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# COMMITTEE ON CRIME PREVENTION AND CONTROL

## REPORT ON THE TENTH SESSION

(Vienna, 22-31 August 1988)

### ECONOMIC AND SOCIAL COUNCIL

OFFICIAL RECORDS, 1988

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National Institute of Justice

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Chapter I

MATTERS CALLING FOR ACTION BY THE ECONOMIC AND SOCIAL COUNCIL  
OR BROUGHT TO ITS ATTENTION

A. Draft resolutions

1. The Committee on Crime Prevention and Control recommends to the Economic and Social Council the adoption of the following draft resolutions:

DRAFT RESOLUTION I

Statute of the United Nations Interregional  
Crime and Justice Research Institute\*

The Economic and Social Council,

Recalling its resolution 1086 B (XXXIX) of 30 July 1965, in which it requested the Secretary-General to proceed to the establishment of a funds-in-trust account to be administered by the United Nations for the purpose of strengthening the capacity of the Organization to carry out its responsibilities in the social defence field,

Recalling also the establishment in 1968 at Rome of the United Nations Social Defence Research Institute within the framework of Economic and Social Council resolution 1086 B (XXXIX),

Recalling further resolution 20 adopted by the Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders, 1/ held at Milan from 26 August to 6 September 1985, through which the Congress noted with satisfaction the invaluable contribution made, inter alia, by the United Nations Social Defence Research Institute to the growing international and national recognition of the central importance of action-oriented research as an effective instrument for the formulation and implementation of policies for crime prevention and control,

Noting with satisfaction that the activities of the United Nations Social Defence Research Institute have been positively reviewed by the Committee on Crime Prevention and Control on a periodic basis and that the Institute's work programme has evolved and expanded in response to the needs of the international community, particularly in the developing regions of the world,

Noting especially the diversification of the Institute's activities in terms of extension of research results through training and field activities aimed at assisting developing countries and in terms of an enhanced

\* For discussion, see chap. II below.

1/ See Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Milan, 26 August-6 September 1985 (United Nations publication, Sales No. E.86.IV.1), part one, chap. I, sect. E.

contribution to the United Nations crime prevention and criminal justice programme,

Bearing in mind that the Milan Plan of Action, 2/ adopted by the Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders, called for the strengthening of the regional and interregional institutes of the United Nations in the field of crime prevention and criminal justice,

Mindful of the importance of updating the terms of reference and the modus operandi of the United Nations Social Defence Research Institute to bring them in line with current thinking in the field of crime prevention and criminal justice, in particular concerning the needs of developing countries,

Mindful also of the importance of making more permanent arrangements for the governance of the Institute,

1. Adopts the statute of the United Nations Interregional Crime and Justice Research Institute set out in the annex below;

2. Requests the Secretary-General to take steps, in consultation with the Director of the Institute, to implement the statute and to report thereon to the Committee on Crime Prevention and Control at its eleventh session.

#### Annex

### STATUTE OF THE UNITED NATIONS INTERREGIONAL CRIME AND JUSTICE RESEARCH INSTITUTE

#### Article I

#### ESTABLISHMENT OF THE INSTITUTE

The United Nations Social Defence Research Institute (UNSDRI) is hereby established as the United Nations Interregional Crime and Justice Research Institute (UNICRI).

#### Article II

#### OBJECTIVES AND FUNCTIONS

1. The objective of the Institute shall be to contribute, through research, training, field activities and the collection, exchange and dissemination of information, to the formulation and implementation of improved policies in the field of crime prevention and control, due regard being paid to the integration of such policies within broader policies for socio-economic change and development, and to the protection of human rights. The Institute shall

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2/ Ibid., part one, chap. I, sect. A.

assist intergovernmental, governmental and non-governmental organizations in their efforts in this regard. Accordingly, the principal functions of the Institute shall be the following:

(a) To promote, conduct, co-ordinate and support research and, in collaboration with the countries concerned, to organize and support field activities with a view to:

- (i) Establishing a reliable knowledge-and-information base on social problems involving juvenile delinquency and adult criminality, special attention being given to the new, frequently transnational forms of the phenomena;
- (ii) Identifying appropriate strategies, policies and instruments for the prevention and control of the phenomena so as to contribute to socio-economic development and to promote the protection of human rights;
- (iii) Designing practical models and systems aimed at support for policy formulation, implementation and evaluation;

(b) To provide action-oriented research and training relating to the United Nations programme for crime prevention and criminal justice;

(c) To design and carry out training activities at the interregional level and, at the request of interested countries, at the national level;

(d) To promote the exchange of information by, inter alia, maintaining an international documentation centre on criminology and related disciplines to enable the Institute to respond to the need of the international community for the dissemination of information world wide and to serve the needs of the United Nations and of scholars and other experts requiring such facilities.

2. In the pursuit of its objectives, the Institute shall carry out its activities in close collaboration and co-ordination with institutes and other bodies within and outside the United Nations system, especially with the United Nations regional institutes on the prevention of crime.

### Article III

#### STATUS, ORGANIZATION AND LOCATION OF THE INSTITUTE

1. The Institute shall be a United Nations entity and thus form part of the United Nations system.

2. The Institute shall have its own Board of Trustees and a Director and supporting staff. It shall be subject to the Financial Regulations and Staff Regulations of the United Nations, except as may be provided otherwise by the General Assembly. It shall also be subject to the Financial Rules, the Staff Rules and all other administrative issuances of the Secretary-General, except as may be otherwise decided by the Secretary-General.

3. The Headquarters of the Institute shall be located at Rome, Italy. The Institute may, with the approval of the Board of Trustees and of the Secretary-General, establish such other offices as it deems necessary.

#### Article IV

##### BOARD OF TRUSTEES

1. The Institute and its work shall be governed by a Board of Trustees (hereinafter referred to as "the Board") under the overall guidance of the Committee on Crime Prevention and Control.

2. The Board shall be composed of the following:

(a) Seven members selected by the Committee on Crime Prevention and Control upon nomination by the Secretary-General and endorsed by the Economic and Social Council, with due regard to the fact that the Institute and its work are funded from voluntary contributions and to the principle of equitable geographical distribution. The members shall be chosen from among eminent persons who possess the necessary qualifications and expertise. They shall serve in their individual capacity for a term of five years from the date of the first Board meeting in which they are invited to participate. They shall be eligible for reappointment by the Committee on Crime Prevention and Control with the endorsement of the Economic and Social Council for not more than one additional term. Members shall retire by rotation; for this purpose, when the members are first appointed, three shall serve for five years, two for four years and two for three years. The members to serve these initial terms shall be determined by the Board at its first session by the drawing of lots;

(b) A representative of the Secretary-General, who shall normally be the Head of the Crime Prevention and Criminal Justice Branch of the Centre for Social Development and Humanitarian Affairs, a representative of the Administrator of the United Nations Development Programme, a representative of the host country and the Director of the Institute shall serve as ex officio members of the Board.

3. The Board, under the guidance of the Committee on Crime Prevention and Control, shall:

(a) Formulate principles, policies and guidelines for the activities of the Institute;

(b) Consider and approve the work programme and budget proposals of the Institute on the basis of recommendations submitted to it by the Director of the Institute;

(c) Evaluate the Institute's completed and ongoing activities on the basis of periodic reports submitted to it by the Director of the Institute;

(d) Make the recommendations necessary or desirable for the operation of the Institute;

(e) Report periodically to the Economic and Social Council through the Committee on Crime Prevention and Control.

4. The Board shall meet at least once every two years. It shall adopt its own rules of procedure. It shall elect its own officers, including its President, in accordance with the adopted rules of procedure. It shall take its decisions in the manner provided in its rules of procedure.

5. The Board shall consider methods for enhancing the financial resources of the Institute with a view to ensuring the effectiveness of its operations and their continuity within the overall framework of the United Nations programme for crime prevention and criminal justice.

6. Members of the Board, in furtherance of the principles and policies of the Institute, may be invited to help in achieving the goals of the Institute by attending meetings on behalf of the Institute, raising funds for the Institute's operations and helping to establish national support teams, if possible, in their respective countries for the attainment of the objectives of the Institute.

7. Organizations of the United Nations system and other institutions may be represented as appropriate at meetings of the Board in respect of activities of interest to them under the conditions outlined in the rules of procedure of the Board.

#### Article V

##### DIRECTOR AND STAFF

1. The Director shall be appointed by the Secretary-General of the United Nations, after consultation with the Board.

2. The Director shall have overall responsibility for the organization, direction and administration of the Institute in accordance with general directives issued by the Board and within the terms of the authority delegated to the Director by the Secretary-General. The Director shall, inter alia:

(a) Submit the work programmes and the budget estimates of the Institute to the Board for its consideration and adoption;

(b) Oversee the execution of the work programmes and make the expenditures envisaged in the budget of the Institute as adopted by the Board;

(c) Submit to the Board annual and ad hoc reports on the activities of the Institute and the execution of its work programmes;

(d) Submit to the Committee on Crime Prevention and Control the reports approved by the Board;

(e) Appoint and direct the staff of the Institute on behalf of the Secretary-General;

(f) Co-ordinate the work of the Institute with that of other organs and bodies of the United Nations, the specialized agencies and international, national and regional institutions engaged in similar fields;

(g) Negotiate arrangements with Governments and intergovernmental organizations as well as non-governmental organizations and academic and philanthropic institutions with a view to offering and receiving services related to the activities of the Institute;

(h) Actively seek appropriate funding for the implementation of the work programme of the Institute;

(i) Accept, subject to the provisions of article VII, voluntary contributions to the Institute;

(j) Make the necessary arrangements for securing established and continuous contact with, and support from, United Nations Headquarters;

(k) Undertake other assignments or activities as may be determined by the Board or requested by the Secretary-General, provided that any such requests are consistent with the programme budget approved by the Board.

3. The staff of the Institute shall be appointed by the Director under letters of appointment signed by him or her in the name of the Secretary-General and limited to service with the Institute. The staff shall be responsible to the Director in the exercise of their functions.

4. The terms and conditions of service of the Director and the staff shall be those provided in the Staff Regulations and Staff Rules of the United Nations, subject to such arrangements for special rules or terms of appointment as may be proposed by the Director and approved by the Secretary-General.

5. The Director and the staff of the Institute shall not seek or receive instructions from any Government or from any authority external to the United Nations. They shall refrain from any action that might reflect on their position as international officials responsible only to the Organization.

6. The Director and the staff of the Institute shall be officials of the United Nations and therefore shall be covered by Article 105 of the Charter of the United Nations, and by other international agreements and United Nations resolutions defining the status of such officials.

#### Article VI

##### FELLOWS AND CONSULTANTS

1. The Director may designate a limited number of well-qualified persons to serve as senior fellows of the Institute. Senior fellows shall be permitted to pursue their research at the Institute and shall be expected to provide advice and assistance in matters related to the work programme of the Institute.

2. The Director may also designate junior fellows as part of the training programme of the Institute. Junior fellows shall be expected to provide assistance in matters concerning the work programme of the Institute.

3. The Institute shall establish a restricted network of national fellows specialized in the field of criminological research to assist the activities of the Institute by advising on studies, research and training.
4. Fellows shall be designated in accordance with criteria established by the Board and procedures formulated by the Secretary-General and shall not be considered to be members of the staff of the Institute.
5. The Director may arrange for the services of consultants for the purpose of special assignments in connection with the work programme of the Institute. Such consultants shall be engaged in accordance with policies established by the Secretary-General.

#### Article VII

##### FINANCIAL RESOURCES AND RULES GOVERNING THE FINANCIAL MANAGEMENT OF THE INSTITUTE

The activities of the Institute shall be funded by voluntary contributions from States. The Institute may derive further resources in cash or in kind from the United Nations, its specialized agencies, other intergovernmental and governmental organizations and institutions, and non-governmental organizations. Acceptance by the Institute of offers of such further assistance shall, in every case, be subject to the decision of the President of the Board, in consultation with the Director of the Institute, in accordance with the basic aims of the Institute and the relevant provisions of the rules governing the financial management of the Institute. The President of the Board shall report on the matter to the Board at its following session.

#### Article VIII

##### ADMINISTRATIVE AND OTHER SUPPORT

The Secretary-General of the United Nations shall provide the Institute with appropriate administrative and other support in accordance with the Financial Regulations and Rules of the United Nations. The Institute shall reimburse to the United Nations the cost of such support, as determined by the Controller of the United Nations after consultation with the Director.

#### Article IX

##### RELATIONS WITH THE UNITED NATIONS OFFICE AT VIENNA, CENTRE FOR SOCIAL DEVELOPMENT AND HUMANITARIAN AFFAIRS, AND OTHER UNITED NATIONS BODIES, SPECIALIZED AGENCIES AND INTERNATIONAL ORGANIZATIONS

1. The Institute shall establish and maintain a close consultative, co-operative and working relationship with the United Nations Office at Vienna, Centre for Social Development and Humanitarian Affairs, including in particular the Crime Prevention and Criminal Justice Branch.

2. The Institute may also establish and maintain such relations as it considers appropriate with other United Nations bodies, specialized agencies and international institutions.

#### DRAFT RESOLUTION II

##### Implementation of the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power\*

The Economic and Social Council,

Bearing in mind that in resolution 40/34 of 29 November 1985 the General Assembly adopted the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, which had been approved by the Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders,

Recalling the request made to Member States to take the necessary steps to give effect to the provisions of the Declaration so as to secure for victims of crime and abuse of power the rights due to them,

Taking into account section III of Economic and Social Council resolution 1986/10 of 21 May 1986, in which the Council recommended that continued attention be given to the implementation of the Declaration with a view to developing the co-operation of Governments, intergovernmental and non-governmental organizations and the public in securing justice for victims and in promoting integrated action on behalf of victims at the national, regional and international levels,

Noting that the first report on measures taken to implement the Declaration indicates a number of areas which require further attention, 3/

Noting with satisfaction the adoption of the European Convention on the Compensation of Victims of Violent Crimes by the Council of Europe on 24 November 1983 and of the Recommendation on Assistance to Victims and the Prevention of Victimization by the Council of Europe on 17 September 1987, as well as the creation by some Member States of national funds for the compensation of intentional and non-intentional offences,

Recognizing that effective implementation of the provisions of the Declaration in respect of victims of abuse of power is sometimes hampered by problems of jurisdiction and by difficulties in identifying and halting such abuses, owing, inter alia, to the transnational nature of the victimization,

Noting with appreciation the significant efforts made since the Seventh Congress on the Prevention of Crime and the Treatment of Offenders to follow up and give effect to the Declaration, including the report prepared by the ad hoc committee of experts at the International Institute of Higher Studies

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\* For discussion, see chap. III below.

3/ E/AC.57/1988/3.

in Criminal Sciences, Syracuse, Italy, in May 1936, as revised by a colloquium of leading non-governmental organizations active in crime prevention, criminal justice and the treatment of offenders and victims, held at Milan, Italy, in November/December 1987,

1. Recommends that the Secretary-General consider, subject to the provision of extrabudgetary funds and consideration by the Committee on Crime Prevention and Control, the preparation, publication and dissemination of a guide for criminal justice practitioners and others engaged in similar activities, taking into account the work already carried out on the subject;

2. Further recommends that Member States take the necessary steps to give effect to the provisions contained in the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, through:

(a) The adoption and implementation of the provisions contained in the Declaration in their national justice systems in accordance with their constitutional process and domestic practice;

(b) The introduction of legislation to simplify access by victims to the justice system in order to obtain compensation and restitution;

(c) The examination of methods of assisting victims, including adequate redress for the actual harm or damage inflicted, identifying limitations and exploring ways in which these may be overcome, to ensure that they meet effectively the needs of victims;

(d) The establishment of measures to protect victims from abuse, calumny or intimidation in the course or as a result of any criminal or other proceedings related to the crime, including effective remedies, should it occur;

3. Also recommends that Member States, in collaboration with relevant services, agencies and organizations, endeavour:

(a) To encourage the provision of assistance and support services to victims of crime, with due regard to the different social, cultural and legal systems, taking into account the experience of different models and methods of service delivery, and the current state of knowledge concerning victimization, including its emotional impact, and the consequent need for service organizations to extend offers of assistance to victims;

(b) To develop suitable training for all who provide services to victims, to include the development of skills and understanding of the emotional impact of crime, ways to overcome bias, where it may exist, as well as the provision of factual information;

(c) To establish effective channels of communication between all those who are involved with victims, organize courses and meetings and disseminate information to enable them to avoid further victimization as a result of the workings of the system;

(d) To ensure that victims are kept informed of their rights and opportunities with respect to redress from the offender, from third parties or from the State, as well as of the progress of the relevant criminal proceedings and of any opportunities they may have to be involved;

(e) Where informal mechanisms for the resolution of disputes exist, or have been newly introduced, to ensure, if possible and with due consideration to established legal principles, that the wishes and sensibilities of victims are fully taken into consideration and that the outcome is at least as beneficial for the victims as would have been the case if the formal system had been used;

(f) To establish a monitoring and research programme to keep the needs of victims and the effectiveness of services provided to them under constant review; such a programme might include the organization of regular meetings and conferences of representatives of relevant sectors of the criminal justice system, as well as other bodies concerned with the needs of victims, in order to examine the extent to which existing law, practice and victim services are responsive to the needs of victims;

(g) To undertake studies to identify the needs of victims in cases of unreported crime, and make the appropriate services available to them;

4. Recommends that, at the national, regional and international levels, all appropriate steps should be taken to develop international co-operation in criminal matters, inter alia, to ensure that those who suffer victimization in another State receive effective help, both immediately following the crime and on their return to their own country of residence or nationality, in protecting their interests and in obtaining adequate restitution or compensation and support services, as necessary;

5. Recognizes the need to work out in greater detail part B of the Declaration and to develop international means for preventing the abuse of power, and of redress for victims of such abuse where national channels may be insufficient, and recommends to the Secretary-General that appropriate steps be taken to this effect;

6. Requests the Secretary-General to organize, subject to the availability of extrabudgetary funds, a meeting of experts to formulate specific proposals for the implementation of General Assembly resolution 40/34 and the Declaration of Basic Principles of Justice for Victims of Crime and the Abuse of Power, in so far as those documents apply to the abuse of power, in time for the proposals to be submitted to the Committee on Crime Prevention and Control at its eleventh session and for consideration by the Eighth United Nations Congress for the Prevention of Crime and the Treatment of Offenders.

DRAFT RESOLUTION III

United Nations network of government-appointed national correspondents  
in the field of crime prevention and control\*

The Economic and Social Council,

Recalling and reaffirming General Assembly resolution 415 (V) of 1 December 1950, in which the Assembly established a system of national correspondents appointed by Governments to co-operate with the Secretariat in all matters concerning crime prevention and control,

Recalling and reaffirming Economic and Social Council resolution 357 (XII) of 13 March 1951, in which the Council emphasized that the appointment of national correspondents should be made on the basis of their expert qualifications or experience, professional or scientific, in the field of crime prevention and control,

Recognizing the important role of national correspondents, the valuable contributions they have made and the work they have accomplished in the promotion and implementation of the United Nations programme of work in the field of crime prevention and control, including that of the United Nations institutes, the United Nations quinquennial congresses on the prevention of crime and the treatment of offenders, and the Committee on Crime Prevention and Control,

Further recognizing the role the network has played in achieving a consensus and promoting co-operation, at the regional, interregional and international levels, on questions of criminal policy,

Bearing in mind the various legislative directives which have, over the years, called upon the national correspondent network to undertake an increasing number of activities of a technical and scientific nature, such as the conducting of research, participation in the implementation of major regional and global surveys, preparation of analytical reports on developments in crime and juvenile delinquency and criminal justice operations,

Also bearing in mind the fact that the role, functions and contributions of the network have substantially increased over the years, both in level and scope,

Taking into account the recommendations of the First General Meeting of National Correspondents, held on the occasion of the Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders,

1. Expresses satisfaction with the work and efforts of the Secretariat in bringing about an expansion of the national correspondents network to cover nearly all countries of the world;

\* For discussion, see chap. III below.

2. Invites those Member States that have not yet done so to appoint one or more national correspondents and to inform the Secretary-General accordingly;

3. Further invites Member States:

(a) To appoint national correspondents from among experts, practitioners and policy makers in the field of crime prevention and control, and when appointing more than one national correspondent, to designate a chief national correspondent as national co-ordinator, as is already the case in numerous countries;

(b) To facilitate and support the work of national correspondents, recognizing their role and functions and according appropriate official status at the national level, thus promoting more effective collaboration with the United Nations in the field of crime prevention and control;

(c) To enhance the representation and involvement of national correspondents in technical meetings of the United Nations by, inter alia, including them in governmental delegations to United Nations quinquennial congresses and relevant preparatory meetings;

4. Requests the Secretary-General to make every effort to strengthen the functional capacity of the network and to co-ordinate and mobilize it by, inter alia:

(a) Fostering more systematic involvement in the United Nations programme of work;

(b) Ensuring a more effective flow of information and closer collaboration;

(c) Taking more fully into account the views of national correspondents on key questions of criminal policy to ensure their reflection in the work of the United Nations, facilitating consensus building, and ensuring that the programme of work responds to the technical needs and problems of various regions;

(d) Convening general meetings of national correspondents attending United Nations quinquennial congresses;

(e) Exploring ways and means of establishing strong, permanent, ongoing links between the network and the United Nations Secretariat, the Committee on Crime Prevention and Control, the United Nations Development Programme and United Nations institutes, as well as justice agencies, scientific institutions and other organizations world wide;

(f) Continuing to publish, at regular intervals, information circulars to keep national correspondents abreast of developments in the work programme of the United Nations in the field of crime prevention and control;

(g) Encouraging the organization of international advisory groups and meetings of national correspondents, to review, in particular, the implementation of relevant resolutions;

5. Requests the United Nations Development Programme to provide liaison services between national correspondents and the Secretariat;

6. Requests the United Nations institutes to involve national correspondents more fully in their activities;

7. Requests the Secretary-General to implement the present resolution and to report thereon at the eleventh session of the Committee on Crime Prevention and Control;

8. Recommends that the Secretary-General transmit the present resolution to the Governments of Member States.

#### DRAFT RESOLUTION IV

#### African Institute for the Prevention of Crime and the Treatment of Offenders\*

##### The Economic and Social Council,

Recalling its resolution 1984/51 of 25 May 1984, by which it urged the Secretary-General and all organizations and agencies involved in the establishment of the African Regional Institute for Crime Prevention and the Treatment of Offenders to take steps to ensure its prompt creation and appealed to Governments in the African region to co-operate fully and act expeditiously in this respect,

Affirming the usefulness of regional co-operation in crime prevention and criminal justice as fostered by the United Nations regional and interregional institutes for the prevention of crime and the treatment of offenders, which played pivotal roles in assisting the Member States of their respective regions,

Bearing in mind that the Conference of Ministers of the Economic Commission for Africa, by resolution 642 (XXIII) of 15 April 1988, 4/ adopted the statute of the Institute and decided that its headquarters should be located at Kampala, Uganda,

Acknowledging with satisfaction the activities so far undertaken during the initial operation of the Institute and the efforts made by the Economic Commission for Africa, in co-operation with the Organization of African Unity and the Crime Prevention and Criminal Justice Branch of the Centre for Social Development and Humanitarian Affairs, towards the full realization of the project,

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\* For discussion, see chap. III below.

4/ See Official Records of the Economic and Social Council, 1988, Supplement No. 13 (E/1988/37), chap. IV.

Noting with appreciation the responsiveness of the United Nations Development Programme in earmarking the necessary funds for the initial phase of the Institute,

Firmly convinced that the Institute should undertake its activities on a continuous basis, so as to respond promptly and efficiently to the needs and concerns of the African States, meet their training and research requirements in the field of crime prevention and criminal justice, and contribute to existing regional and international efforts towards the prevention of crime and the treatment of offenders,

1. Expresses its appreciation to the Secretary-General for the steps taken to establish the African Institute for the Prevention of Crime and the Treatment of Offenders;

2. Requests the Secretary-General to continue making every effort to ensure adequate support to the Institute, through the Crime Prevention and Criminal Justice Branch, and to explore other means to ensure the effective operation of the Institute;

3. Urges the Secretary-General and all organizations and agencies involved in the establishment of the Institute to make every effort to assist the host country in arrangements necessary for the effective operation of the Institute;

4. Invites Member States of the African region and other interested States to contribute generously to the activities of the Institute to enable it to formulate and implement technical co-operation projects;

5. Invites the international community, including governmental and non-governmental organizations, to respond positively to the need for assistance and support which would enable the Institute to fulfil its mandates effectively;

6. Urges the United Nations Development Programme to continue providing the necessary financial support to the Institute, and appeals to other funding agencies to do likewise;

7. Requests the Secretary-General to issue special postage stamps on the occasion of the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, to be held in 1990, and to place the revenue earned at the disposal of the Institute for the formulation and implementation of specific technical assistance projects in the African region;

8. Invites the United Nations interregional and regional institutes for the prevention of crime and the treatment of offenders to strengthen existing collaboration with the African Institute, promote a regular exchange of information and experience and implement joint activities of mutual interest;

9. Requests the Secretary-General, to submit a report on the implementation of the present resolution to the Economic and Social Council at its first regular session in 1990.

