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

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

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## INTRODUCTION

1. This discussion guide, which is to be used as an annotated provisional agenda for the preparatory meetings of the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, is intended to outline the five substantive topics of the provisional agenda for the Congress, as approved by the Economic and Social Council in its resolution 1987/49 of 14 May 1987 and by the General Assembly in its resolution 42/59 of 29 November 1987.

2. The interregional meetings on each of the substantive topics, to be convened in 1988, will be attended by experts appointed by the Secretary-General, with due regard to their expertise and the principle of geographical distribution. The regional meetings, to which Governments will be invited by the Secretary-General to send representatives, will be held in 1989 and will provide regional perspectives, including information on major policy orientation and general trends in the countries of each region with respect to all agenda items.

3. At its ninth session, the Committee on Crime Prevention and Control recommended to the Economic and Social Council the approval of the following substantive topics for inclusion in the provisional agenda of the Eighth Congress: 1/

1. Crime prevention and criminal justice in the context of development: realities and perspectives of international co-operation;
2. Criminal justice policies in relation to problems of imprisonment, other penal sanctions and alternative measures;
3. Effective national and international action against: (a) organized crime; (b) terrorist criminal activities;
4. Prevention of delinquency, juvenile justice and the protection of the young: policy approaches and directions;
5. United Nations norms and guidelines in crime prevention and criminal justice: implementation and priorities for further standard setting.

4. An earlier version of this discussion guide was submitted for comments to Members of the Committee on Crime Prevention and Control. The suggestions received from them, as well as previous recommendations by the Committee on the approach and emphasis to be given to each substantive topic, are reflected below. The questions at the end of each outline are meant to stimulate and orient the discussion of the topics.

5. The present discussion guide is intended not only to focus consideration on the different agenda items at the preparatory meetings and stimulate discussion of issues of major concern with a view to identifying the main policy options for action by the Congress but also to obtain relevant information for inclusion in the working papers for the Congress. Accordingly, participants are invited to submit all relevant materials, such as reports and studies, new legislation, treaties and agreements, as well as any other appropriate background documentation on each of the agenda items.

SUBSTANTIVE TOPICS INCLUDED IN THE PROVISIONAL AGENDA

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

6. This topic is intended to provide continuity between the Seventh and the Eighth Congresses, serving as a general theme for a substantive and constructive dialogue between Member States and leading to the formulation of concrete directives, principles and guidelines for regional and international co-operation in the field of crime prevention and criminal justice.
7. In considering this agenda item, the Committee on Crime Prevention and Control, at its ninth session, made a number of recommendations concerning the content and thrust of the topic, suggesting that it should be broad enough to cover questions of general interest to Member States, yet specific enough to serve as a guide to practical action. It should also serve as a vehicle for the exchange of views in technical co-operation areas, and as an instrument for discussion of the interrelationship between science, technology and crime prevention.
8. Over the years, the focus of the activities of the United Nations policy-making bodies concerned with crime problems has shifted from issues relating merely to the treatment of offenders to the broader issue of crime prevention and criminal justice in the context of overall socio-economic development. With this shift in emphasis has come the acknowledgement that development is a comprehensive process encompassing economic, political, social, cultural, environmental and institutional elements whose interplay requires an integrated approach, in which crime prevention and criminal justice aspects must be duly taken into account.
9. The Seventh United Nations Congress not only reaffirmed the validity and relevance of dealing with crime prevention and criminal justice in the context of development but also requested that the issue be examined by the Eighth United Nations Congress on the basis of the information provided by Member States on the results achieved in implementing the resolutions and decisions of the Seventh Congress. In addition, in the Milan Plan of Action, the Seventh Congress recognized that crime was a major problem of national and, in some cases, international dimensions, hampering the political, economic, social and cultural development of peoples and threatening human rights, fundamental freedoms, stability and security, and that in certain cases it demanded a concerted response from the community of nations. The Congress also noted the need to study crime and criminality in relation to human rights and fundamental freedoms. 2/
10. The Guiding Principles for Crime Prevention and Criminal Justice, unanimously adopted by the Seventh Congress and recommended for action by the General Assembly, emphasized that progress at ensuring peace in the world and social justice by means of a comprehensive and integrated approach should be planned and properly implemented on the basis of the contributions of various factors, including fair policies of crime prevention and criminal justice. These policies should not only reduce the human and social costs of criminality but should also, where appropriate, help provide safeguards to ensure equitable and full public participation in the development process, thereby enhancing the viability of national development plans, programmes and actions. 3/
11. As societies change and develop, crime assumes new forms and dimensions. The seriousness and extent of criminality may vary from country to country and from region to region, but it is clear that in many parts of the world crime

still seems to be beyond the grasp of conventional formal control measures, thus undermining the social foundations and values on which these very controls were predicated. Criminal activities in many countries have reached a level causing serious concern and widespread fear, demanding urgent action and more practical means to combat them and restore the sense of public security. In fact, not only are new forms of crimes an alarming development, traditional criminality, such as mugging, burglaries, car theft, breaking and entering and in general crimes against property, remains a major problem that creates insecurity and anguish among the public. The experience of many countries has shown that unplanned, dysfunctional national development has all too often been accompanied by rising crime with negative side-effects on economic growth, while in other countries, where adequate crime prevention strategies have been formulated and implemented as an integral part of socio-economic policies, the negative impact of crime has been mitigated. Research findings in some developed countries, however, indicate that raised standards of living increase the number of opportunities for committing certain types of crime, rather than contribute to reducing them. Research findings have also shown that reactions to crime may vary between rigid support for "law and order", on the one hand, and permissiveness advocated by those recommending minimal legal interventions, on the other. They have also shown that the level of tolerance to crime varies among countries, as does the punitive response to it, as insufficient attention to crime, with a failure to see its intimate relationship to broader national concerns and other aspects of social, economic and political life, undermines the achievements of national goals, jeopardizing the people's enjoyment of human rights and fundamental freedoms.

12. Not only has criminality assumed new forms and dimensions but also the circumstances under which it occurs, the opportunities that facilitate it and the motives and pressures that lead to it have multiplied. In both developed and developing countries there is a widespread awareness that recent scientific and technological advances have produced substantial economic benefits, but they have also brought with them new dimensions to criminality largely because these advances have not been accompanied by sufficient attention to their negative implications for the natural, social, economic and cultural environment. The complexity of modern life necessitates concerted and interdisciplinary efforts to identify and foresee these negative side-effects, including the emergence of new criminal acts drawing on technological developments, with a view to suggesting effective counter-measures. In view of the technological character of contemporary society and the role played by growing industrialization, automation and mechanization, the Guiding Principles emphasize the importance of planned change and special protection against criminal negligence in the areas of public health, labour conditions, the exploitation of natural resources and the environment and the provision of goods and services to consumers.

13. Past experience shows that sometimes the consequences of negligence may assume massive proportions and endanger the health of people and the environment. Uncontrolled industrialization, particularly when aimed at high profit and without adequate attention to public health standards and labour conditions, can be expected to result in environmental and safety hazards. Recent years have witnessed an unprecedented increase in environmental offences demanding concerted action and innovative means of control. In many parts of the world serious damage to public health has occurred, lives were taken and values and property have been destroyed. Air and water pollution caused by some chemical and industrial processes is by its very nature not limited to one territory, making obsolete the traditional view of a world divided by frontiers. The disposal of dangerous industrial waste, dumping at sea and in

the ocean, are quite frequent phenomena, which result in serious harm, with transnational consequences. Today, national and international concerns with the need for a better global comprehension of environmental offences call for urgent action in developing effective strategies to protect the environment, including the application of adequate safety procedures, the establishment of satisfactory methods to safeguard the environment and the enactment of stricter environmental laws.

14. Effective policies for crime prevention and criminal justice, as part of overall economic and social planning, necessitate concerted action by all agencies of Government and the public. This means the elaboration of policies fully responsive to present-day social realities and needs, taking due account of the complex interrelationships involved and the ramifications of the decisions made. An adequate policy response is required in the fight against crimes that are particularly harmful to the development process, such as economic offences involving smuggling, embezzlement, restrictive business practices, computer fraud, the sale of obsolete or inappropriate technologies, the illegal outflow of capital, tax evasion through transfer pricing, financial manipulations, bribery and corruption. Crimes against national patrimony, committed world-wide, are depleting the cultural heritage of many nations and demand effective action. It will be opportune for the preparatory meetings not only to discuss these forms of crime and exchange view and experiences about successes achieved and failures encountered in combatting them but also to provide guidance on those types of crimes deserving priority attention by Member States and calling for urgent international action and co-operation.

15. The international control of illicit drug trafficking represents a traditional area of co-operation between States, not only because these crimes transcend national boundaries and endanger the internal peace and security of nations, developed and developing alike, but also because they produce negative side-effects on socio-economic development, through the destruction of precious human resources, in terms of their deleterious impact on the health and life of millions of people. The Seventh United Nations Congress in 1985 and the International Conference on Drug Abuse and Illicit Trafficking 4/ in 1987 recognized the seriousness of illicit drug trafficking, which violates both national laws on drug control and international conventions and, in many cases, also involves other antisocial activities such as organized crime, conspiracy, banking law violations, arms smuggling, violence and terrorism. Even the integrity and stability of certain Governments have been and continue to be threatened by the enormous corrupting power of illicit drug trade. Although far-reaching measures have been recommended to strengthen regional and international co-operation towards combatting this scourge through a balanced, comprehensive and multidisciplinary approach and the completion of the preparation of the draft convention against illicit traffic in narcotic drugs and psychotropic substances, which will certainly contribute to this endeavour, the continuous process of implementing such measures requires constant priority attention and a continuous commitment on the part of everyone involved (see also topic 3).

