for example, the 1952 Extradition Treaty regarding the transfer of foreign offenders among all Arab countries who are members of the Arab League; the 1963 uniform legislation of the Nordic countries relating to transfer of criminal sanctions and offenders; the 1970 European Convention on the International Validity of Criminal Judgements; the 1978 Berlin Convention on the Transfer of Prisoners Being Sentenced to Imprisonment among Socialist Countries; and the 1983 Council of Europe Convention on the Transfer of Sentenced Persons.

37. Most of these bilateral and multilateral agreements are based on the principle of voluntary transfer, i.e. with the consent of the prisoner and provided that both the transferring and the receiving States agree to the transfer. However, some of the agreements, such as the 1970 European Convention and the 1978 Berlin Convention, uphold the principle of mandatory transfer: upon the request of the sentencing State, foreign nationals are returned to their home country, which is bound to accept them if certain detailed conditions are fulfilled. It is not necessary that the sentenced person consent to the transfer.

38. As for the conditions for the transfer contained in the agreements, there is a nucleus required by all treaties, namely, that the offence committed by the prisoner, for whom a request for transfer is made, shall be punishable under the legislation of both the requesting and the requested State; that a certain minimum period (usually six months or one year) of the offender's sentence remains to be served at the time of transfer; that the sentence shall be final and definitive. In addition, each treaty provides for other specific conditions, for example, that the offence should not be of a political or military nature, or, that the offender should not be sentenced to the death penalty or should not be a resident of the detaining State, or that the offence should not have been committed outside the territory of the detaining State.

39. As for the possible revision or reduction of the sentence after the transfer, most bilateral and multilateral treaties tend to take the same or, at least, a similar attitude. They provide that the sending State retain exclusive jurisdiction regarding the sentences imposed and any procedures that provide for the revision, modification or cancellation of the sentences pronounced by their courts. The receiving State is bound to put such measures into effect as soon as it is notified by the transferring State of any decision in this regard. However, the receiving State is sometimes entitled to grant amnesty or pardon, though in concurrence with the sending State. The receiving State alone is competent to make provisions for reduction of the term of imprisonment by parole or conditional release, the reason being that the enforcement of the sentence is governed by the law of the receiving State.

*Including Austria, Bolivia, Canada, Denmark, France, Italy, Morocco, Mexico, Panama, Peru, Spain, Thailand, Turkey and the United States of America. France maintains similar agreements with French-speaking African States.

(c) Formulation of the draft model agreement

40. The task of drafting the model agreement was approached with a view to providing for maximum flexibility with respect to substantive matters, taking into account the different judicial systems, cultures and traditions of Member States. Great care was taken in its formulation to provide for alternative regulations, thereby implicitly recognizing that States that are involved in the transfer may have diverse, and sometimes conflicting, interests.

41. For example, the State from which the offender may be transferred may have an interest in handing over the convict in as much as the transferral can forestall problems in its penal institutions, such as overcrowding. By the same token, however, detaining States may be concerned that the transfer of foreign nationals does not result in the thwarting of their criminal jurisdiction and, therefore, normally require that the sentence should be served in the receiving State without any reduction. The prisoners' national States, however, may be interested in receiving the detainees in order to alleviate their plight, because of different social and cultural backgrounds as well as linguistic barriers, for example, by facilitating contacts with their families or community.

42. For the purpose of providing the Committee on Crime Prevention and Control with proposals for its consideration and review on the basis of research undertaken by the United Nations Secretariat, an international seminar, organized by the United Nations in co-operation with the Alliance of Non-Governmental Organizations on Crime Prevention and Criminal Justice (Vienna) was held at Vienna in February 1983. The seminar was attended by representatives of Member States,* the non-governmental organizations and United Nations bodies concerned. After substantial discussion, the participants formulated a preliminary text of a draft model agreement.