DRAFT RESOLUTION V

Procedures for the effective implementation of the Basic Principles on the Independence of the Judiciary\*

The Economic and Social Council,

Recalling the Basic Principles on the Independence of the Judiciary, adopted by the Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders 5/ and endorsed by the General Assembly in its resolutions 40/32 of 29 November 1985 and 40/146 of 13 December 1985,

Recalling also that the Congress, in its resolution on the Basic Principles, recommended them for national, regional and interregional action and called upon the Committee on Crime Prevention and Control to consider, as a matter of priority, the effective implementation of that resolution,

Bearing in mind Economic and Social Council resolution 1986/10 of 21 May 1986, section V, by which Member States were invited to inform the Secretary-General every five years, beginning in 1988, of the progress achieved in the implementation of the Basic Principles, including their dissemination, their incorporation into national legislation, the problems faced in their implementation at the national level and assistance that might be needed from the international community,

Also bearing in mind General Assembly resolution 41/149 of 4 December 1986, in which the recommendations of the Council were welcomed,

Having considered the report of the Committee on Crime Prevention and Control on its tenth session,

Guided by the desire to promote the independence and impartiality of the judiciary,

1. Adopts the Procedures for the Effective Implementation of the Basic Principles on the Independence of the Judiciary, recommended by the Committee on Crime Prevention and Control and annexed to the present resolution;
2. Invites the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders and its preparatory body to accord priority to ways and means of stimulating adherence to the Procedures.

\* For discussion, see chap. III below.

5/ Seventh United Nations Congress ..., part one, chap. I, sect. D.2, annex.

## Annex

### PROCEDURES FOR THE EFFECTIVE IMPLEMENTATION OF THE BASIC PRINCIPLES ON THE INDEPENDENCE OF THE JUDICIARY

#### Procedure 1

All States shall adopt and implement in their justice systems the Basic Principles on the Independence of the Judiciary in accordance with their constitutional process and domestic practice.

#### Procedure 2

No judge shall be appointed or elected for purposes, or be required to perform services, that are inconsistent with the Basic Principles. No judge shall accept judicial office on the basis of an appointment or election, or perform services, that are inconsistent with the Basic Principles.

#### Procedure 3

The Basic Principles shall apply to all judges, including, as appropriate, lay judges, where they exist.

#### Procedure 4

States shall ensure that the Basic Principles are widely publicized in at least the main or official language or languages of the respective country. Judges, lawyers, members of the executive, the legislature, and the public in general, shall be informed in the most appropriate manner of the content and the importance of the Basic Principles so that they may promote their application within the framework of the justice system. In particular, States shall make the text of the Basic Principles available to all members of the judiciary.

#### Procedure 5

In implementing principles 8 and 12 of the Basic Principles, States shall pay particular attention to the need for adequate resources for the functioning of the judicial system, including appointing a sufficient number of judges in relation to case-loads, providing the courts with necessary support staff and equipment, and offering judges appropriate personal security, remuneration and emoluments.

#### Procedure 6

States shall promote or encourage seminars and courses at the national and regional levels on the role of the judiciary in society and the necessity for its independence.

#### Procedure 7

In accordance with Economic and Social Council resolution 1986/10, section V, Member States shall inform the Secretary-General every five years,

beginning in 1988, of the progress achieved in the implementation of the Basic Principles, including their dissemination, their incorporation into national legislation, the problems faced and difficulties or obstacles encountered in their implementation at the national level and the assistance that might be needed from the international community.

#### Procedure 8

The Secretary-General shall prepare independent quinquennial reports to the Committee on Crime Prevention and Control on progress made with respect to the implementation of the Basic Principles, on the basis of the information received from Governments under procedure 7, as well as other information available within the United Nations system, including information on the technical co-operation and training provided by institutes, experts and regional and interregional advisers. In the preparation of those reports the Secretary-General shall also enlist the co-operation of specialized agencies and the relevant intergovernmental organizations and non-governmental organizations, in particular professional associations of judges and lawyers, in consultative status with the Economic and Social Council, and take into account the information provided by such agencies and organizations.

#### Procedure 9

The Secretary-General shall disseminate the Basic Principles, the present implementing procedures and the periodic reports on their implementation referred to in procedures 7 and 8, in as many languages as possible, and make them available to all States and intergovernmental and non-governmental organizations concerned, in order to ensure the widest circulation of those documents.

#### Procedure 10

The Secretary-General shall ensure the widest possible reference to and use of the text of the Basic Principles and the present implementing procedures by the United Nations in all its relevant programmes and the inclusion of the Basic Principles as soon as possible in the United Nations publication entitled Human Rights: A Compilation of International Instruments, in accordance with Economic and Social Council resolution 1986/10, section V.

#### Procedure 11

As part of its technical co-operation programme, the United Nations, in particular the Department of Technical Co-operation and Development and the United Nations Development Programme, shall:

(a) Assist Governments, at their request, in setting up and strengthening independent and effective judicial systems;

(b) Make available to Governments requesting them, the services of experts and regional and interregional advisers on judicial matters to assist in implementing the Basic Principles;

(c) Enhance research concerning effective measures for implementing the Basic Principles, with emphasis on new developments in that area;

(d) Promote national and regional seminars, as well as other meetings at the professional and non-professional level, on the role of the judiciary in society, the necessity for its independence, and the importance of implementing the Basic Principles to further those goals;

(e) Strengthen substantive support to the United Nations regional and interregional research and training institutes for crime prevention and criminal justice, as well as other entities within the United Nations system concerned with implementing the Basic Principles.

#### Procedure 12

The United Nations regional and interregional research and training institutes for crime prevention and criminal justice as well as other concerned entities within the United Nations system shall assist in the implementation process. They shall pay special attention to ways and means of enhancing the application of the Basic Principles in their research and training programmes, and to providing technical assistance upon the request of Member States. For this purpose, the United Nations institutes, in co-operation with national institutions and intergovernmental and non-governmental organizations concerned, shall develop curricula and training materials based on the Principles and the present implementing procedures, which are suitable for use in legal education programmes at all levels as well as in specialized courses on human rights and related subjects.

#### Procedure 13

The regional commissions, the specialized agencies and other entities within the United Nations system as well as other concerned intergovernmental organizations shall become actively involved in the implementation process. They shall inform the Secretary-General of the efforts made to disseminate the Basic Principles, the measures taken to give effect to them and any obstacles and shortcomings encountered. The Secretary-General shall also take steps to ensure that non-governmental organizations in consultative status with the Economic and Social Council become actively involved in the implementation process and the related reporting procedures.

#### Procedure 14

The Committee on Crime Prevention and Control shall assist the General Assembly and the Economic and Social Council in following up the present implementing procedures, including periodic reporting under procedures 6 and 7 above. To this end, the Committee shall identify existing obstacles to, or shortcomings in, the implementation of the Basic Principles and the reasons for them. The Committee shall make specific recommendations, as appropriate, to the Assembly and the Council and any other relevant United Nations human rights bodies on further action required for the effective implementation of the Basic Principles.

Procedure 15

The Committee on Crime Prevention and Control shall assist the General Assembly, the Economic and Social Council and any other relevant United Nations human rights bodies, as appropriate, with recommendations relating to reports of ad hoc inquiry commissions or bodies, with respect to matters pertaining to the application and implementation of the Basic Principles.

DRAFT RESOLUTION VI

Guidelines for the effective implementation of the Code of Conduct for Law Enforcement Officials\*

The Economic and Social Council,

Recalling General Assembly resolution 34/169 of 17 December 1979, by which the Assembly adopted the Code of Conduct for Law Enforcement Officials,

Recalling also resolution 14 of the Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders, in which the Congress, inter alia, called attention to the guidelines for the more effective implementation of the Code of Conduct formulated at the Interregional Preparatory Meeting for the Seventh Congress on the topic "Formulation and application of United Nations standards and norms in criminal justice", held at Varenna, Italy, in 1984, 6/

Bearing in mind Economic and Social Council resolution 1986/10, section IX, of 21 May 1986, in which the Council requested the Committee on Crime Prevention and Control, at its tenth session, to consider measures for the more effective implementation of the Code, in the light of the guidance provided by the Seventh Congress,

Having considered the report of the Committee on Crime Prevention and Control on its tenth session,

Guided by the desire to promote the implementation of the Code of Conduct for Law Enforcement Officials,

1. Adopts the Guidelines for the Effective Implementation of the Code of Conduct for Law Enforcement Officials, recommended by the Committee on Crime Prevention and Control and annexed below;

2. Invites the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders and its preparatory meetings to explore ways and means of stimulating adherence to the Guidelines.

\* For discussion, see chap. III below.

6/ See A/CONF.121/IPM/3.

## Annex

### GUIDELINES FOR THE EFFECTIVE IMPLEMENTATION OF THE CODE OF CONDUCT FOR LAW ENFORCEMENT OFFICIALS

#### I. Application of the Code

##### A. General principles

1. The principles embodied in the Code shall be reflected in national legislation and practice.
2. In order to achieve the aims and objectives set out in article 1 of the Code and its Commentaries, the definition of "law enforcement officials" shall be given the widest possible interpretation.
3. The Code shall be made applicable to all law enforcement officials, regardless of their jurisdiction.
4. Governments shall adopt the necessary measures to instruct, in basic training and all subsequent training and refresher courses, law enforcement officials in the provisions of national legislation that is connected with the Code as well as other basic texts on the issue of human rights.

##### B. Specific issues

1. Selection, education and training. The selection, education and training of law enforcement officials shall be given prime importance. Governments shall also promote education and training through a fruitful exchange of ideas at the regional and interregional levels.
2. Salary and working conditions. All law enforcement officials shall be adequately remunerated and shall be provided with appropriate working conditions.
3. Discipline and supervision. Effective mechanisms shall be established to ensure the internal discipline and external control as well as the supervision of law enforcement officials.
4. Complaints by members of the public. Particular provisions shall be made, within the mechanisms mentioned under 3 above, for the receipt and processing of complaints against law enforcement officials by members of the public, and the existence of these provisions shall be made known to the public.

#### II. Implementation of the Code

##### A. At the national level

1. The Code shall be made available to all law enforcement officials and competent authorities in their own language.

2. Governments shall disseminate the Code and all domestic laws giving effect to it so as to ensure that the principles and rights contained therein become known to the public in general.

3. In considering measures to promote the application of the Code, Governments shall organize symposia on the role and functions of law enforcement officials in the protection of human rights and the prevention of crime.

B. At the international level

1. Governments shall inform the Secretary-General at appropriate intervals of at least five years on the extent of the implementation of the Code.

2. The Secretary-General shall prepare periodic reports on progress made with respect to the implementation of the Code, drawing also on observations and on the co-operation of specialized agencies and relevant intergovernmental and non-governmental organizations in consultative status with the Economic and Social Council.

3. As part of the reports mentioned above, Governments shall provide to the Secretary-General copies of abstracts of laws, regulations and administrative measures concerning the application of the Code, any other relevant information on its implementation, as well as information on possible difficulties in its applications.

4. The Secretary-General shall submit the above-mentioned reports to the Committee on Crime Prevention and Control for consideration and further action, as appropriate.

5. The Secretary-General shall make available the Code and the present guidelines to all States and intergovernmental and non-governmental organizations concerned, in all official languages of the United Nations.

6. The United Nations, as part of its advisory services and technical co-operation and development programmes, shall:

(a) Make available to Governments requesting them the services of experts and regional and interregional advisers to assist in implementing the provisions of the Code;

(b) Promote national and regional training seminars and other meetings on the Code and on the role and functions of law enforcement officials in the protection of human rights and the prevention of crime;

7. The United Nations regional institutes shall be encouraged to organize seminars and training courses on the Code and to carry out research on the extent to which the Code is implemented in the countries of the region as well as the difficulties encountered.

DRAFT RESOLUTION VII

Concerted international action against the forms of  
crime identified in the Milan Plan of Action\*

The Economic and Social Council,

Recalling the Milan Plan of Action, unanimously adopted by the Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders, and resolutions 1, on organized crime; 2, on the struggle against illicit drug trafficking; 22, on crime prevention in the context of development; and 23, on criminal acts of terrorist character; also unanimously adopted by the Seventh Congress,

Recalling also Economic and Social Council resolution 1986/10, section I, of 26 May 1986, in which the Secretary-General was urged to accord priority to the development of specific proposals for concerted international action against the forms of crime identified in the Milan Plan of Action,

Further recalling General Assembly resolutions 41/107 of 4 December 1986 and 42/59 of 30 November 1987, in which the Assembly called for priority attention to be accorded to the forms of crime identified by the Milan Plan of Action,

Alarmed by the marked increase in the transnational dimensions of grave forms of crime and by the comparative impunity enjoyed by the perpetrators of such criminality,

Noting with dismay the shortcomings of existing international co-operation arrangements and instruments for the prevention of transnational criminality,

Gravely concerned at the growing tendency of some Governments and transnational corporations to facilitate the dumping of toxic nuclear and industrial waste in developing countries,

Deeply preoccupied by the devastating damage to the environment which is the direct outcome of harmful and illicit practices, such as the dumping of toxic waste, the thoughtless depletion of non-renewable resources, the extermination of animal species, the massive use of herbicides and defoliants and the release into the atmosphere of harmful gases and radioactive substances,

Concerned at the sustained pillage of archeological sites and the illicit international trade in objects belonging to the cultural heritage of nations, and the ensuing damage to the national identity of peoples,

Aware of the necessity to revise existing international instruments so as to make them more responsive to the new realities of transnational criminality,

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\* For discussion, see chap. III below.

Conscious of the indispensability of international co-operation and concerted action for the effective control of transnational forms of crime,

1. Takes note with appreciation of the report of the Secretary-General on proposals for concerted international action against the forms of crime identified in the Milan Plan of Action; 1/
2. Invites Governments, international organizations, concerned non-governmental organizations in consultative status with the Economic and Social Council and other decision-making bodies to examine favourably the recommendations contained in that report, with a view to implementing them, taking into account the social, political and economic characteristics of each country;
3. Urges Governments to examine existing domestic legislation, with a view to enacting provisions, including penal provisions, that protect the natural environment in cases where such legislation is non-existent or insufficiently developed, and that establish adequate compensation for the victims of such practices;
4. Reiterates the need for international co-operation in preventing, combating and monitoring all actions leading to the dumping of toxic nuclear and industrial waste in developing countries, in close co-operation with the United Nations Environment Programme and the International Atomic Energy Agency;
5. Invites Governments to exercise stricter and more effective control over the industrial or other sectors which could be involved in such conduct;
6. Decides that the topics of transnational crimes against the environment and against the cultural patrimony of countries be considered under item 3 of the provisional agenda of the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, in order to explore the possibilities of formulating comprehensive policies of international co-operation for the prevention of such offences, including the imposition of sanctions;
7. Requests the Secretary-General, in the light of the present resolution, to expand his report on proposals for international action for submission to the Eighth Congress.

#### DRAFT RESOLUTION VIII

##### Implementation of United Nations standards and norms in crime prevention and criminal justice\*

The Economic and Social Council,

Calling attention to the Milan Plan of Action and the Guiding Principles

\* For discussion, see chap. III below.

1/ See E/AC.57/1988/16.

for Crime Prevention and Criminal Justice in the Context of Development and a New International Economic Order, adopted by the Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders, 8/

Recalling the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, 9/ the Safeguards Guaranteeing Protection of the Rights of Those Facing the Death Penalty, 10/ the Code of Conduct for Law Enforcement Officials, 11/ the Basic Principles on the Independence of the Judiciary, 12/ the Standard Minimum Rules for the Treatment of Prisoners, 13/ the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (Beijing Rules) 14/ and the Model Agreement on the Transfer of Foreign Prisoners, 15/

Recognizing the important role the United Nations has played in the development of those standards and norms in crime prevention and criminal justice through its quinquennial congresses on the prevention of crime and the treatment of offenders and the Committee on Crime Prevention and Control,

Acknowledging the valuable contribution the United Nations has made to those endeavours through its activities in the field of human rights, based on the Universal Declaration of Human Rights, 16/ the International Covenant on Economic, Social and Cultural Rights, 17/ the International Covenant on Civil and Political Rights 17/ and other instruments,

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8/ Seventh United Nations Congress ..., part one, chap. I, sects. A and B.

9/ General Assembly resolution 40/34, annex.

10/ Economic and Social Council resolution 1984/50, annex.

11/ Sixth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Caracas, 25 August-5 September 1980 (United Nations publication, Sales No. E.81.IV.4), chap. I, sect. B.

12/ Seventh United Nations Congress ..., part one, chap. I, sect. D.2.

13/ See Human Rights: A Compilation of International Instruments (United Nations publication, Sales No. E.83.XIV.1).

14/ General Assembly resolution 40/33, annex.

15/ See Seventh United Nations Congress ..., part one, chap. I, sect. D.1.

16/ General Assembly resolution 217 A (III).

17/ General Assembly resolution 2200 A (XXI), annex.

Recalling General Assembly resolutions 40/146 of 13 December 1985, 41/149 of 4 December 1986 and 42/143 of 7 December 1987 on human rights in the administration of justice,

Recalling also Economic and Social Council resolution 1987/53 of 28 May 1987 on the review of the functioning and programme of work of the United Nations in crime prevention and criminal justice,

Commending the steps initiated by the Crime Prevention and Criminal Justice Branch, Centre for Social Development and Humanitarian Affairs of the United Nations Office at Vienna and the Centre for Human Rights to ensure even closer co-operation, including preparations for the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, as noted with appreciation by the General Assembly in its resolution 42/143 on human rights in the administration of justice,

Welcoming in particular the fact that focal points have been created within the Crime Prevention and Criminal Justice Branch of the Centre for Social Development and Humanitarian Affairs and the Centre for Human Rights to monitor the human rights aspects of the administration of justice within various programmes and to provide, as appropriate, advice on co-ordination and other relevant issues,

Convinced of the need for further co-ordinated and concerted action by the Centre for Social Development and Humanitarian Affairs and the Centre for Human Rights, as called for, inter alia, by Commission on Human Rights resolutions 1988/33 of 8 March 1988 on human rights in the administration of justice, 1988/40 of 8 March 1988 on the independence and impartiality of the judiciary, jurors and assessors and the independence of lawyers, 1988/45 of 8 March 1988 on administrative detention without charge or trial, and 1988/68 of 10 March 1988 on summary or arbitrary executions,

Noting with appreciation the report of the Interregional Preparatory Meeting for the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders on topic 5: "United Nations norms and guidelines in crime prevention and criminal justice: implementation and priorities for further standard setting", 18/

1. Invites Governments:

(a) To adopt in national legislation and practice and to implement fully United Nations standards and guidelines on crime prevention and criminal justice, making them available to all persons concerned;

(b) To design realistic and effective mechanisms for implementing the standards and guidelines;

(c) To increase, as far as possible, the level of support to technical co-operation and advisory services at all levels for the more effective implementation of standards and norms, either directly or through international funding agencies, such as the United Nations Development Programme;

particularly when developing countries include specific projects in their country programmes;

(d) To devise measures to promote the observance of the principles embodied in United Nations instruments, including educational and promotional activities, the support of the mass media and increased community involvement;

2. Requests the Secretary-General:

(a) To prepare a compilation of all existing United Nations standards and norms in crime prevention and criminal justice and publish them in a form similar to that of Human Rights: A Compilation of International Instruments; 13/

(b) To formulate practical proposals for the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders on procedures and actions at national, regional and international levels to implement United Nations norms and standards in crime prevention and criminal justice;

3. Encourages the continuing development of strategies for the practical implementation of United Nations standards and guidelines in crime prevention and criminal justice and of measures to assist Member States, at their request, in their implementation, as well as in evaluating their impact and effectiveness, in particular through the advisory services of the Department of Technical Co-operation for Development, the Centre for Human Rights and the Crime Prevention and Criminal Justice Branch of the Centre for Social Development and Humanitarian Affairs;

4. Also encourages intensified co-operation between the United Nations and its interregional and regional institutes in crime prevention and criminal justice, special attention being paid, inter alia, to:

(a) The strengthening, as far as possible, of substantive support to the institutes;

(b) The application of United Nations instruments in their research and training programmes, including the development of appropriate curricula and training materials based on those instruments;

(c) The provision of technical assistance to Member States upon request;

5. Emphasizes the need to strengthen the role of the Committee on Crime Prevention and Control in overseeing, evaluating and following up the implementation process, including:

(a) Keeping under review the application of existing standards;

(b) Assisting the General Assembly, the Economic and Social Council and other United Nations bodies and related entities, as appropriate, with reports and recommendations relating to their work;

(c) Fostering more active intersessional involvement of its members, inter alia, through the designation of resource persons from members of the Committee on priority topics;

6. Requests the Secretary-General to take appropriate action to establish pre-sessional working groups of the Committee on Crime Prevention and Control which would:

(a) Prepare certain items for the Committee's discussions;

(b) Oversee the elaboration of questionnaires to be used for the reporting system;

(c) Examine in-depth replies, data and reports received from Governments and other relevant sources, including non-governmental organizations;

(d) Identify general problems that may impinge on the effective implementation of standards and norms and recommend viable solutions with action-oriented proposals based on the principles of international co-operation and solidarity;

7. Notes with appreciation that the United Nations continues to give special attention to standard-setting work in priority areas, in pursuance of the mandates of the Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders;

8. Recognizes the importance of developing diversified funding strategies, including recourse to voluntary and mixed multilateral and bilateral contributions for specific projects, and of strengthening the involvement of United Nations development agencies, including the World Bank and the United Nations Development Programme;

9. Acknowledges the significant role of the United Nations regional and interregional institutes and the regional commissions, the specialized agencies and other organizations of the United Nations system, as well as intergovernmental and non-governmental organizations, including professional associations concerned with promoting United Nations standards and norms in crime prevention and criminal justice;

10. Decides to draw the attention of the regional preparatory meetings for the Eighth United Nations Congress and of the Congress itself to the issues raised in the present resolution;

11. Requests the Secretary-General to implement the provisions of the present resolution and to report thereon to the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders.

DRAFT RESOLUTION IX

Implementation of the safeguards guaranteeing protection  
of the rights of those facing the death penalty\*

The Economic and Social Council,

Recalling its resolution 1984/50 of 25 May 1984, containing safeguards for those facing the death penalty,

Also recalling resolution 15 of the Seventh Congress on the Prevention of Crime and the Treatment of Offenders, 19/

Further recalling Council resolution 1986/10, section X, of 21 May 1986, in which the Council requested a study of the death penalty and new contributions from the criminal sciences to the matter,

Noting the report of the Secretary-General on the implementation of the safeguards, 20/

Also noting with satisfaction that a large number of Member States have provided the Secretary-General with information on the implementation of the safeguards and have made contributions,

Further noting with appreciation the study on the question of the death penalty and the new contributions of the criminal sciences to the matter, 21/

Alarmed at the continued occurrence of practices incompatible with the safeguards guaranteeing protection of the rights of those facing the death penalty,

Aware that effective implementation of those safeguards requires a review of relevant national legislation and the improved dissemination of the text to all persons and entities concerned with them, as specified in resolution 15 of the Seventh Congress,

Convinced that further progress should be achieved towards more effective implementation of the safeguards at a national level on the understanding that they shall not be invoked to delay or to prevent the abolition of capital punishment,

Acknowledging the need for comprehensive and accurate information and additional research about the implementation of the safeguards and the death penalty in general in every region of the world,

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\* For discussion, see chap. III below.

19/ See Seventh United Nations Congress ..., part one, chap. I, sect. E.

20/ See A/AC.57/1988/9.

21/ E/AC.57/1988/CRP.7.

1. Recommends that Member States take steps to implement the safeguards and strengthen further the protection of the rights of those facing the death penalty, where applicable, by:

(a) Affording special protection to persons facing charges for which the death penalty is provided by allowing time and facilities for the preparation of their defence, including the adequate assistance of counsel at every stage of the proceedings, above and beyond the protection afforded in non-capital cases;

(b) Providing for mandatory appeals or review with provisions for clemency or pardon in all cases of capital offence;

(c) Establishing a maximum age beyond which a person may not be sentenced to death or executed;

(d) Eliminating the death penalty for persons suffering from mental retardation or extremely limited mental competence, whether at the stage of sentence or execution;

2. Invites Member States to co-operate with the specialized bodies, non-governmental organizations, academic institutions and specialists in the field in efforts to conduct research on the use of the death penalty in every region of the world;

3. Also invites Member States to facilitate the efforts of the Secretary-General to gather comprehensive, timely and accurate information about the implementation of the safeguards and the death penalty in general;

4. Invites Member States that have not yet done so to review the extent to which their legislation provides for the safeguards guaranteeing protection of the rights of those facing the death penalty as set out in the annex to Economic and Social Council resolution 1984/50 of 25 May 1984;

5. Urges Member States to publish, for each category of offence for which the death penalty is authorized, and if possible on an annual basis, information about the use of the death penalty, including the number of persons sentenced to death, the number of executions actually carried out, the number of persons under sentence of death, the number of death sentences reversed or commuted on appeal and the number of instances in which clemency has been granted, and to include information on the extent to which the safeguards referred to above are incorporated in national law;

6. Recommends that the report of the Secretary-General on the question of capital punishment, to be submitted to the Economic and Social Council in 1990, in pursuance of resolution 1745 (LIV) of 16 May 1973, should henceforth cover the implementation of the safeguards as well as the use of capital punishment;

7. Requests the Secretary-General to publish the study on the death penalty and the new contributions of the criminal sciences to the matter prepared pursuant to Economic and Social Council resolution 1986/10, section X, paragraph 2 (b), and to make it available, with other relevant documentation, to the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders.

