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CRIME PREVENTION AND **CRIMINAL JUSTICE**

Report of the Secretary-General

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## I. INTRODUCTION

1. The General Assembly, in its resolution 41/107 of 4 December 1986, urged Member States and the Secretary-General to translate into action, as appropriate, the respective recommendations, policies and conclusions stemming from the Milan Plan of Action and other relevant resolutions and recommendations adopted unanimously by the Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders, to accord priority attention to the forms of crime identified in the Milan Plan of Action through strengthening international co-operation, and to ensure adequate follow-up. The Secretary-General was requested to report to the General Assembly at its forty-third session.
2. At its forty-second session, on 30 November 1987, the General Assembly adopted resolution 42/59 in which it welcomed and approved the results of the comprehensive review of the functioning and programme of work of the United Nations in crime prevention and criminal justice (E/1987/43). It requested the Secretary-General and other relevant bodies to implement them fully and promptly. The review had examined the question of how to use limited resources more effectively and make the Organisation more responsive to the changing realities of crime prevention and criminal justice. 1/
3. In endorsing the recommendations of the Council related to the Eighth Congress, the General Assembly requested the Secretary-General to ensure that preparations were carried out in a successful and cost-effective manner, including the early appointment of its Secretary-General; the organization and appropriate scheduling of the interregional and regional preparatory meetings; and the timely finalization and circulation of the documentation through the provision of the necessary resources, including temporary assistance. The Assembly further called upon Member States to participate actively in these preparations, particularly through the involvement of the United Nations national correspondent in the field of crime prevention and criminal justice; the submission of relevant position papers on the different agenda items; the establishment, whenever appropriate, of national focal points; and the encouragement of contributions from non-governmental organizations, academics and other experts.
4. In response to operative paragraphs 2, 7 and 9 of General Assembly resolution 42/59, the Secretary-General sent, on 24 February 1988, a note verbale to Member States and other relevant agencies soliciting information on steps being taken to give effect to the resolution. As of 15 August 1988, only twelve Governments had replied, i.e. Argentina, Australia, Austria, Bahrain, Byelorussian Soviet Socialist Republic, Canada, Egypt, Germany, Federal Republic of, Japan, Philippines, Qatar and United Kingdom of Great Britain and Northern Ireland. Replies have also been received from the United Nations Development Programme (UNDP) and the Economic and Social Commission for Asia and the Pacific (ESCAP).
5. Since the last session of the General Assembly, the Secretary-General has taken measures to respond to the resolution, including the implementation of the resolutions of the Seventh United Nations Congress, the recommendations of the programme review, and the preparations for the Eighth United Nations Congress.

Those measures were summarized in the report of the Secretary-General to the first regular session of 1988 of the Economic and Social Council (E/1988/31), as well as in the report of the Secretary-General submitted to the tenth session of the Committee on Crime Prevention and Control, on "Review of the functioning and programme of work of the United Nations in the field of crime prevention and criminal justice" (E/AC.57/1988/13), prepared in pursuance of Council resolution 1986/11 of 21 May 1986. The present report focuses on those aspects not covered in the above-mentioned documents.

## II. PROGRESS ACHIEVED IN THE IMPLEMENTATION OF GENERAL ASSEMBLY RESOLUTIONS 41/107 AND 42/59

### A. Economic and Social Council at its first regular session of 1988

6. During the discussion of crime prevention and criminal justice, many representatives emphasized that commendable results had been achieved by the Secretariat with extremely limited resources. They also suggested that a realistic assessment of the practical possibility of carrying out increasing mandates ~~vis-à-vis~~ the current level of decreased resources was needed. Representative 6 also underlined the necessity of adhering fully to Council resolutions 1986/11 and 1987/53 and General Assembly resolution 42/59.

7. The deleterious effect of crime on the quality of life was recognized, as the development process was being hampered in many parts of the world by the destructive network of transnational criminals, who, with every passing day, were becoming more organised and more successful. Although the international community had achieved a satisfactory level of multilateral co-operation through the United Nations congresses, there was an urgent need for more effective international co-operation in co-ordinating policies, setting guidelines and formulating viable strategies to combat criminality and, above all, implement action-oriented programmes. Crime prevention and criminal justice remained an area of top priority for many Governments. Many representatives expressed satisfaction with the preparations for the Eighth Congress and stressed that these deserved priority attention, for which purpose the Secretariat should be given sufficient resources to undertake its tasks in a professional, efficient and timely manner.

8. In conclusion, the Economic and Social Council adopted resolution 1988/44, on the review of the functioning and programme of work of the United Nations in crime prevention and criminal justice, by which the Council, *inter alia*, acknowledged the work accomplished by the United Nations Secretariat in implementing its programme of work, and requested the Secretary-General to ensure that the programme is supported by adequate resources. The Council urged the Secretary-General to pay particular attention to the operational aspects of the programme, and strengthen existing interregional advisory services. The Council also invited the United Nations Development Programme and the Department of Technical Co-operation for Development of the United Nations Secretariat and other agencies that provide funding for technical co-operation to continue to provide effective support and assistance for this endeavour. The Secretary-General was also requested to continue to explore ways and means of ensuring the optimal functioning of the Committee on Crime Prevention and Control,

9. By the same resolution, the Economic and Social Council took note with satisfaction of the interest shown in, and the support given to, the Crime Prevention and Criminal Justice Branch by many Governments, as well as by non-governmental organisations and the professional community, which have been involved in the preparations for the Eighth Congress, and invited them to continue to participate actively in such preparations, and welcomed the appointment of the Secretary-General of the Eighth Congress. The Council invited the Committee to give priority attention at its tenth session to reviewing the progress made in the preparations for the Eighth Congress and to make specific recommendations thereon, including recommendations on the staff resources to be provided to the Council at its first regular session of 1989 for the preparation and duration of the Congress. The Secretary-General of the United Nations was also requested to report to the Council, at its first regular session of 1989, on the implementation of that resolution, taking into account the conclusions and recommendations of the Committee on Crime Prevention and Control at its tenth session.

**B. Activities carried out by Member States**

**1. Implementation of the Milan Plan of Action**

10. In response to paragraph 2 of General Assembly resolution 42/59, those Governments which answered the enquiry stressed that efforts had been made towards harmonising their crime prevention policies and strategies with the provisions of the Milan Plan of Action and other conclusions and recommendations of the Seventh Congress. Increasing attention and resources are being given to crime prevention. New programmes are being launched to promote and co-ordinate an effective response to crime, particularly in cities, where crime is increasing. For example, in Bahrain the Government authorities have reformed existing laws and regulations, using more advanced techniques and approaches to crime prevention and criminal justice. Relevant agencies concerned with crime prevention are encouraged to continue developing new policies. In the Byelorussian Soviet Socialist Republic, crime prevention is of utmost importance. During the past two years, there has been a decrease in crime owing to the introduction of effective crime prevention policies and of different approaches.