43. The issues covered by the draft model agreement were considered at the regional preparatory meetings for the Seventh Congress and supported by many participants. In particular, at the European regional preparatory meeting, held at Sofia from 6 to 10 June 1983, it was proposed "that the Congress should also consider the possibility of formulating a similar model agreement with regard to the reciprocal exchange of persons under probation" (A/CONF.121/RPM/1, para. 102).

44. The implications of the transfer of foreign prisoners were also examined at subsequent meetings held at Milan,** and Siracusa, Italy,*** which further reviewed and refined the preliminary text of the draft model agreement as prepared by the above-mentioned seminar held at Vienna.

*Austria, Canada, Egypt, France, Federal Republic of Germany, India, Nigeria, Norway, Panama, Sweden, Switzerland (non-member State), Thailand and Yugoslavia.

**Organized in June 1983 by the Centro Nazionale di Prevenzione e Difesa Sociale, in co-operation with the United Nations and the Ministry of Justice of Italy.

***Organized in January 1984 by the International Institute of Higher Studies in Criminal Sciences.

45. The work so far accomplished was fully taken into account by the Committee on Crime Prevention and Control at its eighth session held in March 1984. At that session, the Committee, on the basis of a working paper prepared by the Secretariat, formulated and finalized the draft model agreement, 9/ which the Economic and Social Council, in its decision 1984/153, have referred to the Seventh Congress for adoption.

46. In sum, the main principles on which the draft model agreement is based are: the offence must be punishable by courts in both countries, the offence must be proven and the offender convicted; the prisoner must consent to the transfer; both countries must likewise agree to the transfer and, in addition, to the form in which the sentence was imposed and whether or not it could be adapted by the receiving State to conform to its sentencing practice, either by a judicial or an administrative decision; if an alteration is made to the sentence, it must not result in an aggravation of the prisoner's penal situation. All these principles are in accordance with most existing treaties and therefore appear to be suitable for inclusion in a United Nations model agreement.

2. Recommendations on the treatment of foreign prisoners

47. The adoption by the Seventh Congress of the model agreement and, on the basis of the model agreement, the further development of similar bilateral and multilateral arrangements certainly would facilitate the return of a large number of foreign offenders to their home countries to serve their sentence. However, such agreements could not solve all the problems related to foreign prisoners: there would always be a certain period before an individual could be transferred, as well as a number of foreign prisoners who would not want to be transferred, or whom the sentencing country might not want to transfer, for reasons such as the public indignation or alarm caused by their offences. Probably the largest category of foreign prisoners who cannot be transferred immediately are those awaiting trial.

48. With this in mind, the Committee on Crime Prevention and Control, at its eighth session, formulated a set of recommendations, 10/ in addition and complementary to the draft model agreement, dealing with the treatment of foreign prisoners, which the Economic and Social Council, in its decision 1984/153, have referred to the Seventh Congress for approval.

49. The recommendations are based on extensive preparatory work undertaken by the United Nations Secretariat, in co-operation with interested parties, notably the Alliances of Non-Governmental Organizations on Crime Prevention and Criminal Justice in New York and Vienna. Endorsed by all the regional preparatory meetings, the recommendations were formulated on the understanding that the problems of foreign prisoners should always be taken into account, especially in the implementation of the Standard Minimum Rule for the Treatment of Prisoners. To this end, the relevant sections of the Rules should be applied in a pragmatic and flexible way in order to ensure equal treatment for all prisoners. The recommendations deal with such significant matters as the allocation of foreign prisoners to prison establishments; ensuring the expeditious notification of the diplomatic or consular authorities of the prisoner's country of origin; facilitating outside contacts with the prisoner's family, the translation of institutional policies and rules into the prisoner's language and the provision of assistance to foreign prisoners in dealing with medical or programme staff, and in such matters as complaints, special accommodation, special diets and religious representation and counselling, as well as the conclusion of agreements on the supervision of and assistance to offenders on suspended sentence or parole.

