



## **Recommendations**

Astana, October 4-6, 2011

6th IAP Regional Conference for Central and Eastern Europe and Central Asia

**“The Role of Prosecution  
in Assuring Legal Compliance outside the Criminal Justice Arena”**

During the 6th IAP Regional conference for Central and Eastern Europe and Central Asia in Astana, which was held October 4-6, 2011, representatives of IAP organizational members and other prosecutors from non-member States shared their experience in assuring legal compliance outside the criminal justice arena.

The role of the Prosecution outside the Criminal Justice Arena in IAP member states exists within the legal system of each State according to their respective historical traditions, and there are significant differences depending on their respective legal mechanisms and the scope of each states prosecution authority.

The role and the ambit of prosecution services outside the criminal justice arena can vary significantly between states. Prosecutors in some states carry responsibility for the supervision of implementation of legislation in the social-economic sphere, protecting the rights of vulnerable elements of society and the representation of state and public interests in courts.

The activities of prosecution service outside the criminal justice arena are primarily committed to assuring legal compliance, the protection of human rights and asserting the interests of the public.

One of the foremost aims of all IAP organizational members is to develop and strengthen the remedial potential of all law enforcement and justice authorities in order to promote the rights and freedoms of citizens and the interests of society and also for the benefit of the state.

Prosecution services of IAP organizational members are recommended to consider establishing special units or special prosecutors, which deliver services outside the criminal justice arena, and to organize specialist training for these prosecutors.

Prosecution services of IAP organizational members are encouraged to share their experience, including information about effective methods of supervision on the implementation of laws, legislative acts and other material, aimed at improving prosecution services.

It is necessary to note the development of the ombudsman role in many countries in the matter of protection of human rights and freedoms.

Accordingly participants of this conference recommend that prosecution services, in order to realize their professional responsibilities outside the criminal justice arena, establish and develop cooperation with ombudsmen and non-governmental organizations dealing with issues of human rights protection, and also the media.

Participants of this conference recommend that consideration be given to the formulation of IAP common principles addressing the status, powers and practices of prosecutors beyond the criminal law field. This issue is significant because of the importance of protecting human rights and fundamental freedoms and supporting the democratic principle of separation of powers and equality of arms. Such guidelines to complement the "IAP Standards of Professional Responsibility and Statement of the Essential Duties and Rights of Prosecutors".

This Conference recognises the right of those being prosecuted to equality before the law and access to an independent tribunal.

For the purpose of counteracting Trafficking of Human Beings, it is proposed that consideration be given to the establishment of specialist units in prosecution services of IAP member states.

Moreover, IAP member states are encouraged to take measures that offer restitution to victims of Trafficking of Human Beings for breaches of their Human Rights and to restore them to the country of origin/citizenship.

This conference supports the promotion of international cooperation, including legal assistance mechanisms between IAP prosecutor member states within/outside the relevant international conventions.

These recommendations are not obligatory and are to be implemented in accordance with the existing national legislation of IAP member states.