11. Argentina, Austria, Canada, Egypt, the Federal Republic of Germany and Japan informed the Secretary-General that every effort was being made to implement the Milan Plan of Action, as reflected in their replies to the various questionnaires of the Secretariat, as well as in national initiatives related to preparations for the Eighth Congress. Egypt placed emphasis on juvenile justice, delinquency prevention and the rehabilitation of drug-addicts, with due regard to the status, rights and interests of the young. Japan stressed the importance of international co-operation in the fight against crime, the relevance of regional collaboration and the support provided to the United Nations Far East and Asia Institute in fostering regional training activities. The Government of Japan, through the Institute, has also provided support to the newly established African Institute and will sponsor a joint seminar in 1989 with the Latin American Institute for the Prevention of Crime and the Treatment of Offenders. Since 1986, the Government of Japan has also seconded a criminal justice expert to ESCAP to provide advisory services at the regional level,

12. In the Philippines, the Peace and Order Council was reorganized so as to ensure a more effective national campaign against criminality and insurgency, and continued monitoring and crime prevention planning took place through the Technical Committee on Crime Prevention and Criminal Justice of the National Police Commission. In Qatar, the performance of the crime prevention and criminal justice agencies has been improved through the use of qualified personnel, the allocation of adequate resources, the conduct of scientific research, the establishment of a reliable data base, and through public awareness campaigns.

13. The policies on crime prevention in the United Kingdom of Great Britain and Northern Ireland were already in line with the conclusions of the Seventh Congress. The issue of crime prevention is given utmost attention there. A now "Safer Cities" programme has been launched aiming at achieving greater response to crime in up to 20 cities with serious crime problems. This programme is not only a central feature of the Government's response to crime, but also an integral part of its urban policies. A new national crime prevention organization, known as "Crime Concern", was recently established in London to (a) identify best practices in local crime prevention; (b) establish a register of crime prevention initiatives; (c) monitor research; and (d) establish an information and advice service. The Government has promoted a major programme of publicity and public information, backed by a handbook of practical advice of which over 1 million copies have now been distributed. Close links have been established between crime prevention and wider social and economic policies in areas such as housing, urban renewal, employment and education. Much of the action is focused on young people at risk.

14. It was also reported that the involvement of active and concerned members of the public is a central theme of the Government's crime prevention programmes. Thousands of volunteers are now involved, for example, in Neighbourhood Watch and Victim Support Schemes. Efforts have also been made to improve the efficiency and effectiveness of the criminal justice system, accompanied by an extensive research programme. Programmes are in place, and are steadily being developed, to ensure that members of ethnic minorities are fairly treated in all parts of the criminal justice system and to encourage their recruitment and career development as members of the criminal justice services. A major Criminal Justice Bill is now completing its passage through Parliament. It covers, among other matters, extradition, evidence, court procedures, compensation for victims, the structure of custodial sentences of young offenders, confiscation of the proceeds of a criminal offence, remands and bail.

15. With respect to crimes identified in the Milan Plan of Action, special attention has been paid to certain forms of criminality. In Australia, the fight against organized crime is of utmost importance. In this connection, the Government expressed its willingness to assist the Secretariat in its work on topic III of the Eighth Congress, namely "Effective national and international action against: (a) organized crime; (b) terrorist criminal activities", particularly in the elaboration of a modal bilateral treaty on mutual assistance in criminal matters. In Qatar, Government authorities are according priority attention to combating drug trafficking and abuse and international terrorism. In the United Kingdom, particular attention is paid to combating terrorism and drug-trafficking. In recent years there has been a dramatic increase in the misuse

of drugs and drug-trafficking which is being encountered by the • nactmont of appropriate legislation and • nforcement of law and *order* with respect for human rights of individuals. The Drug Trafficking Offences Act of 1986 provides measures to trace, freeze and confiscate the proceeds of drug trafficking, including the • nforcement of foreign judicial orders on a reciprocal basis. Similar measures in respect of other serious crimes are proposed in the Criminal Justice Bill, which will also modernise the law on extradition. Preparations are under way for new legislation on mutual legal assistance and territorial jurisdiction.

**2. Implementation of norms, guidelines and standards in crime prevention and criminal justice**

16. At the national level, the implementation of • xisting United Nations standards and norms in crime prevention and criminal justice depends, in the first instance, on the efforts made by *Government* within their domestic jurisdiction and competence. These norms and guidelines provide a yardstick against which countries can assess their own situation and monitor progress. 2/ In many countries in various regions, the practical implementation of such norms and guidelines is given serious attention. By way of example, replies to a Secretariat questionnaire received from 79 countries show that the provisions of the Code of Conduct for Law Enforcement Officials are considered to be of great importance and that, in general, they are incorporated into or covered by national legislation or practice. 3/

17. Major reforms have been undertaken by many Governments as a direct result of the application of the United Nations Standard Minimum Rules for the Administration of Juvenile Justice, the Beijing Rules. Judging from the answers provided by 32 Governments, the Rules have inspired significant changes in all countries, affecting substantive and procedural law as well as existing practice. Certain Governments, however, reported that the application of the Rules was delayed or not feasible at the present time, due to a lack of resources, and called on the United Nations and the international community to render technical and financial assistance to facilitate the process of reform. 4/

18. With respect to the implementation of the safeguards guaranteeing protection of the rights of those facing the death penalty, 74 Governments replied to the Secretariat questionnaire. The replies indicate that Governments are becoming increasingly responsive to those standards and are striving to apply the principles contained in the safeguards. 5/

19. The issue of extra-legal, arbitrary and summary executions and measures for their prevention and investigation was a priority concern to Governments. Replies to a Secretariat questionnaire received from 57 countries demonstrate the vital role of international co-operation to prevent these practices and other violations of human rights. Close collaboration between Governments and intergovernmental and non-governmental organizations, to be further enhanced, encouraged national, regional and international initiatives directed at the prevention of these phenomena. 6/

20. With respect to the implementation of the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, various Governments provided information on measures to implement this instrument. Since the adoption of the Declaration in 1985, now legislation benefiting victims has been passed in a number of countries. In some cases, the contribution of the Declaration is clearly acknowledged, if not in the actual wording of provisions, then in their spirit and contents. In others, the positive developments and legislative reforms are part of the overall movement towards recognising the rights of victims. By providing a set of principles that have been agreed upon internationally, the Declaration has fostered new initiatives and given momentum and additional scope to current reforms in this field. 2/

C. Activities carried out within the United Nations system

21. In response to operative paragraph 7 of General Assembly resolution 41/147 and operative paragraph 9 of General Assembly resolution 42/59, the Economic and Social Commission for Asia and the Pacific (ESCAP) reported that it had recently published "Guidelines on social measures for the prevention of crime among youth and on juvenile justice: the role of youth organization in the ESCAP region". This publication, specifically directed at enhancing the crime prevention perspectives of youth organizations in the region and encouraging their involvement in community-based crime prevention activities, will be used in future youth training workshops to be organized by ESCAP in co-operation with the United Nations Far East and Asia Institute. ESCAP will also organize a regional seminar on adolescence and crime prevention in 1989 at the Institute Headquarters to promote implementation of the Beijing Rules. As an extension of the Seminar, ESCAP will conduct a field study in China on rehabilitation systems for juvenile delinquency. Furthermore, regional advisory services were provided by ESCAP to the countries of the region,

22. The United Nations Development Programme (UNDP) continues to support the Latin American Institute for the Prevention of Crime and the Treatment of Offenders and the United Nations African Regional Institute for the Prevention of Crime and the Treatment of Offenders. A total of \$609,600 has been provided to the Latin American Institute since its establishment in 1975, and \$250,000 has been provided to the African Regional Institute. In addition, UNDP supported a project executed by the United Nations Social Defence Research Institute on "Drug abuse in the context of development: prevention, treatment and rehabilitation". Furthermore, several country projects funded by the United Nations Fund for Drug Abuse Control have been supported by UNDP.