16. In light of the serious consequences of criminality, adequate policy responses and appropriate measures must be instituted at the national, regional and international levels. Efforts have been made towards improving the performance of criminal justice systems and strengthening of operational arrangements, particularly at the bilateral level. But much remains to be done. Countries, developed and developing alike, need to exchange experiences on crime trends, improve data collection and the analysis of crime-related statistics and discuss ways and means to rationalize and humanize criminal

justice operations, in order to achieve a better understanding of the nature and extent of crime and promote effective action for its prevention and control. The preparatory meetings, in addressing these problem areas, may wish to identify those specific issues that have the most direct relevance to the concerns of Member States, giving priority attention to them and formulating policy options, with concrete action programmes, strategic directives and operational targets to be reached.

17. The need for close collaboration between States in this respect has become more acute in recent years, owing to the widening extent and the increasing seriousness of certain crime problems affecting the majority of States. In the Milan Plan of Action, the United Nations has been called upon to play a pivotal role in multilateral co-operation in the crime field, while States have been urged to implement the Plan as "the collective endeavour of the international community to deal with a major problem whose disruptive and destabilizing impact on society is bound to increase unless concrete and constructive action is taken on an urgent and priority basis". 5/ Furthermore, the General Assembly, in its resolution 40/32 of 29 November 1985, not only approved the Plan of Action as a useful and effective means of strengthening international co-operation in this field but also invited Governments to be guided by the Plan in the formulation of appropriate legislation and policy directives.

18. In this perspective, new directions and approaches should be explored at the international and national levels for the development of suitable concepts, measures, procedures and institutions for crime prevention and criminal justice. In the Guiding Principles, modalities for such co-operation have been singled out, including ways and means for improving international collaboration in penal matters, in such areas as extradition, mutual investigative and judicial assistance, letters and commissions rogatory, service of writs, appearances of witnesses abroad, transfer of proceedings and transfer of foreign prisoners and of the execution of sentences abroad.

19. In addition, the United Nations has initiated work with respect to: the development of action-oriented proposals to combat transnational crimes, in pursuance of Economic and Social Council resolution 1986/10; the elaboration of appropriate model treaties and agreements for use world-wide; and the formulation of new norms and standards, to be considered by the Committee on Crime Prevention and Control, together with a model agreement on the transfer of proceedings in criminal matters (see topic 5). The development of modalities for regional and international co-operation to combat crimes of international dimensions requires the full involvement of Member States, intergovernmental and non-governmental organizations and United Nations regional and interregional institutes for crime prevention and criminal justice. For example, the results of international meetings of experts from different regions such as the Ad Hoc Group of Experts on International Co-operation for the Prevention and Control of the Various Manifestations of Crime, including Terrorism, organized by the International Institute of Higher Studies in Criminal Sciences and the International Society of Social Defence, at Siracusa, Italy, in January 1988, would provide important contributions and scientific insights.

20. If international co-operation in this field is to be effective, it must focus upon, and bring about, quantitative and qualitative improvements in crime prevention policies and strategies, in order to strengthen national and regional efforts, stimulating collaborative ties at all levels through joint operations and programmes. It must not only deal with current realities of crime but also try to anticipate its future directions in order to institute

appropriate preventive strategies to face the mounting challenge of criminality. Initiatives aimed at reinforcing crime prevention mechanisms and the role of law enforcement agencies, particularly with respect to the prevention of crimes of the most serious forms of international dimension, should be encouraged. The preparatory meetings may wish: to assess the present situation of international co-operation in this respect; to identify successful experiences as well as current constraints; and to suggest viable modalities for intensifying it.

21. An important aspect of regional and international co-operation is the establishment of a global crime and criminal justice information network, in co-operation with the United Nations institutes for crime prevention and criminal justice, including a mechanism for the centralization of inputs from non-governmental organizations and scientific institutions, as called for by the General Assembly and the Economic and Social Council. The full realization of this project, provided that funds are made available, will enable the Organization to strengthen its activities in promoting the collection, dissemination and sharing of information. It will also enable the United Nations to assist interested Member States in developing more effective policies and strategies for crime prevention and criminal justice, the feasibility of which hinges on adequate and timely information.

22. Technical co-operation in the field of crime prevention and criminal justice is a distinctive aspect of the work of the Organization. The General Assembly and Economic and Social Council, in numerous resolutions, have requested the Secretary-General, as well as relevant organs, organizations and bodies of the United Nations, to strengthen appropriate arrangements for the support of technical co-operation in crime prevention and criminal justice between developed and developing countries and also between developing countries themselves. In this connection, Member States in each region were called upon: to encourage the exchange of data, information and experiences; to engage in joint activities for training and research; to assist in demonstration projects of a bilateral and multilateral nature; to enter into agreements on the provision of human, financial and material resources in support of regional and subregional seminars; and to encourage the involvement of scientific and professional non-governmental organizations active in this field in such efforts. In the recent review of the functioning and programme of work of the United Nations in the field of crime prevention and criminal justice, special emphasis has also been placed on this programme area. In endorsing action on the conclusions and recommendations of the programme review, Member States not only recognized the viability and usefulness of technical co-operation but also identified it as a priority area for present and future activities of the United Nations. 6/

23. In the context of pressing and competing economic and social priorities, the introduction of innovative policies and strategies for crime prevention and criminal justice requires the mobilization of the necessary human and financial resources, including skilled personnel at various levels and professional competence and qualified staff and, above all, a well-equipped and functional institutional capacity. These are lacking in many developing countries, however. Dynamic technical co-operation between countries is therefore necessary to meet this need, both on a bilateral and multilateral basis. In this respect, various forms of technical assistance and inter-regional advisory services in this field should be strengthened, and substantive backstopping and co-ordination should be intensified for the formulation and implementation of pilot projects, the organization of evaluation workshops, the development of training modules and the adoption by countries of joint strategies to deal with problems of mutual concern through concrete and



operational action programmes. An essential component of these endeavours is the inclusion by interested Governments of crime prevention and criminal justice projects in the United Nations Development Programme (UNDP) country and regional programmes.

24. It should be noted in this regard that the Seventh Congress (resolution 5), as well as the Economic and Social Council (resolution 1987/53) and the General Assembly (resolution 42/59), while convinced that various forms of technical assistance should be expanded and that United Nations institutes for crime prevention and criminal justice should play an important role in this regard, invited Governments to contribute financially, through the United Nations Trust Fund for Social Defence, to the development of United Nations technical assistance activities. Unless the need for adequate resources is met and its significance fully acknowledged by Member States and funding agencies, it will be difficult for this programme area to attain its objectives. The realization of the various modalities of technical co-operation outlined above will both respond to the urgent requirements of the countries in need and contribute to the enhancement of collaboration among Member States.

25. In order to focus the discussion of this general topic on specific issues, the following questions may be of assistance to the preparatory meetings.

#### Questions for discussion

1. What crimes affecting development have been considered to be particularly problematic? What kind of effective and innovative measures have been taken to cope with them?

2. To what extent have crime prevention policies and strategies been incorporated into overall national development plans?

3. What kind of existing co-ordination mechanisms have proven to be particularly effective and successful in reducing crime and improving the quality of justice?

4. Have any studies been conducted on the cost of crime and criminogenic consequences of certain new technologies? If so, what were the findings?

5. How can new technology contribute to innovative methods of crime prevention and control?

6. Have any laws or other measures been adopted and implemented to fight transnational crime, in its most dangerous and new forms? If so, what balance has been maintained between the requirements of public safety and the observance of human rights?

7. How can regional and international co-operation in the field of crime prevention and criminal justice best contribute to combatting crimes, particularly those of international dimensions? In particular, what forms of crime require priority attention and most urgent action on the part of the international community?

8. How can United Nations institutes for crime prevention and criminal justice, as effective mechanisms of regional and international co-operation, contribute to this endeavour?

9. How can technical co-operation activities in the field of crime prevention and criminal justice be strengthened in order to adequately respond to the needs of Member States? How can the necessary funds for such purposes be secured?

10. What role can the United Nations, as an organization charged with leadership in the field of crime prevention and criminal justice, most usefully play in this respect?

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

26. Under this topic, it is intended to look at the management of the various sectors of the criminal justice system as a coherent whole, rather than at separate or related parts, in order to improve its fairness, effectiveness and accountability. The term "the management of the criminal justice system" is becoming accepted in the application of an integrated approach to criminal justice and is used here to cover the various aspects involved in the formulation, implementation and evaluation of policies. The need for such a systemic approach was stressed by the Seventh Congress, particularly in the Guiding Principles for Crime Prevention and Criminal Justice, which pointed out that crime prevention and criminal justice should be treated as an area of complex and wide-ranging activities requiring systematic strategies, taking into account the interrelationships of the activities and functions in the areas of legislation, law enforcement, the judicial process and the treatment of offenders. 7/

27. The practical benefits for national Governments and for the quality of justice in individual cases to be derived from the integrated approach are being increasingly recognized. This topic is thus considered from a perspective that is similar to that of "Criminal justice processes and perspectives in a changing world", discussed by the Seventh Congress; it is both a logical extension of that agenda item and addresses persistent problems in the implementation of criminal justice policy in most countries. Within the consideration of the overall goals of criminal justice, there will be a particular focus on imprisonment, including overcrowding as a result of sentencing policy and the availability of alternative sanctions, and on the possible application of contemporary management techniques and information technology as a tool for improved criminal justice administration.