DRAFT RESOLUTION X

Effective prevention and investigation of extra-legal,  
arbitrary and summary executions\*

The Economic and Social Council,

Recalling that article 3 of the Universal Declaration of Human Rights 16/ proclaims the right to life, liberty and security of person,

Bearing in mind that article 6 of the International Covenant on Civil and Political Rights 17/ states that every human being has an inherent right to life, that that right shall be protected by law and that no one shall be arbitrarily deprived of his or her life,

Also bearing in mind the comments of the Human Rights Committee on the right to life as provided in article 6 of the International Covenant on Civil and Political Rights,

Stressing that extra-legal, arbitrary and summary executions contravene the human rights and fundamental freedoms proclaimed in the Universal Declaration of Human Rights,

Mindful that the Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders, in resolution 11 on extra-legal, arbitrary and summary executions, 19/ called upon all Governments to take urgent and incisive action to investigate such acts, wherever they may occur, to punish those found guilty and to take all other measures necessary to prevent those practices,

Mindful also that the Economic and Social Council, in section VI of its resolution 1985/10 of 21 May 1986, requested the Committee on Crime Prevention and Control to consider at its tenth session the question of extra-legal, arbitrary and summary executions with a view to elaborating principles on the effective prevention and investigation of such practices,

Recalling also that the General Assembly in its resolution 33/173 of 20 December 1978 expressed its deep concern at reports from various parts of the world relating to enforced or involuntary disappearances and called upon Governments, in the event of such reports, to devote appropriate measures to search for such persons and to undertake speedy and impartial investigations,

Noting with appreciation the efforts of non-governmental organizations to develop standards for investigations, 22/

Emphasizing that the General Assembly in its resolution 42/141 of 7 December 1987 strongly condemned once again the large number of summary or arbitrary executions, including extra-legal executions, that continued to take place in various parts of the world,

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\* For discussion, see chap. III below.

22/ See E/AC.57/1988/NGO/4.

Noting that in the same resolution the General Assembly recognized the need for closer co-operation between the Centre for Human Rights, the Crime Prevention and Criminal Justice Branch of the Centre for Social Development and Humanitarian Affairs and the Committee on Crime Prevention and Control in an effort to bring to an end summary or arbitrary executions,

Aware that effective prevention and investigation of extra-legal, arbitrary and summary executions requires the provision of adequate financial and technical resources,

1. Recommends that the Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions, annexed to the present resolution, shall be taken into account and respected by Governments within the framework of their national legislation and practices, and shall be brought to the attention of law enforcement and criminal justice officials, military personnel, lawyers, members of the executive and legislative bodies of the Government and the public in general;

2. Requests the Committee on Crime Prevention and Control to keep the above recommendations under constant review, including implementation of the Principles, taking into account the various socio-economic, political and cultural circumstances in which extra-legal, arbitrary and summary executions occur;

3. Invites Member States that have not yet ratified or acceded to international instruments that prohibit extra-legal, arbitrary and summary executions, including the International Covenant on Civil and Political Rights and its Optional Protocol 17/ and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, 23/ to become party to these instruments;

4. Requests the Secretary-General to include the Principles in the United Nations publication entitled Human Rights: A Compilation of International Instruments; 24/

5. Requests the United Nations regional and interregional institutes for the prevention of crime and the treatment of offenders to give special attention in their research and training programmes to the Principles, as well as to the International Covenant on Civil and Political Rights, the provisions of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Code of Conduct for Law Enforcement Officials, 11/ the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power 9/ and other international instruments relevant to the question of extra-legal, arbitrary and summary executions.

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23/ General Assembly resolution 39/46, annex.

24/ United Nations publication, Sales No. E.83.XIV.1.

## Annex

### PRINCIPLES ON THE EFFECTIVE PREVENTION AND INVESTIGATION OF EXTRA-LEGAL, ARBITRARY AND SUMMARY EXECUTIONS

#### Prevention

1. Governments shall prohibit by law all extra-legal, arbitrary and summary executions and shall ensure that any such executions are recognized as offences under their criminal laws, and are punishable by appropriate penalties which take into account the seriousness of such offences. Exceptional circumstances including a state of war or threat of war, internal political instability or any other public emergency may not be invoked as a justification of such executions. Such executions shall not be carried out under any circumstances including, but not limited to, situations of internal armed conflict, excessive or illegal use of force by a public official or other person acting in an official capacity or a person acting at the instigation, or with the consent or acquiescence of such person, and situations in which deaths occur in custody. This prohibition shall prevail over decrees issued by governmental authority.
2. In order to prevent extra-legal, arbitrary and summary executions, Governments shall ensure strict control, including a clear chain of command over all officials responsible for the apprehension, arrest, detention, custody and imprisonment as well as those officials authorized by law to use force and firearms.
3. Governments shall prohibit orders from superior officers or public authorities authorizing or inciting other persons to carry out any such extra-legal, arbitrary or summary executions. All persons shall have the right and the duty to defy such orders. Training of law enforcement officials shall emphasize the above provisions.
4. Effective protection through judicial or other means shall be guaranteed to individuals and groups who are in danger of extra-legal, arbitrary or summary executions, including those who receive death threats.
5. No one shall be involuntarily returned or extradited to a country where there are substantial grounds for believing that he or she may become a victim of extra-legal, arbitrary or summary execution in that country.
6. Governments shall ensure that persons deprived of their liberty are held in officially recognized places of custody, and that accurate information on their custody and whereabouts, including transfers, is made promptly available to their relatives and lawyer or other persons of confidence.
7. Qualified inspectors, including medical personnel, or an equivalent independent authority, shall conduct inspections in places of custody on a regular basis, and be empowered to undertake unannounced inspections on their own initiative, with full guarantees of independence in the exercise of this function. The inspectors shall have unrestricted access to all persons in such places of custody, as well as to all their records.

8. Governments shall make every effort to prevent extra-legal, arbitrary and summary executions through measures such as diplomatic intercession, improved access of complainants to intergovernmental and judicial bodies, and public denunciation. Intergovernmental mechanisms shall be used to investigate reports of any such executions and to take effective action against such practices. Governments, including those of countries where extra-legal, arbitrary and summary executions are reasonably suspected to occur, shall co-operate fully in international investigations on the subject.

#### Investigation

9. There shall be a thorough, prompt and impartial investigation of all suspected cases of extra-legal, arbitrary and summary executions, including cases where complaints by relatives or other reliable reports suggest unnatural death in the above circumstances. Governments shall maintain investigative offices and procedures to undertake such inquiries. The purpose of the investigation shall be to determine the cause, manner and time of death, the person responsible, and any pattern or practice which may have brought about that death. It shall include an adequate autopsy, collection and analysis of all physical and documentary evidence, and statements from witnesses. The investigation shall distinguish between natural death, accidental death, suicide and homicide.

10. The investigative authority shall have the power to obtain all the information necessary to the inquiry. Those persons conducting the investigation shall have at their disposal all the necessary budgetary and technical resources for effective investigation. They shall also have the authority to oblige officials allegedly involved in any such executions to appear and testify. The same shall apply to any witness. To this end, they shall be entitled to issue summons to witnesses including the officials allegedly involved and to demand the production of evidence.

11. In cases in which the established investigative procedures are inadequate because of lack of expertise or impartiality, because of the importance of the matter or because of the apparent existence of a pattern of abuse, and in cases where there are complaints from the family of the victim about these inadequacies or other substantial reasons, Governments shall pursue investigations through an independent commission of inquiry or similar procedure. Members of such a commission shall be chosen for their recognized impartiality, competence and independence as individuals. In particular, they shall be independent of any institution, agency or person that may be the subject of the inquiry. The commission shall have the authority to obtain all information necessary to the inquiry and shall conduct the inquiry as provided under these Principles.

12. The body of the deceased person shall not be disposed of until an adequate autopsy is conducted by a physician, who shall, if possible, be an expert in forensic pathology. Those conducting the autopsy shall have the right of access to all investigative data, to the place where the body was discovered, and to the place where the death is thought to have occurred. If the body has been buried and it later appears that an investigation is required, the body shall be promptly and competently exhumed for an autopsy.

If skeletal remains are discovered, they should be carefully exhumed and studied according to systematic anthropological techniques.

13. The body of the deceased shall be available to those conducting the autopsy for a sufficient amount of time to enable a thorough investigation to be carried out. The autopsy shall, at a minimum, attempt to establish the identity of the deceased and the cause and manner of death. The time and place of death shall also be determined to the extent possible. Detailed colour photographs of the deceased shall be included in the autopsy report in order to document and support the findings of the investigation. The autopsy report must describe any and all injuries to the deceased including any evidence of torture.

14. In order to ensure objective results, those conducting the autopsy must be able to function impartially and independently of any potentially implicated persons or organizations or entities.

15. Complainants, witnesses, those conducting the investigation and their families shall be protected from violence, threats of violence or any other form of intimidation. Those potentially implicated in extra-legal, arbitrary or summary executions shall be removed from any position of control or power, whether direct or indirect, over complainants, witnesses and their families, as well as over those conducting investigations.

16. Families of the deceased and their legal representatives shall be informed of, and have access to, any hearing as well as to all information relevant to the investigation, and shall be entitled to present other evidence. The family of the deceased shall have the right to insist that a medical or other qualified representative be present at the autopsy. When the identity of a deceased person has been determined, a notification of death shall be posted, and the family or relatives of the deceased immediately informed. The body of the deceased shall be returned to them upon completion of the investigation.

17. A written report shall be made within a reasonable period of time on the methods and findings of such investigations. The report shall be made public immediately and shall include the scope of the inquiry, procedures and methods used to evaluate evidence as well as conclusions and recommendations based on findings of fact and on applicable law. The report shall also describe in detail specific events that were found to have occurred, and the evidence upon which such findings were based, and list the names of witnesses who testified, with the exception of those whose identities have been withheld for their own protection. The Government shall, within a reasonable period of time, either reply to the report of the investigation, or indicate the steps to be taken in response to it.

#### Legal proceedings

18. Governments shall ensure that persons identified by the investigation as having participated in extra-legal, arbitrary and summary executions in any territory under their jurisdiction are brought to justice. Governments shall either bring such persons to justice or co-operate to extradite any such persons to other countries wishing to exercise jurisdiction. This principle

shall apply irrespective of who and where the perpetrators or the victims are, their nationalities or where the offence was committed.

19. Without prejudice to Principle 3 above, an order from a superior officer or a public authority may not be invoked as a justification for extra-legal, arbitrary or summary executions. Superiors, officers or other public officials may be held responsible for acts committed by officials under their hierarchical authority if they had a reasonable opportunity to prevent such acts. In no circumstances, including a state of war, siege or other public emergency, shall blanket immunity from prosecution be granted to any person allegedly involved in extra-legal, arbitrary or summary executions.

20. The families and dependents of victims of extra-legal, arbitrary and summary executions shall be entitled to fair and adequate compensation, within a reasonable period of time.

#### DRAFT RESOLUTION XI

##### United Nations Standard Minimum Rules for the Administration of Juvenile Justice (The Beijing Rules)\*

The Economic and Social Council,

Recalling General Assembly resolution 40/33 of 29 November 1985,

Recalling also Economic and Social Council resolution 1986/10 of 21 May 1986, section II, entitled "Juvenile justice and the prevention of juvenile delinquency",

\* Aware of the exemplary role of the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (The Beijing Rules), in promoting the development, improvement and reform of juvenile justice systems world wide,

Emphasizing the need to promote continued progress and reform in the administration of juvenile justice and to ensure universal and effective recognition of, and respect for, the legitimate rights and interests of juveniles in conflict with the law,

1. Expresses satisfaction with the report of the Secretary-General on the implementation of General Assembly resolution 40/33 and related resolutions on juvenile justice; 25/

2. Expresses appreciation of the efforts of Member States, specialized agencies, regional commissions and institutes of the United Nations system, intergovernmental organizations, non-governmental organizations, individual experts, policy makers and practitioners, as well as the United Nations Secretariat, to promote the principles of the Beijing Rules;

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\* For discussion, see chap. IV below.

3. Calls upon Member States that have not yet done so to apply the Beijing Rules and to submit information thereon to the Secretary-General;

4. Invites Member States to exchange views and information on their experiences and progress in implementing the Beijing Rules and to undertake multifaceted co-operation;

5. Urges Member States to provide funds for model projects which promote the principles of the Beijing Rules at the national, regional and interregional levels;

6. Requests the Secretary-General:

(a) To continue to promote concerted regional and international action and co-operation in connection with the Beijing Rules;

(b) To continue to disseminate the Beijing Rules widely in all official languages of the United Nations and to assist those countries that have not yet done so to translate the text of the Rules into their national languages and disseminate them for the benefit of those working in the field of juvenile justice;

(c) To promote the letter and spirit of the Beijing Rules wherever possible, especially in all programmes of the United Nations relating to young persons;

(d) To ensure effective programme interlinkages within the United Nations system between juvenile justice, within the framework of the Beijing Rules, and situations of "social risk", especially youthful drug abuse, child abuse, child sale and trafficking, child prostitution and street children;

(e) To conduct collaborative research on various aspects of juvenile justice administration, with emphasis on innovative and effective programming, and to develop training programmes, material and curricula for juvenile justice personnel;

(f) To provide the necessary technical assistance to Member States, particularly the developing countries, in implementing the Beijing Rules, developing projects and evaluating achievements;

(g) To allocate the necessary funds for activities relating to the Beijing Rules, especially pilot projects;

7. Invites the International Labour Organisation, the United Nations Children's Fund, the United Nations Educational, Scientific and Cultural Organization, the United Nations High Commissioner for Refugees and the World Health Organization to promote and apply the principles of the Beijing Rules in all activities and programmes of relevance to young persons;

8. Calls upon the Department of Technical Co-operation for Development and the United Nations Development Programme to support projects of technical assistance, to co-operate in promoting activities in the field of juvenile justice, and to invite other funding agencies within and outside the United Nations system to provide financial support for programmes relating to the administration of juvenile justice;

9. Requests the United Nations regional commissions and institutes for the prevention of crime and the treatment of offenders to intensify efforts to promote the Beijing Rules, both in their work programmes and their project and advisory activities;

10. Decides that the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders should consider the progress achieved in the implementation of the Beijing Rules, and that the Secretary-General should submit an updated report thereon, under topic 4.

#### DRAFT RESOLUTION XII

##### Domestic violence\*

###### The Economic and Social Council,

Recalling General Assembly resolution 40/36 of 29 November 1985,

Recalling also section IV of Economic and Social Council resolution 1986/10 of 21 May 1986, section III,

Bearing in mind the significance for victims of domestic violence of the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, 9/

Aware of the need for measures to be taken on behalf of victims of crime and abuse of power,

Taking into account Economic and Social Council resolution 1988/27 of 26 May 1988 on efforts to eradicate violence against women within the family and society, in which the Council, inter alia, requested the Secretary-General to bring to the attention of the Committee on Crime Prevention and Control at its tenth session the relevant recommendations of the Expert Group Meeting on Violence in the Family with Special Emphasis on its Effects on Women, held at Vienna from 8 to 12 December 1986, in order for the Committee to review them, provide guidance on their implementation and submit appropriate documentation thereon to the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders,

Concerned by the fact that domestic violence against spouses, children and the elderly cuts across all cultures and socio-economic classes,

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\* For discussion, see chap. V below.

Mindful of the need for different legal and social systems, at all levels, to provide a more effective and concerted response to domestic violence and to ensure the fair treatment of victims by justice and social assistance systems,

Bearing in mind that the question of domestic violence should be considered in conjunction with topic 4: "Prevention of delinquency, juvenile justice and the protection of the young: policy approaches and directions" of the Eighth Congress,

1. Notes with satisfaction the note by the Secretary-General on progress achieved with respect to the implementation of General Assembly resolution 40/36; 26/

2. Takes note of the recommendations of the Expert Group Meeting on Violence in the Family; 27/

3. Requests the Secretary-General to continue to pursue actively the implementation of General Assembly resolution 40/36;

4. Also requests the Secretary-General to undertake further comparative research, studies and reports on developments in the phenomenon of domestic violence against spouses, children and the elderly, from the perspective of criminal justice, criminal law and procedure, taking into account the recommendations of the Expert Group Meeting, especially the role of crisis intervention and protection and of social and other service delivery systems;

5. Further requests the Secretary-General to prepare a report on domestic violence to the Eighth Congress, to be considered under topic 4.

#### DRAFT RESOLUTION XIII

##### Review of the functioning and programme of work of the United Nations in crime prevention and criminal justice\*

##### The Economic and Social Council,

Recalling the responsibility assumed by the United Nations in the field of crime prevention and criminal justice in pursuance of Economic and Social Council resolution 155 C (VII) of 13 August 1948 and General Assembly resolution 415 (V) of 1 December 1950,

Recalling also Economic and Social Council resolutions 1986/11 of 21 May 1986, 1987/53 of 28 May 1987 and 1988/44 of 27 May 1988, and General Assembly resolutions 40/32 of 29 November 1985, 41/107 of 4 December 1986 and 42/59 of 30 November 1987,

\* For discussion, see chap. VI below.

26/ E/AC.57/1988/12.

27/ Ibid., annex.

Alarmed at the increase both in incidence and seriousness of crime in many parts of the world, including conventional and non-conventional criminality, which undermines the development process, impairs the quality of life and threatens human rights and fundamental freedoms,

Bearing in mind that crime has assumed a transnational character, which calls for a concerted international response,

Convinced of the urgent need to strengthen international co-operation in order to face the challenge posed by contemporary forms of crime,

Determined to improve regional, interregional and international co-operation to achieve further progress in combating crime, particularly in its new forms and dimensions,

Recognizing the pivotal role of the Committee on Crime Prevention and Control in providing important guidance in this field through the elaboration of draft instruments, model agreements and guidelines in crime prevention and criminal justice, the preparation of United Nations congresses and the co-ordination of United Nations activities,

Recalling that 1988 is the fortieth anniversary of the establishment of the programme of the United Nations in the field of crime prevention and criminal justice,

Determined to make further progress in the implementation of the conclusions and recommendations of the Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders and the relevant Economic and Social Council and General Assembly resolutions on the review of the functioning and programme of work of the United Nations in crime prevention and criminal justice;

Aware of the constraints on the resources available to the United Nations and to the Secretary-General in allocating them to particular programmes,

Noting with alarm that the present capacity and the status of the Crime Prevention and Criminal Justice Branch of the Centre for Social Development and Humanitarian Affairs are not commensurate with its enlarged responsibilities and expanded programme mandates,

1. Welcomes the report of the Secretary-General on the progress made in the implementation of the conclusions of the review of the functioning and programme of work of the United Nations in crime prevention and criminal justice; 28/

2. Reaffirms its conviction of the importance of the programme of the United Nations in the field of crime prevention and criminal justice and the necessity to strengthen it in order to make it more fully responsive to the needs and expectations of Member States;

3. Reaffirms also the value of the quinquennial United Nations congresses on the prevention of crime and the treatment of offenders in fostering the exchange of information and experiences and recommends that the congresses focus on priority issues for in-depth examination and expand the number of workshops on specific topics involving the regional and interregional institutes, the Arab Security Studies and Training Centre, non-governmental organizations and relevant professional associations;

4. Notes that, while serious efforts have been made to implement recommendations related to the substantive aspects of the programme, more attention should be paid to the existing structure and level of management of the Crime Prevention and Criminal Justice Branch of the Centre for Social Development and Humanitarian Affairs in pursuance of Economic and Social Council resolutions 1986/11 of 21 May 1986 and 1987/53 of 28 May 1987 and General Assembly resolution 42/59 of 20 November 1987;

5. Requests the Secretary-General to take steps to implement paragraph 3 (a) of Economic and Social Council resolution 1987/53, in which he was requested to develop the Crime Prevention and Criminal Justice Branch as the specialized body in the field of crime and justice;

6. Notes with concern the shortage of staff of the Crime Prevention and Criminal Justice Branch needed to carry out the multiple tasks mandated by the policy-making bodies, including action-oriented research, collection and dissemination of information, preparation of reports and technical co-operation, and reiterates its request to the Secretary-General to increase the number of regular posts assigned to the Crime Prevention and Criminal Justice Branch, at least to its former level;

7. Requests the Secretary-General, in preparing his proposals for the medium-term plan for the period 1992-1995, to incorporate a separate programme on crime and justice and to include in the programme budget for the biennium 1990-1991 sufficient resources in support of the Crime Prevention and Criminal Justice Branch to enable it to implement fully its programme activities;

8. Further requests the Secretary-General and the organizations concerned to take appropriate measures for the full implementation of the conclusions and recommendations adopted as a result of the programme review, as contained in Economic and Social Council resolutions 1986/11, 1987/53 and 1988/44, and General Assembly resolution 42/59;

9. Calls upon Member States to contribute more generously to the United Nations Trust Fund for Social Defence so as to enable the Crime Prevention and Criminal Justice Branch and the interregional and regional institutes to intensify technical co-operation activities and organize training courses and regional seminars on more effective crime prevention and criminal justice policies and strategies in the context of development;

10. Takes note of the efforts made towards the establishment of a global crime prevention and criminal justice information network and requests the Secretary-General to secure adequate resources towards its full realization, including:

(a) Designing the specifications for the system;

(b) Recruiting a specialist to implement it, ensuring access to all potential users and taking advantage of existing information networks;

11. Urges Governments in the process of improving the management of criminal justice to consider the use of suitable information technology including electronic data processing, and requests the Secretary-General, within existing resources, to develop guidelines and training materials for interested Member States, on the use of information technology in the management of criminal justice, and to seek additional extrabudgetary resources to expand that work;

12. Requests the Secretary-General to continue his efforts to improve the efficiency of the implementation of the United Nations crime prevention and criminal justice programme;

13. Further requests the Secretary-General to continue making the necessary provisions for the optimal functioning of the Committee on Crime Prevention and Control, as requested by the Economic and Social Council in its resolutions 1986/11 and 1987/53;

14. Determines that, in view of the crucial role of the Committee on Crime Prevention and Control as the preparatory body of the Eighth Congress and in view of the various draft instruments and widely ranging recommendations stemming from the preparatory meetings, the eleventh session of the Committee on Crime Prevention and Control, to be held in 1990 before the Congress, should be extended by two days;

15. Decides to authorize the Chairman of the Committee on Crime Prevention and Control to convene, whenever necessary, intersessional working groups in co-operation with the Secretariat and to designate special rapporteurs, in pursuance of Economic and Social Council resolution 1986/11, to consider priority issues of concern to Member States and prepare recommendations thereon, subject to the availability of extrabudgetary resources;

16. Requests the Secretary-General, in co-operation with the regional and interregional institutes, the regional commissions and relevant agencies, to intensify the operational aspects of the United Nations programme in crime prevention and criminal justice, inter alia, through the formulation and implementation of technical assistance projects on specific crime prevention and criminal justice issues;

17. Further requests the Secretary-General to strengthen the professional capacity of the Crime Prevention and Criminal Justice Branch in order to support interregional advisory services and follow-up the recommendations made at the country level;

18. Urges the Secretary-General to seek increased support for the critically needed interregional advisory services in the field of crime prevention and criminal justice to expand such services and to provide additional interregional and regional advisers as soon as budgetary and extrabudgetary resources permit;

19. Invites the United Nations funding agencies, in particular the United Nations Development Programme and the Department of Technical Co-operation for Development, to continue to provide financial support to the United Nations interregional and regional institutes for crime prevention and criminal justice so as to assist them in carrying out their technical co-operation programmes, and invites other United Nations entities, such as the World Bank, the United Nations Population Fund, the United Nations Fund for Drug Abuse Control and the United Nations Children's Fund, to support projects in this field relating to their areas of concern;

20. Invites the regional commissions to increase their involvement in activities related to crime prevention and criminal justice by establishing closer collaborative ties with the regional institutes, and invites them to designate focal points to co-ordinate technical co-operation activities undertaken at the regional and national levels, and requests the Secretary-General to provide the necessary resources for such undertakings;

21. Expresses its appreciation to the Arab Security Studies and Training Centre at Riyadh for organizing annual meetings on co-ordination of activities of the regional and interregional institutes which helped strengthen existing collaborative arrangements between the Secretariat and the institutes, and requests the Secretary-General to ensure appropriate follow-up to agreed programmes;

22. Requests the Secretary-General to ensure the full co-ordination of activities relating to crime prevention and criminal justice in the United Nations system, paying particular attention to the strengthening of collaboration with the United Nations drug control bodies and the Centre for Human Rights;

23. Urges the Secretary-General to promote joint initiatives involving the Secretariat, intergovernmental and non-governmental organizations and the professional community, to support the full realization of the project on the establishment of an advisory council of scholars and scientific organizations, and to inform the Committee of progress made in that regard;

24. Requests the Secretary-General to submit to the Council, at its first regular session of 1990, a progress report on the implementation of the present resolution, paying particular attention to paragraph 4 of Economic and Social Council resolution 1986/11, paragraphs 3 (a) and 4 of Council resolution 1987/53 and paragraph 5 of General Assembly resolution 42/59.