3. Future action

50. On the recommendation of the Committee on Crime Prevention and Control at its eighth session, the Economic and Social Council, by its decision 1984/153, has transmitted a draft resolution to the Seventh Congress, endorsing the draft model agreement annexed thereto, and annex II containing the draft model agreement annexed theras, and annex II containing recommendations on the treatment of foreign prisoners. In the same resolution, it was further suggested that the Seventh Congress urge Member States to facilitate the return of foreign prisoners to their countries on the basis of the draft model agreement, and to keep the Secretary-General regularly informed of any progress on this matter. Finally, it was proposed that the Secretary-General assist Member States, at their request, in the development of agreements for the transfer of foreign prisoners and report on the matter regularly to the Committee on Crime Prevention and Control.

51. This draft resolution received the support of participants at the Varenna meeting, which considered problems of foreign prisoners as one of its main agenda items, who concurred with the draft model agreement and the annexed recommendations (A/CONF.121/IPM.3, paras. 43-50).

52. Accordingly, the Seventh Congress may wish to adopt the draft resolution and to consider presenting the draft model agreement to the General Assembly, preferably at its session to be held immediately after the Congress, in accordance with the request in resolution 13 of the Sixth Congress. 11/

B. Independence of the judiciary*

1. Draft guidelines on the independence of the judiciary

(a) Mandate of the Sixth Congress

53. In its resolution 16, the Sixth Congress, following a request of the international community, called upon the Committee on Crime Prevention and Control to include among its priorities the elaboration of guidelines relating to the independence of judges and the selection, professional training and status of judges and prosecutors. 12/

54. This resolution of the Sixth Congress became one of the main motivating factors for the extensive research carried out on the subject in recent years at national and international levels by non-governmental organizations and other interested parties. Furthermore, a number of international meetings have formulated principles on the subject.**

*For a further discussion of the subject, see also "Guidelines on the independence of the judiciary" (A/CONF.121/9).

**Including the meeting of experts organized by the International Association of Penal Law, the International Commission of Jurists and the Centre for the Independence of Judges and Lawyers at Siracusa, in 1981; the Conference on Minimum Standards of Judicial Independence held at Jerusalem in 1982, the results of which were approved by the Nineteenth Biennial Conference of the International Bar Association, held at New Delhi, in the same year; the Seminar on the Independence of the Judiciary in the Asia Region, held by the Law Association for Asia and the Western Pacific at Tokyo in 1982; and the World Conference on Independence of Justice, held at Montreal in 1983.

(b) Formulation of the draft guidelines

55. All these international initiatives, as well as the support given at the regional preparatory meetings for the Seventh Congress, were most valuable to the Committee on Crime Prevention and Control when it prepared the draft guidelines at its eighth session in 1984. In formulating the draft guidelines, 13/ the Committee took into account previous developments including a report of the Secretary-General, which had been prepared in close collaboration with the relevant offices of the United Nations, including the Centre for Human Rights, the United Nations institutes on crime prevention and criminal justice, as well as other interested parties.*

56. The Economic and Social Council, in its decision 1984/153, approved decision 8/3 of the Committee that the Varenna meeting should be invited to finalize the draft guidelines, in co-operation with all parties concerned, and the Secretary-General requested to submit the finalized text to the Seventh Congress for adoption.

(c) Finalization of the draft guidelines

57. After extensive discussion, the Varenna meeting finalized the draft guidelines and prepared for transmission to the Seventh Congress a draft resolution on the independence of the judiciary, in which it was suggested that the Congress should adopt the guidelines, recommend them for national, regional and interregional action and implementation, and invite Governments to put them into practice by means of appropriate legislation and policy directives and bring them to the attention of judges, lawyers, members of the executive and the legislature, and the public in general (A/CONF.121/IPM/3, para. 51 and annex I).

58. Given the broad variety of modes of appointment and training of judges, because of national differences in history and culture, only very general guidelines guaranteeing the independence and impartiality of the judiciary could be formulated. Accordingly, it is suggested that Member States could take the guidelines into account to the extent that they are compatible with their specific judicial systems.