28. In fact, the management of criminal justice systems may be aided by the computerization of criminal justice operations both locally and nationally. The Seventh Congress gave an initial impetus to the development and study of this question, in its resolution 9, by requesting the Secretary-General "to initiate work on the use of information systems in the administration of criminal justice for those Member States requesting such assistance and to report thereon to the Committee on Crime Prevention and Control". While some countries may see the goal of computerization of their criminal justice systems as being remote, others have started to make extensive use of computers in the administration of justice, and this process is likely to continue on a wider scale.

29. The Manual for the Development of Criminal Justice Statistics, 8/ published by the United Nations in 1986, contains some basic principles that underscore the desirability of the computerization of criminal justice operations. Subsequently, the European Seminar on the Computerization of Criminal Justice Information: Realities, Methods, Perspectives, Effects, organized jointly by the Helsinki Institute for Crime Prevention and Control, affiliated with the

United Nations and the Government of Poland in May 1987, made specific recommendations emphasizing, inter-alia, that there is a need to promote principles which facilitate the international exchange of computerized crime-related data, for example, through the development of comparable software data standards and multilingual thesauri. Work has already started along these lines at the United Nations Latin American Institute for the Prevention of Crime and the Treatment of Offenders. From these initiatives, it is evident that a closer exchange of views on the ways and means of computerizing criminal justice systems is needed at the subregional, regional and international levels.

30. The preparatory meetings should be in a position to provide advice on these matters, enabling the Congress to discuss further the question of the computerization of criminal justice systems. The particular areas to which the meetings might pay attention include: the application of computer technology to law enforcement and investigative techniques, especially in complex cases of organized crime; court administration; the use of alternatives; and prison management. In such a discussion, the use of computers should be considered in technology for: (a) day-to-day administration; (b) overall management and policy planning; and (c) research and policy analysis and evaluation.

31. While it is clear that computerization can enhance the efficiency of criminal justice administration, it could also potentially be used as an instrument of restriction of personal freedom, for example, by providing an easier means of access to social records from various computerized files outside of the criminal justice system. An appropriate ultimate goal of the Congress therefore might be the elaboration of general principles on the computerization of criminal justice operations, encompassing such matters as offender-based transactional statistics, controls on the public availability of certain types of data and the advantages of computerization, including a review of its dangers and potential misuses.

32. Within prison systems, modern information systems can help to optimize the allocation of space and other resources when the criminal justice system is overloaded, and that application is now quite widespread in many industrialized countries. The exchange of experience in this respect between countries and experts could be of practical value to the deliberations of the Congress. Also, since computer technology is making possible the "surveillance in freedom" of offenders through the use of electronic tags of different kinds, the Congress may wish to examine the cost effectiveness of such solutions, in the context of human rights considerations.

33. Another important tool for management would be the training of staff, as recognized in resolution 8 of the Seventh Congress. The preparatory meetings might take up this theme in detail, focusing on the utilization of research results in developing suitable training programmes for all categories of personnel and bearing in mind the particular needs of staff dealing with various categories of offenders, particularly drug addicts or drug offenders.

34. For years imprisonment has been increasingly acknowledged as one of the major problems of the present time in the management of criminal justice systems in more and more countries. While some institutional problems can be solved by prison authorities alone, others are difficult to overcome without the contribution of other criminal justice agencies that shape overall policy in respect of crime, offenders and victims. An emphasis on corrections in the proposed topic would therefore provide prison administrators with an opportunity to express their assessment of both how the performance of other

sectors of criminal justice affects their own tasks and how the goals set for them can be achieved. Suggestions for reforms to help resolve major prison problems would be appropriate at this stage. For example, consideration of the results of comparative research on the effect of both custodial and non-custodial sanctions on the rate and forms of crime and recidivism would provide additional insights into the value of particular criminal policies. The Congress could also be a place for the consideration of ways and means by which the entire criminal justice system might attain its rehabilitative objective, which, in many countries, is held to be one of the most important goals. After a time of considerable doubt as to the effectiveness of rehabilitative programmes, there should be an opportunity to analyse which criminal justice measures "work" and under which circumstances. In this context, primary attention should be paid to the effects of those rehabilitation programmes conducted within the prison, as well as to those carried out outside the prison that possess potential for the social resettlement of offenders and the reduction of prison populations.

35. Sentencing policies and the use of discretionary powers of prosecutors have an effect on the operations of criminal justice systems and, in particular, on the size of prison populations both at the pre-trial and trial stages. For instance, some countries may resort to imprisonment more often than others because of lack of a wide range of other penal sanctions or because of the existence of the legality principle and a relative restriction of other discretionary powers, as compared to countries whose legal system is based on the opportunity principle. Regardless, however, of the principles on which the legal system may be based, more punitive or lenient approaches in general affect sentencing policies. Those sentencing policies largely determine the proportion of offenders "dropping out" from the criminal justice system. Guidelines on prosecution or non-prosecution, sentencing guidelines for the judiciary and guidelines on pardons and amnesties all attempt to shape reactions to criminality (the so called "justice model"). They are intended also to provide a measure of necessary flexibility in dealing with individual cases or groups of criminal cases. These guidelines have been established in many countries, and the international community may be particularly interested in issues that may arise from their use. Also, there are countries that would be in a position to share their experience on policies for the non-prosecution of offenders, which have an influence on sentencing. The European Seminar on Non-prosecution, organized by HEUNI in 1986 in pursuance of resolution 7 of the Seventh Congress, made some initial recommendations.

36. Prison overcrowding has reached critical levels in many countries and is therefore one of the most pressing problems facing criminal justice administrations. Ways and means need to be worked out to stop or reduce overcrowding, particularly in view of the over-extended practice of holding accused persons awaiting trial for long periods. However desirable this objective is, in practice it may not be quickly attainable. Building more prisons takes time and needs fundamental changes in funding policies. Therefore, the preparatory meetings may wish to give consideration to possible courses of action to be adopted when overcrowding occurs. The recent International Conference on Drug Abuse Control and Illicit Trafficking drew particular attention to the problems caused by drug addicts in prisons, who in many countries account for a substantial proportion of the total prison population, and recommended increased follow-up action.

37. Experience shows that national administrations react to the crisis in different ways. Some countries maintain the right of a prisoner to a single cell by delaying the intake of newly convicted offenders, who then have to "queue up" before starting their sentence. Other countries give primary

consideration to the requirement that all convicted offenders who are sentenced to imprisonment have to serve their sentence immediately; therefore, they must be received into prison, no matter how overcrowded it is. Some prison administrations reduce the standards of privacy, living space and other amenities allowed to prisoners. Others show great ingenuity in converting establishments intended for other uses into prisons. Many administrations use both the last two measures. It may be of value during the preparations for the Congress to build up an inventory of possible measures to minimize the level or impact of prison overcrowding, including suggestions for both immediate action and longer term solutions. If policies of privatizing prisons are followed, these questions will become even more complex and difficult.

38. Alternative measures may be advocated either because they can contribute to the reduction of the negative effects of imprisonment or because they could serve to achieve the goal of reducing the prison population. The Seventh Congress emphasized, in its resolution 16, that non-custodial sanctions are a more humane way of facilitating rehabilitative efforts and that these are more likely to be successful when the public is involved. The preparatory meetings may wish to consider resolution 16 in detail and particularly the full range of specific alternatives to imprisonment, the rationale and philosophy that underly them and some national experiences in implementing them in practice, on the basis of the criteria spelled out in paragraph 4 of the resolution. All available alternative measures need to be assessed from a cost-benefit perspective, taking into account related humanitarian aspects. Recent progress in respect of a wider application of alternative non-custodial sanctions have been the subject of seminars and meetings held at the regional institutes. Alternatives to imprisonment will be the theme of the Research Workshop, which will be convened by the United Nations Social Defence Research Institute in co-operation with the Secretariat, the United Nations regional institutes and the Arab Security Studies and Training Center (ASSTC). Both substantive and organizational matters for the Workshop were agreed upon at the International Conference on Research in Crime Prevention, devoted to alternatives to imprisonment, which was held jointly by the United Nations Social Defence Research Institute and ASSTC, at ASSTC Headquarters, at Riyadh, Saudi Arabia, from 13 to 14 January 1988.

39. In view of all these developments, it is proposed that discussions at the preparatory meetings could focus on two lines of reasoning. First, attention should be given to trends in extending judicial guarantees over penal sanctions applied in the community, i.e., parole, probation, community work and other alternatives to imprisonment. Secondly, attention should likewise be given to more public scrutiny and judicial control of the correctional system, in order to improve the accountability of the prison administration, in accordance with resolutions 10 and 17 of the Seventh Congress. In this regard, the experience of countries that have experimented with various forms of limited self-management, the presence of the judiciary and the involvement of voluntary associations may be particularly valuable. These processes may make alternative measures more acceptable to the courts and the public at large and imprisonment more humane and bearable to convicted prisoners.

40. Many of the issues mentioned above were highlighted at an international symposium on, inter alia, topic 2 of the provisional agenda of the Eighth Congress, organized by concerned non-governmental organizations and held under the auspices of the United Nations (Milan, Italy, 29 November to 1 December 1987). The preparatory meetings may wish to identify viable options and, in furtherance of Economic and Social Council resolution 1986/10, section XI, contribute to the formulation of basic principles for the use of alternatives to imprisonment as well as safeguards for persons subjected to those alternatives.

