



# Twelfth United Nations Congress on Crime Prevention and Criminal Justice

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**Making the United Nations guidelines on  
crime prevention work**

## **Workshop on international criminal justice education for the rule of law\*\***

### **Background paper**

#### *Summary*

The present background paper reviews the recommendations of the regional preparatory meetings and identifies main elements that may be relevant for the United Nations Crime Prevention and Criminal Justice Programme in its possible post-Congress follow-up on the development of international criminal justice education for the rule of law in the context of the United Nations crime prevention and criminal justice standards and norms. In this connection, the paper discusses the rationale behind and structure and content for elaborating a template to serve as the starting point for developing and implementing a comprehensive and effective programme of international criminal justice education for the rule of law. Such a template, with associated other outcomes, could build upon and be implemented in complementary fashion with existing worldwide criminal justice teaching and training initiatives. The paper concludes with issues for possible consideration by the Congress.

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## **I. Introduction**

1. In its resolution 63/193, the General Assembly decided that the main theme of the Twelfth United Nations Congress on Crime Prevention and Criminal Justice would be “Comprehensive strategies for global challenges: crime prevention and criminal justice systems and their development in a changing world” and that one of its workshops would focus on the theme “International criminal justice education for the rule of law”. The Assembly urged regional preparatory meetings to develop “action-oriented recommendations” for the consideration of the Twelfth Congress and the Commission on Crime Prevention and Criminal Justice at its nineteenth session.

2. With this aim in mind, the present background paper builds on the main suggestions of the discussion guide (A/CONF.213/PM.1, paras. 79-87). It also reviews the recommendations of the regional preparatory meetings and identifies main elements that may be relevant for the United Nations Crime Prevention and Criminal Justice Programme in its possible post-Congress development of international criminal justice education for the rule of law in the context of the United Nations crime prevention and criminal justice standards and norms, and the work so far carried out by the United Nations Office on Drugs and Crime (UNODC) through computer-based and other forms of training. In this connection, the paper discusses the rationale behind and the structure and content for elaborating a template to serve as the starting point for developing and implementing a comprehensive and effective programme of international criminal justice education for the rule of law. Such a template, with associated other outcomes, could build upon and be implemented in complementary fashion with existing worldwide criminal justice teaching and training initiatives. The paper concludes with a set of issues for possible consideration by the Congress.

3. Prompted by the questions in the discussion guide on the need for developing international criminal justice curricula (para. 87), the regional preparatory meetings recommended that various international criminal justice education programmes for the rule of law should be developed. This background paper explains the rationale behind and main elements for a generic template. In this vein, the paper concludes with a set of observations and proposals for the development and implementation of the proposed template for international criminal justice education for the rule of law.

## **II. International criminal justice education for the rule of law and the mandate of the United Nations Office on Drugs and Crime**

4. It is worth considering the meaning of the term “international criminal justice education for the rule of law” before discussing its relevance to the broader framework of the Congress in general, and to the proposal made here for developing a template after the Congress, as a part of UNODC technical assistance activities.

5. Volumes have been written on the meaning, scope and application of justice and the rule of law. In the last two decades, the United Nations role has increased significantly in this regard, especially in connection with post-conflict justice, transitional justice, and enhancement of the rule of law in post-conflict societies.

The United Nations has also supported the development of a number of international criminal law conventions protecting international peace and security, fundamental human rights and other social interests. In the enforcement field, the Security Council established ad hoc tribunals for the former Yugoslavia and Rwanda, the General Assembly sponsored the establishment of the International Criminal Court and the Security Council and the Secretary-General brought about seven national/international mixed-model tribunals. This expanded United Nations role is an added dimension to the meaning of international criminal justice. It also provides a broad basis for the work of UNODC, as well as other United Nations agencies and bodies in this growing field.

6. In its broad meaning, international criminal justice encompasses substantive and procedural international criminal law, and its enforcement mechanisms. Substantive international criminal law includes several categories of crimes represented by a number of international conventions. Procedural international criminal law represents international modalities of inter-State cooperation in penal matters (i.e., extradition, mutual legal assistance, transfer of criminal proceedings, transfer of sentenced persons, recognition of foreign penal judgements, law enforcement and intelligence cooperation, and more specialized cooperation in combating money-laundering). Enforcement mechanisms include international institutions for the investigation, prosecution and adjudication of certain international crimes, such as ad hoc institutions established by the Security Council, the International Criminal Court and mixed-model tribunals established by the United Nations and certain Governments. Consequently, international criminal justice education encompasses all of these aspects, some of which are described below, particularly those in respect of which UNODC has a special function arising out of its broad criminal justice mandate and its technical assistance mission.

7. In the context of this background paper, it is important to emphasize that “international criminal justice education” relates to the United Nations crime prevention and criminal justice standards and norms and to clarify the normative, institutional and operational frameworks implied in that term. As the custodian of no less than 55 crime prevention and criminal justice legal instruments, listed in its *Compendium of United Nations Standards and Norms in Crime Prevention and Criminal Justice*,<sup>1</sup> the guardian of five United Nations conventions and three protocols against drugs, organized crime and corruption and the supporter of a number of anti-terrorism instruments developed by the United Nations and other entities, UNODC has been in a unique position to spearhead within the United Nations Crime Prevention and Criminal Justice Programme worldwide education on those instruments in the context of the rule of law.