23. The Department of Public Information of the Secretariat reported that it had published a number of United Nations criminal justice instruments previously unavailable in booklet form. It also reprinted other crime prevention publications that had been out of stock. These publications have been distributed internationally,



III . RESPONSE OF THE SECRETARIAT TO GENERAL ASSEMBLY  
RESOLUTIONS 41/107 AND 42/59

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

24. In response to paragraph 2 of General Assembly resolution 41/107 and of paragraph 2 (a) of General Assembly resolution 42/59, every effort has been made by the Secretariat to implement the recommendations and conclusions of the Seventh Congress, taking into account the programme priorities identified by the General Assembly and the Economic and Social Council as a result of the programme review undertaken during 1966-1967. As already mentioned, a complete summary of those activities is contained in the report of the Secretary-General submitted to the 1968 first regular session of the Council, 8/

25. Detailed information on other issues related to implementation is also contained in the various reports of the Secretary-General submitted to the tenth session of the Committee on Crime Prevention and Control, in pursuance of existing mandate, particularly Economic and Social Council resolution 1986/10. 9/ A major report has been submitted to the Committee on Crime Prevention and Control on "Proposals for concerted international action against the forms of crime identified in the Milan Plan of Action", 10/ It summarizes international initiatives directed at the unique challenges resulting from the internationalisation of criminal activities, and recommends actions for improved international co-operation and mutual assistance. It should also be stressed that while the implementation of the recommendations of the Seventh Congress coincided with an acute resource crisis in the Organization which could not leave this process unaffected, every effort has been made to comply with the requests made by the policy-making bodies and use the extremely limited resources available rationally,

B. Preparations for the Eighth United Nations Congress on  
the Prevention of Crime and the Treatment of Offenders

26. In pursuance of paragraph 3 of General Assembly resolution 41/107 and paragraph 6 of resolution 42/59, organizational and substantive preparations for the Eighth Congress are well under way. Immediately following the adoption of the resolution on 24 November 1967, the Secretary-General of the Congress was appointed. Five interregional preparatory meetings of experts on each of the substantive topics of the provisional agenda of the Congress were organized in Vienna between February and June 1968. They were attended by experts invited by the Secretary-General to participate in their individual capacities, with due regard to equitable geographical representation and adequate coverage of different disciplines and areas of competence. Their purpose was to discuss in depth the scope, focus and substantive details of the topics within the context of the policy recommendations of the United Nations policy-making bodies and the Committee on Crime Prevention and Control. There was in each case a thorough and detailed debate on important issues to be discussed by the Congress.

27. All the meetings were attended by a great number of observers from Member States and intergovernmental and non-governmental organizations, who provided very useful contributions before and during the meetings. The experts ranged from scholars and high level practitioners and administrators to senior policy-makers at the ministerial level; all recommendations were adopted by consensus; and, in several instances, various new draft instruments were elaborated for further action by the Congress. The reports of those meetings have been considered by the Committee on Crime Prevention and Control, as the preparatory body of the Eighth Congress, and will be submitted to the five regional preparatory meetings in 1989. In summary, in spite of the delay in the effective initiation of the preparations for the Eighth Congress, and notwithstanding the difficulties caused by the limited resources available, the Secretariat has succeeded in maintaining a timetable that, barring major unexpected problems, allows for a certain degree of optimism regarding further preparatory work and the Congress itself. A short summary of the main proceedings and recommendations of the interregional preparatory meetings is provided below.

1. Topic I: "Crime prevention and criminal justice in the context of development: realities and perspectives of international co-operation" (Vienna, 15-19 February 1988)

28. The meeting acknowledged that the inclusion of this topic in the agenda of the Congress indicated the growing concern of the international community to tackle the present realities of crime by identifying needs and priorities deserving particular attention and by suggesting innovative approaches. It also stressed that the Congress should focus on recommendations and concrete action, while the preparatory work should stimulate the preparation of national reports outlining the progress made in implementing the recommendations of the Seventh Congress, and evaluating current policies and practices and propose concrete new initiatives.

29. In underlining the seriousness of crime, the Meeting observed that current trends of criminality in many parts of the world have negative implications for the quality of life. Crime hampers the process of development and endangers the enjoyment of human rights and threatens democratic institutions and, in certain cases, even the very survival of the State authority. For this an adequate response at the national, regional and international levels is required. Crime should not be treated as an isolated problem, to be dealt with by ad hoc simplistic and fragmentary methods, but rather as a complex and multidimensional phenomenon requiring systematic strategies and differentiated approaches by the criminal justice system, in accordance with existing standards and norms of human rights.

30. Given the importance of developing closer collaboration between States, the constraints and problems impeding an effective international response to crime should be examined, particularly in view of its transnational dimensions. Crime control required deep commitment and more incisive and effective international action. The leading role of the United Nations in this endeavour was particularly stressed. The initiatives of the Organisation should be encouraged and Member States, intergovernmental and non-governmental organizations should be fully involved in the elaboration of appropriate policies and strategies. Technical

co-operation activities should also be strengthened, with the Secretariat performing a vital technical, operational and field-oriented function.

31. The meeting adopted a series of action-oriented recommendations, which included the adoption of measures to prevent transnational criminality and encourage the development of model codes to combat such crimes. Law enforcement officials should be legally and technically trained to detect and investigate bank fraud and the manipulation of tax laws and customs regulations. Other measures would include the adoption by Governments of administrative and regulatory mechanisms for the prevention of corruption and abuse of power by officials as well as provisions for forfeiture of funds and property obtained through corrupt practices.

32. The Meeting also recommended increasing international co-operation in penal matters. That could be achieved through the ratification and implementation of existing instruments, the development of bilateral and multilateral arrangements, and the formulation of a comprehensive international convention on co-operation in penal matters. In the formulation of international instruments, the Meeting identified specific areas of concern, including standardized requests for extradition and mutual assistance, judicial assistance treaties for obtaining evidence, development of means to provide assistance to victims, the scope of State jurisdiction in issues of transnational jurisdiction, and the elaboration of standards on international assistance in respect of bank secrecy, in order to inhibit money laundering and investment connected with narcotic trafficking and terrorism.