41. The elaboration of such principles was initiated at UNAFEI as a follow-up to resolution 16 of the Seventh Congress, under the title "Standard minimum rules for the non-institutional treatment of offenders". Provisionally, they include provisions on the inventory of the most opportune types of alternatives to imprisonment and ways and means of reducing the prison population while improving the conditions for their social integration.

42. In order to direct the discussion at the preparatory meeting towards the specific issues of the topic suggested above, discussion of the following questions may be of assistance.

Questions for discussion

1. What new developments in the application of the "systemic" approach to criminal justice have occurred or are currently being implemented?

2. What benefits have resulted from the utilization of computer technology? In particular, what steps should be taken in the process of computerizing criminal justice system and what are the pitfalls to be avoided?

3. In respect of the following measures or policies, what changes have occurred and/or can be recommended for consideration by national administrations?

(a) Depenalization and availability of a wider range of formal sanctions;

(b) Mandatory or discretionary prosecution and sentencing policies, especially as they affect other parts of the criminal justice system and in particular the total of the prison population;

(c) The extent and scope of the use of pre-trial detention;

(d) The reduction of the population of convicted offenders in prison, by either decreasing the intake or shortening the period of incarceration;

(e) Specific policies within the prison system to cope with overcrowding when it exists and persists.

4. What are the major elements to be included in the newly proposed standard minimum rules for the use of alternatives?

(a) What are the benefits and drawbacks associated with the different alternatives? Which alternatives have been the most successful?

(b) What obstacles to the greater use of alternatives to imprisonment have been identified, and what solutions can be proposed?

5. What is the appropriate and most useful role for the United Nations and institutes in assisting countries in this regard?

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

43. The undeniable increase of transnational crime during recent decades has become a source of serious concern for many countries in different regions of the world. The growing internationalization of criminal activities, a by-product of the growing internationalization of world affairs in general,

has been stimulated largely by technological advances in transport and communications, which have made most regions of the world more easily accessible. At the same time, many national borders have become more permeable, both as a consequence of commerce and economic co-operation and of mass tourism.

44. Exploiting this new and more fluid international environment, criminal associations of different kinds have, in recent decades, extended their operations across frontiers to a much larger extent than in the past. This has been accomplished either directly or by the establishment of international co-operative networks of criminal associations, whose aim is to supply each other with material and logistical support. The immediate consequence has been not only an increase in the volume of transboundary criminal operations but also an improvement in their overall efficiency. The expansion of criminal activities beyond national borders has mimicked developments in various legitimate activities, such as trade, finance, scientific research and other economic, social and cultural endeavours.

45. This process has led to the establishment of highly effective transnational criminal organizations which seriously threaten, in numerous countries, to wreck the normal functioning of some basic social institutions and processes, thereby generating considerable economic and political instability. In addition, the activities of these criminal organizations also have a deleterious impact on international relations in general, including world commerce, financial transactions, the free movement of persons and political and economic co-operation. Under such adverse circumstances, it is not surprising that socio-economic development programmes are fatally weakened, to the great disadvantage of large segments of the population, particularly the more vulnerable sectors of society. In this manner, as well as more directly through violence, intimidation, fear, the spread of drug abuse, corruption and lawlessness, transnational crime wreaks havoc upon the physical and mental health of countless human beings, jeopardizing also the very survival of public institutions and democratic processes.

46. The increasing internationalization of crime raises some crucial questions concerning the issue of jurisdiction. In fact, in the opinion of a number of experts, the effective prevention and prosecution of transnational criminality necessitate an expansion of the concept of jurisdiction well beyond its current application. While universal jurisdiction would be the ideal objective, it should not be ignored that this expansion may well clash with the predominant notion of national sovereignty.

47. In response to the challenge of transnational crime, the Seventh United Nations Congress placed particular emphasis on the international dimensions of crime, as reflected in the Milan Plan of Action and the resolutions on organized crime, the struggle against illicit drug trafficking and criminal acts of a terrorist character. The resolutions of the Seventh Congress were unanimously endorsed by the General Assembly in its resolution 40/32 of 29 November 1985.

48. The same deep concern was again reflected in resolution 1986/10 of 21 May 1986 of the Economic and Social Council (section I), in which the Council urged the Secretary-General to accord priority to the development of specific proposals to co-ordinate international action against crimes of international dimensions, as well as in General Assembly resolution 41/107 of 4 December 1986, paragraph 6, and 42/59 of 29 November 1987, paragraph 2.

### Organized crime

49. The internationalization of organized crime has been reflected in the emergence of important illegal world markets which involve the exchange of a large variety of illicit goods and services. Although illicit drug trafficking probably accounts for the largest share of organized crime's criminal transactions, these illegal operations also include weapons, industrial secrets, unlawfully acquired assets and human economic and sexual slavery, to mention some of them.

50. The financial volume of the criminal operations transacted in the illicit world markets is, because of their very nature, extremely difficult to ascertain. Suggested estimates, however, run into billions of dollars. Such sums are comparable with the volume of operations of some of the largest transnational corporations and exceed the national budgets of a large number of States.

51. The unlawful activities of organized crime are often managed in accordance with regular business administration practices utilized in the management of legitimate commercial enterprises in the modern world. As a result, transnational criminal operations are characterized by a high level of efficiency and risk avoidance. This is reflected in their volume of operations and immense profits and in the difficulties encountered by law enforcement agencies in the detection and control of these transactions. A further consequence is that even when the criminal justice system is successful in bringing to justice leading organized crime figures, this rarely results in the destruction of the organization itself, since "managerial" replacements are usually ready to step into place.

52. The growing power of such "transnationals of crime" has, understandably, aroused concern in a growing number of countries, both developed and developing. The concerted and systematic exploitation of illegal world markets by criminal associations operating transnationally is having an impact upon the economic, political and social life of numerous countries, the magnitude and seriousness of which cannot be overestimated. Thus, widespread bribery and corruption in many national administrations, or the threat and use of violence against unco-operative officials, are undermining the effectiveness of public services in the performance of their administrative tasks. The resulting weakening of the governmental apparatus leads to greater impunity and facilitates further criminal activities. In addition to generating gross administrative inefficiency and waste, corruption causes demoralization and cynical opportunism, which weakens the honest values of society at large, greatly reducing the possibility of effective social control. The end result of this degenerative process may be a degree of social disruption that is extremely difficult to combat, particularly since a large and important segment of the population may be directly or indirectly profiting from the network of organized crime. This may lead to a popular reaction against the authorities who are trying to eradicate criminal organizations, as has occurred in various countries in the recent past.

53. Moreover, the internationalization of organized crime has tended to blur legal responsibility, especially where thorny questions of jurisdiction are involved. There is also some evidence that certain sectors of government may become the accomplices of organized crime and thus have a vested interest in protecting its multifarious operations.

54. An alarming development in organized crime activities has been their increased infiltration into legitimate business in recent years, both at the national and transnational levels. This process derives from a variety of



reasons and is intended to serve different purposes. Legitimate business often serves as a convenient cover-up for large-scale illegal operations. It is estimated that only a part of the profits made by organized crime is used for the continuation of illegal activities and that the larger share is channeled to off-shore financial centres or diverted into overseas holdings. The situation is exacerbated by the fact that the national and international banking institutions involved in these transactions have a vested interest in protecting the identity of their clients. Thus the funds involved eventually become part of international finance capital. The infiltration of legal businesses, especially those engaged in international transactions, can therefore serve for the disposal of a sizeable part of the illegal profits.

55. The need to "clean" very large sums of illegally acquired funds represents perhaps the most vulnerable spot in the structure and functioning of organized crime. The difficulties inherent in such large-scale laundering operations are the cause of the search for financial havens in third countries. Unfortunately, the banking legislation in some countries, by providing levels of secrecy that would seem to go well beyond what would be reasonable protection of the confidentiality due to bona fide customers, appears to facilitate such laundering operations and to add to the difficulties in tracing assets obtained through drug trafficking and other forms of organized crime. Moreover, owing to the fact that banking, tax and investment legislation varies from country to country, transnational offenders can, relatively easily, find loopholes in national laws and procedures and can quickly adapt laundering schemes and techniques to hide their ill-gotten gains.

56. In this connection, the Seventh Congress, in its resolution 1 on organized crime, urged Member States to increase their activity at the international level in order to combat organized crime, including becoming parties to multilateral and bilateral treaties on extradition and mutual legal assistance and called upon them to modernize national criminal law and procedure, when needed, through measures providing for the forfeiture of illegally acquired assets. Furthermore, in resolution 2 on the struggle against illicit drug trafficking, the Congress invited Member States, inter alia, to introduce or strengthen all legal instruments that can facilitate the investigation of the proceeds from illicit traffic or allow the tracing, freezing and forfeiture thereof and to take all necessary legislative measures to maximize co-operation among States in the latter of investigation of illicit profits and their forfeiture. In addition, in resolution 3 on international co-operation in drug abuse control, Member States were invited to take full advantage of the facility offered by the United Nations Fund for Drug Abuse Control to pool resources and thus achieve a greater impact through improved co-ordination and unified programming, and urged them to initiate or increase substantially contributions to the Fund.