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<sup>1</sup> New York, 2006. Available from [www.unodc.org/unodc/en/justice-and-prison-reform/compendium.html](http://www.unodc.org/unodc/en/justice-and-prison-reform/compendium.html).

8. In this connection, it should be recalled that the working paper by the Secretariat entitled “Promoting the rule of law and strengthening the criminal justice system” (A/CONF.187/3, paras. 5-21), prepared for the Tenth Congress, presented for the first time within the United Nations substantive elements of the rule of law. In 2004, the Secretary-General articulated its United Nations definition:

The “rule of law” is a concept at the very heart of the Organization’s mission. It refers to a principle of governance in which all persons, institutions and entities, public and private, including the State itself, are accountable to laws that are publicly promulgated, equally enforced and independently adjudicated, and which are consistent with international human rights norms and standards. It requires, as well, measures to ensure adherence to the principles of supremacy of law, equality before the law, accountability to the law, fairness in the application of the law, separation of powers, participation in decision-making, legal certainty, avoidance of arbitrariness and procedural and legal transparency.

For the United Nations, “justice” is an ideal of accountability and fairness in the protection and vindication of rights and the prevention and punishment of wrongs. Justice implies regard for the rights of the accused, for the interests of victims and for the well-being of society at large. It is a concept rooted in all national cultures and traditions and, while its administration usually implies formal judicial mechanisms, traditional dispute resolution mechanisms are equally relevant. The international community has worked to articulate collectively the substantive and procedural requirements for the administration of justice for more than half a century (S/2004/616, paras. 6 and 7).

9. In view of the above, the phrase “international criminal justice education” has a United Nations-specific meaning. It should not be understood as synonymous with the phrase “international criminal law education”. As helpfully clarified in this context by one eminent international criminal law scholar, the United Nations is about the mandate and authority, and the academia about the concept and method.<sup>2</sup> Hence, the adjective “criminal” must first be recognized as referring to counteracting domestic crime and delinquency problems: by and large, ordinary violent and property crime, as well as treatment of offenders, delinquents and victims. These were the elements of the early United Nations crime-related mandate (1946-1984) with which the United Nations crime programme started its global journey, in line with the reference in the preamble to the Charter of the United Nations to “succeeding generations” and article 55 of the Charter, which underscores the social aspects of the origins of the United Nations crime mandate. However, since the adoption by the Seventh Congress (1985) of the Model Agreement on the Transfer of Foreign Prisoners and the recommendations on the treatment of foreign prisoners, the United Nations crime programme has gradually moved into the realm of transnational justice.

<sup>2</sup> Cherif M. Bassiouni, *Introduction to International Criminal Law* (Ardsley, New York, United States of America, Transnational Publishers, 2003), chap. 1.

10. Five years later, the General Assembly, in its resolution 45/122, entitled “Criminal justice education”,<sup>3</sup> by which it endorsed national and international criminal justice educational initiatives on the recommendation of the Eighth Congress (1990), requested the Secretary-General to bring to the attention of relevant national criminal justice and educational authorities the United Nations standards and norms and other selected recommendations with a view to ensuring their more widespread and systematic dissemination in relevant training and educational programmes. At the time of the Twelfth Congress, international criminal justice education for the rule of law should be further understood to focus on

crime prevention and criminal justice, including providing to Member States, upon request and as a matter of high priority, technical cooperation, advisory services and other forms of assistance, and coordinating with and complementing the work of all relevant and competent United Nations bodies and offices,<sup>4</sup>

in particular, in such areas as

corruption, organized crime, money-laundering, terrorism, kidnapping, trafficking in persons, including the support and protection of victims, and international cooperation, with special emphasis on extradition and mutual legal assistance, as well as efforts undertaken in implementing the Programme of Action, 2006-2010, on strengthening the rule of law and the criminal justice systems in Africa, in order to reduce the impact of crime and drugs as impediments to security and development in Africa.<sup>5</sup>

11. While the fields of international criminal law and transnational criminal law differ in historical origin, normative content and institutional implementation, they are nevertheless often closely related in practice. Certain “ordinary” crimes, if committed in a systematic or widespread manner or on a mass scale, can amount to the more serious “crimes under international law”, which may then have to be dealt with by international courts and tribunals. Particularly in conflict and post-conflict situations where the State with primary responsibility to prosecute is unwilling or unable to do so, international criminal courts and tribunals have a significant role to play.<sup>6</sup>

12. For the purposes of developing a template in the context of efforts by UNODC and the institutes of the Programme network to strengthen international criminal justice education for the rule of law, it is therefore valuable to see international criminal justice in a broad sense that centres first and foremost on all the issues, concerns, standards and norms that come within the UNODC mandate, but without excluding the standards and norms of international human rights law, international humanitarian law and international criminal law to the extent that these connect, complement and bear upon the UNODC mandate. Practically speaking, adopting the broader approach to international criminal justice education for the rule of law

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<sup>3</sup> In the same year, the Economic and Social Council adopted resolutions 1990/20, “Prison education”, and 1990/24, “Education, training and public awareness in the field of crime prevention”.

<sup>4</sup> General Assembly resolution 62/175, para. 2.

<sup>5</sup> Ibid., para. 3.

