

**12th UN Congress on Crime Prevention and Criminal Justice
Committee I
4th & 5th Meetings (AM & PM)**

**Delegates Call for ‘Template’ to Improve Rule-of-law Education
Worldwide As United Nations Crime Congress Enters Third Day**

Keynote Speaker: Academic Training of Professionals Must Place Greater Emphasis on
Practical Applications for Field Situations

SALVADOR, 14 April (UN Information Service) – The United Nations should develop a template to better educate everyone from schoolchildren to judges worldwide about criminal justice concepts, standards and the rule of law in order to create a safer, more just world, delegates said as the Twelfth United Nations Congress on Crime Prevention and Criminal Justice continued in Salvador, Brazil, today.

After years of viewing criminal justice as a matter of national sovereignty, States were increasingly warming to the idea of international standards and norms set by the world body, William Schabas, a professor at the International Institute of Higher Studies in Criminal Sciences in Siracusa, Italy, said during a discussion on “International criminal justice education for the rule of law”.

In a keynote address, Mr. Schabas cautioned, however, that shaping complex, diverse United Nations policies on organized crime, corruption, kidnapping, terrorism, money-laundering, and trafficking in persons, as well as the volumes of writings on the emerging field of justice and the rule of law in post-conflict societies, into a coherent, teachable message was a formidable challenge. “The General Assembly has given us a rather big piece of meat to chew today,” he added.

“It’s daunting and intimidating, and some of us think we should send most of it back to the kitchen,” he continued. Rather than trying to combine those policies into one common stew, there should be a “tasting menu” in which Governments and other stakeholders could adapt standards and norms established in Brazil, Vienna, Geneva and New York as appropriate.

He called on participants to focus on developing suitable criminal justice education in grade schools and universities, training in the rule of law; and creating international crime prevention and criminal justice standards. At present, grade schools had a simplistic approach that taught young people merely to respect the rule of law without ever informing them about the laws themselves. What they really needed was broad training on the principles of democracy, justice and accountability, drawing on instruments such as the Universal Declaration of Human Rights, rather than more technical documents and norms that would be less accessible and intelligible.

Institutions of higher education must create a pool of skilled experts through post-graduate studies, as was the case at the University of London and the University of Ireland, he said. They now offered post-graduate degrees in criminal law -- a marked change from 15 years ago, when no courses were offered on international criminal justice education for the rule of law. The universities also had a robust international criminal justice research culture.

Much of the academic training of rule-of-law professionals in the United Nations, national Governments, official development aid programmes and consulting firms did not prepare them for field work, he noted. Professionals found themselves thrust into such places as Kosovo, Timor-Leste and Sierra Leone, where they clumsily attempted to apply what they had learned in law school to situations on the ground. That must change, he said, emphasizing the need to raise the rule-of-law profile, with an emphasis on practical applications.

During the ensuing workshop, “Developing a template and technical assistance implementation modalities”, Lyal Sunga, Visiting Professor at the Raoul Wallenberg Institute of Human Rights and Humanitarian Law in Lund, Sweden, agreed with that assessment, saying criminal justice education

should link concepts with practice. A large part of the problem was that, in compiling and using mainly their own instruments, United Nations bodies often produced an excessively narrow vision of the subject matter while neglecting relevant norms and standards developed elsewhere in the Organization.

He said a more coherent, consolidated approach was needed, comprising transnational criminal law, international human rights law, recommendations by United Nations human rights treaty bodies, and jurisprudence from international criminal courts, among other areas. The proposed template should also be flexible enough to tailor teaching for everyone from human rights officials and non-governmental aid workers in the field to police officers and journalists. It must feature a core "minimum substantive element" on key crime prevention and criminal justice topics.

James Hamilton, Director of Public Prosecutions of Ireland, stressed the need for international standards for prosecutors to ensure ethical behaviour, and the importance of education in creating a culture in which codes of ethics were respected. The 1990 Havana Guidelines and the 1999 International Association of Prosecutors Standards were important tools in that direction, in particular because they were imposed by prosecution agencies themselves and not just national Governments.

The Havana Guidelines focused on selecting prosecutors for their educational qualifications rather than their personal connections, he noted, adding that they obliged prosecutors to go to trial only when there was sufficient evidence, without unnecessarily bringing people to court, particularly juveniles. The International Association of Prosecutors standards went a step further to stress the need for full disclosure of evidence in the courtroom and for maintaining impartiality and transparency in the face of pressure from criminals, politicians and other outside interests, he said. The Association had produced a human rights manual and a training package. It had also signed an agreement with the United Nations Office on Drugs and Crime (UNODC) on the development of a training manual.