DRAFT RESOLUTION XIV

Continuation of preparations for the Eighth United Nations Congress  
on the Prevention of Crime and the Treatment of Offenders\*

The Economic and Social Council,

Recalling General Assembly resolutions 415 (V) of 1 December 1950, 32/60 of 8 December 1977, 41/107 of 4 December 1986 and 42/59 of 30 November 1987,

Recalling Economic and Social Council resolutions 1986/11 of 21 May 1986, 1987/49 and 1987/53 of 28 May 1987 and 1988/49 of 27 May 1988,

Recalling further Economic and Social Council decision 1988/146 of 27 May 1988, by which the Council took note with appreciation of the offer of the Government of Cuba to act as host to the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders,

Noting that many members of the Committee on Crime Prevention and Control, at its tenth session, expressed support for the invitation and expressed gratitude to the Cuban authorities for their generous offer,

Bearing in mind that the General Assembly and the Economic and Social Council have reaffirmed in numerous resolutions the importance of the United Nations congresses on the prevention of crime and the treatment of offenders,

Acknowledging that the United Nations congresses, as global events, have influenced national policies and practices by facilitating the exchange of views and experiences, by mobilizing public opinion and recommending policy options at the national, regional and international levels, thus making a significant contribution to the promotion of international and technical co-operation in this field,

Emphasizing the importance of undertaking all preparatory activities for the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders in a timely and concerted manner,

Conscious of the need to increase the relevance and impact of the results of the Eighth Congress through heightened public awareness of those results,

Bearing in mind General Assembly resolution 42/59, in which the Secretary-General was requested to take immediate steps to ensure the successful and cost-effective preparation of the Eighth Congress, including the appropriate scheduling of interregional and regional preparatory meetings and the timely finalization and circulation of the required documentation through the provision of the necessary resources, including temporary assistance,

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\* For discussion, see chap. VII below.

Aware that the resources so far allocated to the preparation of the Eighth Congress are considerably less than the funds usually provided for the consultants, temporary staff, travel and public information activities for major conferences,

Also aware of the important work to be accomplished by the regional preparatory meetings and by the United Nations Secretariat in preparing the relevant documentation,

Having considered the report of the Secretary-General relating to preparations for the Eighth Congress, 29/

1. Takes note with satisfaction of the work so far accomplished by the United Nations Secretariat in the preparation of the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, in pursuance of Economic and Social Council resolution 1987/49 and following the directives of the Committee on Crime Prevention and Control;

2. Notes with appreciation the interest shown and the support given to the Secretariat in preparation for the Eighth Congress by many Governments and non-governmental organizations and the professional and scientific community;

3. Takes note of the Discussion Guide for the Interregional and Regional Preparatory Meetings for the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, 30/ which provides general guidelines for the discussion at interregional meetings of the substantive topics of the Congress, and of the reports of the interregional preparatory meetings; 31/

4. Also takes note of the various documents prepared by the Secretariat related to the substantive items of the Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders, and requests the Secretary-General to update them for submission to the Eighth Congress under the relevant agenda items;

5. Endorses the recommendations contained in the reports of the interregional preparatory meetings for the Eighth Congress and requests the Secretary-General to transmit those reports to the regional preparatory meetings for the Eighth Congress, to be organized in 1989, with the observations, amendments and specific comments made on the occasion of the tenth session of the Committee on Crime Prevention and Control, as contained in annex I of the report of the Committee on its tenth session;

6. Recommends that the regional preparatory meetings consider in depth the recommendations of the interregional preparatory meetings and make specific comments on the draft instruments contained in the reports;

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29/ E/AC.57/1988/14.

30/ A/CONF.144/PM/1.

31/ A/CONF.144/IPM/1-5.

7. Approves the documentation for the Congress as contained in annex III of the report of the Committee on its tenth session, pending further review by the Committee at its eleventh session;

8. Decides that item 3 of the provisional agenda should serve as the umbrella topic, under which Governments, intergovernmental and non-governmental organizations could exchange experiences and examine problems encountered and successes achieved in international co-operation in the field of crime prevention and criminal justice;

9. Recommends that a research workshop on alternatives to imprisonment, consisting of at least two sessions with full conference support services, be held within the framework of topic 2 of the Eighth Congress and that the report adopted be submitted for the consideration of the Committee dealing with that topic;

10. Also recommends that work should continue on the development of guidelines for the computerization of the administration of criminal justice and that a workshop for the discussion of national experiences be held within the framework of topic 2 of the Eighth Congress, the report of which should be submitted to the Committee dealing with that topic for its consideration;

11. Further recommends that the Eighth Congress finalize the Draft Standard Minimum Rules for Non-custodial Measures (the Tokyo Rules), Draft Bilateral Model Treaty on Mutual Assistance in Criminal Matters, United Nations Draft Guidelines for the Prevention of Juvenile Delinquency (the Guidelines of Riyadh), United Nations Draft Rules for the Protection of Juveniles Deprived of their Liberty, Draft Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, Draft Basic Principles on the Role of Lawyers, Draft Model Agreement on the Transfer of Proceedings in Criminal Matters, Draft Model Agreement on Transfer of Supervision of Offenders Who Have Been Conditionally Sentenced or Conditionally Released, and make every effort to secure their adoption for the strengthening of regional and international co-operation in the fight against crime;

12. Decides that the Eighth Congress should be held from 27 August to 7 September 1990, with the necessary pre-Congress consultations;

13. Also decides that the theme for the Eighth Congress should be "International co-operation in crime prevention and criminal justice for the twenty-first century";

14. Approves the rules of procedure for the United Nations congresses on the prevention of crime and the treatment of offenders adopted by the Seventh Congress, with the understanding that the Eighth Congress should make every effort to attain consensus on all substantive matters;

15. Requests the Secretary-General, in his preparation of the programme budget for the biennium 1990-1991, to allocate the necessary resources for the organization of the Eighth Congress, in accordance with past practice and the existing guidelines for the organization of major United Nations conferences;

16. Also requests the Secretary-General to continue the practice of inviting 25 consultants to participate in the congresses at the expense of the Organization so as to ensure that adequate expertise is provided to the Congress by each region for each substantive item of the provisional agenda;

17. Calls on Governments to make preparations for the Eighth Congress by all appropriate means, with a view to formulating national position papers;

18. Urges the regional commissions, regional and interregional institutes in the field of crime prevention and the treatment of offenders, specialized agencies and other entities within the United Nations system, other intergovernmental organizations concerned, and non-governmental organizations in consultative status with the Economic and Social Council to become actively involved in the preparations for the Eighth Congress;

19. Invites representatives of the Committee attending the regional preparatory meetings for the Eighth Congress to assist Government representatives in their substantive deliberations on Congress topics and provide adequate follow-up to the recommendations made by the interregional preparatory meetings;

20. Also invites the Committee on Crime Prevention and Control, at its eleventh session, to accord priority attention to the preparations for the Eighth Congress and to ensure that all necessary organizational and substantive arrangements are made in good time;

21. Requests the Secretary-General, in his report to the General Assembly at its forty-third session, to stress the urgency of providing the necessary additional resources, including temporary assistance and travel for the Secretary-General of the Eighth Congress and additional staff members of the Secretariat, to service the regional preparatory meetings in 1989 and to engage in relevant consultations with Member States so as to enable the Secretariat to undertake, in an effective and timely manner, all the preparatory activities for the Eighth Congress;

22. Also requests the Secretary-General to strengthen the information programme related to the Eighth Congress in order to create awareness among experts and the general public of the significance of the work of the United Nations in the field of crime prevention and criminal justice.

#### B. Draft decision

2. The Committee on Crime Prevention and Control also recommends to the Economic and Social Council the adoption of the following draft decision:

Report of the Committee on Crime Prevention and Control on its tenth session and provisional agenda and documentation for the eleventh session of the Committee

The Economic and Social Council decides:

(a) To take note of the report of the Committee on Crime Prevention and Control on its tenth session;

(b) To approve the provisional agenda and documentation for the eleventh session of the Committee set out below.

PROVISIONAL AGENDA AND DOCUMENTATION FOR THE ELEVENTH SESSION  
OF THE COMMITTEE ON CRIME PREVENTION AND CONTROL

1. Election of officers.

2. Adoption of the agenda and other organizational matters.

(Legislative authority: Economic and Social Council resolution 1894 (LVII))

3. Progress report on United Nations activities in crime prevention and control.

Documentation

Report of the Secretary-General on United Nations activities in crime prevention and control, including matters of priority attention for the Committee

4. Implementation of the conclusions and recommendations of the Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders.

Documentation

Report of the Secretary-General on the implementation of the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power (draft resolution II above)

Report of the Secretary-General on the United Nations network of government-appointed national correspondents in the field of crime prevention and control (draft resolution III above)

5. Continuation of preparations for the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders.

Documentation

Report of the Secretary-General on the continuation of preparations for the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders

Report of the Secretary-General on all new draft instruments in crime prevention and criminal justice to be considered by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders with special reference to the five substantive items on the agenda of the Congress

Reports of the regional preparatory meetings for the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders

6. Review of the functioning and programme of work of the United Nations in crime prevention and criminal justice.

Documentation

Note by the Secretary-General on the results of the review to be undertaken by a sub-committee of the Committee on Crime Prevention and Control on the functioning and programme of work of the United Nations in crime prevention and criminal justice (Committee resolution 10/1 below)

7. Provisional agenda for the twelfth session of the Committee.

Documentation

Note by the Secretariat on the draft provisional agenda and documentation for the twelfth session of the Committee

8. Adoption of the report of the Committee on its eleventh session.

C. Resolution of the Committee brought to the attention of the Council

3. The following resolution, adopted by the Committee at its 11th meeting, on 31 August 1988, is brought to the attention of the Council:

Resolution 10/1. Review of the functioning and programme of work of the United Nations in crime prevention and criminal justice\*

The Committee on Crime Prevention and Control,

Deeply concerned about the great impact of crime upon the lives of individuals, upon communities, and upon the ability of Member States to provide for the well-being of their citizens,

Aware that the crime prevention and criminal justice system, supported by sound research, analysis and planning, is the basic instrument by which Member States can respond directly to the problems resulting from crime,

\* For discussion, see chap. VI below.

Recognizing the need for international bodies, including the United Nations, to focus effectively upon the specific areas of crime and justice that would allow for the greatest beneficial impact of limited national and international resources,

Noting with appreciation the role of the United Nations crime prevention and criminal justice programme in endeavouring to assist Member States in responding to problems resulting from crime and in promoting international co-operation,

Convinced of the importance of a fresh, analytical assessment of the magnitude of these problems, of the needed resources, and of the means by which the United Nations can best assist Member States,

1. Requests that the Chairman of the Committee on Crime Prevention and Control, on the basis of informal consultations with members of the Committee, appoint a sub-committee composed of the bureau and other designated members, with due regard to the principles of geographical distribution, working in collaboration with the directors of the regional and interregional institutes:

(a) To provide an overview of the magnitude of the problem of crime from economic, criminological, social, and juridical aspects;

(b) To assess the most efficient means of stimulating practical international action in support of Member States, and, in particular, the role of the United Nations in that regard;

(c) To make recommendations to the Committee, at its eleventh session, concerning the most effective mechanisms for the implementation of the conclusions of the overview;

2. Decides to consider at its eleventh session the results of the overview and formulate its recommendation for submission to the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders.

## Chapter II

### PROGRESS REPORT ON UNITED NATIONS ACTIVITIES IN CRIME PREVENTION AND CONTROL

4. The Committee considered item 3 of its agenda at its 5th, 6th and 10th meetings, on 24 and 30 August. It had before it the following documents:

(a) Report of the Secretary-General on United Nations activities in crime prevention and control (E/AC.57/1988/2);

(b) Draft statute of the United Nations Interregional Crime and Justice Research Institute (E/AC.57/1988/CRP.1);

(c) Directory of national correspondents (E/AC.57/1988/CRP.6);

(d) United Nations Criminal Justice and Crime Prevention Information Network (E/AC.57/1988/CRP.8).

5. The Acting Chief of the Crime Prevention and Criminal Justice Branch introduced the item. He indicated the tasks accomplished by the Secretariat in fulfilment of the existing legislative mandates since the ninth session of the Committee. In addition, he referred to the interregional advisory services and informed the Committee that Member States were becoming more and more aware of the usefulness of the services and were increasingly requesting them. Unfortunately, current resources did not permit corresponding increases. The Acting Chief briefed the Committee on the preparation of the medium-term plan and promised to keep Members informed systematically of all relevant developments.

6. The Acting Chief welcomed the creation of the African Regional Institute for the Prevention of Crime and the Treatment of Offenders (UNAFRI) and expressed his thanks to the Economic Commission for Africa (ECA), the Organization of African Unity (OAU) and the interregional and regional institutes involved for their valuable co-operation and the United Nations Development Programme for the financial assistance it provided. Finally he thanked the Arab Security Studies and Training Centre for having facilitated the co-ordination of activities of the interregional and regional institutes and of the Branch through its generous sponsorship of the joint annual meetings on programme co-ordination.

7. The representatives of the interregional and regional institutes briefly summarized the activities of their respective institutes. The Director of the United Nations Social Defence Research Institute (UNSDRI) indicated that the Institute was adapting to the changing needs of the international community, in particular the developing countries. The new forms and modalities of crime around the world required practical action, such as technical assistance and the transfer of know-how. That was reflected in the draft statutes of UNSDRI, which placed new emphasis on training. Despite the seriousness of the problems of crime, resources were scarce. Increased attention should consequently be given to identifying new forms and methods for obtaining resources, such as multilateral fund-raising.

8. The representative of the Helsinki Institute for Crime Prevention and Control (HEUNI) referred to a review of European criminal policies which had been carried out by the Institute. The review was closely related to the programme of

work of the Branch. The Institute was also assisting the Branch in its efforts to establish a global crime prevention and criminal justice information network.

9. The Director of the United Nations Latin American Institute for the Prevention of Crime and the Treatment of Offenders described the growth of that Institute since its creation in 1975. From a small unit attached to the Ministry of Justice it had grown into a full-fledged institution servicing the entire region and covering over 60 different activities as well as conducting research in a number of areas. Its growth had taken place, to a large extent, as a result of financial assistance from the United States of America. In addition, the Governments of Italy, Japan and Spain had offered financial support for specific projects, while assistance from UNSDRI and the United Nations Asia and Far East Institute for the Prevention of Crime and the Treatment of Offenders was far from negligible. The Director emphasized the effectiveness of the interregional advisory services to the Latin American region.

10. The Deputy Director of the United Nations Asia and Far East Institute indicated that the main orientation of the Institute was towards training through seminars and courses on a variety of subject, such as juvenile justice and the treatment of offenders. The Asia and Far East Institute had provided assistance to the Branch by helping to formulate new draft instruments and had also co-operated with the other institutes.

11. Representatives of OAU and the African Regional Institute expressed their satisfaction with the establishment of the Institute, a project of some 10 years gestation. The Institute faced grave financial difficulties, however, and unless financing was ensured, the project would be short-lived. Many Committee members stressed the fact that, since the countries of the region were poor, they were not in a position to provide the required funding. Hence, there was the need for generous outside assistance that would guarantee the implementation of the four-year work programme.

12. The representative of the Arab Security Studies and Training Centre informed the Committee that the Centre served 22 Arab countries with a population of about 100 million. In addition to regional activities, it also carried out activities at the international level and co-operated with the Branch and the other institutes. The Centre conducted an advanced training programme, including a masters programme of major importance for the region. It also provided assistance to interregional and regional institutes, whenever possible.

13. Several participants welcomed the new draft statutes of UNSDRI, which they felt the Committee might wish to recommend for adoption by the Economic and Social Council at its spring session in 1989. Other participants, however, considered that, although the fundamental idea was sound, there was insufficient time for a serious examination of the statutes at the current session. The view was expressed that the statutes should make specific reference to the Crime Prevention and Criminal Justice Branch as a focal point within the Secretariat. With respect to the composition of the new Advisory Board, it was thought that the Chief of the Branch rather than an unspecified representative of the Secretary-General, should be an ex-officio member of the Board. One participant particularly welcomed the proposed name of the interregional institute, suggesting that "Crime and Justice" be extended to the names of the Branch, the Committee and the Congresses. The Committee decided that the draft statutes would be examined by working group I.

14. The Committee underlined the paramount importance of the network of national correspondents, emphasizing their important role both in the diffusion of the decisions and conclusions of the Congresses and their implementation at the national level. A new expanded mandate was required in order to obtain a better definition of their tasks and functions.

15. It was noted, however, that the list of national correspondents distributed at the tenth session contained a number of inaccuracies. Some of the people listed were no longer active as correspondents, and others had retired from public life or were deceased. Moreover, some Governments did not always appoint national correspondents. The Committee should therefore recommend to the Economic and Social Council that those Governments that had not done so should appoint national correspondents at the earliest possible opportunity and should replace those who were no longer functioning.

16. It was suggested that the Branch should explore ways and means of improving the channels of communication with individual members of the network of national correspondents and should enlist their assistance in preparatory work for the Congress at the national level.

17. Participants expressed appreciation for the work that had been carried out by the Branch and the institutes. They stressed the importance of the crime prevention and criminal justice interregional advisory services and technical co-operation projects, and emphasized the need to allocate additional resources to those activities in order to permit adequate follow-up at the country level.

18. The Committee underlined the importance of the annual Programme Co-ordination Meeting - held at Riyadh, Saudi Arabia, and convened at the generous invitation of the Arab Security Studies and Training Centre - as an institutional forum for aligning work programmes, adjusting projected activities and enhancing the co-ordination effort of the crime prevention and criminal justice programme network.

#### Action taken by the Committee

##### A. Draft Statute of the United Nations Interregional Crime and Justice Research Institute

19. At the 10th meeting, on 30 August 1988, the Committee had before it a draft resolution (E/AC.57/1988/L.13) entitled "Draft Statute of the United Nations Interregional Crime and Justice Research Institute", which was submitted by D. Cotič (Yugoslavia), Vice-Chairman of the Committee, on the basis of informal consultations held in working group I.

20. At the same meeting, following statements by B. Svensson (Sweden), J. Montero Castro (Costa Rica), A. A. A. Shiddo (Sudan), D. Cotič (Yugoslavia) and A. Tamini (Argentina), the Committee approved the draft resolution as orally revised during the discussion and recommended its adoption to the Economic and Social Council (see chap. I, sect. A, draft resolution I).

B. Progress report on United Nations activities in crime prevention and control

21. Also at the 10th meeting, at the proposal of the Chairman, the Committee adopted the following decision:

Decision 10/1. Progress report on United Nations activities in crime prevention and control

At its 10th meeting, on 30 August 1988, the Committee on Crime Prevention and Control took note with appreciation of the progress report of the Secretary-General on United Nations activities in crime prevention and control (E/AC.57/1988/2).

### Chapter III

#### IMPLEMENTATION OF THE CONCLUSIONS AND RECOMMENDATIONS OF THE SEVENTH UNITED NATIONS CONGRESS ON THE PREVENTION OF CRIME AND THE TREATMENT OF OFFENDERS

22. The Committee considered item 4 of its agenda at its 1st to 5th and 9th to 11th meetings on 22-24, 26, 30 and 31 August 1988. It had before it the following documents:

(a) Reports of the Interregional Preparatory Meetings for the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offender on topics 1-5 (A/CONF.144/IPM/1-5);

(b) Report of the Secretary-General on measures to implement declaration of basic principles of justice for victims of crime and abuse of power (E/AC.57/1988/3);

(c) Note by the Secretary-General on the implementation of the Basic Principles on the Independence of the Judiciary (E/AC.57/1988/4);

(d) Report of the Secretary-General on extra-legal, arbitrary and summary executions and measures for their prevention and investigation (E/AC.57/1988/5);

(e) Preliminary report of the Secretary-General on the transfer of proceedings in criminal matters (E/AC.57/1988/6 and Corr.1);

(f) Preliminary report of the Secretary-General on the supervision of foreign offenders who have been conditionally sentenced or conditionally released (E/AC.57/1988/7 and Corr.1);

(g) Report of the Secretary-General on progress made with respect to the implementation of the Code of Conduct for Law Enforcement Officials (E/AC.57/1988/8 and Corr.1);

(h) Report of the Secretary-General on progress made with respect to the implementation of the Code of Conduct for Law Enforcement Officials (E/AC.57/1988/8/Add.1/Rev.1);

(i) Report of the Secretary-General on implementation of the United Nations safeguards guaranteeing protection of the rights of those facing the death penalty (E/AC.57/1988/9 and Corr.2);

(j) Report of the Secretary-General on alternatives to imprisonment and reduction of the prison population (E/AC.57/1988/10);

(k) Report of the Meeting of Experts on the United Nations Draft Standard Minimum Rules for Non-Custodial Measures, held at the United Nations Asia and Far East Institute for the Prevention of Crime and the Treatment of Offenders, Tokyo, 13-15 July 1988 (E/AC.57/1988/CRP.2);

(l) Implementation of the United Nations safeguards guaranteeing protection of the rights of those facing the death penalty (E/AC.57/1988/CRP.7).

23. The Acting Chief of the Crime Prevention and Criminal Justice Branch introduced the item. In paying his respects to his eminent predecessors he recalled in particular the contributions made to the programme by two former Chiefs of the Branch, the late Professor Manuel López-Rey and the late William Clifford. He described the increasingly challenging tasks to be accomplished in pursuance of the respective General Assembly and Economic and Social Council resolutions, in which the Secretariat had been repeatedly requested to make every effort to translate into action the recommendations, policies and conclusions of the Milan Plan of Action and other relevant resolutions adopted by the Seventh Congress and to ensure the proper preparation of the Eighth Congress, in a situation of decreased resources. He stressed that the monitoring of existing international instruments, the generation of new mandates and the elaboration of new standards and norms required careful attention on the part of the Committee. Its guidance and action were being sought to increase the effectiveness of United Nations machinery in the field of crime prevention and criminal justice, so as to continue to improve the services provided to Member States, to national criminal justice administrators and to the international community.

24. The report on proposals for concerted international action against forms of crime identified in the Milan Plan of Action (E/AC.57/1988/16), was, he said, a first step in the implementation of the Plan and was intended to assist the Committee in making recommendations for more concrete action. Five clusters of activities relating to major crime categories had been identified: organized crime in its multiple manifestations, particularly the illicit drug trade; terrorism, including State terrorism; economic crime of a transboundary nature; ecological and environmental offences that transcended national frontiers; and illicit international trade in objects belonging to the national heritage of countries. Many of those acts fell into the "space between the laws", a condition created by the diversity of national legislation and jurisdictions and, without improved international co-operation and co-ordination, they would continue to elude the rule of law.

25. The report on the implementation of the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power (E/AC.57/1988/3) was based on information received from Member States and other relevant sources and focused on the current situation of victims in the criminal justice system, with a description of restitution and compensation services for victims and the prevention of victimization. The tasks remaining to be carried out included the development of international means of recourse where national channels might be insufficient and further work on the situation of victims of the abuse of power.

26. One of the major achievements of the Seventh Congress was the adoption of the Basic Principles on the Independence of the Judiciary. The note by the Secretariat on the implementation of the Basic Principles (E/AC.57/1988/4) contained draft procedures for their effective implementation. The procedures were based on the results of the International Expert Meeting on the United Nations and Law Enforcement, held at Baden, Austria, in 1987, and were intended to translate the provisions of the Basic Principles into concrete reality, by promoting the establishment of conditions under which justice could be maintained. The Interregional Preparatory Meeting on topic 5, held at Vienna in June 1987, approved a revised version of the draft procedures (A/CONF.144/IPM/5).

27. The report on extra-legal, arbitrary and summary executions and measures for their prevention and investigation (E/AC.57/1988/5) reviewed the replies received

from 57 Member States on various aspects of the prevention and investigation of such practices and contained an analysis of major issues in that area, a summary of the work of the human rights programme of the United Nations and a set of draft principles on the effective prevention and investigation of extra-legal, arbitrary and summary executions, prepared in reply to Economic and Social Council resolution 1986/10.