<sup>6</sup> See Neil Boister, “Transnational Criminal Law”, *European Journal of International Law* (2003), vol. 14, No. 5, pp. 953-976.

enables the development of a more comprehensive, more consolidated and more effective template to give programmatic effect to UNODC-sponsored training, teaching and research.

### **III. Relationship of the workshop to the main theme of the Congress**

13. In the context of the development of the United Nations crime mandate from 1946 to 2010, the main theme of the Congress well reflects the gradually evolving and expanding nature of international criminal justice education for the rule of law and the need for a comprehensive global criminal justice education strategy for the rule of law.

14. The regional preparatory meetings have provided preliminary answers to some of the issues raised in the discussion guide, as summarized below.

15. The Latin America and Caribbean meeting (A/CONF.213/RPM.1/1, paras. 52-55) identified a need to collect empirical data in order to measure the extent to which human rights guarantees were being respected in the administration of criminal justice, and proposed that those data should be used to focus relevant training programmes. Considering that “education was a powerful tool for the prevention of crime”, the meeting also recommended that regional training programmes be developed to highlight the application of international and regional standards and norms pertaining to crime prevention and criminal justice, and that such programmes “should be tailored to specific target groups, such as primary, secondary and university students, public officials and the media”. In short, the meeting stressed that training and public information campaigns could help to enhance civil society support for criminal justice reform.

16. The Western Asian meeting (A/CONF.213/RPM.2/1, paras. 55-62) emphasized the need to strengthen knowledge and understanding of the rule of law through United Nations technical assistance, in particular through applied research and international criminal justice education on the United Nations standards and norms. This should cover universities, criminal justice officials and other practitioners, as well as primary schools, in order to spread “a culture of lawfulness”. Finally, the meeting recommended that Member States should intensify their cooperation with UNODC to launch criminal justice education initiatives targeting youth at risk, victims of crime and former offenders, and to ensure that the United Nations crime prevention and criminal justice standards and norms are fully reflected in academic and training institutions dealing with these issues.

17. Similarly, the Asia and Pacific meeting (A/CONF.213/RPM.2/1, paras. 55-62) underscored that international criminal justice education for the rule of law had to encompass highly technical and specialized aspects, as well as the more fundamental and basic elements, and approach them from several different angles. On the one hand, it should target teachers and trainers, and on the other hand, criminal justice practitioners. More broadly, criminal justice awareness-raising had to involve a wide range of stakeholders in society and should be addressed through a multidisciplinary capacity-building approach. The Virtual Forum against Cybercrime, launched by the Korean Institute of Criminology, offers an online training course that could be tailored to meet the specific needs relating to criminal

justice education. Finally, the meeting recommended that international criminal justice education for the rule of law had to be comprehensive in terms of content, accessible in developing countries and flexible enough to address particular themes or issues of current concern, such as violence against women and trafficking in persons.

18. Finally, the African meeting (A/CONF.213/RPM.4/1) underlined the contribution of the United Nations standards and norms to the recognition of the consistent principles of the rule of law. In this regard, the meeting recommended the broadening of education and awareness-raising for the population at large to enhance respect for the rule of law. Personnel responsible for upholding the rule of law, such as parliamentarians, correctional facility and law enforcement officers and judicial officials, should be trained in the application of the relevant United Nations standards and norms. Moreover, given the highly specialized character of criminal justice topics, it was essential that the related international education for the rule of law be designed to address specific needs, in particular through capacity-building and training, as well as through education in crime prevention aimed at the public at large, civil society and the media. In this sense, the meeting recommended that curricula had to be tailored to the specific needs of criminal justice education and that college and university programmes should be adapted to cover United Nations standards and norms. Furthermore, African universities should offer courses on international human rights and humanitarian law similar to those found elsewhere.

19. Bearing in mind the variety of these recommendations, the way forward could be to consider developing a United Nations criminal justice education template as a contribution to international criminal justice education for the rule of law, as well as an outline for a model package on UNODC international criminal justice education for the rule of law. The package could be composed of, e.g., generic modules on police, prosecution, courts and prisons, and one more module on cross-cutting issues, consisting of two parts, one substantive on, e.g., crime prevention or non-custodial measures, and one methodological, on teaching and training techniques, among which there should be a place for on-site computer-based training and distance (online) learning.

20. Computer-based training has two additional advantages over conventional, in-class training. First, research has proved that computer-based training, if well designed, has the potential to deliver training objectives more efficiently. For instance, each participant can learn at his or her own pace. Second, computer-based training encourages all trainees to participate actively through multimode testing devices, including scenarios, questions and a live-voice commentator to provide feedback on the answers.

21. UNODC, with its partners, has made considerable progress in computer-based training and other computer-based learning methods. These tools (13 altogether) vary from already fully fledged and evaluated computer-based training programmes to conceptual approaches for the designing of new tools and programmes.

22. Among the most advanced computer-based training tools of UNODC are the programmes concerning drug trafficking and trafficking in persons, developed for the enhanced implementation of the United Nations conventions against drugs and organized crime, including the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (2000). The drug trafficking



programmes (originating in 1997) include, so far, 78 training modules in 18 languages and are taught in 300 training centres in 52 countries.