33. Further, it recommended strengthening programmes of international technical and scientific co-operation to aid countries needing to upgrade and reinforce their crime prevention and criminal justice systems, including the collection and dissemination of data on crime and on methods for prevention and control. Human and technical resources should be improved and education and training in criminal justice promoted. Furthermore, the involvement of non-governmental organizations and national research and educational institutions for technical assistance in the areas of crime prevention and criminal justice should be promoted, 11/

2. Topic III: "Criminal justice policies in relation to problems of imprisonment, other penal sanctions and alternative measures"  
(Vienna, 30 May to 3 June 1988)

34. In many parts of the world, the deteriorating situation of men, women and children in prisons is causing increasing concern to the international community. The search continues for humane, fair and effective methods of treatment that are responsive to the changing socio-economic and cultural conditions of society. Experts agreed that the reduction of the prison population was a most desirable objective in itself. In many countries, the major cause of over-crowding is the large number of prisoners held on remand prior to trial. In some countries the figure could be as high as three quarters of the total prison population. The discussion on a reduction in the prison population led experts to consider alternatives to imprisonment and sentencing policy,

35. The Mooting proposed three principles: (a) there should be minimum intervention in the life of the individual concerned; (b) where the safety of the community was not at risk, reparation should take priority over deterrence or retribution; and (c) imprisonment should not be the centre-piece of the system. The combination of (b) and (c) suggested that the use of imprisonment should be limited to those cases where the safety of the community was at risk.

36. The Mooting stressed that, despite the diversity of legal systems based on common or continental law, there should be some practical strategies for reducing detention and imprisonment, including the following: (a) at the level of detention prior to imprisonment, there should be legislative provisions requiring the courts to adjust the subsequent prison sentence to take into account the period already spent in detention; (b) law enforcement officials and prosecutors should be trained in evaluating properly when detention was really justified; (c) policies should increase the number of Offenders on bail or on recognizance; (d) both legislators and criminal justice administrators should pay closer attention to the categories of allged offenders whose detention should be regarded as a last resort; (e) criminal legislation should be examined with a view to decriminalizing some of the offences punished by imprisonment; (f) visits to prisons by the judiciary should become a rule in all national legal systems) and (g) greater attention should be paid to implementation of the Standard Minimum Rules for the Treatment' of Prisoners.

37. Agreeing that community sanctions should have a recognised status equivalent to imprisonment, both in law and in practice, the Meeting unanimously approved a new set of draft rules for non-custodial measures. This new draft instrument, to be designated as the "Tokyo Rules", calls upon Member States, within their respective legal systems, not only to reduce the use of imprisonment, but also as a necessary component in the rationalization of criminal justice policies from the standpoints of human rights, social justice and social defence. The draft Rules include an inventory of the most opportune alternatives to imprisonment and recommend ways and means of reducing the number of prisoners while improving their social integration. They emphasise both the rehabilitative aspects and the protection of human rights.

38. Recommendations were also made on the management of criminal justice, encouraging the training of staff on an inter-service basis. The aim was to promote understanding of the interdependence of the different parts of the criminal justice system, facilitating the exchange of information between the States on the training of criminal justice personnel, and inviting them to establish policies and procedures that allow for judicial review and effective control of prison administrative policies or practices where there is evidence that the Standard Minimum Rules for the Treatment of Prisoners have not been followed.

39. On the "computerisation" of the criminal justice system, the Meeting recommended that the United Nations develop a data base on innovative computerisation programmes that might be applicable outside the jurisdiction for which they were developed; and facilitate the exchange of information and personnel between jurisdictions.

40. Finally, with regard to the sound and fair application of criminal law, the Meeting recommended that Member States should consider creating a process that encourages the prosecutor (or other officials within the criminal justice system) to support non-judicial techniques of resolving disputes; developing guidelines for the equitable use of less punitive ways of dealing with wrongdoings; and minimising the intrusion of the criminal justice system into the lives of members of society. 12/

3. Topic III: "Effective national and international action against: (a) organised crime; (b) terrorist criminal activities", Vienna, 14-18 March 1988

41. The Meeting emphasised the seriousness and extent of organised crime in many parts of the world, in view of its infiltration into the public administration and political structures of a number of countries where organised crime has managed to bribe public officials at all levels. Accordingly, corruption, money laundering and other illicit financial operations are a source of grave concern to many countries. This situation requires changes and innovations in national legislation, not only in the area of criminal investigations but also in the areas of banking and finance,

42. Terrorism was recognised as a serious threat to the international community, to be condemned regardless of its motivation or form. It was noted, however, that national liberation struggles should not be confused with terrorism, when conducted in accordance with the Charter of the United Nations and the Declaration on Principles of International Law Concerning Friendly Relations and Co-operation Among States, and with strict observance of the Geneva Conventions relating to armed conflicts,

43. Effective international co-operation would greatly contribute to saving human lives. Model treaties to complement existing co-operative arrangements, serving as a model for new national legislation, would contribute to the harmonisation and increasing uniformity of domestic legislation. This, in turn, would facilitate further co-operation aiming at the prevention of transnational crime,

44. The recommendations for national, regional and international action touched on measures to implement preventive strategies, the need for new criminal legislation, appropriate co-ordination of criminal investigation, the strengthening of collaboration among law enforcement agencies and the improvement of procedure for the use of telecommunication and electronic surveillance, subject to human rights considerations. Witness protection schemes were becoming increasingly important in investigations and judicial processes and should be further supported. Research in relation to corruption and its causes, nature and effects, as well as its links to organised crime, was also a prerequisite for preventive programmes. On criminal legislation, the Meeting recommended legislation creating new offences with respect to money laundering and organised fraud and the opening of financial accounts under false names. Computer crime was another area that required consideration. In addition, there was need for reform in the civil, fiscal and regulatory legislation,

45. Accordingly, the Meeting called for model legislation to be developed for the forfeiture of assets from illegally acquired property, for an early conclusion of the work on the new Draft Convention on Illicit Drug Traffic and for the development of a model treaty on mutual judicial assistance. The meeting also invited the United Nations Development Programme and other funding agencies of the United Nations system, as well as Member States, to strengthen their support for national, regional and international programmes on the prevention and control of organised crime.

46. On terrorist criminal activities, the Meeting suggested that it would be useful to identify conduct which the international community deemed unacceptable, with a view to developing an effective means of enforcing measures against such conduct, in accordance with established principles of international law. The meeting acknowledged, however, that enacting international norms might not, in certain areas, be sufficient to control all manifestations of terrorist violence. Issues which were of particular concern include the lack of a definition of what constitutes a terrorist act or an innocent victim; the limits of the use of force by liberation movements or States; State policies that may be considered as constituting violations of international obligations; the absence of specific norms on State responsibility for failing to carry out international agreements; abuse of diplomatic immunity; lack of international regulation on the trade in arms; and the inadequacy of international mechanisms for peaceful resolution of disputes.

