

INTERNATIONAL & REGIONAL STANDARDS: 10 STEPS TOWARDS CHANGE

Regional and global standards have the potential to guide and transform criminal justice systems and provide tools for day-to-day use by frontline professionals. Yet too often, following an intense drafting process, energies dissipate and standards end up hidden away and forgotten.

These 10 Steps are designed to ensure that standards are put into practice, by setting out practical steps that can be taken by different actors. They are not intended to be a blueprint for guaranteed implementation, but to provide guidance on the fundamental measures that various stakeholders should take.

THE PURPOSE, CONTEXT AND CONTENT OF NEW STANDARDS

Steps towards implementation begin with the development of the standards.

The Purpose

The **purpose** for developing new standards is an important factor. For example do the standards address a particular legal gap or is there a need for practical guidance to support a broad legal framework?

The Context

The **context** within which the instrument is drafted is important, including the participation of policy makers and professionals who will later be responsible for implementation and the possibility to draw on lessons from past experience.

The Content

Finally the **content and clarity** of the text should ensure compliance with other standards and norms and respond to the identified need. For example, overly broad text will be more difficult to implement.

WHO IS RESPONSIBLE FOR IMPLEMENTATION?

States bear the primary responsibility for implementation and to create an environment where there is political will for implementation. Other stakeholders also have a role to play in promoting, assisting and monitoring implementation and to help build capacity and political will. The 10 steps are therefore addressed to a range of different actors.

10 STEPS

The Executive

- 1. DISSEMINATION & AWARENESS:** the executive should develop a broad and coordinated dissemination and communications strategy. The standards and related information should be available in relevant languages and in an appropriate and readily accessible format. Existing trainings, meetings and events should be utilised and where necessary specialised training courses developed.
- 2. PARTNERSHIPS & FOCAL POINTS:** focal points in relevant government departments should be established to liaise between ministries and with other stakeholders. They should have a remit to drive implementation forward and can be a useful bridge between foreign ministries—who may have led the process of adoption—and the relevant implementing ministries.
- 3. DOMESTICATION:** steps should be taken to codify standards into domestic law and administrative instruments. Existing legislation should be scrutinised to ensure it is compliant with the new standards and where necessary engage parliament to amend or adopt new legislation. Standards should also be reflected in administrative frameworks, rules of procedure and codes of conduct in order to foster practical implementation.

4. **ACTION PLAN, BUDGET & DATA COLLECTION:** the executive should adopt a clear strategy in consultation with relevant ministries, civil society and oversight bodies to utilise and implement the standards. Budget-holders should also be involved to ensure that adequate budgetary allocation is made. Key indicators and benchmarks should be developed and comprehensive data collection put in place to monitor and evaluate progress and influence future policy. Data should be both quantitative and qualitative.

“International standards, international law, international norms; those are often created at the level of the United Nations, so the question is how can we now make those things national.”

—Maina Kiai, UN Special Rapporteur on the Rights to Freedom of Peaceful Assembly or Association

Parliament

5. **PARLIAMENTARY OVERSIGHT:** a specific mechanism for ongoing parliamentary oversight of international and regional standards should be established, such as a parliamentary committee or periodic review mechanism. Parliamentarians should review bills and existing legislation to ensure their conformity with international and regional standards and use their mandates to establish a dialogue with executive actors and hold them to account where there are concerns over a lack of implementation.

Courts & Judiciary

6. **UTILISATION & APPLICATION:** the national courts have an important role to promote implementation. The judiciary should ensure that international and regional standards are given domestic effect by using and applying them in relevant judgments. To this end judicial awareness of the importance and relevance of international and regional standards should be strengthened through trainings, judicial colloquia and continuing legal education.

Oversight Bodies / National Human Rights Institutions (NHRIs) / Professional Associations / Civil Society

7. **CREATING AWARENESS & TRAINING:** oversight bodies, NHRIs, professional associations, and civil society organisations should put in place comprehensive communication and capacity building strategies which might include training materials and programmes, practical tools and media coverage. Professional associations such as those for judges, lawyers and prosecutors should utilise and promote the standards in their day-to-day work and conduct awareness raising activities for their members.
8. **MONITORING & ANALYSIS:** oversight bodies, NHRIs, professional associations and civil society organisations should establish tools and practices to monitor and evaluate the implementation of international and regional standards. Monitoring tools can gather a range of data to identify any gaps in implementation and make policy and practice recommendations. Regular, on-going monitoring and analysis will enable these actors to engage in evidence-based dialogue with the executive, legislature and judiciary on implementation issues.
9. **LITIGATION:** litigators should apply international and regional standards and refer to them in their submissions. Strategic litigation can also be useful and help integrate international and regional standards into the practice of national courts. By establishing legal precedents litigators can effect changes in legislation, policy or practice.

International & Regional Bodies

10. **UTILISATION & MONITORING:** the ‘adopting body’ as the guardian of the standards has a key role to utilise them in their own work as well as promote and monitor national level implementation. They can help promote the visibility and authority of the standards and work together with national actors. Various procedures such as state reporting, country missions, cases and communications all provide an avenue to monitor implementation and provide authoritative guidance and practical support on measures required to implement standards.