59. The guidelines seek to ensure the independence and impartiality of members of the judiciary through national laws and practices governing their selection and training. Such laws and practices relate to issues such as tenure of office; salaries and pensions; the possible limitation placed on non-judicial activities of judges and jurors; the circumstances disqualifying them from acting in particular cases; protection against improper influences exerted on them; the sanctions applicable to them if they fail to display independence and impartiality; and the role of judicial service commissions, superior councils of the judiciary and similar bodies.

*Including the African Bar Association, the Andean Commission of Jurists, the International Association of Democratic Lawyers, the International Association of Judges, the International Association of Penal Law, the International Bar Association, the International Commission of Jurists, the International Law Association, the International Union of Lawyers, the Law Association for Asia and the Western Pacific and the Union of Arab Jurists.

60. In particular, the guidelines stress that members of the judiciary should be trained so as to ensure fair treatment of all persons who come into contact with the criminal justice system. Such training might include judicial administration and social and behavioural sciences, with a view to making members of the judiciary more aware of the limits of criminal justice. Due account was taken of the different systems for the selection and training of judges, all of which contributed further insights to the formulation of the draft guidelines.

2. Future action

61. In order to assist Governments in securing and facilitating the independence of the judiciary, the Committee on Crime Prevention and Control, at the request of the General Assembly and the Sixth Congress, formulated a set of draft guidelines on the independence of the judiciary, which were finalized at the Varenna meeting.

62. In pursuance of Economic and Social Council decision 1984/153, the Congress may wish to consider the text of the draft guidelines with a view to adopting them, together with the draft resolution forwarded by the Varenna meeting.

C. Administration of juvenile justice

1. Standard minimum rules for the administration of juvenile justice*

63. The Sixth Congress, in its resolution 4, requested the Committee on Crime Prevention and Control to develop standard minimum rules for the administration of juvenile justice and the care of juveniles, that could serve as a model for Member States. The Congress also requested the Secretary-General to report to the Seventh Congress on the progress achieved in the formulation of the proposed rules.

64. Accordingly, the Committee, at its eighth session, considered a set of draft rules proposed by the Secretary-General (E/AC.57/1984/2, pp. 5-22). On the recommendation of the Committee in its decision 8/4, the draft rules were finalized by the interregional preparatory meeting on youth, crime and justice held at Beijing in May 1984** (A/CONF.121/IPM/1, paras. 55 and 56). Pursuant to Economic and Social Council decision 1984/153, the rules are presented to the Seventh Congress for its consideration.

2. Future action

65. Accordingly, the Seventh Congress will have the task of considering the rules, as finalized by the Beijing meeting, with a view to adopting them. In this endeavour, the Congress may be assisted by the deliberations of the regional preparatory meetings, in particular the Beijing meeting, which regarded the rules as providing a proper balance between the concern for the young and the interest of society. The meeting emphasized that the rules provided basic, minimum legal guarantees for the fair and humane treatment and handling of the young in conflict with the law, and that they were flexible enough to be applicable to all Member States. Thus, their adoption would be an important step forward in the promotion of juvenile justice.

*For further discussion of the subject, see also A/CONF.121/14.

**Henceforth referred to as the Beijing meeting.

IV. AREAS OF INTEREST FOR NEW STANDARDS AND NORMS

66. The Seventh Congress may view this topic as offering an opportunity to continue the long history of the development of criminal justice instruments by the United Nations. The formulation of further universally acceptable principles in criminal justice would certainly contribute to strengthening international co-operation and to solving international problems of a social and humanitarian character.

67. The preparation of specific new United Nations standards, guidelines or principles has been recommended by several United Nations bodies as well as meetings, including the Sixth Congress, the Committee on Crime Prevention and Control, the regional preparatory meetings and the Varenna meeting.* In the light of these recommendations, the Seventh Congress will have the task of providing policy guidance for the development of new United Nations guidelines.

68. As in the past, it would be difficult for such guidelines to provide comprehensive models for certain aspects of the criminal justice system. Their purpose, rather, is to set out, on the basis of general consensus, principles accepted by the international community so that favourable consideration can be given to their use within the framework of national legislation or practice.