47. Despite those difficulties, the Meeting called for effective international co-operation in the prevention of terrorist violence at the international, regional and bilateral levels. Greater uniformity in the laws and practices of States concerning both criminal and extraterritorial jurisdiction should be encouraged, and over-extension of territorial jurisdiction should be avoided in order to prevent unnecessary legal conflicts between States. Extradition should be facilitated as one of the most effective procedures of implementing the principle *aut dedere aut iudicare*. As effective prevention and control of terrorist violence and organised crime depend on effective mutual co-operation and assistance among States in securing evidence for prosecutions, States should lend one another the widest possible mutual assistance and co-operation in penal matters, on the basis of two proposed draft instruments, i.e., a model treaty on judicial assistance and another on extradition. 13/

4. Topic IV: "Prevention of juvenile delinquency, juvenile justice and the protection of the young: policy approaches and directions", Vienna, 18-22 April 1988

48. The phenomenology of youth crime and juvenile delinquency in the contemporary world deserved prominent attention in view of the difficulties of collecting, measuring and comparing data on youthful crime. It was, therefore, highly desirable to intensify scientific research and the dissemination of information. Concern was expressed about a new trend, namely that young people are committing crimes at an earlier age and that such crimes are often serious offences generally considered to be adult crimes. Factors such as mass rural to urban migration and the absence of adequate service-delivery infrastructures, unemployment, poverty,

malnutrition, inadequate shelter and housing, rapid and unbalanced development and increased population growth in many developing countries appear to be aggravating juvenile delinquency. Large numbers of children who survive in the streets through petty theft, begging, dealing in or abusing narcotic drugs and psychotropic substances, prostitution and pornography figure prominently in the youth crime world. The manipulation and instrumental use of children by adults in such activities is apparent. It is therefore of paramount importance that justice procedures promote respect for the rights of the child and that preventive policies emphasise early child development free from victimisation and abuse.

49. The Meeting approved and recommended to the Eighth Congress the United Nations Draft Guidelines for the Prevention of Juvenile Delinquency, to be designated "The Guidelines of Riyadh", which focus on preventive policies promoting social integration of children. They recommend, *inter alia*, the comprehensive prevention of youth alcohol, drug and other substance abuse, and that the mass media be encouraged to reduce the level of violence portrayed, as well as avoid degrading presentation of children, women and interpersonal relations.

50. Also addressed in the Guidelines is the question of formal protective intervention for children who are harmed, abused, neglected or abandoned, and a more appropriate response to the special needs of young persons, ● emphasising referral possibilities and the diversion of juveniles from the justice system.

51. In research, policy development and co-ordination, the draft Guidelines call for the strengthening of regional and international co-operation. Appropriate bodies, agencies and officers of the United Nations are asked to collaborate closely on and co-ordinate various questions related to children, juvenile justice and delinquency prevention. Moreover, the United Nations, in co-operation with interested organisations, should play an active role in research, scientific collaboration, the formulation of policy options and the monitoring of their implementation.

52. In reviewing the implementation of the Beijing Rules, the Meeting recognised that the Rules had inspired innovation and reforms in juvenile justice systems and were fostering a perspective of children's rights in juvenile justice administration.

53. There is increasing international concern about the detention of young persons and its serious consequences, including physical and sexual abuse, emotional neglect, severe malnutrition, untreated physical and mental illness, trauma, suicide, criminal contamination, cruel and inhumane or degrading treatment, and punishment and even torture. The Meeting recommended the United Nations Draft Standard Minimum Rules for Juveniles Deprived of their Liberty which constitute a significant new international human rights instrument.

54. Rather than advocate more prisons or better prisons for juveniles, the proposed Draft Rules attempt to offset the overuse of juvenile detention and promote the use of alternatives. They address the different situations of juveniles in custody and specify criteria in this regard, relating *inter alia*, to the management of juvenile detention facilities, qualifications of personnel,

limitation8 on disciplinary measures, and handling of complaint8 and grievance procedures. 14/

5. Topic V: "United Nations norms and guidelines in crime prevention and criminal justice: implementation and priorities for further standard setting", Vienna, 27 June to 1 July 1988

55. The crucial role of the United Nations in the development of standards and norms through the quinquennial United Nations congresses and the Committee on Crime Prevention and Control was fully recognised. One of the objectives of the Meeting was to explore methods for more effective implementation of existing international standards. Another was to review draft instruments on priority areas which were formulated by the Secretariat in co-operation with Governments, non-governmental organisations and internationally recognised experts, with a view to recommending them for proper action by the Eighth Congress.

56. With reference to the first objective, it was recommended that United Nations standards and norms should be more widely distributed and that monitoring mechanisms should be established in order to acquaint national officials with their provisions, and speed up their application. Existing standards should be consolidated into one single publication to be distributed world-wide. In addition, the United Nations should further develop its advisory services. United Nations regional and interregional institutes for crime prevention and criminal justice should play an active role in this regard, particularly through training courses and technical assistance projects. Moreover, educational and promotional activities and co-operation between the United Nations and its interregional and regional institutes in crime prevention and criminal justice should be intensified. Further, the Meeting emphasized the urgent need to strengthen the role of the Committee on Crime Prevention and Control in overseeing, evaluating and following up the implementation process, both by identifying general problems that might impede it and by recommending viable and practical solutions based on international co-operation and solidarity.

57. The Meeting unanimously approved a number of new draft instruments, some for action by the Council, as in the case of extra-legal, arbitrary and summary executions and the application of the Code of Conduct for Law Enforcement Officials, and others for submission to the Eighth Congress.

55. The draft procedures for the effective implementation of the Basic Principles on the Independence of the Judiciary contain 16 provisions calling on the Secretary-General to prepare independent quinquennial reports to the Crime Prevention Committee on progress made in implementing the Basic Principles, on the basis of information received from Governments as well as that information available within the United Nations system, including information on the technical co-operation and training provided by institutes, experts, and regional and interregional advisers.

59. The draft basic principles on the role of lawyers would have Governments ensure that effective and equal access to lawyers is provided for all persons



within their territory and subject to their jurisdiction; that funding and other resources for legal services are provided to the poor and to other disadvantaged persons; and that all persons arrested, detained or imprisoned, with or without criminal charges, have access to a lawyer not later than 48 hours from the time of arrest or detention.

60. The draft principles on the use of force and firearms call on Governments and law enforcement agencies to ensure that all law enforcement officials have appropriate psychological and physical qualities for the effective performance of their functions, to provide stress counselling to law enforcement officials who are involved in situations where force and firearms are used, to establish reporting and review procedures and to ensure that superior officers are held responsible if they are aware that law enforcement officials under their command are resorting to the unlawful use of force and firearms.

61. Progress was also achieved on the draft model agreements on (a) the transfer of proceedings in criminal matters and (b) the transfer of supervision of foreign offenders who have been conditionally sentenced or conditionally released. 15/

#### IV. INTERNATIONAL CO-OPERATION AND THE ROLE OF TECHNICAL ASSISTANCE IN CRIME PREVENTION AND CRIMINAL JUSTICE

##### A. Need for co-operation

62. Criminality affects the attainment of vital economic, social, political and cultural goals, hampers progress on a global scale and transcends national frontiers. It cannot be dealt with merely as a national problem but requires effective international co-operation, 16/ The Milan Plan of Action 17/ In paragraph 80 of that Plan the United Nations has a significant role to play and should contribute more effectively to multilateral co-operation.