23. On the basis of interviews with students, trainers and experts from the field and a student survey, UNODC has graded the programme as a highly qualitative learning tool, the refinement of which entails only minor changes in content and further cultural adaptations for diversified end-users.<sup>7</sup>

24. The success of these computer-based training tools is demonstrated by the fact that they have already trained more than 40,000 students worldwide, and are already incorporated in the programmes of national police training academies, such as the Royal Thai Police and the Turkish International Academy against Drugs and Organized Crime. The latter and the Joint Centre for Law Enforcement Cooperation in Indonesia have been among the best computer-based training facilities for regional training on criminal intelligence; both training centres helped to develop worldwide best practices for e-learning in this field.

25. Still another computer-based training tool addresses the theme “Understanding human trafficking”. It contains three modules. The first module, “Introduction to human trafficking” provides information about the different types of trafficking in persons and explains its most important elements. The second module, “The human trafficking process”, describes more specifically the persons involved, both victims and traffickers. The third module, “Identifying and dealing with victims”, addresses the needs of the victims.

26. UNODC is developing a similar computer-based training tool for the promotion of judicial integrity. The normative basis for this programme is formulated in The Bangalore Principles of Judicial Conduct and the commentary thereon, and in a training manual on judicial ethics and guidelines on judicial integrity, now under development. The underlying rationale for addressing judicial integrity and capacity stems from the accounts of widespread corruption in the judiciary in many parts of the world. Hence, this initiative is aimed at providing quality training to as many judges as possible, so that the awareness of and compliance with standards of professional ethics are increased.

27. In the UNODC training projects carried out so far, pilot programmes have delivered positive results. Pilot testing contributes to the cost-efficiency of computer-based training tools, as it helps to refine them so they can be deployed at no cost and repeated as often as required. With established training centres and adequate information technology (IT) facilities, training can take place at any time, and only staff for maintenance is needed. Thus, computer-based training can reach recipients within a relatively short time.

28. Apart from computer-based training, UNODC has also developed several software tools to assist Governments or local authorities in the fight against specific forms of crime. A new UNODC software programme helps States parties to the United Nations Convention against Corruption to carry out a self-assessment of the implementation of the Convention. Another software package has been developed

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<sup>7</sup> “Evaluation of UNODC’s e-learning initiative (with emphasis on computer based training) as a modality of technical cooperation delivery and capacity-building”, January 2006. Available from [www.unodc.org/documents/evaluation/2005-e-learning.pdf](http://www.unodc.org/documents/evaluation/2005-e-learning.pdf).

for assessing implementation of the United Nations Convention against Transnational Organized Crime and its three Protocols.

29. UNODC has collaborated with the Information Technology Service of UNODC in the development of two software applications to assist financial intelligence units in the collection, analysis and dissemination of information and intelligence and to assist law enforcement and regulatory agencies with the management of investigations. The application developed for financial intelligence units, goAML, is a fully integrated software application designed to deal with most aspects of a financial intelligence unit's business. The second application, goCASE, also an integrated IT solution, assists investigative and regulatory agencies with the collection, management and analysis of all types of data associated with criminal and other investigations. A further service offered by the UNODC Information Technology Service is goIDM, a structured data centre model for government agencies.

30. A training website that will teach the most important elements of protection of children as victims and witnesses of crime is currently in the development stage. The normative ground for this is the Guidelines on Justice in Matters involving Child Victims and Witnesses of Crime. Training manuals, handbooks and further project proposals for technical assistance are part of this project.

31. In the field of cybercrime, UNODC has worked together with the Korean Institute of Criminology to develop the Virtual Forum against Cybercrime. The Forum's development has already benefited from several expert and advisory group meetings that discussed, conceptualized and pursued a pilot e-learning training programme and a homepage for the proper coordination of Member States' work against cybercrime.

32. The latest UNODC computer-based training tool is its experimental DVD lecture on sport, violence and crime prevention, planned with the University of Vienna and to be carried out jointly with the United Nations Information Service on 26 May 2010 ([www.cs.univie.ac.at/unodc/e-lectures/sports](http://www.cs.univie.ac.at/unodc/e-lectures/sports)). This is a precursor to online urban crime prevention training courses, to be outlined at the relevant workshop of the Congress, subject to the availability of in-kind and financial contributions by the potential Programme network partners.

33. UNODC also offers a variety of legal tools for general use, all accessible from its homepage. All these computer-based tools are part of the UNODC commitment to promoting criminal justice education and to realizing its operational goals as a means of technical assistance. To varying extents, the tools draw on the United Nations crime prevention and criminal justice standards and norms. In some cases, they draw on innovative regional, national or local practices, thus making technical assistance a multipronged and cutting-edge global mechanism.

34. The Congress may wish to look into the question of more online teaching materials, an electronic forum of international criminal justice educators, case study collections and the use of films to explain certain principles and materials to make United Nations crime prevention and criminal justice terminology more accessible. In this regard, it is essential to recognize that the selection of the best teaching method remains of fundamental importance, in particular to ensure that it is adapted carefully to local needs and competencies.

35. The use of interactive methodology should be promoted, while nevertheless bearing in mind and remaining sensitive to the fact that in some cultures there might be a measure of resistance to such methods, for computer training can hardly replace conventional in-class training interaction with a teacher and classmates. Whether in developed or developing countries, field visits and field training connected with follow-up forms of on-the-ground technical assistance activities are and will globally remain the pillar of United Nations international criminal justice education for the rule of law. As fundamental as that is, it will additionally need to contribute to bridging the digital divide between countries. The Congress may wish to emphasize this point.