Echoing those concerns, Byung Ha Chung, Senior Prosecutor in the Office of the Seoul High Prosecutor in the Republic of Korea, said that, while cracking down on gangs was important, integrity in the entire criminal justice process was crucial for creating and sustaining orderly, peaceful societies. He added that, following a series of high-profile corruption and human rights infringement cases in the 1990s, his country's Supreme Court had revised the code of ethics for judges in 1998.

A year later, a code of ethics for prosecutors had been established, and in 2000, the Korean Bar Association had revised the code of ethics for lawyers, he continued. Furthermore, the Government had set up the Digital Forensic Centre in 2008, to guarantee human rights and reinforce investigation capabilities, in addition to e-learning courses to educate law-enforcement officials. The Ministry of Education had developed and distributed textbooks for children and adults and set up a student court, a cyber law-related education centre and the law-related Education Support Act.

Cheryl Frank, Director of the South African Institute for Security Studies, said the biggest challenge was effecting a shift in mindset to get policymakers and service providers to better address the rights of victims. While the country's Victim Empowerment Programme and Victims' Charter were useful policy tools, the quality and reach of services in criminal justice, forensics, counselling and preparing victims for trial -- areas that had previously received insufficient attention -- was not uniform, and Government investment in training and capacity-building in those areas was erratic.

Similarly, Marc Groenhuijsen, President of the World Society of Victimology, emphasized that Governments and the judiciary must bolster the focus on victims' rights. The General Assembly's 1985 Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power was an important step forward because it recognized the rights of victims as human rights. For the first time, crime was no longer regarded only as a violation of public order. However, research revealed that only 75 per cent of victims were actually informed of their rights, he said, pointing out the inadequacy of standard pamphlets and traditional written tools.

He went on to note that victims who had had face-to-face contact with prosecutors were much better prepared. But educating the judiciary was a challenge because judges often invoked their independent status in order to refuse training, even though that status did not include the right to ignorance or arrogance. In the United Kingdom, "mandatory training" had been replaced by "judicial studies", a term that was much more acceptable to the judiciary, he said.

Burkhard Hasenpusch of the European Union's Beccaria Crime Prevention Project in Germany said there must be a higher level of interaction among experts, trainers and participants on achieving quality in crime prevention, particularly in post-conflict countries and those with high levels of crime, insecurity and political instability.

Abraham Stein, Deputy Secretary for Multidimensional Security of the Organization of American States (OAS), said the homicide rate in Latin America was twice as high as the world average, noting that the use of force by law enforcement, as well as corrupt police practices, had weakened the criminal justice system, leaving the needs of the people unmet.

As delegates engaged the panellists in the ensuing discussion, one participant said criminal justice education for the rule of law should be conducted by an independent body, not the legislative or executive branch. Others asked how the proposed template could be developed, with one delegate wondering if it should be integrated into other types of substantive training.

Mr. Sunga responded by saying that the Congress should adopt a resolution on developing the template.

In response to a question about the use of lethal force, Mr. Schabus said it was important to provide police and army personnel with clear guidelines. Regarding abuse by the authorities, a strong, independent body was needed to prosecute them.

Concerning the timeline for informing victims of their rights, Ms. Frank and Mr. Schabus said that in most countries the police initially dealt with victims and prosecutors engaged with them later on. Ms. Frank stressed that it was the role of prosecutors to make victims feel more comfortable and less overwhelmed in the courtroom.

Moderating the morning session was Slawomir Redo of the United Nations Office on Drugs and Crime.

In the afternoon session, participants saw the movie *Who is Guilty* -- portraying the mock trial of a former child soldier accused of attempted rape -- which aims to demonstrate the innovative use of film in training criminal justice administrators. The circumstances and facts surrounding the mock trial were specially chosen to spur discussion of real-life applications of United Nations criminal justice standards, in light of the viewers' national legal systems. "Where large amounts of data must be absorbed quickly [...] a movie makes this possible," Mr. Redo said.

Delegates were also shown examples of e-learning tools to be used in training, including the Korean Institute of Criminology's "Virtual Forum against Cybercrime", presented by Juneoh Jang. First discussed at the Eleventh Crime Congress in Bangkok, the Internet site offered, among other educational materials, advanced-level courses on topics ranging from preservation of evidence, encryption techniques and the use of digital forensic tools. Currently, prosecutors in the Republic of Korea wishing to transfer to another area of specialty were required to undergo 200 hours of e-lessons on cyberfraud, money-laundering and other topics.