69. The following summary of areas of interest for new standards is intended to assist the Congress in its deliberations.

A. Alternatives to imprisonment and social resettlement of offenders

70. Following recommendations of the regional preparatory meetings, new United Nations guidelines might be needed most with respect to alternatives to imprisonment and the social resettlement of offenders. Both issues touch on crucial questions of criminal policy and are becoming increasingly important in many countries (E/AC.57/1984/9). Reference may be made to resolutions 8 and 10 of the Sixth Congress and to Economic and Social Council resolution 1984/46, all of which deal primarily with alternative measures that are to be used after the public prosecutor or the competent courts have been involved in judicial criminal proceedings.

71. As was stressed at the Varenna meeting, the task of preparing principles or guidelines is important, but also difficult; it should be approached with a view to providing for maximum flexibility with respect to substantive matters. The different judicial and social systems, cultures and traditions of Member States will have to be taken fully into account, as well as the experience of developing countries in the use of indigenous non-custodial forms of treatment, including compensation and restitution.

72. In view of its significance and the complexity of the task involved and the wide diversity of measures applicable, the subject has been included in a separate document prepared by the Secretariat (A/CONF.121/13).

*See, in particular, Sixth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Caracas, Venezuela, 25 August-5 September (United Nations publication, Sales No. E.81.IV.4) paras. 84-92, and "Report of the Interregional Preparatory Meeting for the Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders on Topic V 'Formulation and application of United Nations standards and norms in criminal justice'", Varenna, Italy, 24-28 September 1984 (A/CONF.121/IPM/3), paras. 52-59.

B. Independence of the legal profession

73. The formulation of new guidelines to ensure the independence of lawyers was proposed at the Varenna meeting. Reference was made to valuable international initiatives in this field such as the study in progress within the United Nations human rights programme* and the draft principles on the independence of the legal profession, prepared by a committee of experts, which met at Noto, Italy, in 1982.**

74. The study and the draft principles both deal with the functions and the autonomy of the legal profession, including legal education and entry into the profession, scope of representation, the role of the bar association, legal services, non-professional activities and disciplinary proceedings.

75. On the basis of this work, the Congress may wish to explore whether the preparation of new guidelines in this area, limited to criminal justice, would be desirable and feasible.

C. Prosecution

76. As will be recalled, the Sixth Congress, in its resolution 16, called upon the Committee on Crime Prevention and Control to include among its priorities the formulation of guidelines on the independence of judges and the selection, professional training and status of judges and prosecutors. Although the Committee has accomplished its task concerning the judiciary, it has not been able to carry out its mandate relating to prosecutors because of time constraints and the complexity of the issues involved. In view of the continuous and increasingly recognized importance of the subject, the Seventh Congress may wish to extend the mandate given by the Sixth Congress to include all areas related to prosecution, for example, expected functions of prosecutors, means to enhance their contribution to the criminal justice system and their role in safeguarding the independence of the judiciary and of the legal profession, as well as the formulation of a code of professional conduct.

D. Rights of prisoners

77. Among the areas for new standards suggested by participants at the Varenna meeting were the rights of prisoners. Mention may be made of resolution 14 of the Sixth Congress on human rights instruments and their implementation for prisoners and the draft principles on freedom from arbitrary arrest and detention.*** In considering this suggestion, the Congress also may wish to take into account the provisions for the resolution

*See "Human rights and scientific and technological developments: report of the sessional working group on the question of persons detained on the grounds of mental ill-health or suffering from mental disorder" (E/CN.4/Sub.2/1983/19).

**See Nouvelles études pénales (Siracusa, Association Internationale de Droit Pénal, 1982), pp. 45-81.

***See Study of the Right of Everyone to be Free from Arbitrary Arrest, Detention and Exile (United Nations publication, Sales No. 65.XIV.2).

of prisoners' grievances contained in the Standard Minimum Rules for the Treatment of Prisoners and specific remedies within the legal systems of Member States for the protection of detained persons, such as amparo and habeas corpus.