63. The Guiding Principles for Crime Prevention and Criminal Justice also unanimously adopted by the Seventh Congress stress that all States and entities should co-operate, through the United Nations or otherwise, in the prevention and control of crime, 86 an indispensable element for contributing to the promotion of the peace and security of mankind while enhancing the effectiveness, viability and fairness of criminal justice. Various resolutions of the General Assembly and the Economic and Social Council have constantly underlined the necessity for co-operation and stressed the leading role of the Organisation. The programme review has shown that there is no other organization or agency so well endowed to mobilize the conscience of the world against the reality of crime and to take suitable countermeasures.

64. Today's world is characterised by interdependence, facilitated by the rapid evolution of global communication and transport which have in many ways blurred national boundaries. Hence social problems in any given country, including crime, can have direct implications for others. Many forms of transnational crimes have emerged as common to all, 80 that the sharing of national experiences offer opportunities for learning on all sides - East, West, North and South.

Transnational terrorist criminal activities, including kidnapping and the destruction of public and private properties, result in heavy losses. Terrorism violates the right to life and to live in peace and destroys stability. The growing power of organised criminality and its destabilizing and corrupting influence on nation-states and the democratic process have created a climate which jeopardises development and growth, since it discourages new investment both private and public. Combating and controlling transnational organised crime can only be achieved if nations, jointly with legitimate business and economic institutions, work together with the public at large to prevent it. The sharing of experiences has also provided useful insights into the prevention of conventional forms of crime that impose considerable costs on the community.

65. The forthcoming Eighth United Nations Congress, with the widest possible participation at the highest level, will be an ideal global forum in which to lay down a firm foundation for future strengthened international co-operation. The framework of such co-operation must serve the interests of all countries, developed and developing alike. The forty-third session of the General Assembly, coinciding with the fortieth anniversary of the establishment of the United Nations programme in crime prevention and criminal justice, may well be the right occasion for Member States not only to reaffirm their political commitments to this endeavour, but also to provide the necessary practical guidance for more effective international co-operation,

66. While the political commitment for action in devising improved methods of international co-operation is mainly the responsibility of Member States, the United Nations has also a critical role to play. The United Nations Charter has emphasized the importance of promoting international co-operation in solving problems of an economic, social, cultural and humanitarian character. It is, therefore, imperative that the world body be given adequate support and provided with the necessary means to develop viable international co-operation programmes and determine the action most likely to yield returns.

67. As noted in the previous reports of the Secretary-General submitted to the Economic and Social Council and to the General Assembly during the last two years, every effort has been and is being made by the Secretariat, despite severe resource constraints, to establish a solid basis for an effective programme of international co-operation. In close co-operation with Member States, intergovernmental and non-governmental organisations, the Crime Prevention and Criminal Justice Branch continues to promote action-oriented research and policy development in specific areas, including major surveys in world crime trends and studies on crimes of international dimensions; the establishment of a global crime prevention and criminal justice information network; advisory services for technical co-operation activities; co-ordination of the work of the interregional and regional institutes for crime prevention and criminal justice; fostering the collection and dissemination of information; developing implementation mechanisms for existing standards in crime prevention and criminal justice; assisting in formulating new norms, guidelines and standards; and trying to secure extrabudgetary funds for the establishment of an Advisory Council of Scholars and Scientific Organizations, as called for in Economic and Social Council resolution 1986/11. Carrying out such tasks, in order to achieve the goals set by the General Assembly, requires an

efficient and technically equipped Secretariat, full responsiveness on the part of Member States and the availability of adequate human and financial resources.

**B. Technical assistance in crime prevention and criminal justice**

68. Technical co-operation in crime prevention and criminal justice constitutes an essential element of international co-operation and has been a distinctive aspect of the work of the Organisation since its inception. The General Assembly and the Economic and Social Council, the United Nations congresses and the Committee on Crime Prevention and Control, in numerous resolutions, have requested the Secretary-General, and the relevant organs, organisations and bodies of the United Nations to strengthen the support of such activities both between developed and developing countries and among developing countries themselves. Member States in each region have been called upon to exchange data, information and experiences; to engage in joint activities for training and research; to assist in bilateral and multilateral demonstration projects; 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 organisations. 17/

69. In recent years there has been a significant increase in technical assistance requests. Many countries wish to benefit from the services of the Secretariat and gain experience and knowledge of experiments, methodologies, techniques and systems applied with success in other countries. The Secretariat should not only act as a facilitating agent but should also serve as a dynamic and responsive channel through which the needs of countries interested in technical assistance can be met.

70. Most recently, the Economic and Social Council, in its resolution 1988/44, urged the Secretary-General to give particular attention to the operational aspects of the United Nations programme of work in order to assist interested countries in creating self-reliant capacities. It also encouraged Governments and intergovernmental and non-governmental organisations to formulate and implement technical co-operation projects, by allocating adequate resources and expertise for these activities.

71. In response to this resolution and to General Assembly resolutions 41/107 and 42/59, the Secretariat has initiated a number of activities intended to establish a solid base of regular contacts with interested Governments and funding agencies, on which an effective and responsive operational programme can be set up. Presentations of the crime prevention and criminal justice programme have been made to senior officials of the United Nations Children's Fund, UNDP and the World Bank. A lengthy exchange of views has been held with the UNDP Assistant Administrator, Regional Bureau for Latin America, regarding the incorporation of criminal justice components into the regional critical poverty programme and the Special Plan for Central America. Consultations have also been held with the UNDP resident representatives in Argentina, Bolivia, Brazil, Cameroon, Cuba, Egypt, Ethiopia, Kuwait, Uganda and Zimbabwe regarding the technical co-operation facilities available through the Crime Prevention and Criminal Justice Branch. A brochure describing the services available has been distributed to officials of

developing countries and UNDP resident representatives. The Secretariat has sought to formulate and implement joint projects with interested Governments and other funding agencies and regional institutes. Specific projects have also been discussed with participants attending the interregional preparatory meetings for the Eighth Congress, as well as with institutions able to offer relevant services. For example, the Government of Italy has agreed to send a mission to ILANUD and Jamaica to develop now projects. It is hoped that other countries will agree to contribute similar in-kind services or multilateral and bilateral financing,

72. Interregional advisory services in crime prevention and criminal justice continue to be provided to countries in all regions at their request to the regional commissions, to the United Nations interregional and regional institutes and to intergovernmental and non-governmental organisations. In order to maximize the benefits, efforts are being made to improve the backstopping of such activities and follow-up on the recommendations for action at the country level. It would be desirable to draw up a "technical co-operation projects catalogue", listing technical assistance projects based on country needs as identified by the advisory missions. Unfortunately, up to now the limited resources available have not permitted this to be done. The only solution would be for interested Member States to provide the modest funds required from extrabudgetary sources.