Just as the Korean Institute of Criminology had created a virtual forum directed at law enforcement officers, Elizabeth Howe of the International Association of Prosecutors said her organization was developing a programme aimed at prosecutors. Called the Global Prosecutors E-Crime Network, the site offered access to Association members around the world, as well as a chat board allowing the exchange of advice. A global e-crime prosecutors' college provided training courses, backed by face-to-face training, she said, adding that members also had access to a sister site, the International Criminal Justice Forum, containing materials on crimes against humanity and genocide.

However, she stressed the importance of tailoring programmes to fit local contexts, cultures and stages of development, and of creating programmes informed by a good understanding of prevailing justice systems. People knowledgeable in diverse forms of e-training should be on hand to review proposed programmes, Ms. Howe said. "Who pays? That's always an inevitable issue that needs to be resolved."

Looking ahead, Michael Platzer of the Academic Council on the United Nations System said a UNODC virtual academy was "his dream", and suggested that the Office consider creating an electronic platform where known criminal justice online courses could be accessed in one place, and where teachers could exchange video clips and practise other proven techniques. "We don't know what Twitter and all that may bring in a few years, but we should try to take advantage of it," he said, observing that enforcement agencies were already taking advantage of electronic distance learning, providing courses through the Internet and encouraging self-learning. Google or other private businesses might be interested in helping to unify work being done in Japanese, Russian, Arabic and languages other than English, he added.

Workshop participants viewed a pre-recorded video message from Vesselin Popovski of the United Nations University, where international criminal justice was high among the priorities of its Institute of Sustainability and Peace. The concept of international justice was important for filling gaps in the practice of law, such as in the humanitarian field, he said.

Mr. Popovski went on to note that the General Assembly had recently approved a change in the University's mandate so that it could award post-graduate degrees. It was currently developing, in collaboration with other universities, curricula for criminal justice courses, to debut later in the year at its Tokyo headquarters.

Edric Selous, Director of the Rule of Law Unit within the Executive Office of the Secretary-General, said plans were in place for a system-wide training programme for United Nations practitioners in rule of law, to be piloted soon. Its goal would be to create a cadre of personnel to improve the quality of assistance provided by the Organization to Member States. It would be run by the Rule of Law Coordination and Resource Group, a high-level mechanism chaired by the Deputy Secretary-General, with the Unit's support and involving nine lead agencies. Its aim would be to ensure policy coherence in the areas of prison and legal reform and transitional justice, among others.

Andrew Carpenter, Chief of Strategic Policy and Development in the Police Division of the Department of Peacekeeping Operations, told delegates that surveys conducted by the Department in 2008 had shown United Nations police officers deployed to the field to be poorly trained. A majority of formed police units had scored low on capability tests, as a result of which a pre-deployment training curriculum had been drawn up and applied to all peacekeeping missions in order to improve their readiness levels dramatically. Building on that success, "train the trainer" courses would soon be made available to Member States, he said, adding that the first would be held in conjunction with the African Union. The Department was now considering ways of enhancing the training process through a standardized curriculum, with an eye to meeting needs for properly trained investigators of sex- and gender-based violence, among other things.

Before the workshop came to a close, Manfred Nowak, United Nations Special Rapporteur on Torture, moderated a brief discussion among the panellists and delegates from France, Lebanon, Saudi Arabia and Indonesia.

One participant noted that all countries without exception could benefit from training for professionals in criminal justice systems. However, another delegate raised the question of "negative consequences" in terms of criminal justice education for the public, to which Mr. Redo suggested that, whether in developed or developing countries, the approach of the United Nations sought to take into account national priorities and values according to the Organization's standards and norms. Ms. Howe added that customary justice had been combined successfully with a more modern form of justice delivery, in such places as Canada and parts of Africa.

Mr. Nowak pointed out that human rights education referred to basic minimum standards of justice, which could be taught as early as primary or secondary school. However, as Special Rapporteur on Torture for the past five years, he had noticed that education for professionals administering criminal justice systems left much to be desired. There was a need for training and technical assistance for police, prison officials, prosecutors, judges, politicians and other responsible actors, he stressed.

Ms. Howe noted that education on criminal justice standards and norms should become a regular feature of discussions by the Crime Commission.

Also during the workshop, Adam Maznavee Jaufer Sadiq (Sri Lanka), Vice-Chairman of Committee I, who was in the chair, sought input from delegates on whether workshop findings would be included in the outcome document, receiving support from the representative of Poland.

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For further information:

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