

## II

### INFORMATION-GATHERING, INFORMATION EXCHANGE AND RESEARCH

5. The Secretary-General, in cooperation with interested Member States and non-governmental organizations, is requested to support the international database on practical national and regional experiences in providing technical assistance in this field and on bibliographic and legislative information, including case law relevant to this field.

6. Member States and non-governmental organizations are invited to provide information for the database on projects, new programmes, case law and legislation and other relevant guidelines that have been found to be effective and that could serve as models for such developments elsewhere and to help in identifying experts who could assist Member States, upon request, in implementing such projects, programmes and legislation.

7. Member States and intergovernmental and non-governmental organizations are invited to give consideration to the further development and use of methods of gathering data on victimization, such as standardized victimization surveys, including their extension to cover groups of victims such as victims and witnesses of organized crime, terrorism, economic and environmental crime or bias or hate crimes and victims of violence against women, children and migrants.

8. Member States and intergovernmental and non-governmental organizations are invited to promote the evaluation of the efficacy of different forms of providing assistance to victims, the evaluation of the extent to which the criminal justice process takes into consideration the legitimate needs and concerns of victims and the evaluation of different forms of ensuring compensation and restitution to victims.

## III

### PREVENTION OF VICTIMIZATION

9. The Secretary-General, together with cooperating institutes and organizations, is invited to study ways in which to provide technical assistance to Member States, upon request, in responding to cases of large-scale victimization, terrorism and man-made catastrophes that are the result of criminal negligence, ensuring that the necessary emergency assistance is provided, using, where necessary, interdisciplinary and international crisis response teams to help in dealing with the situation and in responding to the needs and rights of the victims.

10. Member States are encouraged to consider the introduction, where necessary, and the strengthening of the work of ombudsmen and civilian review bodies or other complaint mechanisms and means of preventing and investigating possible abuse of power.

11. Member States and non-governmental organizations are encouraged to conduct public information and education campaigns designed to prevent and curtail victimization and re-victimization. Such campaigns should include both general campaigns directed at broad sectors of the population and special campaigns targeting selected groups known to be at high risk of such victimization and re-victimization.

12. Member States, in close cooperation with representatives of the mass media, are encouraged to elaborate and implement effectively guidelines for the media aimed at protecting victims and curtailing re-victimization.

## IV

### ACTION AT THE REGIONAL AND INTERNATIONAL LEVELS

13. The Secretary-General, in cooperation with Member States and the regional commissions, is requested to explore the possibility of developing regional mechanisms for monitoring victimization and providing recourse and/or redress for victims.

14. The Secretary-General, in cooperation with the international professional and academic community, is requested to help Member States in identifying lacunae in international criminal law and humanitarian and human rights law concerning the protection and rights of victims and witnesses, with a view to addressing those lacunae.

## V

### COORDINATION OF RELEVANT INITIATIVES

15. The Secretary-General is requested to assist Member States in strengthening coordination arrangements and procedures to foster joint planning and implementation of victim-related activities.

16. The Secretary-General is requested to ensure concerted action, with an appropriate division of responsibilities, among United Nations entities and other entities concerned with promoting the implementation of the Declaration.

17. The Secretary-General is requested to assist Member States, upon request, in the elaboration of joint strategies and the mobilization of support for providing assistance to victims, including wider citizen participation and the promotion of the principles of restorative justice.

#### **1998/22. Status of foreign citizens in criminal proceedings**

*The Economic and Social Council,*

*Guided by the Universal Declaration of Human Rights, adopted and proclaimed by the General Assembly by its resolution 217 A (III) of 10 December 1948,*

*Bearing in mind the relevant international legal instruments in the field of human rights,*

*Bearing in mind also the Standard Minimum Rules for the Treatment of Prisoners, adopted by the First United Nations Congress on the Prevention of Crime and the Treatment of Offenders, held at Geneva from 22 August to 3 September 1955,<sup>91</sup> and approved by the Economic and Social Council in its resolution 663 C (XXIV) of 31 July 1957, and the procedures for the effective implementation of the Standard Minimum Rules for the Treatment of Prisoners, approved by the Council in its resolution 1984/47 of 25 May 1984 and set out in the annex thereto,*

<sup>91</sup> United Nations publication, Sales No. 1956.IV.4, annex I, sect. A.