28. The draft model agreement on the transfer of proceedings in criminal matters (E/AC.57/1988/6, annex) and the draft model agreement on the transfer of supervision of foreign offenders who have been conditionally sentenced or conditionally released (E/AC.57/1988/7, annex) were intended to single out, on the basis of a general consensus, principles for increased judicial co-operation accepted by the international community. They were largely based on the results of the International Expert Meeting on the United Nations and Law Enforcement and the Interregional Preparatory Meeting on topic 5.

29. In the report on the progress made in the implementation of the Code of Conduct for Law Enforcement Officials (E/AC.57/1988/8 and Add.1/Rev.1), special emphasis was placed on draft international standards for the use of force and firearms by law enforcement officials and on measures for the more effective implementation of the Code. Both drafts were further reviewed by the Interregional Preparatory Meeting on topic 5 and included in its report (A/CONF.144/IPM/5).

30. The report on safeguards guaranteeing protection of the rights of those facing the death penalty (E/AC.57/1988/9 and Corr.2) contained a review of the replies of 74 Governments, with an analysis of the dissemination mechanisms and a summary of a study, prepared with extrabudgetary resources, on the question of the abolition of the death penalty (E/AC.57/1988/CRP.7).

31. In the note by the Secretariat on alternatives to imprisonment and the reduction of the prison population (E/AC.57/1988/10), prominence was given to the elaboration of draft standard minimum rules for the non-institutional treatment of offenders. The latest version of the draft rules, (the Tokyo rules), was contained in the report of the Interregional Preparatory Meeting on topic 2 (A/CONF.144/IPM/4).

32. The note on the draft basic principles on the role of lawyers (E/AC.57/1988/15) was prepared on the basis of the recommendations of the Seventh Congress and was considered by the Interregional Preparatory Meeting on topic 5, which formulated a draft for review by the Committee (A/CONF.144/IPM/5). In the draft basic principles, due attention was given to the pertinent provisions of the Draft Body of Principles for the Protection of All Persons under any Form of Detention or Imprisonment.

33. The Head of External Relations of the United Nations Centre for Human Rights, on behalf of the Under-Secretary-General for Human Rights, emphasized that his presence at the meeting indicated the beginning of a new phase of co-ordination and co-operation between the Centre for Human Rights and bodies such as the Crime Prevention and Criminal Justice Branch. He looked to the Committee to add impetus to the international efforts to protect fundamental freedoms by ensuring the responsiveness of the criminal justice system to the protection of individuals from arbitrary violence and by promoting a fair system of justice and legal security. Since the Centre for Human Rights focused on the same goal, in both theory and practice, as the Crime Prevention and Criminal Justice Branch, it acknowledged the

important role the Branch played in the field of human rights. As requested by the Commission on Human Rights in its resolution 1987/33 and by the General Assembly in its resolution 42/143, new ways and means should be identified to further strengthen co-operation on matters of mutual concern.

34. In considering the item, many experts and observers provided general information on the situations in their countries. Far-reaching and comprehensive legal reforms, providing for the enhancement of the role of justice, the quality and transparency of legal proceedings and the protection of prosecutors and lawyers from interference in their affairs, were described. Important goals of those reforms were the further humanization of justice, the protection of liberty, decriminalization, the introduction of lighter penalties, the increased use of alternatives to imprisonment, the reduction in the prison population and the protection of victims. Furthermore, compendiums of United Nations rules on human rights and crime control had been prepared for dissemination to law enforcement officials.

35. Similar developments in other countries were mentioned, including the increasing participation of citizens in crime control, new programmes reaffirming their legal rights and new penal codes with emphasis on even more humane criminal justice, with a greater use of alternatives to imprisonment and a curtailment of executions. It was remarkable that those developments had not entailed any growth of crime.

36. It was reported by one participant that his country had recently abolished capital punishment, which had not been applied for many years, thus becoming the thirty-second abolitionist State. He also mentioned a recent amnesty, which had included 25,000 persons. That, so far, had not resulted in any increase in criminality.

37. Several participants referred to the impact of the Milan Plan of Action and other United Nations instruments in crime prevention and criminal justice on the policies of their Governments, including the incorporation of those instruments in national legislation. It was stated, in that connection, that while efforts at the national level had to be devoted to the implementation of the decisions and resolutions of the Seventh Congress, sufficient attention also had to be devoted to the organization of the Eighth Congress, both by national authorities and by the United Nations Secretariat.

38. Attention was also drawn to the fact that education had an important role to play in the full development of the human personality. Therefore, education should also be an essential part of any programme on the treatment of prisoners. A United Nations statement to that effect would strengthen the moral influence and crucial role of the United Nations in the area of crime prevention and criminal justice.

39. The Committee expressed its appreciation for the comprehensiveness and high quality of the documentation, which provided a very useful basis for the discussion. It was clear that a tremendous amount of work had been accomplished, in spite of the severe resource constraints. The efforts made would contribute significantly to the success of the Eighth Congress as well as to monitoring the implementation of previously adopted standards.

40. The Officer-in-Charge of the African Regional Institute for Crime Prevention and the Treatment of Offenders, who also represented the Economic Commission for Africa, reported on the establishment of the Institute in January 1987, pursuant to resolution 4 of the Seventh Congress. The Institute was temporarily located at the headquarters of ECA at Addis Ababa, Ethiopia, and became operational with the help of funding from the United Nations Development Programme (UNDP). Two important training courses had been held in 1987 for African countries, one on planning for crime prevention and criminal justice in the context of development and the other on the prevention and treatment of juvenile delinquency. The Conference of African Ministers of Social Affairs, held in April 1988, decided that the headquarters of the Institute should be at Kampala, Uganda.

41. With respect to the proposals for concerted international action against forms of crime identified in the Milan Plan of Action, the Committee acknowledged the need for vastly improved international co-operation, in view of the transnational dimension of such offences, and endorsed both the approach and the content of the report. For some participants, one of the greatest difficulties in the effective control of organized crime, with its huge profits, was the rigidity with which some countries applied the principle of confidentiality of banking accounts. Those participants felt that there was a need for a multilateral agreement that would lead to a relaxation of the principle in cases relating to drug trafficking and other major transboundary offences. The situation necessitated stricter international control of so-called off-shore banking, including truly innovative multilateral and bilateral agreements dealing with the freezing and forfeiture of illicit funds.

42. Several participants believed that illicit drug trafficking should not be seen as an isolated problem but rather as a manifestation of the interdependent nature of the contemporary world and, in particular, as a consequence of the dependence of developing countries. Since the drug problem had both a supply and a demand side, it was wrong to place all responsibility on the drug-producing countries. Furthermore, illicit drug production was a typical phenomenon of economically depressed areas, since poverty and need led peasants to grow illicit crops for which there was considerable demand. Thus, no solution to the production of drugs could be expected without real socio-economic development of the drug-producing areas. Law-enforcement measures were not sufficient in themselves; socio-economic development and a broad framework of guidelines, including preventive measures, were indispensable conditions for an effective struggle against illicit drug trafficking.

43. With respect to terrorism, some experts expressed the view that one of the sources of the phenomenon was the absence of agreement concerning the tolerable limits of violence in wars of national liberation. Consequently, there was a pressing need to define such limits, leaving aside any consideration of the objectives pursued by the terrorists. Terrorism was terrorism and could not be justified even by the loftiest ideals.

44. A number of participants underlined the linkages between terrorism, on the one hand, and drug and arms traffic, on the other. Terrorism fed on the drugs bought by developed countries and on the weapons sold by them to the developing countries. Furthermore, more emphasis should be placed upon State terrorism, a phenomenon that was not only of a political nature but that extended to the denial of fundamental services and humane living conditions to the population by tyrannical and racist régimes.

45. Some experts noted that a grave phenomenon accompanying the operations of organized crime was the corruption of public officials. To a large extent, such corruption was both the result and the cause of the indebtedness of most developing countries; since transnational banking and financial institutions had bribed those officials to accept loans at usurious interest rates. Such indebtedness was... seriously damaging standards of living, thereby stimulating both illicit drug production and trafficking, and terrorism. There was, in any case, urgent need for sanctions against corrupt officials and against corrupt managers and their corporations.

46. Other consequences of organized crime were fraudulent bankruptcy, particularly in developing countries, massive counterfeiting and large-scale smuggling and tax evasion. All those offences were deleterious to the well-being of countries, particularly in the more vulnerable developing areas of the world. The trafficking in women, children and even human organs was also mentioned as an example of the activities of organized crime which should come under international scrutiny and control.

47. In the opinion of some experts, certain legitimate transnational companies not only participated in the laundering of illicit funds but also generated corruption. The health of entire populations was damaged by the sale to developing countries of products that were of bad quality or even noxious to the health of human beings, such as pharmacological products that were banned in developed countries because they were harmful. Furthermore, some transnational companies were responsible for the depletion of non-renewable resources and the extinction of numerous animal species, both on land and in the sea.

48. More recently, several companies, with the complicity of certain Governments, had attempted to export the most dangerous forms of pollution - those caused by nuclear and industrial wastes - to developing countries and, in particular, to African countries. Furthermore, the dumping of wastes was increasing and had caused heavy pollution of coastal waters in many parts of the world. That practice should be viewed as equivalent to genocide and to crimes against humanity. A similar lack of the most elemental respect for human life and the environment was reflected in the use of herbicides and defoliants to combat drug production. It was important to prevent such practices from continuing, since their fatal consequence was the desertification of large areas.

49. Several participants felt that there was therefore an urgent need for the judicial defence of the environment and for an international criminal law for the environment, to prevent countries from becoming "garbage cans". Principles concerning the responsibility of companies and managers for damages to the environment and the seizure of the profits brought about by polluting practices should be anchored in international instruments and thus facilitate international co-operation.

50. Several experts stressed the importance of drawing up multilateral conventions on extradition and mutual judicial assistance. Although those attempts might take considerable time and effort, current initiatives seemed to be moving in that direction. There were already some multilateral conventions dealing, at least partially, with such mechanisms, such as the European Convention on Terrorism.

51. With reference to the report on the implementation of the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, several participants

referred to the problems encountered by victims. The achievements of the Seventh Congress were recalled, and the subsequent efforts of the Secretariat were noted with appreciation, as was the assistance rendered by non-governmental organizations. It was suggested in several interventions that a detailed study of the recommendations of the Seventh Congress should be made in the appropriate working group. A number of experts and observers described their experiences in implementing the Declaration, either by establishing or further developing their services for victims and related legislative measures.

52. There was agreement that victims needed the assistance advocated in the Declaration. Several participants drew attention to various aspects of victim protection and assistance. The role of alternative sanctions, taking into account the needs of victims, was highlighted in that connection, with special emphasis on compensation schemes, restitution and reconciliation. Attention was also drawn to the fact that traditional sanctions, such as fines, were not of direct benefit to the victim. Experience seemed to show that victims often were not so much interested in severe punishment of the offender as in some positive response, such as an apology.

53. One speaker noted that the non-material aspects of victim compensation and reconciliation were often underestimated. It was suggested that, on occasion, the victim might materially benefit more from civil law compensation than from that provided according to criminal law. It was also mentioned that information from other countries and the United Nations had been of great benefit to Governments in planning the developments in their own services for victims.

54. Several participants drew attention to the fact that the provision of services to victims should greatly improve the relationship between the victim and the criminal justice system. It was noted that lawyers may play a crucial role in that context. They could exert a positive impact on the victims' awareness of their rights and available services. Likewise, the provision of counselling and advice centres was advocated in order to provide the broadest possible assistance to victims.

55. Several experts referred to the widespread victimization resulting from the abuse of power. One expert said that in future reports national experiences in dealing with it should be described in even more detail. Concern was expressed that power was often abused by government officials and that the criminal justice system might prove an ineffective tool for redressing the harm experienced by victims. Therefore, international norms proscribing abuses of power, as defined in the Declaration, had to be incorporated into national law. Furthermore, it was important to discover how much compensation was being offered in different countries to victims of the abuse of power and to promote meaningful action in that respect.

56. It was also pointed out that countries could be considered victims of crime - for example, as objects of transnational economic crimes or pollution. It was stressed that very little work had been done, so far, on the question of collective victimization and that the area was fraught with difficulties, especially when the offender was another State. There were no appropriate sanctions available in that respect to the international community. Action was therefore needed at the international level.

57. Several speakers pointed out that in a number of countries criminal justice agencies were not sufficiently aware of victims' rights. In general, there was a certain lack of uniformity in their implementation. It was noted, on the other hand, that because the Declaration was a relatively new document, it might be too early for the elaboration of a definitive mechanism for its application. In the attempt to advance its implementation, a number of steps could be considered with a view to further elaboration by the regional preparatory meetings and the Eighth Congress. It was stated that the dissemination and exchange of information on the Declaration, as well as on the assistance provided for victims, was of first priority.

58. It was recognized that there was need for further research into many aspects of victim assistance, including the effectiveness and viability of existing provisions and the unmet needs of victims of crime and the abuse of power, the results of which should be shared by Member States.

59. With reference to the report on the implementation of the Basic Principles on the Independence of the Judiciary, several participants stressed that the Basic Principles were one of the major achievements of the Seventh Congress. Without an independent and impartial judiciary, justice could not be guaranteed for offenders, for victims or for any other citizens. There was need to translate the Basic Principles into concrete reality, thus promoting the establishment of conditions under which justice could be maintained.

60. Attention was called to the fact that the Seventh Congress, in its resolution on the Basic Principles, 2/ had recommended them for national, regional and interregional action. It was noted that in order to prepare his report for the Eighth Congress, the Secretary-General had sent a note verbale and a questionnaire on the implementation of the Basic Principles to Member States and had also requested information from United Nations institutes on crime prevention and criminal justice and from non-governmental organizations. It was also noted with appreciation that the views of the professional community had been duly taken into account, as had been the previous work accomplished by the United Nations Social Defence Research Institute, in co-operation with the Secretariat.

61. Participants emphasized that the occurrence of extra-legal, arbitrary and summary executions was an abhorrent practice that had to be counteracted with all the means available to the United Nations. Therefore, the Committee welcomed the draft principles on the effective prevention and investigation of extra-legal, arbitrary and summary executions contained in the report of the Secretary-General (E/AC.57/1988/5, annex) and revised by the Interregional Preparatory Meeting on topic 5 (A/CONF.144/IPM/5). The participants emphasized the need for clarity of views on the terms used to describe the phenomenon in question. It was the opinion of one expert that in some countries only one or two kinds of executions occurred - i.e., arbitrary and summary ones - while there were no extra-legal executions. It was noted, however, that the discussion over the terms used could only be regarded as secondary in contrast with the need to establish effective procedures to prevent the occurrences of practices singled out in the first of the draft principles (para. 1). Of paramount importance was the principle concerning investigations on the independence of the authorities conducting executions (para. 11).

62. Another participant expressed regret that the report of the Secretary-General could not provide more factual accounts of extra-legal, arbitrary and summary executions. That was compensated for to some extent, however, by review of the

measures for their prevention and investigation, which was prepared by the United Nations Social Defence Research Institute (E/AC.57/1988/5, chap. III).

63. Speaking of practical measures to prevent executions, several participants referred to the draft "Minnesota Protocol", containing a model autopsy protocol (E/AC.57/1988/NGO.4), which was found useful for publication and further dissemination by the United Nations.

64. It was acknowledged that the United Nations draft model agreements on the transfer of criminal proceedings and the transfer of supervision of foreign offenders who had been conditionally sentenced or conditionally released were especially important if progress were to be achieved in those areas of international co-operation. It was noted that the final versions of the drafts, as contained in the report of the Interregional Preparatory Meeting on topic 5 (A/CONF.144/IPM/5) were in an advanced stage of preparation.

65. Several participants pointed out that both model agreements took into account the need for clear differentiation between various forms and solutions and the diversity of legal and technical problems involved. While recognizing the traditions and cultural identities of Member States, the model agreements set out, on the basis of a general consensus, principles accepted by the international community so that favourable consideration could be given to their use within the framework of national legislation and practice. Thus, it would be a significant step towards improving international co-operation in criminal justice matters if the principles contained in the draft model agreements were adopted by the Eighth Congress and implemented by States.

66. A number of participants stressed that the principles embodied in the Code of Conduct for Law Enforcement Officials should be reflected in the national legislation and practice of all Member States. The Code should be widely disseminated and made available to all law enforcement officials and competent authorities in their own languages so as to ensure that the principles and rights contained therein became known to the general public. Symposia and training courses organized on the rôle and functions of law enforcement officials in the protection of human rights were cited.

67. Special attention was given by participants to two draft instruments included in the report of the Interregional Preparatory Meeting on topic 5 - namely, the draft basic principles on the use of force and firearms by law enforcement officials and the draft guidelines for the effective implementation of the Code of Conduct for Law Enforcement Officials (A/CONF.144/IPM.5), with regard to the former, the Committee was informed that the Sub-Commission on Discrimination and the Protection of Minorities of the Commission for Human Rights, at its fortieth session, had suggested that the following sentence should be added to paragraph 2:

"For the same purpose, law enforcement officials should also be equipped with self-defensive equipment such as shields and helmets in order to decrease the need to use weapons of any kind."

68. The participants discussed the report on the safeguards guaranteeing the protection of the rights of those facing the death penalty, pointing out that there was a widespread need to monitor the implementation of United Nations safeguards and their dissemination, especially in cases where it was possible to make improvements in national legislation. The safeguards themselves were not well

known in Member States, in spite of the steps taken by the Department of Public Information to make the text available in English, Russian and Spanish.

69. One observer provided the Committee with information on the recent abolition of the death penalty in his country, emphasizing that the decision was dictated by the humanistic nature of criminal policies and a visible decrease in the crime rate.

70. Some experts from retentionist countries noted that the abolition of the death penalty was not an issue in their countries; they stressed, however, that the question of adherence to the United Nations safeguards was of paramount importance for the protection of the rights of the subject.

71. The Committee also listened to a statement of Roger Hood, the United Nations special consultant on the question of the death penalty, who was requested by the Secretariat, in pursuance of Economic and Social Council resolution 1986/10, to prepare a study on the question of the death penalty and new contributions of the criminal sciences to the matter, under extrabudgetary resources. The study had been completed thanks to the generosity of the Governments of Austria, Italy, the Netherlands and the United Kingdom of Great Britain and Northern Ireland.

72. The consultant introduced the study (E/AC.57/1988/CRP.7), which covered relevant issues that had arisen since 1965, when the last study on the subject (the "Morris report"), had been prepared. The consultant emphasized that, according to his findings, there existed a noticeable abolitionist trend in the world. The trend was most clearly evident in Western Europe and Latin America. In Western Europe, only four countries had capital punishment in their statutes, while in Latin and Central America, six more countries had abolished the death penalty. But the long-term trend towards total abolition had been interrupted at times by political instability, when military Governments reimposed the death penalty for a variety of offences against the State and public order. On the other hand, a substantial number of countries that had introduced the death penalty for a wider range of offences had not applied it. With reference to the United Nations safeguards, and based on additional sources of information, it was concluded that there was a need to ensure that the requirements of the law and procedure were translated into the reality of enforced rights. The problems of sentencing were also dealt with in the study, and the fact that new statutes had reduced the level of arbitrariness of capital punishment in some countries was emphasized. No discrimination on the basis of the race of the defendant was found, but the findings suggested that there was substantially greater probability of receiving the death sentence for killing a white than for killing a black person.

73. The questions of deterrence and public opinion were dealt with in the study. The conclusion reached on deterrence was that research failed to provide scientific proof that executions had a greater deterrent effect than life imprisonment and that there was no positive support to the deterrent hypothesis.

74. As far as public opinion on the death penalty was concerned, it was suggested in the study that, in view of lack of awareness on the part of the public, continuous and wide-ranging work had to be undertaken to inform the public adequately so that it could make informed choices as to whether or not to support the abolition of capital punishment.

75. While some members of the Committee made a positive evaluation of the study, others noted that further research would be needed in order to reflect political, moral and religious considerations prevailing in certain countries.

76. Several speakers referred to the question of alternatives to imprisonment and the reduction of the prison population. It was pointed out that the Secretariat paper was a short paper on an important subject and that brevity was the result of two factors. The first was that not many Governments had replied to the request for information. Since additional replies had been received since the paper was written, the Secretariat was asked to prepare an updated version for the consideration of the Eighth Congress. The second factor was that a special initiative on the topic, taken by the United Nations Asia and Far East Institute, had resulted in the draft standard minimum rules for non-custodial measures (the Tokyo Rules). The representatives of the Institute gave an account of the development of their project, from its beginnings at an international training course held in 1986 to the adoption of the draft rules during the International Preparatory Meeting on topic 2. Many participants emphasized the importance of non-custodial measures as a tool for the reduction of the prison population and for further humanizing the conditions of sentenced persons.

77. With reference to the draft basic principles on the rule of lawyers, formulated by the Interregional Preparatory Meeting on topic 5, (A/CONF.144/IPM/5,), in pursuance of resolution 18 of the Seventh Congress and Economic and Social Council resolution 1986/10, the valuable contribution of the International Expert Meeting on the United Nations and Law Enforcement and the active involvement of interested non-governmental organizations, including the International Bar Association and the International Commission of Jurists, was noted. Several participants emphasized that the full protection of the rights of citizens required that all persons have effective access to legal services provided by lawyers who were able to perform their proper role in the defence of those rights effectively and to counsel and represent their clients in accordance with the law and established professional standards and judgement, without any undue interference from any quarter.

78. It was also stressed that the legal profession must serve all sections of society and that the Government had a responsibility to make the services of lawyers available to all those in need of them. Bar associations and other professional associations of lawyers played a vital role in protecting and defending their members against improper restrictions or infringements and in ensuring the observance of professional ethics.

#### Action taken by the Committee

##### A. Implementation of the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power

79. At the 9th meeting, on 26 August, D. Faulkner (United Kingdom of Great Britain and Northern Ireland), on behalf of R. S. Clark, (New Zealand) and D. Cotić (Yugoslavia), introduced a draft resolution (E/AC.57/1988/L.6) entitled "Implementation of the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power". Subsequently, S. A. Rozès (France) joined in sponsoring the draft resolution, which read as follows:

"Implementation of the Declaration of Basic Principles of  
Justice for Victims of Crime and Abuse of Power

The Committee on Crime Prevention and Control recommends to the Economic and Social Council the adoption of the following draft resolution:

The Economic and Social Council,

Bearing in mind that the General Assembly on 29 November 1985 unanimously adopted resolution 40/34 and the accompanying Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, which had been approved by the Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders on 5 September 1985,

Recalling the request made to Member States to take the necessary steps to give effect to the provisions of the Declaration so as to secure for victims of crime and abuse of power the rights due to them,

Taking into account Economic and Social Council resolution 1986/10, section III of 21 May 1986 which recommended that continued attention be given to the implementation of the Declaration with a view to developing the co-operation of Governments, intergovernmental and non-governmental organizations and the public in securing justice for victims and in promoting integrated action on behalf of victims at the national, regional and international levels,

Noting that the first report on measures taken to implement the Declaration (E/AC 57/1988/3) indicates a number of areas which require further attention,

Recognizing that effective implementation in respect of victims of abuse of power is sometimes hampered by problems of jurisdiction and by difficulties in identifying and halting such abuses, owing, inter alia, to the transnational nature of the victimization,

Also recognizing the need to develop further the concept of abuse of power,

Noting with appreciation the valuable suggestions contained in the document prepared by an ad hoc committee of experts at the International Institute of Higher Studies in Criminal Sciences, Siracusa, Italy in May 1986,

1. Recommends that the Secretary-General consider the publication and dissemination of a guide for practitioners of criminal justice on the implementation of the Declaration, incorporating inter alia the document referred to above;

2. Further recommends that Member States take the necessary steps to give effect to the provisions contained in the Declaration, and, in order to achieve this purpose, endeavour:

(a) To make adequate resources available for the establishment of effective services to provide aid and support to victims of crime, with due regard to the social, cultural and legal system in question;

(b) To give consideration to the experience of different Member States with respect to various models for the delivery of services, involving the use of both professional and lay workers, and operating in either the governmental or non-governmental sector;

(c) In the examination of methods to seek redress for victims, to give attention to the extent to which these meet effectively the needs and wishes of victims, the limitations of each method and the ways in which these may be overcome;

(d) In developing services for victims, to consider the current state of knowledge with respect to victimization, including its emotional impact, with the possibility of offering assistance to identified victims by service organizations;

(e) To give attention to the development of appropriate training for those providing services to victims, which would cover the examination of attitudes, including the potential bias by persons within the criminal justice system, and an understanding of the emotional effects of victimization, the development of skills and the provision of factual information;

(f) To establish effective channels of communication between all sectors of the criminal justice system involved in the resolution of the problems of victimization;

(g) To organize courses and meetings and disseminate information in order that all sectors of the justice system may be fully aware of the needs, wishes and rights of victims and to enable them to respond appropriately so as to avoid further victimization;

(h) To develop mechanisms which would ensure that victims are kept fully informed of the progress of each case at relevant stages of the proceedings and have an opportunity to be involved in a constructive manner; they should also be informed of their rights and opportunities with respect to redress from the offender, from third parties or from the State;

(i) To provide measures to protect victims from abuse, calumny or intimidation in the course of, or as a result of, any criminal or other proceedings related to the crime, and to provide effective remedies;

(j) To incorporate a restitutive element into sentencing sanctions, for example through the adoption of new legislation, the development of sentencing guidelines and the organization of judicial conferences on sentencing. Consideration should be given to granting priority to such restitutive sanctions over fines and other payments that are to be made by the offender to the State as a consequence of the crime;

(k) Where informal mechanisms for the resolution of disputes exist, or have been newly introduced, to ensure, if possible and with due consideration to established legal principles, that the wishes and sensibilities of victims are fully taken into consideration, and that the outcome is at least as beneficial for the victims as would have been the case if the formal system had been used;

(l) To establish a monitoring and research programme to keep the needs of victims and the effectiveness of the provision of services under constant review. Such a programme might include the organization of regular meetings and conferences of representatives of relevant sectors of the criminal justice system, as well as other bodies concerned with the needs of victims in order to examine the extent to which existing law, practice and victim services are responsive to the needs and wishes of victims;

(m) To undertake studies of unreported crime in order to identify the needs of the victims of such crimes and the ways of making the appropriate services available to them. States should endeavour to ensure that the needs of such victims are adequately met;

(n) To develop mechanisms, where necessary, in consultation with other Member States, to ensure that those who suffer victimization in another State receive effective help, both at the time of the crime and on their return to their own country of residence or nationality;

3. Recommends also that further efforts should be made to give a more concrete form to Part B of the Declaration, with a view to affording adequate means of recompense and redress to victims of abuse of power, special attention being devoted to developing international means of redress where national channels are insufficient;

4. Requests the Secretary-General to organize a meeting of experts for the purpose of formulating specific proposals for the implementation of General Assembly resolution 40/34 and the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, insofar as those documents apply to the abuse of power, in time for the proposals to be considered by the Eighth Congress on the Prevention of Crime and Treatment of Offenders."