E. Supervision of conditionally sentenced or conditionally released offenders

78. In discussions on the draft model agreement on the transfer of foreign prisoners, it was proposed that the Seventh Congress should also consider the possibility of formulating a similar model agreement with regard to the reciprocal exchange of persons under probation. As a possible point of reference, the European Convention on Supervision of Conditionally Released Offenders was mentioned.*

79. Judges sometimes may be reluctant to grant to a foreign offender the benefit of a suspended sentence. In the absence of international agreements providing for supervision in the offender's home country, the sentencing State would not have any legal control over the offender's conduct. In particular, it could not verify the offender's compliance with any given instruction with a view to effecting a possible revocation of the suspended sentence in the case of non-compliance. The same applies to offenders on parole or conditional release.

80. To overcome these difficulties, and considering the increasing importance of alternatives to imprisonment and their extended use, the Seventh Congress might wish to consider the feasibility of formulating a model agreement on the supervision of conditionally sentenced or conditionally released offenders.

F. Transfer of criminal proceedings

81. Following the adoption of the model agreement on the transfer of foreign prisoners, a new initiative could be taken aiming at an even earlier repatriation of offenders, prior to their conviction in the country of the commission of the crime, by transferring criminal proceedings to the country of the offender's nationality or residence. This possibility, in particular, was mentioned at the European regional preparatory meeting held at Sofia from 6 to 10 June 1983 (A/CONF.121/RPM/1, para. 102), at the eighth session of the Committee on Crime Prevention and Control and at the Varenna meeting (A/CONF.121/IPM/3, para. 50). An instrument of this kind has already been established by some European countries, based on article 21 of the European Convention on Mutual Assistance in Criminal Matters of 20 April 1959 and on the European Convention on the Transfer of Proceedings in Criminal Matters of 15 May 1972, as well as on a series of bilateral agreements that include the socialist countries. A model agreement on the transfer of criminal proceedings might cover three different aspects:

(a) If the country of the offender's nationality or residence already has jurisdiction over the offence, the State where the offence was committed could request the home country to try the offender;

*See "Report of the European Regional Preparatory Meeting for the Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders" (A/CONF.121/RPM/1 and Corr.1), para. 102.

(b) If the offender's home country has not asserted jurisdiction it may, upon the request of the State where the offence was committed, exercise its jurisdiction which would be established by such a request;

(c) In either case, the request to prosecute the offender in his or her home country could be combined with the surrender of the offender to that country, if pre-trial detention was deemed necessary in the State where the offence was committed.

82. As with the draft model agreement on the transfer of foreign prisoners, the following principles might be included in a model agreement on the transfer of criminal proceedings: establishment of jurisdiction by mutual agreement between States upon request; double criminality; non-aggravation of the offender's penal situation; double jeopardy rule or ne bis in idem; consent of the alleged offender if he or she is detained and to be surrendered in the course of the transfer of proceedings; in the case of concurrent jurisdictions, consultations to resolve conflicts.

83. Some difficulties may arise for common-law countries, the jurisdictions of which usually do not encompass crimes committed abroad and which, in addition, have special evidential requirements. The first problem could be solved by establishing jurisdiction upon request, as mentioned under paragraph 81 (b) above. A first step to overcome the second problem would be to transfer proceedings between civil-law and common-law countries only if the offender pleads guilty and no further evidence is needed.

84. In sum, the Seventh Congress could recommend that there should be an evaluation of existing instruments on the transfer of criminal proceedings, as well as on their application, with a view to formulating a model agreement on the transfer of criminal proceedings which could, complementary to the model agreement on the transfer of foreign prisoners, serve as a basis for bilateral and multilateral negotiations.