#### C. Revitalisation of the United Nations Trust Fund for Social Defence

73. In paragraph 8 of resolution 41/107 and paragraph 10 of resolution 42/59, the General Assembly requested the Secretary-General to revitalize the United Nations Trust Fund for Social Defence and invited Member States to contribute to the Fund in order to facilitate appropriate technical co-operation and exchange of information and experience. In response, the Secretary-General sent a note verbale to all Member States launching an appeal for more voluntary contributions. The note was accompanied by a brief summary of United Nations activities, and outlined a diversified funding strategy. To date, the number of Governments contributing to the Trust Fund does not exceed 5 per cent of the membership of the United Nations. The contributions to the Fund, which have been earmarked exclusively for the maintenance of the United Nations Social Defence Research Institute (UNSDRI), amounted to \$466,356 in 1985; \$578,234 in 1986; and \$1,266,985 in 1987. Pledges for 1988 as of 30 April 1988 amounted to \$862,585. Most of those funds have been provided by the Government of Italy, the host country of UNSDRI. Other contributions, earmarked for the maintenance of the Helsinki Institute for Crime Prevention and Control affiliated with the United Nations, have been made by the Scandinavian countries.

#### V. TENTH SESSION OF THE COMMITTEE ON CRIME PREVENTION AND CONTROL

74. At its tenth session held in Vienna from 22 to 31 August 1988, pursuant to paragraphs 2 and 8 of General Assembly resolution 42/59 and paragraph 10 of Economic and Social Council resolution 1988/44, the Committee gave particular attention to three items of its agenda, namely, the implementation of the results of the Seventh United Nations Congress on the Prevention of Crime and the Treatment

of Offenders, the review of the functioning and programme of work of the United Nations in crime prevention and criminal justice, and the preparations of the Eighth Congress. The significance of this meeting was underlined not only by its substantive agenda, the Committee being also the preparatory body of the Eighth Congress, but also by the level of attendance.

75. On its opening day, a special commemorative ceremony took place to mark the fortieth anniversary of the Universal Declaration of Human Rights and the United Nations crime prevention and criminal justice programme. The ceremony was attended by the diplomatic community in Vienna, representatives of the Austrian Government and representatives of non-governmental organisations.

76. With regard to the implementation of the recommendations and conclusions of the Seventh Congress, the Committee recommended to the Council the adoption of several draft resolutions, in particular on concerted international action against the forms of crime identified in the Milan Plan of Action, the implementation of the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power and of the Basic Principles on the Independence of the Judiciary, the Guidelines for the effective implementation of the Code of Conduct for Law Enforcement Officials, the Implementation of United Nations Standards and Norms in Crime Prevention and Criminal Justice, and the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules), the implementation of the safeguards guaranteeing the human rights of those facing the death penalty, the implementation of United Nations standards and norms in crime prevention and criminal justice, domestic violence and the prevention and investigation of extra-legal, arbitrary and summary executions.

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

77. The Committee had before it a report prepared by the Secretary-General <sup>9/</sup> focusing on all those aspects that had not been adequately covered in the previous reports to the Council <sup>10/</sup>, <sup>11/</sup> and, in particular, the response of the Secretariat to Economic and Social Council resolution 1986/11 and suggesting future directions of work. In its discussion of this matter, the Committee considered a number of issues, including programme priorities in crime prevention and criminal justice, technical co-operation and advisory services, the role of the Committee on Crime Prevention and Control and the status and resources of the Crime Prevention and Criminal Justice Branch,

78. In the Committee's view, the programme of work should focus on issues of direct concern to Member States so as to assist them in the formulation and implementation of more effective crime prevention and criminal justice policies. In this connection, emphasis was placed on the establishment of a crime prevention and criminal justice information network, and the need to follow-up the recommendation to set up an international council comprising scholarly, scientific and professional organisations and academic institutions to mobilise the full potential of non-governmental organisations and the professional community in the area of crime and justice.

79. In the area of technical co-operation, the Committee recommended that the relevant programme activities be strengthened and ways of obtaining an adequate funding base be explored, since there was an urgent need for additional means and resources to respond to the increasing requests of countries for technical assistance and advisory services.

80. In respect to the expanded responsibilities of the Committee, it was emphasized that one session every two years was insufficient, especially since so much time had to be devoted to congress preparations. Consequently, it was thought that a solution to this problem could be to extend the duration of its biennial sessions, to convene informal inter-sessional meetings of its Bureau and to establish pre-sessional working groups to undertake specific tasks; or to hold annual sessions.

81. The structure and role of the Crime Prevention and Criminal Justice Branch were at the centre of the Committee's deliberations. Many members recalled paragraph 4 of Economic and Social Council resolution 1986/11, in which the Secretary-General had been requested to look critically at the existing structure and level of management of the Crime Prevention and Criminal Justice Branch, with a view to strengthening its capacity and status in relation to its responsibilities, including the provision of additional expertise to respond more effectively to its mandates.

82. After extensive consideration of the various issues involved, the Committee agreed, unanimously, on a draft resolution, "On the review of the functioning and programme of work of the United Nations in Crime Prevention and Criminal Justice", containing the following recommendation for action by the Council: that more attention be paid to the existing structure and level of management of the crime prevention programme secretariat, particularly in the context of Economic and Social Council resolution 1986/11 and 1987/53, and General Assembly resolution 42/59; that the Secretary-General, in preparing his proposals for the 1992-1995 Medium-Term Plan, incorporate a separate programme on crime and justice and include sufficient resources in the 1990-1991 programme budget; that adequate resources be secured towards the full realisation of the global crime prevention and criminal justice information network, including the designing of specifications for the system and the recruiting of a specialist to implement it and that guidelines and training materials be developed within existing resources for interested Member States for the use of information technology in the management of criminal justice; that the operational aspect of the United Nations programme in crime prevention and criminal justice be strengthened, *inter alia*, through the Formulation and implementation of technical assistance projects; and that the eleventh session of the Committee, to be held in 1990, be extended by two days, in view of its crucial role in finalizing the preparations of the Eighth Congress.

83. The Committee also recommended, in a separate resolution to be brought to the attention of the Economic and Social Council, that its Chairman should appoint a sub-committee, composed of the Bureau and other designated experts, with due regard for the principle of geographical distribution, working in collaboration with the directors of the regional and interregional crime prevention institutes, to provide an overview of the magnitude of the problem of crime from an economic,

*criminological, social and juridical aspect; to assess the most efficient means of stimulating practical international action in support of Member States; and to make recommendations to the Committee, at its eleventh session, concerning the most effective mechanisms for the implementation of the conclusions of this review, for submission to the Eighth Congress.*

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

84. The Secretary-General of the Eighth Congress informed the Committee that five interregional meetings had successfully been concluded (A/CONF.144/1PM.1-5), that the Government of Cuba had extended an invitation to host the Congress in Havana; that the Economic and Social Council had taken note with appreciation of that invitation; that a first planning mission had visited the country at the request of the Cuban authorities and had reported that the conference facilities were very satisfactory. She also announced her intention to appoint the Head of the Crime Prevention and Criminal Justice Branch as Executive Secretary of the Eighth Congress.

85. The quinquennial congresses were recognised as being important not only as a forum for exchanging views and experience but also as vehicles for international co-operation and as instruments of policy change and reforms towards more effective crime prevention and more humane justice. The agenda of successive congresses had changed according to the emerging needs and aspirations of Member States and the international community as a whole. Human rights, of both offenders and victims, currently represented a new focus of interest. Equally important was the growing concern for the transnational nature of serious criminality and the need to find more effective arrangements for international co-operation in combating it.