57. The First Interregional Meeting of Heads of National Drug Law Enforcement Agencies, held at Vienna in mid-1986, recommended that Governments should take measures, within the basic principles of their legal systems, to establish it as a criminal offence to knowingly receive, acquire or use assets derived from illicit drug trafficking and should authorize the issuance of judicial or executive orders for the production of bank and financial records that might be required in order to identify or trace the proceeds of drug trafficking. Furthermore, the Meeting recommended also that Governments should take measures providing for the freezing, seizing, forfeiture and confiscation of such assets.

58. In a similar spirit, the International Conference on Drug Abuse and Illicit Trafficking, held at Vienna in mid-1987, adopted the Comprehensive

Multidisciplinary Outline of Future Activities; in chapter III it is proposed, inter alia, to review national legislation with a view to introducing modifications to facilitate and ensure the seizure, freezing and forfeiture of the objects used in drug trafficking as well as the proceeds. The introduction of mutual judicial assistance and the facilitation of extradition were also recommended. Financial associations could, in this connection, devise codes of conduct whereby their members would pledge to assist the authorities in tracing the proceeds of trafficking activities. In line with these proposals, article 3 of the draft of the new Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, on which work is still in progress by an intergovernmental group of experts, requests parties to the Convention to "adopt national legislative and administrative measures to facilitate the identification, tracing, freezing, seizure and forfeiture of proceeds". Under such circumstances, it is clear that international co-operation in the control of inter-country financial transactions could add a degree of transparency to certain capital transfers and thereby discourage massive laundering operations. Such co-operation could conceivably include, in addition to the disclosure of money sources and amounts, measures for the seizure, forfeiture and confiscation of funds for which no legal source can be found. All these recommendations, made with respect to drug trafficking, could conceivably be extended to other areas of activity of organized crime.

59. It is clear that such sophisticated organizational forms and means as those utilized by organized crime require a commensurate response, rather than relatively out-dated and piece-meal efforts. Since criminal organizations and their operatives profit from legal loopholes, differences in national legislation and inadequate means of enforcement, only a concerted and well-integrated international response holds some promise of success.

60. In this respect, some countries have succeeded, in recent years, in devising simplified procedures for the extradition of offenders. More effective means for the exchange of information concerning the activities of criminal organizations are also being institutionalized, which could have a positive impact on prevention. The same is true of intensified judicial co-operation. In addition, some countries have enacted legislation aimed at defining bank secrecy in a narrower way and have expanded the judicial power to initiate investigations in this respect, so as to avoid such secrecy being used as a cover for illicitly acquired funds. Along the same lines, legislation has been adopted or is being considered that would permit the seizure and confiscation of such funds. All these measures will promote greater accountability in financial transactions without sacrificing human rights, separating the permissible uses of secrecy from its abuse. The Eighth Congress would benefit from action-oriented inputs on these issues that could lead to the formulation of draft conventions, practical guidelines and standards, model agreements that could guide negotiations between countries and recommendations that could assist the efforts of the international community as a whole and of individual Member States in introducing relevant new legislation. In this connection, the International Seminar on Policies and Strategies to Combat Organized Crime, held at the University of New Mexico, 8-11 December 1987, proposed a number of measures, examined, inter alia, a draft model treaty on mutual assistance in criminal matters and recommended that this draft instrument be further elaborated by the preparatory meetings for the purpose of submitting it to the consideration of the Eighth Congress.

#### Terrorist criminal activities

61. The frequency and lethal impact of criminal acts of a terrorist character have increased in recent years. As a result, countless innocent persons are

exposed to the danger of indiscriminate violence. The phenomenon has grown in geographical scope, as well as in the number and dramatic nature of the cases.

62. In the opinion of experts, terrorism is not likely to diminish in intensity in the near future, unless more effective co-operation is established. In fact, a global system of competitive arms sales makes modern weapons more easily available to terrorist groups; mass communications assure instantaneous publicity for terrorist acts, thus accomplishing one of the main terrorist objectives, and travel between different countries has become easier; all these factors facilitate the commission of terrorist acts. Under these circumstances, closer international co-operation and improved domestic co-ordination of all entities involved in the struggle against terrorism are indispensable components of effective anti-terrorist policies and strategies. Furthermore, the role of the mass media in recruiting the assistance and co-operation of the population while, at the same time, denying the terrorists the sensationalist publicity that is one of their objectives could be of crucial importance in this respect.

63. The international dimensions of contemporary terrorism manifest themselves in two distinct, albeit related, ways. First, terrorist attacks may be decided on and prepared in a country other than the one in which they are actually carried out. As in some hijacking cases, the entire drama may unfold in still other countries before reaching its final violent or negotiated conclusion. Similarly, weapons and explosives may be transported across national boundaries before reaching their point of destination. Secondly, there is evidence that closer ties have been established, in recent years, among different terrorist groups. Thus, although perhaps not reaching the levels of operational co-ordination attributed to transnationally organized crime, terrorist co-operation seems to have progressed to the point where it is justifiable to speak of internationally organized terror.

64. Equally alarming, in view of its disproportionate dangerousness, is the growing internationalization of what has come to be known as "state terrorism". In such cases, the terrorist operations are either sponsored, organized, encouraged, directed or materially and logistically supported by a State for the purpose of intimidating another State, person, group or organization. State-sponsored terrorist activities, however, usually differ from acts of war-like aggression in that they tend to be of a secret and covert nature. Moreover, the State in question almost always strenuously denies any involvement in the terrorist operations. As can be readily understood, detection and punishment are rather problematic in the absence of a better developed world order, since penal sanctions against a sovereign state are not within the purview of criminal law.

65. Although much terrorism is ideologically inspired, criminal acts of a terrorist nature have had, on numerous occasions, solely economic gain as their objective. At the same time, experts have ascertained an increasing frequency of mixed motives, goals and participating groups. In fact, a high degree of co-operation between terrorist groups and organized crime seems to have occurred on certain occasions in recent years, linking, for instance, drug trafficking with arms smuggling. What is important to recognize is that all acts of terrorism, irrespective of the reasons, goals or motivations behind them, are, because of their lethal consequences and violent means used, acts of a criminal nature and, as such, condemnable and subject to prosecution. This would imply that offenders of those criminal acts characterized as international terrorism must be controlled through proper investigation, prosecution, trial and conviction if found guilty, regardless of their motivations and objectives.

66. A major difficulty in attaining effective international control of terrorist activities lies in the plurality of ideological and political systems characterizing today's world. Nonetheless, some international instruments and resolutions on the subject have been adopted. The General Assembly, in its resolution 1186 (XII) of 11 December 1957, for instance, affirmed that the sending of terrorist groups from one State to another should be considered as a form of aggression. In General Assembly resolution 2625 (XXV) of 24 October 1970 on the Declaration on Principles of International Law Concerning Friendly Relations and Co-operation among States in Accordance with the Charter of the United Nations, it is stipulated that every State has the duty to refrain from organizing, instigating, assisting or participating in acts of civil strife or terrorist acts in another State and shall not organize, assist, foment, finance, incite or tolerate subversive, terrorist or armed activities directed toward the violent overthrow of the régime of another State.

67. Furthermore, the General Assembly adopted, on 18 December 1972, resolution 3034 (XXVII), in which it recognized the importance of international co-operation in devising measures to effectively prevent the occurrence of acts of international terrorism and decided to establish an Ad Hoc Committee on International Terrorism, entrusting it with the task of drafting recommendations for possible co-operation for the speedy elimination of the problem. Since then, the Committee has issued a number of reports on this matter containing, inter alia, various recommendations for international action. In pursuance of some of these, the General Assembly adopted the Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents (resolution 3166 (XXVIII) of 14 December 1973), as well as the International Convention against the Taking of Hostages (resolution 34/146 of 17 December 1979).

68. In connection with the suppression of hijacking, the International Civil Aviation Organization (ICAO) has been the forum where the most significant initiatives in this respect have been adopted. Thus, the Tokyo Convention on Offenses and Certain Acts Committed on Board Aircraft was adopted on 14 September 1965 and entered into force in 1969. In addition, the Hague Convention for the Suppression of Unlawful Seizure of Aircraft and the Montreal Convention for the Suppression of Unlawful Acts Against the Safety of Civil Aviation entered into force in 1971 and 1973, respectively.

69. Furthermore, three instruments with a regional scope have been adopted in an effort to combat international terrorism. These include the Convention to Prevent and Punish the Acts of Terrorism Taking the Form of Crimes Against Persons and Related Extortion that Are of International Significance (the Organization of American States Convention) adopted in 1971; the European Convention on the Suppression of Terrorism (1978); and the Dublin Agreement on the Application of the European Convention for the Suppression of Terrorism (1980).

70. It would appear, however, that considerably closer practical co-operation between States will have to be developed if more substantial successes in the fight against terrorism are to be obtained. The exact form of these efforts remains an open question. Under certain circumstances, useful results may be achieved through bilateral co-operation, but multilateral arrangements of a global nature remain the goal in an advanced world order. A large number of bilateral agreements could form such a dense network of reciprocal obligations that they could conceivably approach the effectiveness of an international agreement; the best solution remains, however, the establishment of a system of international co-operation that would deny sanctuary to perpetrators of

terrorist acts, by obliging States either to extradite them or to refer cases to their proper authorities for prosecution.