36. Finally, post-Congress UNODC activities could focus on the further development of its criminal justice education template and the technical assistance package for international criminal justice education for the rule of law, especially for developing countries and countries in post-conflict situations.

#### **IV. Rationale behind and elements for a template for international criminal justice education for the rule of law**

37. Among the many points of consensus emerging from the regional preparatory meetings on the workshop was the need to shape the complex and diverse United Nations crime prevention and criminal justice standards and norms into a coherent, teachable message. A template approach can help to ensure substantive quality control in the actual delivery of training and should be used to map out the range of crime prevention and criminal justice standards and norms, together with themes, issues and discussion points. It should be adaptable for use particularly in developing countries and transitional post-conflict situations.<sup>8</sup> Moreover, the message of international criminal justice itself should relate simply, clearly, logically and factually to democracy, human rights and the rule of law — cross-cutting issues that need to have prominence in related efforts.

##### **A. Complexity and diversity of the United Nations crime prevention and criminal justice standards and norms**

38. As the *Compendium* notes, many instruments that relate to the administration of criminal justice are not included in the *Compendium* itself, but can be found elsewhere, for example, in the compilation of human rights instruments of the Office of the United Nations High Commissioner for Human Rights. This raises an important question. The *Compendium*'s aim is to bring together the many instruments that have been developed chiefly under UNODC auspices, rather than those of other bodies, such as the Human Rights Council (or its predecessor, the Commission on Human Rights), the special rapporteurs, the various United Nations human rights treaty bodies, the Office of the United Nations High Commissioner for Refugees, the United Nations Children's Fund, the United Nations Development Programme or other United Nations agencies, bodies or programmes. From an

<sup>8</sup> See Office of the United Nations High Commissioner for Human Rights, *Rule-Of-Law Tools for Post-Conflict States: Mapping the Justice Sector* (2006).

institutional point of view, it makes sense for each United Nations entity to compile instruments emanating from its own policy- and decision-making organs, rather than try to cover exhaustively the extant norms and standards arising from all parts of the wide array of United Nations agencies, bodies and programmes. This approach reduces the duplication of documentation across the United Nations system. From a substantive-normative point of view, however, this approach tends to produce an overly narrow vision of applicable norms by according insufficient attention to relevant norms and standards that may have been developed in other United Nations agencies, bodies and programmes.

#### Box 1

It is instructive to note that the *Compendium of United Nations Standards and Norms in Crime Prevention and Criminal Justice* groups the various instruments in convenient thematic order. It lists under the general heading “Persons in custody, non-custodial sanctions, juvenile justice and restorative justice” the following specific issues of concern:

- Treatment of prisoners
- Juvenile justice
- Alternatives to imprisonment and restorative justice

Under “Legal, institutional and practical arrangements for international cooperation” are the following:

- Model treaties
- Declarations and plans of action

Under “Crime prevention and victim issues” are:

- Crime prevention
- Victims
- Violence against women

Finally, the *Compendium*’s section entitled “Good governance, the independence of the judiciary and the integrity of criminal justice personnel” lists the following instruments:

- Code of Conduct for Law Enforcement Officials
- Guidelines for the Effective Implementation of the Code of Conduct for Law Enforcement Officials
- Basic Principles on the Use of Force and Firearms by Law Enforcement Officials
- Basic Principles on the Independence of the Judiciary
- Procedures for the effective implementation of the Basic Principles on the Independence of the Judiciary
- Basic Principles on the Role of Lawyers

- Guidelines on the Role of Prosecutors
- International Code of Conduct for Public Officials
- United Nations Declaration against Corruption and Bribery in International Commercial Transactions

This explains why the *Compendium*, under the heading “Torture and other cruel, inhuman or degrading treatment or punishment”, lists the following:

- Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
- 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
- Principles on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

Because of the UNODC mandate, the *Compendium* does not include other relevant United Nations legal instruments. For the same reason there is no hint of the voluminous body of decisions, views, recommendations or various United Nations human rights treaty bodies dealing with administration of justice issues. However, the UNODC template should draw from these United Nations law sources, thus making its template a fully holistic instrument.

39. Indeed, the distinction between instruments relating to criminal justice, on the one hand, and human rights instruments relating to the administration of criminal justice, on the other, has always been overly pronounced. This may have obscured existing normative interconnections and contextual elements and hindered a more holistic approach to international criminal justice education.

40. In short, United Nations standards and norms have grown incrementally over time through various instruments on a mainly ad hoc basis. This should not be surprising given the fact that States normally address issues of concern as they emerge according to perceived needs and usually only once the necessary political will to take action has matured. Such action might take the form of policy statements, legal enactments, declarations, guidelines, manuals, statements of principles or conventions.<sup>9</sup>

41. However, participants in international criminal justice education training and teaching programmes need to know about all the relevant norms and standards pertaining to a particular subject matter regardless of their provenance. Therefore, to develop a more coherent approach to international criminal justice education for the rule of law, it is essential to adopt a more normatively comprehensive and consolidated approach by sweeping in the applicable human rights norms and drawing upon the various decisions of United Nations human rights treaty bodies, the guidance of the International Committee of the Red Cross in implementing fair trial guarantees in situations of armed conflict and the jurisprudence of international

<sup>9</sup> See Roger Clark, *The United Nations Crime Prevention and Criminal Justice Program: Formulation of Standards and Efforts at Their Implementation* (2002).

criminal courts and tribunals, as well as that of national truth and reconciliation commissions, insofar as they relate to criminal justice. On this understanding, UNODC finds itself among those international entities and bodies that have contributed to and/or pursued a comprehensive operationalization of all United Nations crime prevention and criminal justice standards and norms through a variety of manuals and handbooks (increasingly for training), as is documented on its homepage ([www.unodc.org](http://www.unodc.org)). What is now needed is an even more comprehensive and overarching look at the technical assistance delivery of those standards and norms in the Programme framework.