V. ROLE AND SCOPE OF INTERNATIONAL CO-OPERATION IN PROMOTING A MORE EFFECTIVE APPLICATION OF STANDARDS AND NORMS

A. United Nations regional institutes in crime prevention and criminal justice

85. All five regional preparatory meetings recommended effective means of regional co-operation, mainly through the United Nations regional institutes for the prevention of crime and the treatment of offenders. The Economic and Social Council, in its resolution 1984/51, also emphasized the usefulness of regional co-operation as fostered by the regional institutes.

86. Reference may be made to the existing regional and interregional institutes in the prevention of crime and the treatment of offenders: the United Nations Asia and Far East Institute for the Prevention of Crime and the Treatment of Offenders (UNAFEI) in Fuchu, Japan, established in 1962; the United Nations Latin American Institute for the Prevention of Crime and the Treatment of Offenders (ILANUD) in San José, Costa Rica, established in 1975; the Helsinki Institute for Crime Prevention and Control, affiliated with the United Nations (HEUNI) in Helsinki, Finland, established in 1983; and the United Nations Social Defence Research Institute (UNSDRI) in Rome, Italy, established as an interregional institute in 1967. These institutes regularly hold seminars and training courses and provide fellowships for the purpose of disseminating United Nations standards and norms in criminal justice,

exchanging information and experience and adapting the implementation of United Nations instruments in criminal justice to the particular needs and priorities of the countries of each region. By way of example, reference may be made to the 61st International Training Course on Improvement of Correctional Programmes for More Effective Rehabilitation of Offenders, which was held at the United Nations Asia and Far East Institute for the Prevention of Crime and the Treatment of Offenders in 1982. ^{14/} Other examples are the seminars on correctional institutions held at the United Nations Latin American Institute for the Prevention of Crime and the Treatment of Offenders, the most recent of which was held in 1982, and a number of activities of the Helsinki Institute for Crime Prevention and Control affiliated with the United Nations and the United Nations Social Defence Research Institute.* The success of all these institutes clearly demonstrates the need for the speedy establishment of a similar institute in the region of Africa south of the Sahara. To this end, the Congress may wish to recall resolution 19 of the Sixth Congress, Economic and Social Council resolution 1984/51, and the recommendations of the African regional preparatory meeting (A/CONF.121/RPM/4, para. 18), all of which requested the Secretary-General to take steps to ensure the prompt establishment of an institute in the field of crime prevention and the treatment of offenders for Africa.

B. Intergovernmental organizations

87. Another important means for the more effective implementation of United Nations standards and norms in criminal justice, at the regional level, is the promotion of co-operation between Governments, the United Nations and regional intergovernmental organizations.

88. By way of example, the Council of Europe assists Governments in harmonizing their legislation relating to criminal law, criminal procedure and corrections in accordance with United Nations principles, standards and guidelines. The conventions and resolutions of the Council of Europe concerning crime prevention and criminal justice, including the European Standard Minimum Rules for the Treatment of Prisoners, ^{15/} provide a valuable basis for enhancing relations between Member States, the Council of Europe and the United Nations. Likewise, the League of Arab States co-operates with the United Nations in promoting United Nations principles and standards of social defence and criminal justice at the regional level.

C. Regional commissions

89. Progress also has been achieved in strengthening joint activities among the United Nations, the regional commissions and the regional institutes, in pursuance of Economic and Social Council resolution 1984/51. For example, the regional preparatory meeting for Asia and the Pacific was held at Bangkok at the headquarters of the Economic and Social Commission for Asia and the Pacific (ESCAP) in close mutual collaboration with ESCAP and with the United Nations Asia and Far East Institute for the Prevention of Crime and the Treatment of Offenders. By the same token, the regional preparatory meeting for Africa was organized at Addis Ababa at the headquarters of the Economic Commission for Africa (ECA), with the active involvement of ECA and the Organization of African Unity (OAU).

*See United Nations activities in crime prevention and criminal justice: report of the Secretary-General (E/AC.57/1984/17), paras. 43-79.