71. In spite of the difficulties inherent to the issue at hand, as well as to the responses to it, which are often dictated by extraneous political considerations, the adoption by consensus at the Seventh Congress of resolution 23 on criminal acts of a terrorist character gives reasons for hope by indicating the existence of a common ground upon which further agreements may be developed. In the preambular paragraphs of the resolution, it was noted that terrorist activities, including kidnapping and murder, hijacking, the taking of hostages and the destruction of property, seriously impaired freedom and the political stability of communities and grave concern was expressed at the human, social and economic cost of terrorist attacks and the threat posed by them to normal international intercourse, particularly in the areas of travel, commerce and diplomatic relations.

72. In the operative paragraphs of resolution 23, all States were called upon to take the necessary steps to strengthen co-operation, particularly in the areas of extradition and mutual legal assistance, and were urged to adopt legislation to strengthen legal measures against acts of terrorism and to facilitate the exchange of information in order to improve the ability of Governments to prevent terrorist violence. Furthermore all States that had not yet become parties to the relevant multilateral conventions were invited to do so in an expeditious manner and they were urged to facilitate the effective application of law enforcement measures to those who commit violent terrorist acts, to rationalize extradition procedures and to avoid inappropriate exceptions. Taking into account the importance of this resolution, particularly in view of the practical measures that have been identified, it might be opportune to base further discussion on this issue on its provisions.

73. After protracted consideration of the question of terrorism and its causes, the General Assembly adopted resolution 40/61 of 9 December 1983 entitled "Measures to prevent international terrorism which endangers or takes innocent human lives or jeopardizes fundamental freedoms and study of the underlying causes of those forms of terrorism and acts of violence which lie in misery, frustration, grievance and despair and which cause some people to sacrifice human lives, including their own, in an attempt to effect radical changes". In that resolution, the General Assembly unequivocally condemned terrorist acts as criminal; deplored the loss of human lives resulting from them; and appealed to States to become party to relevant international conventions and to implement the recommendations of the Ad Hoc Committee on International Terrorism. It invited them to take all appropriate measures at the national level towards the speedy elimination of international terrorism and called upon all States to refrain from organizing, instigating, assisting or participating in terrorist acts in other States. It also urged States to co-operate with one another more closely and further urged them, and the relevant United Nations organs, to contribute to the elimination of the underlying causes of international terrorism, as well as to take the necessary further steps for its prevention.

74. Closer co-operation, aimed at coping more successfully with the threat of international terrorism, has begun to be gradually implemented in recent years in some regions of the world. In addition to an improved flow of information concerning the activities and membership of terrorist organizations, this co-operation has been reflected in the co-ordination of preventive strategies and policies through fairly regular meetings of the responsible ministers. Furthermore, measures facilitating extradition of suspected or sentenced

terrorists, exclusion and deportation have found some favour with certain Governments. An Ad Hoc Group of Experts on Topics 1 and 3 of the Eighth Congress, held at Siracusa, Sicily, from 21 to 23 January 1988, and jointly organized by the International Institute of Higher Studies in Criminal Sciences, the Centro Nazionale di Prevenzione e Difesa Sociale and the Centre for Social Development and Humanitarian Affairs of the United Nations Office at Vienna, examined different modalities and possibilities of international co-operation to combat international terrorism and formulated recommendations for the development of practical measures and means to render more effective the efforts of the international community in preventing and controlling terrorist criminal activities.

75. In the light of the above, the following questions may help to elicit information on the positions of Governments as well as expert opinions on the various aspects highlighted above, as a basis for the preparation of the working paper on this agenda item.

Questions for discussion

1. What kind of approach to this agenda item would be considered most useful from a national, regional and international perspective? How could its scope be delimited and its focus sharpened?

2. With respect to organized crime:

(a) To what extent is the economy harmed by such activities, and what measures have been taken to counteract them?

(b) What has been the impact of these activities on social and political stability?

(c) What initiatives would be most effective in combating organized crime in general or different types of it?

(d) What forms can effective international co-operation for the control and eradication of organized crime and terrorism take?

(e) What measures would be needed to ensure the seizure and confiscation of illegal funds?

(f) What measures would be most effective for the implementation of existing treaties of international co-operation in this endeavour? Have there been any measures aimed at establishing some form of centralized co-ordination vis-à-vis organized crime?

(g) What are the possibilities of formulating and adopting an international banking code?

3. With respect to terrorism:

(a) What innovations in national approaches may be required to attain more effectiveness in combating terrorism?

(b) What measures, if any, have been taken to establish centralized co-ordinating structures to deal with terrorist activities?

(c) What role could the mass media play within national anti-terrorist strategies and policies?

(d) What are the practical actions for the establishment of more effective international instruments to combat terrorism?

(e) What would be the most adequate modalities for establishing closer co-operation in this area between countries?

(f) What are the major obstacles to the improvement of such co-operation?

(g) What is the impact of State terrorism on international co-operation and what can be done about it?

4. With respect to both:

(a) What seem to be the interfaces between organized crime and terrorism, and what strategies would be used against them?

(b) What role can the United Nations play in the struggle against internationally organized crime and transnational terrorism?

(c) How can the idea of an international criminal jurisdiction become a reality?

Topic 4. The prevention of delinquency, juvenile justice and the protection of the young: policy approaches and directions

76. This topic represents the latest stage in the progressive evolution of thought and action under the aegis of the United Nations congresses which, over the years, have approached many of the problems and prospects of juvenile justice from different perspectives, recognizing that the vulnerable situation of the young and that the appropriate intervention mechanisms require constant review and improvement. The Seventh United Nations Congress made major advances by establishing a set of universally accepted principles regarding the protection of the rights of juveniles in conflict with the law. These principles are based on the notion of separate systems and measures for juveniles and are spelled out in the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (The Beijing Rules), which were adopted by the General Assembly in its resolution 40/33 of 29 November 1985.

77. As five years will have passed since the adoption of the Beijing Rules, it would be opportune for the Eighth Congress to review the progress made in their implementation, focusing particularly on the interplay and gaps existing between theory and practice, law and reality, as well as the elaboration of implementation mechanisms, so as to maximize their impact in bringing about change and reform in justice systems. In that connection, the Eighth Congress might consider ways and means of most effectively advancing programme formulation and application, thus contributing, in consonance with the Rules, to the development and further improvement of juvenile justice systems.

78. At the national level, various initiatives have been taken to ensure that the provisions of this international instrument are embodied in substantive and procedural law, translated into policy and followed in practice. Progress has been reported by a number of countries, particularly with respect to areas where previously there was little or no differentiation between adults and juveniles, including, by way of example: the establishment of separate juvenile courts; improved professionalization of juvenile justice personnel; specialization within the police to handle juvenile cases; enactment of specific legislation, such as child acts and codes of procedure; provision of

separate detention facilities for juveniles; offender classification; legislative initiatives regarding raising the age of criminal responsibility; and de-criminalization.

79. At the regional and international levels, numerous activities have been undertaken, including increased research, field visits, study tours, professional courses for juvenile justice personnel and advisory services, joint programming and pilot projects. The United Nations institutes have been closely involved in translating the policy approach and provisions of the Rules to concrete changes in juvenile justice operations, especially through the training of practitioners and decision-makers in this field. Also, numerous non-governmental organizations concerned with children's rights, such as Defence for Children International (DCI), have played an important advocacy role and have contributed greatly to juvenile justice reform through the Beijing Rules.

80. In order to attain one of the fundamental policy maxims of the Beijing Rules - the least possible use of juvenile detention - it is necessary to examine the prevailing conditions and circumstances under which juveniles are deprived of their liberty around the world. The danger of deprivation of liberty during the most important formative period of personal development is severe enough to justify its strictly minimum use for young offenders and its gradual replacement by other, non-custodial measures, both new and traditional.

81. Evaluation research demonstrates, however, that alternative reactions may represent a so-called "net widening", leading to an expansion of the degree of control, wherein growing numbers of juveniles who need no corrective measures are subjected to them, without due legal safeguards and with stigmatizing effects, marking them for the rest of their lives.

82. The incarceration of juveniles with adults represents another serious risk situation, as underscored by the Seventh Congress. Since current procedures and practices that do not markedly differentiate between juvenile and adult offenders at the various stages of justice administration have adverse repercussions, including contributing to the amount of seriousness of adult criminality and career offending, these issues deserve priority attention.

83. Against this background, and as a matter of priority, the Eighth Congress should review and consider a new set of draft standard minimum rules for the protection of juveniles deprived of their liberty, in pursuance of resolution 21 of the Seventh Congress and Economic and Social Council resolution 1986/10 (section I). In line with the aim and in the spirit of the Beijing Rules, the new draft rules should recognize that young persons have the right to benefit from measures designed to meet their special needs and to protect their well-being, with due regard to their individual characteristics and personality formation. Emphasis should also be placed on resolving cases of youth in trouble outside the formal system, particularly through community-based infrastructure and resources and through innovative rehabilitation models.

84. As a key concern in the juvenile justice field, delinquency prevention has been accorded high priority by the Seventh Congress and by the General Assembly, which, in its resolution 40/35 of 29 November 1985, called for the formulation of additional international standards in this respect. Thus, the proposed United Nations draft standards for the prevention of juvenile delinquency will be before the Eighth Congress for consideration. The Eighth



Congress is to set the stage for concerted action to deal with the persistent problem of youth in trouble. From the springboard of the Beijing Rules and as recognized by the General Assembly, delinquency prevention should be characterized by a new and special approach, with the basic aim of providing the requisite assistance, a range of opportunities and a supportive framework to meet the varying needs of the young and of fostering their personal development, while ensuring their education and purposeful job placement in the outside world. All this necessitates appropriate action directed at minimizing the disadvantageous circumstances and conditions which heighten youth's vulnerability to crime and victimization.

