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Use and application of United Nations standards and norms in crime prevention and criminal justice

United Nations standards and norms in crime prevention and criminal justice

Report of the Secretary-General**

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* E/CN.15/2004/1.

** The present report was submitted after the deadline as a result of late submission of replies by Member States.



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I. Introduction

1. In accordance with the recommendation of the Commission on Crime Prevention and Criminal Justice at its twelfth session (see E/2003/30-E/CN.15/2003/14, para. 2), the Economic and Social Council decided, in its resolution 2003/30 of 22 July 2003, to group United Nations standards and norms into the following four categories for the purpose of targeted collection of information, in order to identify the specific needs of Member States better and to provide an analytical framework, with a view to improving technical cooperation:

(a) Standards and norms related primarily to persons in custody, non-custodial sanctions and juvenile and restorative justice;

(b) Standards and norms related primarily to legal, institutional and practical arrangements for international cooperation;

(c) Standards and norms related primarily to crime prevention and victim issues;

(d) Standards and norms related primarily to good governance, the independence of the judiciary and the integrity of criminal justice personnel.

2. In the same resolution, the Council requested the Secretary-General to convene an intergovernmental expert group meeting, on the basis of adequate and equitable geographical representation, to prepare proposals to be considered by the Commission on Crime Prevention and Criminal Justice at its thirteenth session, in relation to (a) the design of information-gathering instruments that were short, simple, complete and understandable in relation to the selected groups of standards and norms referred to above; and (b) new ways and means for maximizing the effectiveness of technical assistance to Member States in specific areas of crime prevention and criminal justice, including in the context of the reconstruction of criminal justice institutions in peacekeeping and post-conflict situations, in particular as regards capacity-building and the promotion of the rule of law.

3. The Council called upon Member States, intergovernmental and non-governmental organizations, the institutes of the United Nations Crime Prevention and Criminal Justice Programme network and United Nations entities, in responding to targeted inquiries on the application of United Nations standards and norms, to focus on identifying difficulties that had been encountered in their application, ways in which technical assistance to requesting States could overcome those difficulties and desirable practices in the prevention and control of crime. In that connection, the Centre for International Crime Prevention of the United Nations Office on Drugs and Crime, in collaboration with the institutes of the United Nations Crime Prevention and Criminal Justice Programme network, was requested to promote the widest possible dissemination of United Nations standards and norms and to provide advisory services and technical assistance in relation to United Nations standards and norms in crime prevention and criminal justice, including by developing resource materials and organizing training courses and workshops.

4. The present report aims to provide the Commission, in addition to a short analysis of replies received from Member States and relevant non-governmental organizations, with a summary of the outcome of the intergovernmental expert group meeting (E/CN.15/2004/9/Add.1), a short overview of activities undertaken in

order to disseminate United Nations standards and norms in crime prevention and criminal justice and a description of advisory services and technical cooperation activities delivered in the area of crime prevention and criminal justice.

II. Replies received from Member States and non-governmental organizations

5. Four States provided comments related to the implementation of Economic and Social Council resolution 2003/30. Observations were also received from the following non-governmental organizations in consultative status with the Economic and Social Council: the American Society of Criminology, the International League for Human Rights and Pax Romana.

6. Finland reported that it had consistently considered the United Nations standards and norms in crime prevention and criminal justice as important and useful for promoting effective and just methods of reducing crime. The standards and norms were considered to provide a point of reference for improving criminal justice processes and for the promotion of human rights and to be particularly useful for developing countries and countries with economies in transition.

7. Finland regarded the proposal for dividing the United Nations standards and norms into various categories as an effective way to gather information and welcomed the idea of convening an intergovernmental expert group meeting to prepare information-gathering instruments.

8. Reference was also made to the economic support given to the European Institute for Crime Prevention and Control, affiliated with the United Nations, which had participated in the drafting of survey instruments and had gathered information on priority items. Finland also referred to active participation in the work of the European Union Crime Prevention Network, which promoted the accumulation and exchange of information and know-how within and outside the European Union.

9. Morocco referred to its new Code of Criminal Procedure and the improved position of suspected criminal offenders in pre-trial detention, as well as to its non-custodial sentences, including fines and probation. Morocco also mentioned that the new Code had strengthened the rights of juvenile delinquents, who were dealt with by specialized police forces and specialized juvenile judges.

10. Concerning international police and judicial cooperation, Morocco made reference to a number of conventions concluded with Arab States and with Western States, which provided for the training of law enforcement agents and judges as well as for the extradition of suspects.