D. Technical co-operation

90. As regards technical co-operation to assist Governments in implementing standards and norms, the Seventh Congress may wish to reaffirm Economic and Social Council resolution 1984/51, which urged the Secretary-General of the United Nations to ensure increased support for the critically needed inter-regional advisory services, and to provide additional interregional and regional advisers as quickly as budgetary resources would permit, especially to serve the needs of those regions without regional institutes, notably the African region.

E. Future action

91. As the efforts of the United Nations regional institutes have shown, regional co-operation is one of the foremost means for implementing United Nations standards and norms in criminal justice in the respective regions. In the light of its proven success, continuous and even closer regional co-operation and support, and an intensified level of technical assistance and technical advisory services for the benefit of the regions, is required.

92. Furthermore, in view of the accomplishments resulting from collaboration with the Council of Europe, the League of Arab States, ECA and ESCAP, the Seventh Congress may wish to explore the possibility of establishing even stronger co-operative links between the United Nations and the above-mentioned organizations and other existing intergovernmental regional organizations and bodies such as OAU, the Organization of American States, the Commonwealth Secretariat and the Economic Commission for Latin America and the Caribbean.

93. As was emphasized at the Varenna meeting, international organizations should pay particular attention to assisting developing countries in implementing United Nations standards and norms in the field of crime prevention and criminal justice. Clearing houses might be established within existing structures, to which requests for assistance could be addressed, and which could maintain lists of services available. Moreover, there is a need for further research on more effective ways and means of implementing standards and norms in crime prevention and criminal justice at the national and regional levels. In this context the Committee on Crime Prevention and Control, the Crime Prevention and Criminal Justice Branch of the Centre for Social Development and Humanitarian Affairs of the Department of International Economic and Social Affairs of the United Nations Secretariat and the United Nations Social Defence Research Institute could play a significant role.

94. On the basis of Economic and Social Council resolution 1984/51, the Seventh Congress may wish to reaffirm the request addressed to the Department of Technical Co-operation for Development of the United Nations Secretariat and the United Nations Development Programme to increase their level of support to programmes of technical assistance in the field of crime prevention and criminal justice for the more effective implementation of standards and norms.

95. In considering future action, the Congress may deem it appropriate to focus attention on General Assembly resolution 39/118 entitled "Human rights in the administration of justice". As mentioned above, in this resolution, the Assembly requested the Seventh Congress to give urgent attention to devising ways and means for ensuring more effective application of the existing standards, and to report thereon to the Assembly at its next session.

Notes

1/ Sixth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Caracas, Venezuela, 25 August-5 September 1980 (United Nations publication, Sales No. E.81.IV.4), chap. I, sect. B.

2/ First United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Geneva, 22 August-3 September 1955 (United Nations publication, Sales No. 1956.IV.4).

3/ See note 1.

4/ Official Records of the Economic and Social Council, 1984, Supplement No. 6 (E/1984/16), chap. 7, sect. C, decision 8/2.

5/ Ibid., decision 8/3.

6/ Ibid., decision 8/4.

7/ See note 1.

8/ Fifth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Geneva, 1-12 September 1975 (United Nations publication, Sales No. E.76.IV.2), paras. 23(j), 283(d) and 289.

9/ Official Records of the Economic and Social Council, 1984 (E/1984/16), chap. I, sect. C, decision 8/2, annex I.

10/ Ibid., annex II.

11/ See note 1.

12/ See note 1.

13/ Official Records of the Economic and Social Council, 1984 (E/1984/16), chap. I, sect. C, decision 8/3.

14/ United Nations Asia and Far East Institute for the Prevention of Crime and the Treatment of Offenders, Report for 1982 and Resource Material Series No. 23 (Fuchu, Tokyo, 1983).

15/ European Committee on Crime Problems, Standard Minimum Rules for the Treatment of Prisoners (Strasbourg, Council of Europe, 1973), p. 5, resolution (73)5.

This archiving project is a collaborative effort between United Nations Office on Drugs and Crime and American Society of Criminology, Division of International Criminology. Any comments or questions should be directed to Cindy J. Smith at CJSmithphd@comcast.net or Emil Wandzilak at emil.wandzilak@unodc.org.