42. Moreover, international criminal justice education for the rule of law can be effective only if it imparts an understanding of the relationship of crime prevention and criminal justice to wider concerns of democracy, human rights and the rule of law, and the threat that impunity poses to these goals in practice, in particular in post-conflict situations and countries undergoing transition from authoritarian regimes.

## **B. Clear conceptual link in criminal justice efforts: democracy, human rights and the rule of law**

43. The proposed template for international criminal justice education for the rule of law must recognize the needs that States themselves have identified as priorities, particularly developing countries and countries in transitional post-conflict situations. In this connection, it is interesting to note that Member States reiterated their concern over widespread or pervasive impunity for serious crimes as a threat to democracy, the rule of law and human rights in a series of international conferences of new or restored democracies. Those conferences expressed their particular concern over the threat of impunity in connection with the problems of organized crime, money-laundering, drug trafficking, corruption, terrorism, the crime of aggression, war crimes, crimes against humanity, genocide and the systemic challenge of ensuring civilian control over the military ([www.icnrd.org/index.php](http://www.icnrd.org/index.php)).

44. Unequivocal recognition on the part of Governments of the threat that impunity poses to democracy, human rights and the rule of law falls squarely within the UNODC mandate, because crime prevention and criminal justice, particularly in post-conflict situations where the integrity and independence of the judiciary may be weak, aim to end impunity and restore the rule of law, and it should therefore inform the substance of the proposed template for international criminal justice education for the rule of law. Conversely, i.e., analysing the linkage between international criminal/humanitarian law and ordinary/transnational organized crime influences the development of new criminal law institutions in domestic penal codes.<sup>10</sup> Consequently, education in international criminal justice for the rule of law must be a circular process in which various developments have to be not only understood and captured but also interpreted and shown in their dynamic reciprocal relationship. This requires a cadre of teachers and trainers who are in a position to project into classrooms the global vision of criminal justice in its full complexity

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<sup>10</sup> Ruth G. Teitel, "Transitional justice genealogy", *Harvard Human Rights Journal*, vol. 16 (2003), pp. 69-94.

and relevance to the main theme of the Congress, thus charting the way for the future of international criminal justice education for the rule of law.

45. In terms of overarching principles, the template must feature prominently all the key values that remain integral to international criminal justice education for the rule of law, such as fairness, equality and non-discrimination, as well as an emphasis on rehabilitation of the offender and restoration of the victim's dignity through restitution, compensation, apology, rehabilitation and other forms of redress.<sup>11</sup>

#### Box 2

A template for international criminal justice education should link fair and effective criminal justice to democracy, human rights and the rule of law because:

- This broadens the discussion of crime and justice issues to include the normative and institutional linkages with international human rights law, international humanitarian law and international criminal law
- It is based on the will of States as expressed in many forums
- It maintains the primary focus on the need for fair and effective crime prevention and criminal justice in developing countries, countries in transition from conflict, and new democracies threatened by the spectre of the return of authoritarian rule

46. The above approach naturally lends itself to the development of a conceptually coherent and unified substantive message for a template for international criminal justice education for the rule of law.

### C. Developing a practically feasible template to ensure effective training in international criminal justice education for the rule of law

#### Box 3

Over the almost 65-year history of the Programme, its component parts, now including UNODC and institutes of the network, have extensively been involved in academic lecturing and training for practitioners, as well as in other forms of criminal justice and crime prevention capacity-building that have targeted government agencies, academic institutions and non-governmental organizations in developing countries and countries in transition.<sup>a</sup> While times change, a recurrent lesson learned has been that a teaching and training template can be more valuable if it balances well a certain measure of substantive uniformity with flexibility and versatility. On the one hand, a template for international criminal justice education for the rule of law should contain a uniform core message that reflects the main criminal justice standards and norms, together with human rights and humanitarian law and international criminal law norms, as well as their relationship to the larger context of democracy and rule of law principles. This minimum substantive

<sup>11</sup> See, generally, Ilaria Bottiglieri, *Redress for Victims of Crimes under International Law* (2004).

requirement should fully underscore the relevance of the United Nations standards and norms to regional and domestic levels in all countries and territories. On the other hand, the template should offer a variety of modules focusing on various themes, such as juvenile justice, gender and justice, victims' reparations, trafficking in persons and, anti-corruption and development, so that international criminal justice education can be tailored to suit the particular needs of various stakeholders in countries and territories around the globe, for example, police officers, armed forces personnel, prison officials, non-governmental organization staff, ministry of justice officials, judges, prosecutors, journalists who routinely cover administration of criminal justice issues, staff of anti-corruption authorities and national human rights institutions and ombudsman institutions.