Recalling General Assembly resolution 49/159 of 23 December 1994, in which the Assembly approved the Naples Political Declaration and Global Action Plan against Organized Transnational Crime adopted by the World Ministerial Conference on Organized Transnational Crime, held at Naples, Italy, from 21 to 23 November 1994,<sup>54</sup>

Conscious of the need to respect human dignity and the recognized rights of persons undergoing criminal proceedings as set forth in the International Covenants on Human Rights,<sup>54</sup>

Urges Member States that have not yet done so to consider adopting the following measures:

(a) Carefully examine whether foreign citizens under criminal prosecution are guaranteed universally recognized rights with regard to criminal prosecution at all stages of proceedings;

(b) Ensure that individuals are not subjected to more severe custodial penalties or inferior prison conditions in a State solely because they are not nationals of that State;

(c) Undertake the necessary arrangements to ensure that any foreign citizen subject to criminal proceedings whose native language is not that of the State conducting the proceedings against him or her and who, for that reason, is unable to understand the nature of such proceedings has access throughout his or her trial to the services of a suitable interpreter in his or her native language, to the extent possible;

(d) Whenever permitted by its internal law or practice, make available to foreign citizens as well as to nationals, provided that they fulfil the relevant legal requirements, alternative penal sentences or administrative penalties provided for under the legislation of the State conducting proceedings;

(e) Intensify efforts to implement applicable international instruments, such as the Vienna Convention on Consular Relations,<sup>92</sup> concerning, *inter alia*, notification to consular authorities of the detention of their citizens.

44th plenary meeting  
28 July 1998

**1998/23. International cooperation aimed at the reduction of prison overcrowding and the promotion of alternative sentencing**

*The Economic and Social Council,*

Deeply concerned by the serious problem confronting many Member States as a result of prison overcrowding,

Convinced that conditions in overcrowded prisons may affect the human rights of prisoners,

Mindful of the fact that the physical and social conditions associated with prison overcrowding may result in outbreaks of violence in prisons, a development that could pose a grave threat to law and order,

Recalling the United Nations Standard Minimum Rules for Non-custodial Measures (The Tokyo Rules),<sup>79</sup> and convinced of the necessity of their further implementation,

Recalling also the resolutions on the conditions of prisoners adopted by United Nations congresses on the prevention of crime and the treatment of offenders, in particular resolution 16 on reduction of the prison population, alternatives to imprisonment and social integration of offenders and resolution 17 on the human rights of prisoners, both adopted on 6 September 1985 by the Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders,<sup>93</sup>

Noting that the International Conference on Community Service Orders in Africa, held at Kadoma, Zimbabwe, from 24 to 28 November 1997, adopted the Kadoma Declaration on Community Service, contained in annex I to the present resolution,

Taking note of the recommendations of the seminar entitled "Criminal justice: the challenge of prison overcrowding", held jointly by the Latin American Institute for the Prevention of Crime and the Treatment of Offenders and the European Commission at San José, Costa Rica, from 3 to 7 February 1997, contained in annex II to the present resolution,

Mindful that many Member States lack the necessary resources to resolve the problem of prison overcrowding, and conscious that the inadequate facilities and cell accommodations in prisons are a product of the difficult socio-economic conditions prevailing in developing countries and in countries with economies in transition,

Noting that, in an attempt to reduce prison overcrowding, some Member States have been trying to find a solution by granting amnesties or pardons or by building new prisons,

Recognizing the need for Member States to establish economic and technical cooperation for the purpose of improving prison conditions and allocating resources to that end,

Considering that prison overcrowding causes a variety of problems, including difficulties for overworked staff,

Taking into account the limited effectiveness of imprisonment, especially for prisoners serving short sentences, and the cost of imprisonment to society as a whole,

Considering the growing interest in many Member States in measures to replace custodial sentences, especially taking into account the principles of human rights,

Considering also that community service and other non-custodial measures are innovative alternatives to imprisonment and that there have been promising developments in this area,

Considering further that compensation for damage done is an important element of non-custodial sentences,

Considering that legislation can be introduced to ensure that community service and other non-custodial measures will be imposed as alternatives to imprisonment,

<sup>79</sup> See *Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Milan, 26 August–6 September 1985: report prepared by the Secretariat* (United Nations publication, Sales No. E.86.IV.1), chap. I, sect. E.

<sup>92</sup> United Nations, *Treaty Series*, vol. 596, No. 8638.