85. As major problems have derived from the conceptual and definitional understanding of the notion of "delinquency", the parameters of "prevention" and the distinction made between "serious" and "minor" infractions, it would be appropriate for the preparatory meetings to consider these matters in depth, with a view toward a progressive reduction of the range of behaviour to which the label of delinquency is applied.

86. In this perspective, the proposed new standards on delinquency prevention should be considered as general principles, aiming at promoting justice for young persons in different categories and situations: those in conflict with the law, those who may not be in conflict with the law but who are "at social risk" and those in need of care and protection (e.g. those who are abandoned, abused, neglected, homeless or in marginal and vulnerable circumstances). Thus, the Eighth Congress could focus on modalities for early protective and preventive intervention, guided by the need for favourable to psycho-social development and the need to safeguard individual rights and well-being. This entails a thorough re-examination of specific techniques or strategies employed for delinquency prevention, including broad social policy measures. Consideration of those social control processes and regulatory mechanisms, as well as child-rearing practices, which have an impact on the changing patterns of the socialization and rehabilitation of young persons in the contemporary world, would be central to this exercise.

87. The Committee on Crime Prevention and Control, in its capacity as preparatory body for the Eighth Congress, recommended that considerable emphasis should be given to victimization of the young and to its substantive interlinkages with and implications for delinquency prevention and juvenile justice. Under this item, the Eighth Congress may examine innovative policy options on behalf of young victims, focusing particularly on domestic violence against, involving and affecting the young, in line with General Assembly resolution 40/36 of 29 November 1985, on youthful offences associated with illicit drugs and on the exploitation, sale and traffic of children. This calls for action-oriented strategies to promote a more effective response on the part of juvenile justice systems and the machinery of justice as a whole and at all levels.

88. The Seventh Congress reiterated that youth was a particularly vulnerable population group deserving special attention and that initial lapses of young persons into crime often occurred because of a victimizing situation, owing to socio-economic conditions, adult manipulation, blocked opportunities and alienation. Child abuse, both within the family and in institutional contexts, and the phenomenon of "street children", who, while victimized themselves, are progressively co-opted into and drift towards delinquent activities, require increased attention.

89. Similarly, since it is widely acknowledged that the largest consumer group of illicit drugs and the major victims of illicit drug traffic are young persons, concerted action to control illicit drug traffic and to prevent drug

abuse has to focus on this population group, with strategies aimed specifically at early prevention, in the light of their vulnerable situation and susceptibility.

90. The exploitative practice of child-sale and traffic is also a phenomenon that has reached serious proportions in recent years, causing world-wide concern with this new form of slavery and warranting immediate policy counter-measures. In view of the large number of young persons entrapped in irregular circumstances by virtue of default, efforts to prevent this victimization should be encouraged and new avenues leading to the solution of the underlying causes further explored.

91. In fact, it has to be recognized that there are virtually millions of young "crimeless" victims, who, because of their vulnerability, turn to or are subjected to exploitative practices and who, by virtue of mere involvement, may find themselves in very conflictive situations. This is an area which requires effective and urgent inter-agency co-operation among all relevant United Nations agencies, particularly the United Nations Children's Fund (UNICEF) and the United Nations Educational, Scientific and Cultural Organization (UNESCO). Joint work needs to be undertaken with respect to research, data analysis and clear policy positions, in order to establish concrete intervention programmes and thus stop these inadmissible practices.

92. Furthermore, as emphasized by the Seventh Congress in its resolutions 19 and 20, a strategic focus of sound delinquency intervention is scientific insight and an expanded knowledge-base. In this context, delinquency prevention is viewed as a process of periodic problem identification, strategy building, policy analysis and evaluation, aimed at ensuring that current approaches and practices are based on valid criteria and yield viable results.

93. With a view towards improving the overall quality of juvenile justice, it is useful to develop methodological instruments that will help to resolve difficulties in: assessing youthful crime; determining the factors related to it; ascertaining profiles of juvenile justice systems; and appraising the appropriateness of intervention measures. Towards this end, the Secretariat, in co-operation with the Economic and Social Commission for Asia and the Pacific (ESCAP) and the United Nations network of regional institutes, is conducting the First United Nations Survey on Juvenile Crime and Prevention and Treatment Modalities, 1970-1985.

94. Moreover, as delinquent behaviour involves a complex interplay of many factors, its prevention requires the integration of the efforts of a range of institutions, groups and individuals, a multi-disciplinary perspective and a multi-service orientation. Thus, the Eighth Congress might pay close attention to ways and means of promoting multi-sectoral planning and programming for the setting-up of appropriate organized structures in which comprehensive and co-ordinated action could be undertaken rather than piecemeal measures that have relatively little preventive value.

95. Within the above general framework, the following questions are suggested to generate discussion at the preparatory meetings:

Questions for discussion

1. What are the characteristic elements which make up the "profile" of a juvenile justice system, enabling useful cross-national comparison?

2. What initiatives have been taken to promote and safeguard juvenile justice since the Seventh United Nations Congress?

3. Which principles should guide a general approach to delinquency prevention? Are there specific national policies on the question? In particular:

(a) What is the scope of delinquency prevention? How can delinquency prevention be more closely linked to service-delivery systems (e.g., education, mental health, social work, substance abuse prevention and control)?

(b) What is the spectrum of community-based services for youth in trouble? What have been the most successful experiences in this regard? What are the practical difficulties, if any, and how can they be overcome?

(c) What role have research and evaluation played in intervention strategies, both formal and informal, to prevent delinquency, and how can they be more fully utilized as a guide to action?

4. What interventions are most appropriate to minimize juveniles "at social risk" being labelled as "delinquent"?

5. Have any efforts been made to reduce juvenile detention? Which alternatives to juvenile institutionalization have proven most effective and by which criteria?

6. What practical effects did the policy approach of the Beijing Rules have on the profile of justice administration?

7. How can the Beijing Rules most effectively be promoted and implemented and how could the role of the Committee on Crime Prevention and Control be enhanced in this respect?

8. What other options could usefully be employed, and how can the United Nations system help to promote appropriate operational action in the juvenile justice field, particularly with the involvement of those agencies dealing with the protection of children's rights?

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

96. The inclusion of this topic in the agenda of the Eighth United Nations Congress is an expression of the long-standing concern of the international community with the humanization of criminal justice. Since its foundation, the United Nations, drawing on the principles of the Charter of the United Nations and the International Bill of Human Rights, has played a crucial role in the formulation of several international instruments in crime prevention and criminal justice. The United Nations congresses on the prevention of crime and the treatment of offenders have greatly contributed to this process of standard setting, starting from the First Congress in 1955 which adopted the Standard Minimum Rules for the Treatment of Prisoners (Economic and Social Council resolution 663 (XXIV)).

97. Based on the recommendations of the congresses, other important instruments have been adopted in more recent years, such as the Declaration on the Protection of all Persons from Being Subjected to Torture and Other Cruel,

Inhuman or Degrading Treatment of Punishment (General Assembly resolution 3452 (XXX)); the Code of Conduct for Law Enforcement Officials (General Assembly resolution 34/169); the Principles of Medical Ethics relevant to the role of health personnel, particularly physicians, in the protection of prisoners and detainees against torture and other cruel, inhuman or degrading treatment or punishment (General Assembly resolution 37/194, annex); the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (General Assembly resolution 39/46); the Safeguards Guaranteeing Protection of the Rights of those Facing the Death Penalty (Economic and Social Council resolution 1984/50); and the Procedures for the Effective Implementation of the Standard Minimum Rules for the Treatment of Prisoners (Economic and Social Council resolution 1984/47).

98. The task of the United Nations in this field has been extended by additional standards adopted by the Seventh Congress, namely the Guiding Principles for Crime Prevention and Criminal Justice in the Context of Development and a New International Economic Order; 9/ the United Nations Standard Minimum Rules for the Administration of Juvenile Justice ("The Beijing Rules"); 10/ the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power; 11/ the Basic Principles on the Independence of the Judiciary; 12/ and the Model Agreement on the Transfer of Foreign Prisoners and recommendations on the treatment of foreign prisoners. 13/ Periodic surveys of the extent to which these and other standards are being applied provide a yardstick to gauge the accomplishments of individual countries and common progress towards postulated goals.

99. This topic also derives directly from the mandates of the General Assembly which, in its resolution 41/149 on human rights in the administration of justice, requested the Economic and Social Council and, through it, the Committee on Crime Prevention and Control to keep these matters under constant review and to continue to pay special attention to effective ways and means of implementing existing standards, and promote new developments in this area. Subsequently, the Assembly, in its resolution 42/143, requested the Secretary-General to continue to devise strategies for the practical implementation of United Nations standards and norms on human rights in the administration of justice. The Assembly also requested the Secretary-General to assist Member States, at their request, in this implementation as well as in evaluating their impact and effectiveness, in particular under the advisory services of the Department of Technical Co-operation for Development, of the Centre for Human Rights and the Centre for Social Development and Humanitarian Affairs. Furthermore, the Economic and Social Council, in its resolution 1986/10 on implementation of the conclusions of the Milan Congress, requested the Secretary-General to give particular consideration, inter alia, to the implementation of existing standards and to assist in formulating new guidelines, principles and model agreements in specific priority areas.

100. Successful implementation naturally requires international action, but, above all, it depends on the efforts made by Governments within their domestic jurisdiction. United Nations guidelines and standards in crime prevention and criminal justice have a base of broad international support; they are sufficiently general to respond to different stages of development but they also express universal principles to which the international community has committed itself.