<sup>a</sup> See Kauko Aromaa and Slawomir Redo (eds.), *For the Rule of Law: Criminal Justice Teaching and Training @cross the World* (European Institute for Crime Prevention and Control, affiliated with the United Nations, and Korean Institute of Criminal Justice Policy, Helsinki-Seoul, 2008), pp. 17-44. Available from [www.heuni.fi/uploads/tzhsr483htna24e.pdf](http://www.heuni.fi/uploads/tzhsr483htna24e.pdf).

47. Templates can take many forms. On the one hand, there is no doubt that modern international criminal justice education must take advantage of the many powerful computer, Internet and telecommunications modalities available today that have transformed teaching and learning into a much more interactive, dynamic and engaging process. On the other hand, wide disparities persist among countries and people within countries as regards access to up-to-date computer and Internet technology such as broadband connections, satellite reception and teleconferencing.<sup>12</sup> It therefore makes good sense for a template for international criminal justice education for the rule of law not to adopt an either/or approach as regards traditional lectures, workshops, seminars, discussions and case studies versus e-learning modules and Internet portals, but rather to combine them.

48. A good template for international criminal justice education for the rule of law will take full account of and build upon the work that has already been done in this field to avoid duplication, while making it possible for interested users to explore particular aspects more in depth. Thus, the manuals and other teaching and training materials will contain numerous references to conventions, relevant fact sheets of various United Nations and other agencies and other manuals. Once the practical usage of the manual part of the template has been tested in the field and subjected to critical evaluation by participants in teaching, training and technical assistance lectures, seminars and workshops, as well as trainers and other interested stakeholders, it can be revised accordingly and eventually made available in electronic form as well and linked to other electronic training programmes in criminal justice.

<sup>12</sup> See, e.g., Economic and Social Council resolution 2008/3, paras. 3 and 11.



## Box 4

A good template for international criminal justice education for the rule of law should comprise the following:

- An easy-to-read training manual designed for trainers and participants that introduces the main elements of United Nations crime prevention and criminal justice standards and norms while putting forward a coherent and unified message that relates these standards and their implementation to democracy, human rights and the rule of law. In addition, the training manual should have a number of modules devoted to specific themes and topics so that training can be easily and quickly adapted to suit the wide variety of target audiences. The manual should have many images and illustrations, as well as text boxes that summarize important elements, and other text boxes that pose questions to help trainers and participants review the material. Case studies should be liberally used, as well as simulation exercises to encourage participants to work together on substantive problem-solving
- Interactive e-learning modules available on the Internet or on DVD or CD-ROM that can supplement and build upon the material covered in the training manual
- A series of lectures, seminars and workshops that maintain a highly interactive format allowing ample time for discussion and free flow of ideas among participants, including the presentation of participants' mini-essays on specific topics
- Expert support to assist the training of trainers and practitioners in the development of clearly defined goals, expected outcomes, implementation strategies and results-based evaluations with regard to the design and implementation of projects in crime prevention and criminal justice

## Box 5

An effective template for international criminal justice education for the rule of law should build upon and link with crime prevention and criminal justice e-learning initiatives, such as the following:

- Korean Institute of Criminology/UNODC Virtual Forum against Cybercrime ([www.kic.re.kr](http://www.kic.re.kr))
- Turkish International Academy against Drugs and Organized Crime, established by the Government of Turkey and UNODC
- United Nations Training and Research Institute e-learning courses on peace and justice ([www.unitar.org](http://www.unitar.org))

49. Efficiency in the implementation and delivery of international criminal justice education for the rule of law will take full advantage of the various e-learning avenues that have already proved successful in teaching and training programmes in

anti-corruption, cybercrime, drugs and crime, and wider contextual problems relating to peace and justice in transitional societies.<sup>13</sup>

50. Moreover, international criminal justice education for the rule of law can be more effectively mainstreamed in academic curricula through existing United Nations linkages with universities and other academic institutions and through regional networks of graduate programmes. In measuring the effectiveness and evaluating the impact of United Nations rule of law assistance, it is necessary to enhance endeavours geared towards improving the knowledge and understanding of the development of rule of law, and therefore United Nations entities need to galvanize research centres and academia to sponsor applied research and scholarship on rule of law assistance (A/63/226, para. 62). The Academic Impact initiative of the Department of Public Information of the Secretariat, for example, assists higher educational institutions in finding innovative ways for their curricula to include information about United Nations activities and efforts.<sup>14</sup> Regional networks among academic institutions teaching human rights, humanitarian law and international criminal law, such as the European Union's Bologna Process,<sup>15</sup> provide further avenues for effectively mainstreaming international criminal justice education for the rule of law in academic curricula.