11. Morocco also mentioned that specialized services were responsible for the security of its population, based on crime prevention action plans, and that special attention was paid to the situation of victims.

12. The independence of the judiciary was guaranteed in the Moroccan constitution. All civil servants in the field of justice were selected on the basis of their integrity and professional qualifications. Crime reduction was considered to be a real priority and a number of new legislative texts had recently been adopted by

parliament, including the new Code of Criminal Procedure, a law on combating terrorism and a law on residence and illegal migration. The National Security Service had moreover adopted a strategy based on community policing, with the establishment of community-based police offices, police forces in tourist areas and equestrian forces.

13. The Netherlands mentioned that it was using rules on non-custodial sanctions, based on the standard minimum rules on the implementation of non-custodial sanctions and measures of the Council of Europe, which could also serve as a model for other countries.

14. The Netherlands also stressed its support for the rights of victims of criminal acts within the criminal procedure, including the right to proper treatment, information and compensation, as well as the promotion of certain forms of restorative justice, based on the Council of the European Union framework decision of 15 March 2001 on the standing of victims in criminal proceedings.

15. Zambia emphasized its commitment to ensuring that human rights were respected also towards individuals who came into conflict with the law and that both victims and perpetrators were guaranteed fair treatment.

16. The American Society of Criminology reported that it had organized a panel session on a possible film documentary for the Eleventh United Nations Congress on Crime Prevention and Criminal Justice, to be held in Bangkok in April 2005, on a topic related to criminal justice reform. It had also disseminated among its members various documents, which included the United Nations standards and norms, for their inclusion in academic books dealing specifically with the topic of standards and norms and generally with the work of the United Nations in the crime prevention and criminal justice field.

17. The International League of Human Rights, with reference to operative paragraph 4 of Economic and Social Council resolution 2003/30, stated that it would be in a position to respond to targeted inquiries on the application of various United Nations standards and norms in crime prevention and criminal justice, focusing on the identification of difficulties that had been encountered in their application, ways in which technical assistance to requesting States could overcome those difficulties and desirable practices for the prevention and control of crime.

18. Pax Romana stated that it had regularly provided information on United Nations standards and norms to its affiliates, being particularly engaged in highlighting the importance of protecting the child victim of crime and in promoting the abolitionist perspective on the question of the death penalty.

III. Intergovernmental Expert Group Meeting on United Nations Standards and Norms in Crime Prevention and Criminal Justice

19. Pursuant to Economic and Social Council resolution 2003/30, an Intergovernmental Expert Group Meeting on United Nations Standards and Norms was convened in Vienna from 23 to 25 March 2004. The meeting was attended by experts representing Argentina, Canada, Chile, Finland, Germany, Hungary, India,

Peru, Poland, Sri Lanka, the Sudan, the United States of America and Zimbabwe, as well as by observers from other Governments. The selection of the experts took place in close consultation with the Chairmen of the regional groups. The report of the Expert Group Meeting, which includes a set of specific recommendations in the form of a draft resolution for consideration and action by the Commission, is contained in an addendum to the present report (E/CN.15/2004/9/Add.1).

20. The Expert Group Meeting reviewed four draft information-gathering instruments on standards and norms, related to persons in custody, non-custodial sanctions and juvenile and restorative justice, which had been developed with the assistance of the European Institute for Crime Prevention and Control, affiliated with the United Nations, and commented on by other members of the United Nations Crime Prevention and Criminal Justice Programme network. The draft instruments are before the Commission as conference room papers.

IV. Vienna Declaration on the Role of Judges in the Promotion and Protection of Human Rights and Fundamental Freedoms

21. In November 2003, the United Nations Office on Drugs and Crime and the Office of the United Nations High Commissioner for Human Rights provided support to the Government of Austria in convening a Symposium on the theme “The role of judges in the promotion and protection of human rights: strengthening inter-agency cooperation”, to mark the tenth anniversary of the Vienna Declaration and Programme of Action,¹ adopted at the World Conference on Human Rights in 1993.

22. The symposium was opened by the Minister for Foreign Affairs of Austria and attended by eminent judges and participants from regional and international intergovernmental and non-governmental organizations. The Acting United Nations High Commissioner for Human Rights, who chaired the Meeting, reminded participants that criminal violations were widespread in different parts of the world and that tyrants still held sway over many countries. He also noted that, although there was now nominal universality, in practice the actual realization of human rights remained illusory for large parts of the world’s population. Accordingly, much more had to be done in connection with implementation.