80. At the 11th meeting, on 31 August, D. Cotić (Yugoslavia), Vice-Chairman of the Committee, introduced a draft resolution (E/AC.57/1988/L.17) entitled "Implementation of the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power", which was submitted on the basis of informal consultations held on the draft resolution in E/AC.57/1988/L.6.

81. At the same meeting, following statements by S. A. Rozès (France), D. Faulkner (United Kingdom of Great Britain and Northern Ireland), V. Ignatov (Union of Soviet Socialist Republics), D. Cotić (Yugoslavia), A. Tamini (Argentina), B. Miguel (Bolivia), A. R. Khandker (Bangladesh), and by the Chairman and the Secretary, the Committee approved the draft resolution as orally revised during the discussion and recommended its adoption to the Council (see chap. I, sect. A, draft resolution II).

82. The draft resolution in E/AC.57/1988/L.6 was subsequently withdrawn by its sponsors in the light of the approval of the draft resolution in E/AC.57/1988/L.17.

B. United Nations network of government-appointed national correspondents in the field of crime prevention and control

83. At the 9th meeting on 26 August, A. I. Khuraibet (Kuwait), on behalf of A. R. Khandker (Bangladesh) and A. A. A. Shiddo (Sudan), introduced a draft

resolution (E/AC.57/1988/L.7) entitled "United Nations network of government-appointed national correspondents in the field of crime prevention and control".

84. At the 10th meeting, on 30 August, the Committee approved the draft resolution and recommended its adoption to the Economic and Social Council (see chap. I, sect. A, draft resolution III).

C. African Institute for Crime Prevention and the Treatment of Offenders

85. At the 10th meeting, on 30 August, A. A. A. Shiddo (Sudan), also on behalf of A. Metzger (Sierra Leone), introduced a draft resolution (E/AC.57/1988/L.9) entitled "African Institute for Crime Prevention and the Treatment of Offenders".

86. Subsequently, A. Polo (Togo), B. Pandi (Central African Republic), and V. Ramanitra (Madagascar), joined in sponsoring the draft resolution.

87. At the same meeting, the Committee approved the draft resolution and recommended its adoption to the Council (see chap. I, sect. A, draft resolution IV).

D. Procedures for the effective implementation of the Basic Principles on the Independence of the Judiciary

88. At the 10th meeting, on 30 August, D. Cotić (Yugoslavia), Vice-Chairman of the Committee, introduced a draft resolution (E/AC.57/1988/L.10) entitled "Procedures for the effective implementation of the Basic Principles on the Independence of the Judiciary", which was submitted on the basis of informal consultations held in working group I, established by the Committee to consider the implementation of the conclusions and recommendation of the Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders.

89. At the same meeting, the Committee approved the draft resolution and recommended its adoption to the Economic and Social Council (see chap. I, sect. A, draft resolution V).

E. Guidelines for the effective implementation of the Code of Conduct for Law Enforcement Officials

90. At the 10th meeting, on 30 August, D. Cotić (Yugoslavia), Vice-Chairman of the Committee, introduced a draft resolution (E/AC.57/1988/L.11) entitled "Guidelines for the effective implementation of the Code of Conduct for Law Enforcement Officials", which was submitted on the basis of informal consultations held in working group I.

91. At the same meeting, the Committee approved the draft resolution and recommended its adoption to the Council (see chap. I, sect. A, draft resolution VI).

F. Danger of dumping nuclear and industrial waste in developing countries

92. At the 9th meeting, on 26 August, A. A. A. Siddo (Sudan), on behalf of B. Pandi (Central African Republic), A. Polo (Togo) and A. Metzger (Sierra Leone), introduced a draft resolution (E/AC.57/1988/L.8) entitled "Danger of dumping nuclear and industrial waste in developing countries". Subsequently, B. Miguel (Bolivia) joined in sponsoring the draft resolution, which read as follows:

"Danger of dumping nuclear and industrial waste in developing countries

The Committee on Crime Prevention and Control recommends to the Economic and Social Council the adoption of the following draft resolution:

The Economic and Social Council,

Gravely concerned at the growing tendency of some transnational corporations to facilitate dumping of nuclear and industrial waste in developing countries,

Aware of the damage and harmful effects of radiation from nuclear and other industrial waste to human and marine life and the environment as a whole,

Convinced of the need to put an end to the practice of dumping nuclear waste in developing countries,

1. Considers that dumping nuclear and industrial waste in developing countries is a crime against both humanity and the environment;
2. Condemns those transnational corporations and industrialized countries supporting them that are engaged in dumping nuclear and industrial waste in developing countries;
3. Calls upon developing countries to be vigilant with regard to all attempts to dump nuclear and industrial waste in their countries, and to prosecute their national citizens who assist in such activities;
4. Requests all Member States to undertake information campaigns to educate the public about the dangers of nuclear and industrial waste;
5. Invites the Secretary-General in close collaboration with the Director-General of the International Atomic Energy Agency, the Executive Secretaries of the regional commissions, the Director-General of the United Nations Environment Programme and the executive heads of all other concerned organizations to collaborate closely in the introduction of preventive measures and monitoring systems to put an end to all attempts to dump nuclear waste in developing countries;
6. Urges developed countries to devise alternative ways and means of disposing of their nuclear and industrial waste;

7. Reiterates the need for international co-operation in preventing, combating and monitoring all actions leading to the dumping of nuclear waste in developing countries;

8. Urges the international community to impose sanctions on countries which continue their attempts to dump nuclear waste in developing countries and to investigate ways and means of taking criminal sanctions against individuals responsible for initiating such activities."

93. At the 10th meeting, on 30 August, A. A. A. Shiddo (Sudan) made a statement in which he withdrew the draft resolution.

G. Concerned international action against the forms of crime identified in the Milan Plan of Action

94. At the 10th meeting, on 30 August, D. Cotić (Yugoslavia), Vice-Chairman of the Committee, introduced a draft resolution (E/AC.57/1988/L.12) entitled "Concerted international action against the forms of crime identified in the Milan Plan of Action", which was submitted on the basis of informal consultations held in working group I.

95. Statements were made by S. A. Rozès (France), A. A. A. Shiddo (Sudan), A. Metzger (Sierra Leone), D. Faulkner (United Kingdom of Great Britain and Northern Ireland), B. Pandi (Central African Republic), B. Miguel (Bolivia) and A. A. R. Khandker (Bangladesh), and by the Secretary of the Committee and the Acting Chief of the Crime Prevention and Criminal Justice Branch.

96. At the same meeting, the Committee approved the draft resolution as orally revised and amended during the discussion and recommended its adoption to the Economic and Social Council (see chap. I, sect. A, draft resolution VII).

H. Implementation of United Nations Standards and Norms in Crime Prevention and Criminal Justice

97. At the 10th meeting, on 30 August, Bo Svensson (Sweden), Vice-Chairman of the Committee, introduced a draft resolution (E/AC.57/1988/L.14) entitled "Implementation of United Nations standards and norms in crime prevention and criminal justice", which was submitted on the basis of informal consultations held in working group III.

98. At the same meeting, the Director of the Social Development Division of the Centre for Social Development and Humanitarian Affairs made a statement on programme budget implications. Statements were also made by S. A. Rozès (France), D. Faulkner (United Kingdom of Great Britain and Northern Ireland) and E. J. H. Frencken (Belgium).

99. At the same meeting, the Committee approved the draft resolution as orally revised during the discussion and recommended its adoption to the Council (see chap. I, sect. A, draft resolution VIII).

I. Implementation of the safeguards guaranteeing protection of the rights of those facing death penalty

100. At the 11th meeting, on 31 August, D. Cotic (Yugoslavia), Vice-Chairman of the Committee, introduced a draft resolution (E/AC.57/1988/L.19) entitled "Implementation of the safeguards guaranteeing protection of the rights of those facing death penalty", which was submitted on the basis of informal consultations held in working group I.

101. At the same meeting, following statements by A. I. Khuraibet (Kuwait), A. A. A. Shiddo (Sudan), B. Miguel (Bolivia), V. Ignatov (Union of Soviet Socialist Republics), V. Ramanitra (Madagascar), and R. Gainer (United States of America), the Committee approved the draft resolution as orally revised during the discussion and recommended its adoption to the Council (see chap. I, sect. A, draft resolution IX).

J. Effective prevention and investigation of extra-legal arbitrary and summary executions

102. At the 11th meeting, on 31 August, D. Cotic (Yugoslavia), Vice-Chairman of the Committee, introduced a draft resolution (E/AC.57/1988/L.20) entitled "Effective prevention and investigation of extra-legal arbitrary and summary executions", which was submitted on the basis of informal consultations held in working group I.

103. At the same meeting, following a statement by R. S. Clark (New Zealand), the Committee approved the draft resolution and recommended its adoption to the Council (see chap. I, sect. A, draft resolution X).

#### Chapter IV

### JUVENILE JUSTICE AND THE PREVENTION OF JUVENILE DELINQUENCY, INCLUDING THE PRINCIPLES, GUIDELINES AND PRIORITIES WITH RESPECT TO RESEARCH ON YOUTH CRIME

104. The Commission considered item 5 of its agenda at its 5th, 6th, 9th and 10th meetings, on 24, 26 and 30 August. It had before it the report of the Secretary-General on the implementation of General Assembly resolutions 40/33 and 40/35 and resolutions 19, 20 and 21 of the Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders, including draft standards for the prevention of juvenile delinquency and on the protection of juveniles deprived of their liberty (E/AC.57/1988/11) and the report of the Interregional Preparatory Meeting for the Eighth Congress on topic 4: "Prevention of delinquency, juvenile justice and the protection of the young: policy approaches and directives" (A/CONF.144/IPM/3).

105. There was overwhelming support for the content and approach of the reports before the Committee, which provided a bridge between the work already accomplished and the new perspectives in the juvenile justice field.

106. Juvenile justice and the prevention of delinquency were of permanent concern to the world community, and recognition was given to the remarkable achievements made in the field in such a short time, the effects of which, in practical terms, were already visible at the national level.

107. The contemporary significance of the Beijing Rules and the adherence to, and observance of, their principles on the part of Governments, apparent in the philosophical approach they had taken, the procedures adopted and the strategies advocated, were leading to a more viable and just solution to the problem of delinquency. The substantial reform that had taken place in juvenile justice systems, consistent with the Rules, demonstrated the practical implementation and standard-setting role of the Rules as a major United Nations instrument in the field of juvenile justice.

108. The Committee called on the international community to share practical experience and render assistance to those countries that lacked resources to develop the infrastructure necessary for the application of the Rules. As a first step, however, the philosophy inherent in the Rules could be adopted by all countries, to be progressively followed by procedures, as resources permitted.

109. It was recognized that efforts aimed at the prevention of delinquency had been, with some exceptions, marked by failure. Since the prevention of juvenile delinquency should be accorded the same high priority as the administration of juvenile justice, there was strong support for the new United Nations draft international instrument for delinquency prevention which took an enlightened conceptual approach and identified actions which would help to promote the healthy growth and well-being of young persons and, at the same time, serve to reduce the incidence of juvenile delinquency.

110. It was noted that addressing the situation of endangered children and children at "social risk" would enhance the likelihood of success in that regard.

111. Juvenile delinquency continued to be a disconcerting phenomenon which took many forms and dimensions and was aggravated by changing socio-economic structures and circumstances. It was noted that in some countries youthful offences constituted an increasingly large proportion of total crime figures, representing some 60-70 per cent of all crime. A substantial number of youthful offences were drug-related, and a dramatic increase in youthful drug abuse had been observed. A serious development was also the use of young persons in illicit drug trafficking.

112. Youthful prostitution and pornography were considered of grave concern to the international community. In that respect, there was need to devise measures that would represent balanced action, more heavily sanctioning the manipulating role of adults than penalizing the involvement of the young persons concerned.

113. The Committee supported the new draft international instrument for the protection of juveniles deprived of their liberty and emphasized that it was an obligation of society to protect young detainees by establishing a firm distinction between the requirements of, and arrangements for, adults and juveniles held in custody.

#### Action taken by the Committee

114. At the 9th meeting, on 26 August, Weiqiu Cheng (China), on behalf of R. S. Clark (New Zealand), S. A. Rozès (France) and A. A. A. Shiddo (Sudan), introduced a draft resolution (E/AC.57/1988/L.4) entitled "United Nations Standard Minimum Rules for the Administration of Juvenile Justice (The Beijing Rules)".

115. At the 10th meeting, on 30 August, the Committee approved the draft resolution and recommended its adoption to the Council (see chap. I, sect. A, draft resolution XI).

## Chapter V

### DOMESTIC VIOLENCE

116. The Committee considered item 6 of its agenda at its 5th, 6th, 9th and 10th meetings, on 24, 26 and 30 August. It had before it the note by the Secretary-General on the progress achieved with respect to the implementation of General Assembly resolution 40/36 on domestic violence (E/AC.57/1988/12), which contained the recommendations of the Expert Group Meeting on Violence in the Family. The Committee generally supported the recommendations, especially those contained in paragraphs 29-56, and felt that they should be implemented at the national and international levels.

117. Whereas the document before the Committee focused on domestic violence against women, some members of the Committee emphasized the need to focus on other victims of domestic violence as well, including children and the elderly, bearing in mind that each constituted a distinct victim group requiring specialized approaches.

118. The problem of domestic violence was reported to exist in all countries. The abuse of both alcohol and drugs was identified as a triggering and aggravating factor in cases of domestic violence, and study and research should be actively pursued by the Secretariat in that connection.

119. Special attention should be given to domestic violence directed against and indirectly affecting children. Emphasis was placed on the need to reverse patterns of violent and abusive behaviour which had been perpetrated over generations.

120. Members of the Committee highlighted the need for a greater responsiveness on the part of criminal justice systems and personnel, particularly law enforcement officers and judges, and for ensuring the fair treatment of victims of domestic violence.

121. The Committee felt that an exchange of information on how countries were tackling the problem would benefit the international community as a whole. It was recommended that the Secretariat should continue to undertake comprehensive research and study on developments, and particularly innovations, in legislation, procedures, court decisions and sanctioning in respect of domestic violence while also addressing the terms of reference of General Assembly resolution 40/36. Consideration should be given to the elimination of sexual bias in those areas.

122. The Committee recommended that a report on domestic violence from the perspective of criminal justice systems, criminal law and procedures should be submitted to the Eighth Congress. The report should take into account the recommendations of the Expert Group Meeting, particularly those relating to crisis intervention and service delivery systems.

123. Since the issue is substantively linked to the protection of the young, it was agreed that it should be considered by the Eighth Congress under topic 4.

Action taken by the Committee

124. At the 9th meeting, on 26 August, R. S. Clark (New Zealand), on behalf of D. Cotič (Yugoslavia) and A. A. A. Shiddo (Sudan), introduced a draft resolution (E/AC.57/1988/L.5) entitled "Domestic violence".

125. Subsequently, Mr. Boulasri (Morocco), A. Guerra de Villalaz (Panama), A. I. Khuraibet (Kuwait) and B. Pandi (Central African Republic) joined in sponsoring the draft resolution.

126. At the 10th meeting, on 30 August, the Secretary of the Committee made a statement in which he read out revisions agreed upon during informal consultations.

127. Statements were made by A. R. Khandker (Bangladesh), D. Cotič (Yugoslavia), A. A. A. Shiddo (Sudan), A. Tamini (Argentina) and R. S. Clark (New Zealand).

128. At the same meeting, the Committee approved the draft resolution as orally revised and recommended its adoption to the Council (see chap. I, sect. A, draft resolution XII).

## Chapter VI

### REVIEW OF THE FUNCTIONING AND PROGRAMME OF WORK OF THE UNITED NATIONS IN CRIME PREVENTION AND CRIMINAL JUSTICE.

129. The Committee considered item 7 of its agenda at its 7th, 8th, 10th and 11th meetings, on 25, 30 and 31 August. It had before it the following documents:

(a) Report of the Secretary-General on the functioning and programme of work of the United Nations in crime prevention and criminal justice (E/AC.57/1988/13);

(b) Review of the functioning and programme of work of the United Nations in crime prevention and criminal justice (E/AC.57/1988/CRP.5);

(c) United Nations Criminal Justice and Crime Prevention Information Network (E/AC.57/1988/CRP.8).

130. In his introductory statement, the Director of the Social Development Division of the Centre for Social Development and Humanitarian Affairs stated that, in discussing the item, a number of points should be borne in mind. First, the results of the review exercise, as reflected in Economic and Social Council resolutions 1986/11 and 1987/53 and General Assembly resolution 42/59, could be considered a milestone in charting the future course of the programme. Secondly, while it was stressed on a number of occasions that the crime prevention and criminal justice programme had been a victim of neglect, at the ninth session of the Committee the view was strongly expressed that the programme should be given the priority it really deserved in United Nations activities. It could safely be claimed that, thanks to the review, the programme had become much more visible. The question remained of how far Member States were actually prepared to support the practical implications of the actions that they themselves had mandated. Thirdly, at a time of serious economic crisis and disruption in many countries, the struggle against crime acquired added urgency in terms of the new tasks before the Organization. Fourthly, in identifying the ways and means towards progress, the Secretariat, as one of the five principal organs of the United Nations, should be able to count on the tangible responsiveness of Member States to the Organization's programme and implementation.

131. The Director expressed the hope that the impact of the review would continue to be felt in concrete terms as the programme strove to meet the expectations of Member States. In pursuing that objective, it would be extremely important for the role of the Committee on Crime Prevention and Control to be further enhanced. What was needed was a systematic, almost institutionalized, form of permanent dialogue and exchange of views that would stimulate new ideas and give the Secretariat new strength to cope with programme requirements.

132. In commenting on the salient issues under the item, the Director suggested that the Committee should first assess the progress made in the implementation of the Economic and Social Council and General Assembly resolutions and conclusions on the review. Against the backdrop of the accomplishments that the review exercise brought to light, as well as certain constraints that needed to be overcome, the Committee was expected to provide specific guidance on the future course of action, including its own future role. In pursuing its mandated task, the Committee had to take into account the relevant recommendations of the interregional preparatory

meetings for the Eighth Congress, which were quite comprehensive in nature and far-reaching for the future of the programme. In conclusion, the Director stated that the time was ripe to build on what the Organization did well and to gear its activities to effectively meet current problems and those that might arise in the future.

133. In its consideration of the item, the Committee discussed a number of issues, including the programme priorities in crime prevention and criminal justice, technical co-operation and advisory services, the role of the Committee on Crime Prevention and Control and the status and resources of the Crime Prevention and Criminal Justice Branch.

#### A. Programme priorities

134. In commenting on the work of the Crime Prevention and Criminal Justice Branch, many participants welcomed the programme priorities as outlined in the report of the Secretary-General (E/AC.57/1988/13) and were of the opinion that the crime programme should be action-oriented. It should focus on issues of direct concern to Member States and assist in the formulation of more effective crime prevention policies and strategies. It was suggested that a balance between the legal and criminological aspects of the programme should be struck. The promotion of research and of operational activities was important. Due regard had to be given to balancing crime control concerns with the observance of basic human rights. Adequate attention to traditional forms of crime as well as a special focus on new forms, and new dimensions, of it, including organized crime and trafficking in women and children, was required. Intensive efforts had to be exerted to ensure the practical implementation of the United Nations norms, guidelines, standards and model agreements in crime prevention and criminal justice. One participant proposed that studies should be conducted to determine how useful they were and how they had been implemented. Commenting on the future of the programme, four principles were suggested for a more cost-effective approach to the work of the United Nations in crime prevention and criminal justice: focusing on practical issues in areas of greatest need; paying attention to those crimes that had the most serious social and economic costs; considering those matters that would directly benefit the community, the victim and the offender; and focusing on measures most likely to improve the efficiency of the criminal justice system.

135. In welcoming the proposals made by the Secretary-General as contained in chapter II of his report, emphasis was placed on a specific, tangible activity - namely, the establishment of a crime prevention and criminal justice information network - as a central task of the work programme. In that connection, the Committee took note of the progress made by the Secretariat, including the Department of Public Information, in close co-operation with UNSDRI, the Helsinki Institute for Crime Prevention and Control, the United Nations Latin American Institute for the Prevention of Crime and Treatment of Offenders and the Arab Security Studies and Training Centre towards the establishment of the information network, including an examination of available options and the most feasible approaches and methodologies, the preparation of an inventory of information sources and the identification of the most urgently needed services. It was suggested that the Branch should co-ordinate with other United Nations and outside entities in the implementation of the project, benefiting from relevant experiences at the national, regional and international levels. By way of example, UNSDRI and the Latin American Institute had already taken practical steps in setting up a

computerized documentation centre serving the Latin American region. Emphasis was also placed on the need to follow up the recommendation to set up an international council comprising scholarly, scientific and professional organizations and academic institutions to mobilize the full potential of non-governmental organizations and the professional community in the area of crime and justice.

#### B. Technical co-operation

136. Technical co-operation in crime prevention was considered a high priority. It was recommended that the relevant programme activities should be strengthened and that ways of obtaining an adequate funding base should be explored. There was need to experiment with different forms of technical co-operation, including the provision of experts to developing countries and the secondment of qualified personnel on a short-term basis. At the regional level, countries from the same region should intensify their technical co-operation activities, encourage the exchange of expertise and information, and assist each other in the quest for viable crime prevention policies and humane criminal justice systems. The work of the United Nations Interregional Adviser in crime prevention and criminal justice was highlighted, as was the need for additional means and resources for responding to the increasing requests of countries for technical assistance and advisory services. The needs of so many countries could not be met through the services of one Interregional Adviser alone, he was faced with an impossible task. It was recommended that the visits of the Interregional Adviser should be for longer periods and that proper follow-up of his recommendations should be ensured. It was emphasized that some countries were more advanced and better able to prevent crime and enforce criminal justice than others and that the best way to link the efforts of different countries was through a multilateral agency.

137. An observer expressed the gratitude of his Government to the Secretary-General for the establishment of the African Institute for the Prevention of Crime and the Treatment of Offenders. He stated that Uganda, as the host country of the Institute, would make every effort to facilitate the work of the Institute and hoped that it could begin functioning in its new home as soon as possible. He appealed to all Member States, the United Nations Development Programme, intergovernmental and non-governmental organizations and the international community as a whole to assist Uganda in making the Institute fully operational.

#### C. Role of the Committee on Crime Prevention and Control

138. Much of the discussion focused on the expanded responsibilities of the Committee and its pivotal role in providing guidance to the international community on issues of crime prevention and criminal justice. Many participants emphasized that a session of the Committee once every two years was insufficient, especially since so much time had to be devoted to preparations for the crime congresses. That problem could perhaps be solved by extending the duration of the sessions, by streamlining the meetings - using a more sharply focused approach to the subject-matter - or by a combination of both. The Committee's discussions should be centred on the documents before it, not on reviews of national developments.