#### Box 6

International criminal justice education for the rule of law should take full advantage of existing institutionalized United Nations links with academic programmes, such as the following:

- Academic Impact initiative of the Department of Public Information (<http://academicimpact.org/principles.html>)
- United Nations University international courses, research and publication programmes
- United Nations Interregional Crime and Justice Research Institute Master of Laws programme in international crime and justice ([www.unicri.it/www/TAE/post-graduate\\_education/llm/index.php](http://www.unicri.it/www/TAE/post-graduate_education/llm/index.php))

It should also increase curricular harmonization among academic institutions, e.g. through the following:

- The LLM in human rights and democratization in Africa, University of Pretoria Centre for Human Rights ([www.chr.up.ac.za/academic\\_pro/llm1/llm1.html](http://www.chr.up.ac.za/academic_pro/llm1/llm1.html))
- The European Master's Degree in human rights and democratization ([www.emahumanrights.org/](http://www.emahumanrights.org/))
- The Master's Degree in democratization and human rights in

<sup>13</sup> See "Can the United Nations be taught?: Proceedings of a colloquium on innovative approaches to teaching the United Nations system, held at the Diplomatic Academy of Vienna, 22-23 November 2008". Available from [www.aso.zsi.at/attach/2Compendium\\_Final\\_08Sept09.pdf](http://www.aso.zsi.at/attach/2Compendium_Final_08Sept09.pdf).

<sup>14</sup> Ibid., pp. 10, 14, 19, 21 and 22.

<sup>15</sup> The Bologna Declaration was signed on 19 June 1999 by 29 European countries. The Bologna Process has since grown to encompass 46 States that support the goal of creating a European Higher Education Area.

South-East Europe (<http://137.204.115.130/activities/education/details-education.php?id=16&noindex=1>)

- The Mediterranean Master's Programme in human rights democratization
- The Bologna Process ([http://ec.europa.eu/education/higher-education/doc1290\\_en.htm](http://ec.europa.eu/education/higher-education/doc1290_en.htm))
- The Master of Arts in international crime and justice programme at the John Jay College of Criminal Justice, City University of New York ([www.jjay.cuny.edu/icj](http://www.jjay.cuny.edu/icj))

51. Equally if not more important are the many linkages available through the United Nations and regional organizations that are designed to reach practitioners dealing with rule of law issues, such as judges and officials working in the judicial system, police and other law enforcement officers and detention centre officials. Professional bodies, such as associations of judges, chiefs of police, prosecutors, defence lawyers, bar associations and police academies, as well as national human rights institutions, have long served as established, effective conduits of teaching and training on the rule of law and therefore could be fully utilized for the implementation of international criminal justice education for the rule of law. Institutes and faculties of criminology, sociology, penology, victimology, social work, women's studies, youth development, city planning, etc., are potential partners.

52. Last but not least, United Nations public criminal justice education requires a separate approach and mechanisms to reach out to non-professional audiences. This can usually be facilitated through various technical assistance projects for access to justice. UNODC has some experience in this area, e.g., through its work in the Democratic Republic of the Congo. In the light of the recommendations of the regional preparatory meetings for the Congress, broadening that approach seems to be imperative.

## V. Issues for possible consideration by the Congress

53. In the light of the above discussion, which takes account of the questions and issues raised in the various regional preparatory meetings and in the discussion guide, keeping in mind the relevance of international human rights and humanitarian law, international criminal law and international refugee law to the UNODC mandate and to the proposed template for international criminal justice education for the rule of law, the Congress may wish to consider the need for:

(a) Member States to review their international criminal justice education programmes in the light of United Nations crime prevention and criminal justice standards and norms and to strengthen and update the content of rule of law courses at all educational levels;

(b) Member States and UNODC to strengthen cooperation in developing global and local public education crime prevention and criminal justice initiatives that can reach out to youth at risk, victims and ex-offenders, through appropriate technical assistance projects designed to strengthen school and local community

curricula and to promote awareness of the rule of law, particularly in regard to less advantaged sectors of society;

(c) UNODC to develop a template for international criminal justice education for the rule of law, which should be used to introduce rule of law officials and other practitioners, academics and civil society organizations to the application of United Nations standards and norms, drawing on the relevant norms of international human rights law, international humanitarian law and international criminal law, as well as best practices emerging from national truth and reconciliation commissions;

(d) UNODC to initiate and pursue steps to encourage high-quality teachers and trainers on the United Nations crime prevention and criminal justice standards and norms in law and criminal justice schools, academies and training institutions, and short-term visits of eminent scholars and other experts to such entities, upon their request, with a view to enhancing the academic and practical side of the United Nations criminal justice education process;

(e) UNODC to continue to assist Member States in the establishment and development of operational training and other technical assistance centres of excellence involved in supporting field projects aimed at counteracting crime through the application of United Nations standards and norms;

(f) UNODC to consider expanding its computer-based crime prevention and criminal justice training capacity tools, by building up its in-house expertise, drawing upon the experience of the Virtual Forum against Cybercrime, developed in cooperation with the Korean Institute of Criminology, by inviting Member States, institutes of the United Nations Crime Prevention and Criminal Justice Programme and other interested entities, including the private sector, to provide financial and in-kind contributions towards the goal of establishing a virtual crime prevention and criminal justice academy;

(g) UNODC to take stock of online international criminal justice education courses in cooperation with the United Nations Programme network of institutes, with a view to establishing a clearing house of available degree and non-degree programmes worldwide and identifying them for selected technical assistance projects, with special reference to developing countries and countries in post-conflict situations;

(h) UNODC to develop an international certification project on the use and application of United Nations standards and norms in criminal justice and paralegal education in order to enhance their quality and effectiveness;

(i) UNODC to develop and propose a concept for a comprehensive technical assistance programme on international criminal justice education for the rule of law;

(j) UNODC to seek programme budget and extrabudgetary support and other arrangements that can enhance the use and application of the United Nations crime prevention and criminal justice standards and norms in teaching and training.