

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 1955,⁹¹ 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,

⁹¹ 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 1994,⁵⁴

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,²⁴

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,⁹² concerning, *inter alia*, notification to consular authorities of the detention of their citizens.

*44th plenary meeting
28 July 1998*