139. Holding a session once every two years and being forced to face such a heavy work-load were sources of increased frustration for many participants. It was proposed that the Committee should meet annually and that the Economic and Social

Council should consider that proposal seriously. Many participants welcomed the idea of establishing pre-sessional working groups to undertake specific tasks. Individual experts might take responsibility for selected subject areas, so as to assist the Branch in its substantive work. It was also proposed that a small committee, constituted in a flexible manner, could be established to co-ordinate the activities of UNSDRI and the regional institutes, which could also be of assistance to the Branch. The directors of the institutes, as well as some experts, could be on the small committee. It was noted that members of the Committee on Crime Prevention and Control might have to count on themselves rather than on outside experts to keep each other informed about developments in the area of crime prevention and criminal justice. It would help, however, if at least once a year addresses of the Committee members were made available so that they could exchange views before coming to the sessions. The Committee should also apprise the General Assembly and the United Nations in general of the importance of its work. Crime was a major problem, linked to a range of other problems, and its relevance to other mainstream concerns of the United Nations had to be underlined.

D. Structure and resources of the Crime Prevention and Criminal Justice Branch

140. Much of the discussion centred on the structure and the role of the Crime Prevention and Criminal Justice Branch. Many participants recalled paragraph 4 of Economic and Social Council resolution 1986/11, in which the Secretary-General was requested to look critically at the existing structure and level of management of the Branch, with a view to strengthening its capacity and status commensurate with its responsibilities, including the provision of additional expertise to respond more effectively to its expanded mandates. Concern about the structure and role of the Branch had also been voiced in the Special Commission of the Economic and Social Council on the In-depth Study of the United Nations Intergovernmental Structure and Functions in the Economic and Social Fields and in the Economic and Social Council and General Assembly.

141. It was stressed that the Branch was trying to give practical assistance to countries in a critically important field. An effective and well-operating criminal justice system was an absolute requisite for the proper functioning of society and for economic development and the achievement of social justice. There could be no justice without the effective control of criminal activities and without the effective protection of human rights. For years, the need for training personnel and assistance at the international level had been stressed, yet a suitable response was not forthcoming. Large law enforcement units and judicial and correctional branches operated at the national level. At the international level, however, a tiny unit, the Crime Prevention and Criminal Justice Branch, staffed by only seven Professionals, was expected to meet the proliferating and escalating crime needs world wide. There had been great difficulties in carrying out the work and achieving practical results, owing to staff limitations. The problem had been raised many times, yet nothing had been done to rectify the unbalanced situation. Predecessor committees had called for a fully staffed United Nations service, with the capacity to respond to the wide range of crime-related needs and concerns. Over 30 years ago, it was reported that the same unit had 8 Professionals; a few years ago, it had 10.

142. Much emphasis was placed on the need to restructure the United Nations activities in the field of crime prevention and control and to strengthen the Branch. No other United Nations programme of such wide scope had such a minute

secretariat support structure. It was particularly anomalous considering the multiple United Nations units dealing with certain issues and the fact that the Crime Prevention and Criminal Justice Branch was the only unit of its kind in the system. It was recommended that the Branch should be properly elevated to a Centre, which should work effectively with drug-control bodies.

143. It was suggested by one participant that if a restructuring of the Branch proved impossible, the Committee could encourage the establishment of an independent international institution dealing with crime and justice, with an independent fund-raising capacity and with a sharp focus on crime rather than broad, ill-defined social issues that tended to obfuscate matters in the criminal justice field. The participant preferred the first option, but said that, if it became necessary, the Committee should not be afraid to consider other suggestions, if really effective action was to be undertaken. Considering the alarming and persuasive new forms of crime that were threatening countries throughout the world, particularly organized crime, it was clear that a commensurate organizational response was required. If the Crime Prevention and Criminal Justice Branch was to perform its work really effectively, it had to have the capacity and the means to discharge properly the leadership role in the crime field with which it had been legislatively entrusted.

144. The paucity of resources was considered a particularly serious problem. Everyone was aware that the United Nations was facing financial difficulties that affected the functioning of various bodies and entities, including the Branch, but, in view of the tightly stretched resource base and manifold responsibilities of the Branch, the situation was critical, since the staff could not be expected to continue to work at the current pace. Assistance was urgently required, although it did not need to come solely from the United Nations budget but could be provided from other sources as well. Governments and interested institutions were invited to contribute to the strengthening of the Branch. It was recommended that Committee members might try to bring in additional resources and expand the informal means of providing expertise.

145. All members of the Committee noted with appreciation the dedication and expertise of the staff of the Crime Prevention and Criminal Justice Branch in fulfilling their numerous tasks. They were also of the view that the head of the Branch, whose title for the last 10 years has been Assistant Director in charge of Crime Prevention and Criminal Justice, should be maintained.

146. In concluding the Committee's debate on the item, the Director of the Social Development Division of the Centre for Social Development and Humanitarian Affairs stated that he had been impressed by the passion of the statements of participants and their determination to keep the cause alive. He sounded a note of caution, however, pointing out that the United Nations had a deficit of \$US 700 million in 1988. The Committee could rely, however, on the dedication of the staff at Vienna, who would continue to spare no efforts in implementing the work programme to the best of their abilities. He said that the need for a balance between the legal and scientific aspects of the work pursued had been noted, as had the need to maintain a balance between policy formulation and implementation. Co-ordination with national mechanisms also had to be ensured, and he referred to the problem of the flow of information from Member States. In that connection, prompt and full replies to United Nations questionnaires by Member States were necessary for proper analysis of developments. The exchange of information between sessions had to be improved. While steps had been taken to advance the work on the information

network and useful ideas had been contributed, no guidance had been provided on what the network should comprise. While the Branch intended to utilize the United Nations information network to establish an electronic bulletin board and to communicate with potential users, staff resources would be required to establish an extensive data base. The Branch hoped to develop a very useful resource, but it needed advice on how to go about it and on what would most appropriately meet the requirements of the professional community and Member States.

147. The Acting Chief of the Branch stated that the frustrations expressed by some participants about the limitations of the Branch were understandable. Times had changed and the nature of the Branch's activities had also changed; it currently serviced three times as many countries as it originally did, and the problems of crime had multiplied exponentially. The Branch had done what it could, under its constraints, but it was up to the Committee to provide directives on the future course of the programme and modalities of the work.

#### Action taken by the Committee

148. At the 11th meeting, on 31 August, B. Svensson (Sweden), on behalf of W. Cheng (China), R. S. Clark (New Zealand), D. Cotic (Yugoslavia), D. E. R. Faulkner (United Kingdom of Great Britain and Northern Ireland), E. J. H. Frencken (Belgium), R. L. Gainer (United States of America), A. G. de Villalaz (Panama), A. R. Khandker (Bangladesh), A. I. Khuraibet (Kuwait), V. P. Ignatov (Union of Soviet Socialist Republics), A. L. O. Metzger (Sierra Leone), B. Miguel (Bolivia), F. A. Murad (Saudi Arabia), J. A. M. Castro (Costa Rica), A. K. Nasution (Indonesia), B. Pandi (Central African Republic), A. Polo (Togo), V. Ramanitra (Madagascar), S. A. Rozès (France), M. A. Sandez-Mendez (Colombia), A. A. A. Shiddo (Sudan), M. Shikita (Japan), B. Svensson (Sweden) and A. Tamini (Argentina), introduced a draft resolution (A/AC.57/1988/L.15/Rev.1) entitled "Review of the functioning and programme of work of the United Nations in crime prevention and criminal justice".

149. At the same meeting, following statements by V. Ignatov (Union of Soviet Socialist Republics) and A. A. A. Shiddo (Sudan), the Committee adopted the draft resolution as orally revised during the discussion (see chap. I, sect. C, resolution 10/1).

150. Also at the 11th meeting, B. Svensson (Sweden), Vice-Chairman of the Committee, introduced a draft resolution (E/AC.57/1988/L.16) entitled "Review of the functioning and programme of work of the United Nations in crime prevention and criminal justice", which was submitted on the basis of informal consultations held in working group III.

151. Statements were made by D. Faulkner (United Kingdom of Great Britain and Northern Ireland), W. Cheng (China), J. Montero Castro (Costa Rica), S. A. Rozès (France), R. Gainer (United State of America) and D. Cotic (Yugoslavia).

152. At the same meeting, following a statement by the Secretary of the Committee, in which he read out revisions to the draft resolution which had been agreed upon during the discussion, the Committee approved the draft resolution as orally revised and recommended its adoption to the Economic and Social Council (see chap. I, sect. A, draft resolution XIII).

Chapter VII

CONTINUATION OF PREPARATIONS FOR THE EIGHTH UNITED NATIONS CONGRESS  
ON THE PREVENTION OF CRIME AND THE TREATMENT OF OFFENDERS

153. The Commission considered item 8 of its agenda at its 5th, 7th, 8th and 11th meetings on 24, 25 and 31 August. It had before it the following documents:

- (a) Report of the Secretary-General on the continuation of preparations for the Eighth Congress (E/AC.57/1988/14);
- (b) Discussion guide for the interregional and regional preparatory meetings for the Eighth Congress (A/CONF.144/PM.1);
- (c) Reports of the Interregional Preparatory Meetings for the Eighth Congress on topics 1-5 (A/CONF.144/IPM/1-5);
- (d) Draft bilateral model treaty on extradition (E/AC.57/1988/CRP.3);
- (e) Draft bilateral model treaty on mutual assistance in criminal matters (E/AC.57/1988/CRP.4).

The Secretary-General of the Eighth Congress and Director-General of the United Nations Office at Vienna introduced the agenda item. She informed the Committee that, in accordance with Economic and Social Council resolution 1987/49 and General Assembly resolution 42/59, the United Nations Office at Vienna had launched the initial preparatory activities for the Congress. So far, the activities had unfolded smoothly within the time-frame worked out by the Secretariat.

154. The Director-General underlined, however, that the unavoidable postponement of legislative mandates, including the allocation of funds for the preparatory work, by one entire year, had partially paralysed the Congress-related activities until January 1987. As a means of overcoming the time constraints generated by the late start and the scarcity of resources stemming from the depletion of the staff of the Crime Prevention and Criminal Justice Branch, the Secretariat had decided, on the basis of the recommendations of the Committee, to hold the interregional preparatory meetings before, and not after, the regional preparatory meetings, as had been the practice in the past. That strategy had paid off, as was evidenced by the far-reaching recommendations contained in the reports of the five interregional preparatory meetings, held at the Vienna International Centre between February and July 1988.

155. The success so far achieved should not lead to the belief that the preparatory work that remained to be accomplished would be unproblematic. The Director-General said that the Branch, which was in charge of the preparatory work, had not been allocated adequate resources to discharge its assigned tasks satisfactorily. Understaffing persisted, and funds provided for consultants were insufficient to ensure the proper elaboration of the necessary documentation. Furthermore, only two staff members had been assigned to service the forthcoming regional preparatory meetings, which was hardly sufficient for the tasks to be accomplished at those events. In addition, the budget for the preparatory work did not provide any funds for the participation of the Secretary-General of the Congress at the regional meetings. That was, in the opinion of the Secretary-General, a regrettable

oversight, since her presence at those meetings was not only necessary, in view of the negotiations bound to occur on those occasions, but was also a matter of the most elementary courtesy *vis-à-vis* the Member States attending those events. She requested the Committee to assist the Secretariat in finding a satisfactory solution to those and other similar problems.

156. The Secretary-General informed the Committee that the Government of Cuba had extended an offer to act as host to the Eighth Congress. A first planning mission had visited the country on the request of the Cuban authorities and had reported that conference facilities were very satisfactory. She also informed the Committee of the decision of the United Nations Postal Administration to issue in 1990 a series of stamps in commemoration of the Eighth Congress. Finally, she announced her intention to appoint the Head of the Crime Prevention and Criminal Justice Branch as Executive Secretary of the Eighth Congress.

157. Committee members were unanimous in their praise for the work accomplished by the Branch, both in preparations for the Eighth Congress and in the organization of the current session. They endorsed the discussion guide as a valid basis for presenting issues and debating questions and approved the recommendations of the interregional meetings.

158. Committee members thought that the decision to hold the interregional preparatory meetings before the regional preparatory meetings had had positive effects and would be of assistance to the regional meetings in obtaining better results in their deliberations. They felt that that order should be retained in the future.

159. The importance of the quinquennial congresses was fully recognized: they served not only as a forum for exchanging views and experiences but also as vehicles for international co-operation and as instruments of policy changes and reforms towards more effective crime prevention and more humane justice. In that connection, it was recommended that the duration of the congresses should not be rigid and that all decisions should be taken by consensus.

160. The experts noted that the agenda of successive congresses had changed according to emerging needs and aspirations. Human rights, of both offenders and victims, currently represented a new focus of interest. Equally important seemed to be the growing concern for the transnational nature of serious criminality and the need to find more effective arrangements for international co-operation. The new reality was stimulating thought over the significance of certain traditional concepts, such as jurisdiction and sovereignty, with a view to examining the possibility of reformulating them so as to make them reflect the realities of a highly interdependent world. Those concerns, however, should not detract from the attention given to the more conventional forms of criminality, which were often one of the main preoccupations of the citizenry. It was hoped that the lectures and conferences at the Eighth Congress would reflect the emerging themes and orientations, particularly transnational criminality, and that the ancillary activities, which ensured a continuous feedback between the scientific community and the official proceedings, would be maintained and strengthened.

161. In that connection, the representative of the United Nations Social Defence Research Institute outlined the assistance the Institute had given to the Branch during the first phase of the preparatory process and assured the Committee that the Institute was fully committed to co-operating in the forthcoming phases. At

the Congress itself, the Institute would assist the Secretariat in organizing, with the co-operation of the regional institutes, non-governmental organizations and other bodies, a workshop on alternatives to imprisonment, as had been decided as the result of careful multilateral consultations.

162. In the opinion of the Committee, it was crucial to extend invitations to the Eighth Congress at an early stage in order to allow enough time for Governments to prepare carefully their contributions to the Congress, thus improving the quality of its deliberations. Even before extending the official invitations, however, Governments should be urged to start preparing for the event. They should prepare national position papers based on country-wide processes of consultation and formulation, engaging a large number of individual and institutional participants. To facilitate such preparatory work, the reports of the regional preparatory meetings should be widely distributed to Governments and relevant institutions. The preparation of the documentation for the Congress should be started by the Secretariat immediately after the conclusion of the regional meetings, since it was essential for the documentation to be made available to Governments and other participants as soon as possible. Although the Committee's guidance was of the utmost importance, particularly with respect to the draft instruments to be submitted to the Congress, the preparations by the Secretariat, as evidenced in the recent interregional meetings and the tenth session of the Committee, would guarantee the success of the Eighth Congress.

163. Nevertheless, some members of the Committee thought that the great importance of the congresses should not make the Committee forget that the United Nations programme of work in crime prevention and criminal justice was not limited to holding congresses. There were other important activities, such as criminological research and study, the United Nations Survey on Crime Trends, the dissemination of relevant information, and technical assistance, the last of which, it was hoped, could be adequately expanded in the future. Resources, however, were scarce, and their utilization should be maximized, avoiding fragmentation, excessive bureaucratization, duplication and overlap. There was an urgent need to develop a comprehensive plan for a programme of international action that would be not only more effective but also more readily recognizable by Governments, institutions and non-governmental organizations as directly relevant to their immediate and pressing needs. The problem of resources, therefore, should be tackled not only by requesting more funds to be allocated to the programme but also by developing a plan that would spontaneously attract such resources.

164. For many members, the results of the first phase of preparations, as reflected in both the documents prepared by the Secretariat and the recommendations and draft instruments emerging from the interregional preparatory meetings, were sufficient proof of the significance of the quinquennial congresses. New instruments and policy recommendations were certainly of paramount importance and should be an integral part of the congresses, since they were significantly contributing to harmonious international relations, the improvement of criminal justice administration and the protection of human rights. Although some additional issues could be included in the agenda for the Eighth Congress, a certain restraint should be exercised. What was most important was to formulate practical solutions to pressing contemporary problems rather than to tackle great theoretical questions. In that manner, the Eighth Congress would mobilize world-wide action, as had been the case with previous congresses.

165. The Committee also emphasized the importance of publicity for the Eighth Congress in eliciting the involvement of Governments, international and regional organizations, non-governmental organizations and the public at large. It was suggested that two issues of the International Review of Criminal Policy could be devoted to the Congress. One of the issues could trace the history of quinquennial congresses, while the second could give an analysis of the implementation of existing standards.

166. Many members of the Committee acknowledged with gratitude the invitation of the Government of Cuba to act as host of the Eighth Congress and expressed the view that the Economic and Social Council should accept the invitation. Since the available facilities at Havana had been judged very satisfactory by a planning mission of the United Nations Secretariat, an acceptance would remove one of the difficulties facing the preparatory work.

167. Several members noted that current crime trends in many parts of the world were a grave source of concern for a large number of countries. The activities of organized crime, in particular, were perhaps the greatest social threat in the contemporary world, particularly in the developing regions. The new forms of large-scale, transnational criminality and the accompanying corruption affected the development process and endangered countless human lives. They threatened democratic institutions, impeded the proper functioning of entire societies and caused irreparable damage to the environment. There was urgent need for international co-operation in order to create the infrastructure and institutional machinery necessary for the fight against crime. Developing countries were not in a position to co-operate, however, because they lacked the required financial means. Unless the international community found ways to assist the countries lacking the means for both co-operation and implementation, both would remain at the level of dreams. Furthermore, repression under extreme conditions of poverty could never suffice as preventive means. Thus, progress and development were a sine qua non of effective crime prevention and should therefore receive due attention at the Eighth Congress.

168. Certain observers reported that their countries had already initiated the corresponding preparation, which would contribute, in their opinion, to a major awareness of the law on the part of their populations. Some of the observers supported the proposed theme of the Eighth Congress, stressing that while emphasis on the twenty-first century should be maintained, prevention and control, international security, international justice, peace, the quality of life and development ought also to be considered.

169. In concluding the debate, the Director-General of the United Nations Office at Vienna and Secretary-General of the Eighth Congress noted with appreciation the expressions of support in the Committee for the work done by the Secretariat in connection with preparations for the forthcoming Congress. However, since the key issue of resources had been only partially discussed, she requested the Committee to suggest some ways and means to overcome the pressing difficulties. She agreed with members who had stressed the importance of looking at the problems of crime prevention and control in the context of a longer-term strategy and wider perspective, especially since the twenty-first century was drawing near. Seeking wider collaboration and establishing better contacts with organizations throughout the world to tackle interrelated questions in the area of crime prevention and control were of paramount importance.

Action taken by the Committee

170. At the 11th meeting, on 31 August, J. A. Montero Castro (Costa Rica), Vice-Chairman of the Committee, introduced a draft resolution (E/AC.57/1988/L.18) entitled "Continuation of preparations for the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders", which was submitted on the basis of informal consultations held in working group II.

171. Statements were made by A. Guerra de Villalaz (Panama), D. Cotiĉ (Yugoslavia), A. Tamini (Argentina), A. I. Khuraibet (Kuwait), E. H. J. Frencken (Belgium), and by the Acting Chief of the Crime Prevention and Criminal Justice Branch.

172. At the same meeting, the Committee approved the draft resolution and recommended its adoption to the Council (see chap. I, sect. A, draft resolution XIV).

## Chapter VIII

### PROVISIONAL AGENDA FOR THE ELEVENTH SESSION OF THE COMMITTEE

173. The Committee considered item 9 of its agenda at its 11th meeting, on 31 August 1988. It had before it a note by the Secretariat containing the draft provisional agenda for the eleventh session and indicating the documentation to be submitted under each item (E/AC.57/1988/L.2).

174. The Committee, on the proposal of the Chairman, decided to recommend to the Economic and Social Council the adoption of a draft decision in which it would take note of the report of the Committee on its tenth session and approve the provisional agenda and documentation for its eleventh session, as completed in the light of resolutions and decisions adopted by the Committee (see chap. I, sect. B, draft decision).

## Chapter IX

### ADOPTION OF THE REPORT OF THE COMMITTEE ON ITS TENTH SESSION

175. At the 11th meeting, on 31 August 1988, the Committee adopted the report on its tenth session (E/AC.57/1988/L.3 and Add.1-8), as amended.

176. The draft resolutions of the Committee recommended for adoption by the Economic and Social Council (see chap. I) which will have implications for the programme budget of the United Nations will be brought to the attention of the Council when it considers the report of the Committee.

## Chapter X

### ORGANIZATION OF THE SESSION

#### A. Opening and duration of the session

177. The Committee on Crime Prevention and Control held its tenth session at Vienna from 22 to 31 August 1988. The session was opened by the acting Chairperson, Simone Andrée Rozès (France), who made a brief statement in which she stressed the important role of the Committee in preparing for the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders.

178. The Director-General of the United Nations Office at Vienna and Secretary-General of the Eighth Congress, in her opening statement, pointed out that the Committee was faced with three important tasks: to review the implementation of the recommendations of the Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders; to prepare for the Eighth Congress; and to assess the results of the review of the crime prevention and criminal justice programme. She suggested that three working groups be established to deal with those issues.

179. The Director-General stressed the encouraging results of the five interregional preparatory meetings of experts which had unanimously approved 14 new draft instruments on diverse topics for the Committee's consideration.

180. She stated that although the United Nations crime prevention and criminal justice programme was highly rated, it had been allocated fewer posts than in the past, despite a broader mandate. If progress were to continue, action had to be taken to remedy the current situation.

181. The Director-General was particularly concerned about the destabilizing effect of organized crime and corruption on vulnerable developing countries. Crime extended beyond national jurisdictions and across frontiers, and was a drain on valuable national resources. In some cases crime was an undeniable threat to both the development of countries and their capacities for self-government. The seriousness and novelty of certain forms of criminality posed a challenge to all countries to co-operate in the effort to overcome them, requiring concerted action at the national, regional and international levels. Crime prevention policies, institutional reforms and the development of new laws and regulations could only be effective if the institutional capacity to carry them out was available. The Director-General was particularly concerned that training programmes, advisory services and financial support should be provided to countries in need.

182. The Milan Plan of Action and the Guiding Principles for Crime Prevention and Criminal Justice in the context of Development and a New International Economic Order, adopted by the Seventh Congress, had indicated new paths for more effective international co-operation. The Eighth Congress, placing emphasis on the principles of international legitimacy and solidarity, was to provide further insights for that endeavour.

183. The Federal Minister of Justice of Austria, in welcoming the Committee to Vienna, said that a fair and effective criminal justice system was indispensable for a just social order. To maintain social peace, the criminal justice system

must be able to react adequately and efficiently to crime phenomena and to function on the basis of respect for human rights, due process and the rule of law. Though it was not an easy task to preserve a sound balance between at times conflicting demands, that was precisely why the standard-setting function of the United Nations in the field of crime prevention and treatment of offenders was appreciated.

184. The Chairman of the tenth session, Mr. Minoru Shikita (Japan), elected by acclamation, mentioned in his opening address to the Committee that among the most pressing issues at the current session were the need to strengthen international action against organized crime and criminal activities of a terrorist character; the need to elaborate new instruments on, *inter alia*, the independence of the judiciary and the prevention and investigation of extra-legal, arbitrary and summary executions; and to give the major directives to the United Nations programme of work. He stressed the need to recommend new intersessional arrangements and establish more effective working procedures for the Committee as a result of the programme reviews. In view of the critical scrutiny to which the United Nations had been subjected as well as the keen competition for reduced resources, more had to be done to promote the international programme for crime prevention and criminal justice.

185. The Chairman, on behalf of the Committee, paid tribute to Mme. Simone Rozès for her dedicated leadership as Chairperson of the Committee during the past two years.

186. The Committee observed a minute of silence in memory of the late Professor Manuel Lopez-Rey y Arrojo (Bolivia), Chairman of the Committee at its eighth session. At the 11th meeting, on 31 August, A. Guerra de Villalaz (Panama), on behalf of the Latin American Group of the Committee, made a statement in tribute to the late Professor and recommended that the Secretariat should take appropriate measures for establishing a special library on penal science, to be known as the Manuel Lopez-Rey Library, and placing a bronze plaque bearing the Professor's name in the offices of the Crime Prevention and Criminal Justice Branch.

#### B. Attendance

187. The following Committee members attended the session: Mohamed Boulasri (Morocco), Weiqiu Cheng (China), Roger S. Clark (New Zealand), Dušan Cotic (Yugoslavia), David E. R. Faulkner (United Kingdom of Great Britain and Northern Ireland), Eugène Jules Henri Frencken (Belgium), Ronald L. Gainer (United States of America), Aura Guerra de Villalaz (Panama), Benjamin Miguel (Bolivia), A. R. Khandker (Bangladesh), Abdulmajeed Ibrahim Khuraibet (Kuwait), Vasily P. Ignatov (Union of Soviet Socialist Republics), Albert Llewelyn Olawole Metzger (Sierra Leone), Farouk A. Murad (Saudi Arabia), Jorge Arturo Montero Castro (Costa Rica), Abdul Karim Nasution (Indonesia), Bertin Pandi (Central African Republic), Aregba Polo (Togo), Victor Ramanitra (Madagascar), Simone Andrée Rozès (France), Miguel A. Sanchez-Mendez (Colombia), Abdel Aziz Abdalla Shiddo (Sudan), Minoru Shikita (Japan), Bo Svensson (Sweden), Adolfo Tamini (Argentina).