101. While numerous countries have successfully implemented these guidelines and standards, there still exist, as relevant United Nations surveys indicate, shortfalls in their effective application in many parts of the world. Among major obstacles to successful implementation, as indicated at past congresses,

are: the lack of co-ordinated action; a shortage of funds; the low priority accorded to such matters; inadequate human and professional resources; and, all too often, lack of political will and public apathy. Greater public awareness of issues might enlist support and additional resources at all levels.

102. It would, therefore, be very useful to consider measures for the effective implementation and follow-up of policies already internationally agreed. As recommended by the Committee on Crime Prevention and Control, it would be appropriate to focus attention, first of all, on the assessment of the impact achieved in the application of existing standards and guidelines, as well as the difficulties encountered. For this purpose, the Congress will have before it recent surveys on the practical application of relevant United Nations instruments in Member States, for example the Standard Minimum Rules for the Treatment of Prisoners, the Code of Conduct for Law Enforcement Officials, the Basic Principles on the Independence of the Judiciary, "The Beijing Rules", the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power and the Safeguards guaranteeing the rights of those facing the death penalty.

103. Specific areas in which the United Nations could assist interested Governments in implementing guidelines and standards and thus in translating them into reality include the following: devising effective procedures for application in the context of strategies for economic and social development; strengthening technical co-operation and advisory services; incorporating the United Nations instruments in national legislation and making the standards and guidelines available, in an appropriate language and form, to all persons concerned; using educational and promotional processes in schools, colleges and academies of criminal justice, as well as law faculties; exploring the role of the mass media and eliciting its support; increasing community involvement and creating an atmosphere conducive to the observance of the principles embodied in the instruments, as well as exploring ways of overcoming resistance towards them; establishing and strengthening of national committees for the promotion of United Nations norms and guidelines; and enhancing evaluative research. All this implies, however, the provision of additional financial and human resources, both by concerned Governments, e.g., through increased contributions to the United Nations Trust Fund for Social Defence, as well as by international funding agencies, such as UNDP, particularly when developing countries include specific projects in their country programmes.

104. At the international level, the role and scope of United Nations activities in promoting the more effective application of guidelines and standards at the regional and interregional levels should also be re-assessed. Future action should be geared towards wider dissemination of reports submitted to the Committee on Crime Prevention and Control, and its review thereof, as well as strengthening the role of the Committee and the congresses in overviewing, evaluating and following up such reports, including appropriate recommendations. Furthermore, collaboration with other Secretariat units, such as the Centre for Human Rights and the Office of Legal Affairs, should be enhanced, e.g., through a regular exchange of information and review of research studies and standard setting. Finally, adequate support should be provided to the interregional and regional United Nations institutes for crime prevention and criminal justice, and advisory services in this area should be reinforced, with follow-up action at the national level, in order to meet requests for technical co-operation from countries of their respective regions.

105. Besides assisting in the implementation of what has already been adopted, the United Nations also needs to consider new policies and norms. It must constantly explore fresh options and policy responses to changing needs and priorities. Thus, in continuation of the history of development of criminal justice instruments by the United Nations, it is also necessary to encourage new initiatives and to formulate further universally acceptable principles, as identified by Member States and United Nations legislative bodies, so as to contribute to strengthening international co-operation in the social and humanitarian field.

106. At the request of the Economic and Social Council, in its resolution 1986/10, and following the recommendations of the Committee on Crime Prevention and Control, work has already been initiated on the formulation of new standards and guidelines on the following issues: prevention of juvenile delinquency and treatment of juveniles deprived of their liberty (see topic 4); implementation of the Basic Principles on the Independence of the Judiciary; alternatives to imprisonment and social integration of offenders (see topic 2); transfer of criminal proceedings and transfer of supervision of foreign offenders conditionally sentenced or conditionally released; the role of lawyers; prevention and investigation of extra-legal, arbitrary and summary executions; the use of force and firearms by law enforcement officials; implementation of the Safeguards Guaranteeing Protection of the Rights of Those Facing the Death Penalty. In addition, a study is being prepared on the question of capital punishment and new contributions of criminal sciences in this matter.

107. One important area deserving priority attention is the implementation of the Guiding Principles for Crime Prevention and Criminal Justice. It will be recalled that the Seventh Congress, in adopting the Principles, called upon the Committee to consider necessary ways and means to ensure appropriate action to follow up on their implementation, including steps to be undertaken to ensure the widest possible dissemination of the Principles and the intensification of information activities in this field.

108. Other significant areas where guidance of the preparatory meetings would be especially relevant include the treatment of victims of crime and abuse of power and the prevention of victimization as well as the promotion of the objectives of the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power. In particular, there may be a need for international means of recourse for victims if national laws and regulations are insufficient as well as for more detailed implementation procedures for the provisions of the Declarations aimed at curtailing victimization through the abuse of power. Reference may be made to the effective assistance which the World Society of Victimology and the World Federation for Mental Health provided to the Secretariat through the organization of expert meetings on victimology. Most pertinent work was also accomplished by a committee of experts which was convened at the International Institute of Higher Studies in Criminal Sciences at Siracusa, Italy, in 1986, and by a meeting of the major non-governmental organizations in crime prevention and criminal justice, organized in 1987 by the Centro Nazionale di Prevenzione e Difesa Sociale, in co-operation with the United Nations and the Government of Italy.

109. A further valuable contribution to specific work in this field was made by the International Expert Meeting on "United Nations and Law Enforcement", held at Baden, near Vienna, in 1987, under the auspices of the United Nations Office at Vienna. The Meeting formulated draft basic principles on the use of force and firearms by law enforcement officials and draft basic principles on the role of lawyers; draft procedures for the effective implementation of the

Basic Principles on the Independence of the Judiciary; and draft model agreements on the transfer of proceedings in criminal matters and on the transfer of supervision of foreign offenders who have been conditionally sentenced or conditionally released. All of these drafts would be considered by the preparatory meetings.

110. In order to maximize the effectiveness of the work and avoid any possibility of overlap or duplication of activities, close contacts are being maintained with the Centre for Human Rights, in accordance with Commission on Human Rights resolutions 1987/33 and 1987/57, as well as with other relevant bodies.

111. The concrete work experience with norms and guidelines in the area of crime prevention and criminal justice during United Nations congresses, e.g. with the Declaration on the Protection of all Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment in 1975 and the follow-up work on the Convention on this subject, as well as with the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power in 1985, has shown that extensive work is required in order to achieve universally acceptable results, but that such results can be and have been achieved in a comparatively limited period of time. This work is worth all possible efforts, because United Nations norms and guidelines form a set of policy rules whose moral importance reflect the crucial role of the United Nations in this regard.

#### Questions for discussion

1. What progress has been made in national legislation and practice related to crime prevention and criminal justice under the impact of United Nations norms and guidelines? How is such progress monitored and evaluated?

2. In what way could concrete changes at the national level be achieved and how could obstacles be overcome? What specific measures could be taken to this effect, based on the results of United Nations surveys?

3. By what means could the United Nations assist countries in implementing norms and guidelines in crime prevention and criminal justice? What are the obstacles to providing such assistance?

4. How could the level of support to programmes of technical co-operation and advisory services in crime prevention and criminal justice be increased to permit more effective implementation of United Nations norms and guidelines? Have specific projects been designed and carried out at the country level? What efforts could be made to involve international funding agencies more actively in these tasks?

5. In what way could continuous and even closer regional co-operation in implementing United Nations norms and guidelines be promoted? What measures could be taken to strengthen the regional United Nations institutes in crime prevention and criminal justice in this regard?

6. How could the need for further research on more effective ways and means of implementing United Nations norms and guidelines in crime prevention and criminal justice be met at the national, regional and international levels? What would the role of the United Nations Social Defence Research Institute be in this respect?

7. What are the priority areas in which particular attention should be given to the formulation of new norms and guidelines?

8. What is the role of the United Nations, in particular the Committee on Crime Prevention and Control, in promoting the implementation of existing standards and the setting of priorities for the formulation of new standards? How could existing implementation mechanisms be strengthened?

Notes

1/ Official Records of the Economic and Social Council, 1986, Supplement No. 5 (E/1986/25), chap. I, sect. A, draft resolution IV.

2/ Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Milan, 26 August-6 September 1985; Report prepared by the Secretariat (United Nations publication, Sales No. E.86.IV.1), chap. I, sect. A, paras. 1 and 5 (d).

3/ Ibid., sect. B, paras. 13 and 14.

4/ Report of the International Conference on Drug Abuse and Illicit Trafficking, Vienna, 17-26 June 1987 (United Nations publication, Sales No. E.87.I.18).

5/ Seventh United Nations Congress ..., chap. I, sect. A, para. 6.

6/ Review of the functioning and programme of work of the United Nations in the field of crime prevention and criminal justice, Reports of the Secretary-General (E/AC.57/1986/4; and E/1987/43).

7/ Seventh United Nations Congress ..., sect. B, paras. 14 and 19.

8/ Manual for the Development of Criminal Justice Statistics, Studies in Methods, Series F, No. 43 (United Nations publication, Sales No. E.86.XVII.16).

9/ Seventh United Nations Congress ..., chap. I, sect. B.

10/ Ibid., sect. C(1).

11/ Ibid., sect. C(2).

12/ Ibid., sect. D(2).

13/ Ibid., sect. D(1).