86. The Committee thought that, the decision to hold the interregional preparatory meetings before the regional ones had had positive effects and would be of assistance to the regional meetings in obtaining better results in their deliberations, and recommended that this order should be retained in the future. New instruments and policy recommendations were certainly of paramount importance and should be an integral part of the congresses, since they were contributing significantly to harmonious international relations, the improvement of criminal justice administration and the protection of human rights.

87. In the opinion of the Committee, it was crucial to extend invitations to the Eighth Congress at an early stage in order to allow enough time for Governments to carefully prepare their contributions to the Congress, thus improving the quality of its deliberations. Even before extending the official invitations, Governments should be urged to start organizing for that major event by establishing focal points and preparing national position papers.

88. Many members of the Committee acknowledged with gratitude the invitation of the Government of Cuba to host the Eighth Congress at Havana and expressed the view

that the Economic and Social Council should accept the invitation. Such acceptance would remove one of the difficulties facing the preparatory work. The Committee also emphasized the importance of publicity for the Eighth Congress in promoting the involvement of Governments, international and regional organizations, non-governmental organizations and the public at large.

89. After extensive consideration of the various issues involved, the Committee approved a draft resolution containing, inter alia, recommendations on the documentation for the Congress, on rules of procedure and on organizational matters. Moreover, the Secretary-General was requested to stress to the General Assembly, at its forty-third session, the urgency of providing the necessary additional resources, including temporary assistance and travel for the **Secretary-General** of the Eighth Congress and additional staff members of the Secretariat, to service the regional preparatory meetings in 1989 and to engage in relevant consultations with Member States, so as to enable the Secretariat to undertake, in an effective and timely manner, all the preparatory activities for the Congress. The Secretary-General was also requested to strengthen the information programme related to the Eighth Congress in order to create an awareness among experts and the general public of the significance of the work of the United Nations in the field of crime prevention and criminal justice.

90. With a view to facilitating an early start in the preparation of the working papers and other documents for the Eighth Congress, the Secretariat has scheduled the five regional preparatory meetings to take place in the first half of 1989, so that the documentation can reflect the inputs generated by the regional meetings. The Committee recommended that the Secretariat should start finalizing the Congress documents immediately after the conclusion of the regional meetings, since it was essential for Governments and other participants to receive such documentation at an early stage. The recommendations of the Committee on Congress preparations, however, will not be acted upon by the Economic and Social Council until its first regular session of 1989, i.e. May of that year. While this would not present major problems with reference to other issues, the action of the Council would **come too late** with respect to the recommendation dealing with the proper and efficient organization of the regional preparatory meetings. In this regard, it is noted that since the Committee met only in August 1988, no provision has been made for additional resources to cover the travel, consultations and information programme recommended by the Committee.

91. As noted by the Committee, its tenth session was crucial in making viable proposals on various substantive matters and in pronouncing itself objectively on the status and the resources available to the United Nations. Crime was having enormous consequences affecting the lives of individuals and nations at large. The very existence of human rights and fundamental freedoms, and the guarantees of such rights and freedoms, were worth little if their enjoyment was threatened by rampant criminality. The perpetrators of crime had far **outpaced** society's response to it. **They** were able to exploit the gaps of national legislations, relying on new organizational forms and sophisticated collaboration techniques across national frontiers that many States could not counteract alone. If action against crime was to become **more** effective, improved methods of international co-operation had to be devised, particularly in view of the increasing demands and proposals from Member States to expand the activities of this programme.



92. There is also a pressing need for the early establishment of effective international mechanisms for promoting social peace, internal security and public safety, alleviating the plight of victims of crime and ensuring respect for basic human freedoms. In this context, the early elaboration of an international convention of mutual assistance in the field of crime prevention and criminal justice should be considered.

93. Pursuant to resolution 1988/44 of the Economic and Social Council, the report of the Committee on its tenth session and the recommendations therein will be before the Council at its first regular session of 1989.

## VI. CONCLUDING OBSERVATIONS

94. Crime and violence and the constant fear of victimisation exact a heavy toll on societies in different parts of the world, threatening the course of development, security and peace with infringement of human rights and fundamental freedoms. If this toll is not to become unbearable, adequate policies and appropriate measures must be instituted at the national, regional and international levels. Reforms in criminal law and improvements in criminal justice administration should be fostered. If lawlessness is to be voided, gaps and inadequacies must be identified and viable solutions vigorously pursued, following an action-oriented and pragmatic approach. The role of the United Nations in assisting Member States in all these endeavours has been acknowledged constantly by criminal justice operations, national authorities, experts and scholars. On the basis of a strengthened programme of multilateral co-operation in crime prevention and criminal justice, much more could be achieved.

95. The present report shows that, in spite of the progress made in the implementation of General Assembly resolutions 41/107 and 42/59, much more remains to be done in terms of relevant information to be received from Governments on steps being taken to give effect to the Milan Plan of Action and to the conclusions and recommendations of the Seventh Congress. Similar considerations apply to the activities to be carried out by the Secretariat, which has been faced with the challenging task of responding to increased programme mandates while subject to serious resource constraints and staff reductions. Strong concern has been voiced by Member States, intergovernmental and non-governmental organisations and internationally recognized experts about the ability of the Organization to fulfil its programme obligations in such circumstances. Identifying programme priorities without considering resource needs will not result in the achievement of the desired objectives. 19/

96. The Secretary-General has been requested to organize a major global event, namely, the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders. The Congress is being undertaken with limited resources. The expansion of operational activities requires additional time and resources, particularly in view of the increasing needs of developing countries for technical assistance. If the United Nations is to serve all Member States as a reliable source of timely information, it should have the capacity to ensure effective and energetic follow-up on the conclusions and recommendations of the Seventh Congress

as well as the results of the programme review. Similarly, if the United Nations is to give practical follow-up to the Milan Plan of Action, there is a need not only to study the most serious forms of crime identified therein, but also to formulate concrete action programmes to combat them, to be jointly implemented by all Member States.

Notes

- 1/ E/AC.57/1988/13, paras. 17-18.
- 2/ E/1987/43, para. 71.
- 3/ E/AC.57/1988/8.
- 4/ E/AC.57/1988/11.
- 5/ E/AC.57/1988/9.
- 6/ E/AC.57/1988/5.
- 7/ E/AC.57/1988/3.
- 8/ E/1988/31.
- 9/ E/AC.57/1988/2-16.
- 10/ E/AC/1988/16.
- 11/ A/CONF.144/IPM.1.
- 12/ A/CONF.144/IPM.4.
- 13/ A/CONF.144/IPM.2.
- 14/ A/CONF.144/IPM.3.
- 15/ A/CONF.144/IPM.5.
- 16/ E/1987/43, para. 71.
- 17/ A/CONF.144/IPM.1, para. 22.
- 18/ E/AC.57/1988/12, paras. 27-30.
- 19/ E/AC.57/1988/13, paras. 71-72.