188. The following Committee members were unable to attend the session: Hedi Fessi (Tunisia) and József Gödöny (Hungary).

189. The session was also attended by observers from the following States: Algeria, Australia, Austria, Barbados, Brazil, Burundi, Byelorussian Soviet Socialist Republic, Canada, China, Colombia, Costa Rica, Côte d'Ivoire, Cuba, Czechoslovakia, Denmark, Ecuador, Egypt, Ethiopia, Finland, France, German Democratic Republic, Germany, Federal Republic of, Greece, Guatemala, Iran (Islamic Republic of), Italy, Japan, Kuwait, Mexico, Morocco, Netherlands, New Zealand, Oman, Philippines, Poland, Portugal, Samoa, Saudi Arabia, Spain, Sri Lanka, Switzerland, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, Uruguay and Venezuela.

190. The following United Nations offices and organs were represented by observers: Economic Commission for Africa, Economic Commission for Latin America and the Caribbean, Economic and Social Commission for Asia and the Pacific, Economic and Social Commission for Western Asia, International Narcotics Control Board, Division of Narcotic Drugs, and United Nations Fund for Drug Abuse Control; Australian Institute of Criminology, Helsinki Institute for Crime Prevention and Control, affiliated with the United Nations, United Nations African Regional Institute for the Prevention of Crime and the Treatment of Offenders, United Nations Asia and Far East Institute for the Prevention of Crime and the Treatment of Offenders, United Nations Latin American Institute for the Prevention of Crime and the Treatment of Offenders, and United Nations Social Defence Research Institute.

191. The following intergovernmental organizations were represented by observers: Arab Security Studies and Training Centre, Council of Europe, League of Arab States, International Criminal Police Organization, Organization of African Unity.

192. The following non-governmental organizations in consultative status with the Economic and Social Council were represented by observers:

Category I: International Council of Women, Muslim World League, International Alliance of Women;

Category II: Airport Associations Co-ordinating Council, Amnesty International, Arab Lawyers Union, Caritas Internationalis (International Confederation of Catholic Charities), Four Directions Council, International Association of Penal Law, International Centre of Sociological Penal and Penitentiary Research and Studies, International Commission of Jurists, International Council for Adult Education, International Council of Jewish Women, International Federation of Senior Police Officers, International Society of Social Defense, Medical Women's International Association, Pax Romana (International Catholic Movement for Intellectual and Cultural Affairs) (International Movement of Catholic Students), Women's International League for Peace and Freedom, World Society of Victimology;

Roster: International Human Rights Internship Programme, National Association of Victims Support Schemes.

### C. Election of officers

193. At its 1st meeting, on 22 August 1988, the Committee elected by acclamation the following officers:

Chairman: Minoru Shikita (Japan)  
Vice-Chairmen: Dušan Cotic (Yugoslavia)  
                  Jorge Arturo Montero Castro (Costa Rica)  
                  Bo Svensson (Sweden)  
Rapporteur: Albert Metzger (Sierra Leone)

194. At its 3rd meeting, on 23 August 1988, the Committee agreed to establish three working groups under the chairmanship of Dušan Cotic (Yugoslavia), Jorge Arturo Montero Castro (Costa Rica) and Bo Svensson (Sweden).

D. Agenda

195. At its 1st meeting, the Committee adopted the agenda contained in document E/AC.57/1988/1 and approved the organization of work contained in document E/AC.57/1988/L.1.

Annex I

AGENDA OF THE TENTH SESSION

1. Election of officers.
2. Adoption of the agenda and organization of work.
3. Progress report on United Nations activities in crime prevention and control.
4. Implementation of the conclusions and recommendations of the Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders.
5. Juvenile justice and the prevention of juvenile delinquency, including the principles, guidelines and priorities with respect to research on youth crime.
6. Domestic violence.
7. Review of the functioning and programme of work of the United Nations in crime prevention and criminal justice.
8. Continuation of preparations for the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders.
9. Provisional agenda for the eleventh session of the Committee.
10. Adoption of the report of the Committee.

Annex II

LIST OF DOCUMENTS BEFORE THE COMMITTEE

<u>Document number</u>	<u>Agenda item</u>	<u>Title or description</u>
E/AC.57/1988/1	2	Annotated provisional agenda
E/AC.57/1988/2	3	Progress report on United Nations activities in crime prevention and control: report of the Secretary-General
E/AC.57/1988/3	4	Measures to implement declaration of basic principles of justice for victims of crime and abuse of power: report of the Secretary-General
E/AC.57/1988/4	4	Implementation of the Basic Principles on the Independence of the Judiciary: note by the Secretary-General
E/AC.57/1988/5	4	Extra-legal, arbitrary and summary executions and measures for their prevention and investigation: report of the Secretary-General
E/AC.57/1988/6 and Corr.1	4	The transfer of proceedings in criminal matters: preliminary report of the Secretary-General
E/AC.57/1988/7 and Corr.1	4	Supervision of foreign offenders who have been conditionally sentenced or conditionally released: preliminary report of the Secretary-General
E/AC.57/1988/8 and Corr.1	4	Progress made with respect to the implementation of the Code of Conduct for Law Enforcement Officials: report of the Secretary-General
E/AC.57/1988/8/Add.1/Rev.1	4	Progress made with respect to the implementation of the Code of Conduct for Law Enforcement Officials: report of the Secretary-General

<u>Document number</u>	<u>Agenda item</u>	<u>Title or description</u>
E/AC.57/1988/9 and Corr.2	4	Implementation of the United Nations safeguards guaranteeing protection of the rights of those facing the death penalty: report of the Secretary-General
E/AC.57/1988/10	4	Alternatives to imprisonment and reduction of the prison population: report of the Secretary-General
E/AC.57/1988/11	5	Implementation of General Assembly resolution 40/33 and 40/35 and resolutions 19, 20 and 21 of the Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders, including draft standards for the prevention of juvenile delinquency, and on the protection of juveniles deprived of their liberty: report of the Secretary-General
E/AC.57/1988/12	6	Progress achieved with respect to the implementation of General Assembly resolution 40/36 on domestic violence: note by the Secretary-General
E/AC.57/1988/13	7	Review of the functioning and programme of work of the United Nations in crime prevention and criminal justice: report of the Secretary-General
E/AC.57/1988/14	8	Continuation of preparations for the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders: report of the Secretary-General
E/AC.57/1988/15		Draft basic principles on the role of lawyers
E/AC.57/1988/16		Proposals for concerted international action against forms of crime identified in the Milan Plan of Action

<u>Document number</u>	<u>Agenda item</u>	<u>Title or description</u>
A/CONF.144/PM.1	8	Discussion guide for the interregional and regional preparatory meetings for the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders
A/CONF.144/IPM/1,2,3,4,5	8	Reports of the Interregional Preparatory Meetings for the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders (on topics 1-5)
E/AC.57/1988/CRP.1	3	Draft statute of the United Nations Interregional Crime and Justice Research Institute
E/AC.57/1988/CRP.2	4 and 8	Report of the Meeting of Experts on the United Nations Draft Standard Minimum Rules for Non-Custodial Measures, held at the United Nations Asia and Far East Institute for the Prevention of Crime and the Treatment of Offenders, Tokyo, 13-15 July 1988
E/AC.57/1988/CRP.3	8	Draft bilateral model treaty on extradition
E/AC.57/1988/CRP.4	8	Draft bilateral model treaty on mutual assistance in criminal matters
E/AC.57/1988/CRP.5	7	Review of the functioning and programme of work of the United Nations in crime prevention and criminal justice
E/AC.57/1988/CRP.6	3	Directory of national correspondents
E/AC.57/1988/CRP.7	4	Implementation of the United Nations safeguards guaranteeing protection of the rights of those facing the death penalty
E/AC.57/1988/CRP.8	3 and 7	United Nations Criminal Justice and Crime Prevention Information Network

<u>Document number</u>	<u>Agenda item</u>	<u>Title or description</u>
E/AC.57/1988/NGO/1	4	Statement submitted by the International Association of Penal Law, the International Society for Criminology, the International Society of Social Defence, the World Society of Victimology, and the World Federation for Mental Health
E/AC.57/1988/NGO/2	4	Statement submitted by the International Association of Penal Law
E/AC.57/1988/NGO/3	4	Statement submitted by Caritas Internationalis, the Commission of the Churches on International Affairs of the World Council of Churches, the International Association of Educators for World Peace, the International Council for Adult Education, the International Federation of Human Rights, the International Union of Students, the World Alliance of Young Men's Christian Associations, and the World Council of Indigenous Peoples
E/AC.57/1988/NGO/4	4	Statement submitted by the International Commission of Jurists and the International Human Rights Internship Program
E/AC.57/1988/NGO/5	4	Statement submitted by Caritas Internationalis (International Confederation of Catholic Charities), the International Association of Educators for World Peace, the International Council for Adult Education, the International Federation for Human Rights, the International Union of Students, the World Alliance of Young Men's Christian Associations, the World Council of Indigenous Peoples, the African Association for Literacy and Adult Education, the International Council for Distance Education and World Education and the International League for Social Commitment in Adult Education

<u>Document number</u>	<u>Agenda item</u>	<u>Title or description</u>
E/AC.57/1988/NGO/6	8	Statement submitted by the International Council for Adult Education
E/AC.57/1988/L.1		Agenda as adopted by the Committee
E/AC.57/1988/L.2		Provisional agenda for the eleventh session of the Committee
E/AC.57/1988/L.3 and Add.1-8		Draft report of the Committee on its tenth session
E/AC.57/1988/L.4	5	Draft resolution submitted by W. Cheng (China), R. S. Clark (New Zealand), A. A. A. Shiddo (Sudan)
E/AC.57/1988/L.5	6	Draft resolution submitted by R. S. Clark (New Zealand), D. Cotić (Yugoslavia), A. A. A. Shiddo (Sudan)
E/AC.57/1988/L.6	4	Draft resolution submitted by R. S. Clark (New Zealand), D. Cotić (Yugoslavia), D. R. Faulkner (United Kingdom)
E/AC.57/1988/L.7	4	Draft resolution submitted by A. R. Khandaker (Bangladesh), A. I. Khuraibet (Kuwait), A. A. A. Shiddo (Sudan)
E/AC.57/1988/L.8	4	Draft resolution submitted by B. Pandi (Central African Republic), A. Polo (Togo), A. A. A. Shiddo (Sudan)
E/AC.57/1988/L.9	4	Draft resolution submitted by A. A. A. Shiddo (Sudan)
E/AC.57/1988/L.10	4	Draft resolution submitted by the Chairman of Working Group I
E/AC.57/1988/L.11	4	Draft resolution submitted by the Chairman of Working Group I
E/AC.57/1988/L.12	4	Draft resolution submitted by the Chairman of Working Group I
E/AC.57/1988/L.13	3	Draft resolution submitted by the Chairman of Working Group I

<u>Document number</u>	<u>Agenda item</u>	<u>Title or description</u>
E/AC.57/1988/L.14	4	Draft resolution submitted by the Chairman of Working Group III
E/AC.57/1988/L.15	7	Draft resolution submitted by R. L. Gainer (USA), F. A. Murad (Saudi Arabia), M. Shikita (Japan), and Bo Svensson (Sweden)
E/AC.57/1988/L.15/Rev.1	7	Draft resolution submitted by W. Cheng (China), R. S. Clark (New Zealand), D. Cotič (Yugoslavia), D. E. R. Faulkner (United Kingdom), R. L. Gainer (United States of America), A. Guerra de Villalaz (Panama), A. L. O. Metzger (Sierra Leone), B. Miguel (Bolivia), J. A. Montero-Castro (Costa Rica), F. A. Murad (Saudi Arabia), S. A. Rozès (France), M. Shikita (Japan), and Bo Svensson (Sweden)
E/AC.57/1988/L.16	7	Draft resolution submitted by the Chairman of Working Group III
E/AC.57/1988/L.17	4	Draft resolution submitted by the Chairman of Working Group I
E/AC.57/1988/L.18	8	Draft resolution submitted by the Chairman of Working Group II
E/AC.57/1988/L.19	4	Draft resolution submitted by the Chairman of Working Group I
E/AC.57/1988/L.20	4	Draft resolution submitted by the Chairman of Working Group I

Annex III

DOCUMENTATION FOR THE EIGHTH UNITED NATIONS CONGRESS ON THE  
PREVENTION OF CRIME AND THE TREATMENT OF OFFENDERS

General documentation: Reports of the interregional and regional preparatory meetings (A/CONF.144/IPM/1-5 and A/CONF.144/IPM/1-5)

Topic 1: Crime prevention and criminal justice in the context of development: realities and perspectives of international co-operation

1. Working paper elaborating inputs provided by interregional and regional meetings, contributions from consultants and material obtained at extrabudgetary meetings. The document will provide background in which the discussions can unfold, taking into account the components of the problem and the major issues, priorities and particular perspectives in the different regions.
2. Recommendations 1-26 contained in the report of Interregional Preparatory Meeting on topic 1 (A/CONF.144/IPM/1), with amendments as a result of the regional preparatory meetings.
3. Manual to combat corruption.
4. Report on the Third United Nations Survey of Crime Trends, Operations of Criminal Justice Systems and Crime Prevention Strategies.
5. Report on proposals for concerted international action against forms of crime identified in the Milan Plan of Action (E/AC.57/1988/16).
6. Report on the implementation of the resolutions and recommendations of the Seventh Congress.
7. Inventory of comprehensive crime prevention measures.

Topic 2: Criminal justice policies in relation to problems of imprisonment, other penal sanctions and alternative measures

1. Working paper (see topic 1, point 1, above).
2. Resolution 1 on the management of criminal justice and the development of sentencing policies, contained in the report of Interregional Preparatory Meeting on topic 2 (A/CONF.144/IPM/4).
3. United Nations draft standard minimum rules for non-custodial measures (Tokyo Rules), annexed to resolution 2 of A/CONF.144/IPM/4, incorporating the commentary prepared by UNAFEI.
4. Draft model agreement on transfer of supervision of offenders who have been conditionally sentenced or conditionally released, contained in the report of the Interregional Preparatory Meeting on topic 5 (A/CONF.144/IPM/5).

5. Report on the implementation of the Standard Minimum Rules for the Treatment of Prisoners.
6. Recommendations for the computerization of criminal justice administration.
7. Research on alternatives to imprisonment.
8. Report on alternatives to imprisonment and reduction of the prison population (E/AC.57/1988/10).

Topic 3: Effective national and international action against (a) organized crime; (b) terrorist criminal activities

1. Working paper (see topic 1, point 1, above).
2. Recommendations on organized crime, contained in the report of Interregional Preparatory Meeting on topic 3 (A/CONF.144/IPM/2).
3. Recommendations on criminal terrorist activities, contained in the report of the Interregional Preparatory Meeting on topic 3 (A/CONF.144/IPM/2).
4. Draft bilateral model treaty on mutual assistance in criminal matters, revised version.
5. Draft model agreement on transfer of proceedings in criminal matters, contained in the report of the Interregional Preparatory Meeting on topic 5 (A/CONF.144/IPM/5).

Topic 4: Prevention of delinquency, juvenile justice and the protection of the young: policy approaches and directions

1. Working paper (see topic 1, point 1, above).
2. United Nations draft guidelines for the prevention of juvenile delinquency (Guidelines of Riyadh), contained in the report of the Interregional Preparatory Meeting on topic 4 (A/CONF.144/IPM/3).
3. United Nations draft rules for the protection of juveniles deprived of their liberty, contained in the report of the Interregional Preparatory Meeting on topic 4 (A/CONF.144/IPM/3).
4. Report on the implementation of the Beijing Rules (E/AC.57/1988/11).
5. Report on domestic violence (E/AC.57/1988/12).

Topic 5: United Nations norms and guidelines in crime prevention and criminal justice: implementation and priorities for further standard setting

1. Working paper (see topic 1, point 1, above).
2. Draft basic principles on the use of force and firearms by law enforcement officials, contained in the report of the Interregional Preparatory Meeting on topic 5 (A/CONF.144/IPM/5).

3. Draft basic principles on the role of lawyers (A/CONF.144/IPM/5).
4. Report on capital punishment.
5. Report on the implementation of the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power (E/AC.57/1988/3).
6. Report on extra-legal, arbitrary and summary executions (E/AC.57/1988/5 and Corr.1 and 2).
7. Report on implementation of the Code of Conduct for Law Enforcement Officials (E/AC.57/1988/8 and Add.1/Rev.1 and Add.2).
8. Compendium of United Nations standards and norms in the field of crime prevention and criminal justice.

Annex IV

COMMENTS MADE ON THE RECOMMENDATIONS CONTAINED IN THE  
REPORTS OF THE INTERREGIONAL PREPARATORY MEETINGS

Topic 1 (A/CONF.144/IPM/1, paras. 3-9)

Recommendation 5

The following text should be inserted after the first sentence:

"(e) establish economic sanctions against enterprises involved in corruption."

Recommendation 9

In the third line, the word "comprehensive" should be replaced with "essential".

Recommendation 10

In the third line, the words "and compensation" should be inserted after "assistance".

Recommendation 13 bis

A new recommendation should be added after recommendation 13. It should read as follows:

"Member States should enhance the struggle against international crime (both in the closer and wider sense of the word), in respecting and promoting the principles of law and legality in international relations and, for that purpose:

- (a) To complete and further develop international penal law;
- (b) To fully implement obligations following from international treaties and instruments in this field (pacta sunt servanda);
- (c) To examine national legislation in order to ensure that it more fully meets the needs of international penal law."

Recommendation 14

In the sixth line, the word "multilateral" should be inserted after "bilateral".

Recommendation 15

The phrase "facilitating the seizure and confiscation of proceeds in bank accounts derived from criminal acts." should be added at the end of the first sentence. Some participants, however, felt that the acquisition of information on secret bank accounts could create an abnormal situation that would not be of benefit to the financial institutions.

Topic 2 (A/CONF.144/IPM/4, resolutions 1 and 2)

Resolution 1, seventh preambular paragraph, subparagraph (c)

The subparagraph reads, in English: "Inadequate management can lead to inappropriate allocation of resources". In English, the sentence was clear and meaningful. For non-Anglophones, however, the sentence was not understandable.

Resolution 1, fourteenth preambular paragraph

The paragraph beginning "Emphasizing further that Member States should develop explicit sentencing policies ..." would apply only in respect of relatively trivial types of crime or relatively non-threatening types of serious crime.

Resolution 1, section I, "Management and training"

Subparagraphs (f) and (g) on training could be combined and some redundancy could be removed.

Resolution 1, section II

The title "Management of imprisonment" did not make it clear enough that a real crisis exists in many countries and that the priority need was to react to that crisis. In subparagraph (b), further practical measures, such as pardons, could be mentioned, and an inventory of such measures could be made.

Resolution 1, section IV

The application of the criminal law was considered to be very problematic by several participants. Subparagraph (d) was the core of the provision and to a large extent subsumed subparagraphs (b) and (c). The procedures suggested in (b) were probably difficult or impractical in some countries, and the screening procedures on the part of prosecutors were seen as dangerous in others.

Resolution 1, section V, "Sentencing policy"

Subparagraph (f) should state that the "certain sanctions" (first two words) should be lighter or shorter.

Resolution 2, annex, draft rule 1

Within the framework of fundamental aims, draft rule 1.4 states that non-custodial measures shall be developed by the Member States. From the point of view of the educational role of the penal law, it was suggested that the subparagraph could be supplemented by the important orientation that, in compliance with the assessment of all circumstances, in particular of those mentioned in draft rule 1.3, the educationally most effective measure should find application as response to the criminal offence. Accordingly, draft rule 1.4 should be completed with the following concept: "... and, above all, from the standpoint of the effective education of the offender".

Resolution 2, annex, draft rule 2

Particular problems were raised in the wording of draft rule 2.3, as the introduction and application of new alternative measures in addition to the existing ones might lead to an increase in the number of control measures applied instead of leading to a decrease in the number of persons in custody.

Resolution 2, annex, draft rule 3

Draft rule 3.3 on discretion and accountability would not be acceptable or even understandable in many jurisdictions. Draft rule 3.4 required redrafting as different legal systems regarded the question of "consent" from different perspectives.

Topic 3 (A/CONF.144/IPM/2, paras. 52-115 and annexes)

Chapter III, section B (criminal terrorist activities)

Under section 1 (definition), the following sentence should be added: "A listing of concrete activities or actions to be considered as terrorist should be undertaken, instead of attempting to define the phenomenon in an abstract way".

Under section 8 (conduct of States), the following sentence should be added: "Measures by the international community to curb terrorism that is supported, carried out or acquiesced in by States should be supported".

Under section 9 (protection of targets of high vulnerability) the following sentence should be added: "A study concerning the development of appropriate measures for protection of targets which, if successfully attacked, could have devastating consequences, such as hydro-electricity or nuclear facilities, should be undertaken".

Under section 12 (protection of witnesses) the following sentence should be added: "States with experience in the field of witness protection programmes should consider lending assistance to other States contemplating similar programmes".

With regard to section 15 (codification of international criminal law and creation of an international criminal court), the question of the establishment of an international court of criminal jurisdiction should be left to the International Law Commission, as part of its deliberations on a draft Code of Offences against the Peace and Security of Mankind.

Annexes II and III

Having regard to the limited time available at the Eighth Congress and the size of the Congress agenda, it would be advisable to focus attention on the area of mutual assistance on criminal matters rather than on extradition. The present text should be simplified and streamlined, omitting unnecessary detail. In addition, explanatory material should be added, providing background information and drawing attention to areas in which variations to the text may be required in bilateral arrangements, to take into account differences in legal systems throughout the world. Furthermore, the basic framework of the model treaty on

mutual assistance should be limited to matters generally accepted as falling within the description of mutual assistance, whereas matters, such as forfeiture, that were closely related but conceptually different should be isolated and attached as a protocol or annex to the model treaty. The Secretariat should be requested to arrange for the preparation of a further draft bilateral model treaty on mutual assistance in criminal matters for submission to the regional preparatory meetings for the Eighth Congress, taking into consideration the comments made by the members of the Committee, representatives of Member States and other experts and taking into account, in particular, the need for streamlining, simplification and the addition of explanatory material.

#### Topic 4 (A/CONF.144/IPM/3)

#### Draft guidelines for the prevention of juvenile delinquency, section I (fundamental principles)

New paragraphs 1 and 2 should be added, as follows:

"1. The prevention of juvenile delinquency is an essential part of crime prevention in society. By engaging in lawful, socially useful behaviour and adopting a humanistic perspective towards the social environment and to themselves, young people can develop non-criminogenic attitudes".

"2. The successful prevention of juvenile delinquency requires efforts on the part of the entire society to safeguard an all-round harmonious development of adolescents, with respect for and promotion of their personality starting with childhood".

The present paragraph 1 should become paragraph 3 and should be amended as follows:

"3. With the implementation of these Guidelines, according to national legal systems, a course should be taken that focuses on the well-being of young persons from their early childhood. They should have an active role ...".

#### Topic 5 (A/CONF.144/IPM/5)

#### A. Draft basic principles on the use of force and firearms by law enforcement officials

The definition given in commentary (a) to article 1 of the Code of Conduct for Law Enforcement Officials should also be used in the draft basic principles; it could be placed in a footnote.

#### General principles

As proposed by the Sub-Commission on the Prevention of Discrimination and Protection of Minorities at its fortieth session, add the following sentence to principle 2:

"For the same purpose, law enforcement officials should also be equipped with self-defensive equipment such as shields and helmets in order to decrease the need to use weapons of any kind".



Principle 6

Add: "Firearms should not be used against children and, as far as possible, against juveniles and women"

Principles 11 and 16

The concepts of self-defence contained in these principles should be harmonized.

Special provisions

Principle 12 should start: "As far as circumstances permit, ...".

Policing unlawful assemblies

Principle 16 should be reformulated as follows:

"In the dispersal of violent assemblies, law enforcement officials may use firearms only when less dangerous technical means (rubber truncheons, water cannon, tear gas and others) are not practicable. The use of such technical means shall be strictly regulated in national legislation and restricted solely to particularly dangerous violent assemblies. Law enforcement officials shall not use firearms in such cases, except in self-defence or in the defence of others against the immediate threat of death or serious injury."

Principle 26

While some participants strongly supported article 26 as formulated by the Interregional Preparatory Meeting on topic 5, others stressed the need for re-drafting. One expert proposed the following:

"Governments and law-enforcement agencies shall ensure that no criminal or disciplinary sanctions are imposed on law-enforcement officials who adhere to the Code of Conduct for Law Enforcement Officials. At the same time, law-enforcement officials shall not use force or firearms unless that use is within legal limits and justifications".

B. Draft basic principles on the role of lawyers

Access to lawyers and legal services

Principle 8 should start: "The guarantees contained in principle 7 may ...".

C. Draft model agreement on transfer of proceedings in criminal matters

Chapter III, paragraph 6

The possibility of deleting paragraph 6 (c) was discussed.