23. The Executive Director of the United Nations Office on Drugs and Crime emphasized that crime prevention and control, including terrorism and organized crime, must not be at the cost of the protection of the human rights of all the individuals involved, including suspects, victims and innocent third parties. Judges must be the guarantors of the balance between shifts in the burden of proof and the traditional defence of “innocent until proven guilty”. Extraordinary measures to combat terrorism and organized crime must be overseen by independent judges. In that connection, judicial integrity should be considered the cornerstone of the independence and impartiality of the judicial system, as full implementation of many human rights instruments ultimately depended on the fair and effective administration of justice.

24. The Symposium adopted the “Vienna Declaration on the Role of Judges in the Promotion and Protection of Human Rights and Fundamental Freedoms”, which

contained specific recommendations for Governments and intergovernmental and non-governmental organizations, as well as concrete proposals with regard to conflict and post-conflict situations. The Declaration called the attention of the international community to the need to provide support to judges and called upon intergovernmental and non-governmental organizations to develop and conduct training and awareness-raising projects in a participatory manner, addressing capacity needs and weaknesses as identified in the specific country context and focusing on the sustainable development of judicial capacity and structures, and to develop appropriate training evaluation criteria. The Vienna Declaration, which was presented to the General Assembly on the occasion of International Human Rights Day and issued as a document of the General Assembly and the Security Council (A/58/618-S/2003/1145), will be before the Commission for its consideration.

V. Dissemination of United Nations standards and norms in crime prevention and criminal justice

25. The United Nations Office on Drugs and Crime has continued its efforts to promote wide dissemination of United Nations standards and norms in crime prevention and criminal justice in the context of justice reform. A revised version of the Compendium of United Nations Standards and Norms in Crime Prevention and Criminal Justice is being finalized and the Office has participated in several events relating to its practical application. In that context, in June 2003 the Office organized a training course on the United Nations crime prevention and criminal justice standards and norms in law enforcement, in cooperation with the International Committee of the Red Cross. A new publication, *Kids Behind Bars: A study on children in conflict with the law—towards investing in prevention, stopping incarceration and meeting international standards*, issued by Defence for Children International (Netherlands) promotes the practical implementation of the United Nations standards and norms. Under the sponsorship of the Human Security Network, the European Training and Research Centre for Human Rights and Democracy has produced a manual on human rights education, which includes illustrated stories related to the Basic Principles on the Independence of the Judiciary,² the Basic Principles on the Role of Lawyers³ and the Guidelines on the Role of Prosecutors.⁴ Together with the United Nations Office on Drugs and Crime, the European Training and Research Centre is organizing a summer academy on human rights and human security, with a special focus on post-conflict situations. The Government of Portugal has translated and published the Compendium in Portuguese and, in November 2003, the Office organized jointly with the Government of Portugal a study tour to several establishments in Portugal for criminal justice officials of the Portuguese-speaking countries and territories, including Angola, Brazil, Cape Verde, Macau Special Administrative Region of China, Mozambique, São Tomé and Príncipe and Timor Leste, where the United Nations standards and norms were used as training materials, together with the translations into Portuguese of the 12 instruments against terrorism, the United Nations Convention against Transnational Organized Crime and its three Protocols and the related draft legislative guides and the United Nations Convention against Corruption.

VI. United Nations Coordination Panel on Technical Advice and Assistance in Juvenile Justice

26. A United Nations Coordination Panel on Technical Advice and Assistance in Juvenile Justice was established in 1997, in response to Economic and Social Council resolution 1997/30 of 21 July 1997, requiring United Nations system-wide coordination of activities in the field of juvenile justice to facilitate the implementation of relevant international standards and related recommendations of the Committee on the Rights of the Child. From the outset, other relevant organizations were also invited to participate.

27. During its first three meetings, the Coordination Panel focused mainly on information-sharing and coordination. While interest and activities in respect of juvenile justice had increased in many countries, with real progress evident in several cases, it was felt that coordination and cooperation between partners working on the issue had remained relatively unsystematic.

28. A fourth meeting of the Coordination Panel was organized, at the initiative of the United Nations International Children's Fund (UNICEF) and hosted by the UNICEF office in Morocco, from 22 to 24 March 2004 in Rabat. The meeting was attended by the Chair of the Committee on the Rights of the Child and by representatives of UNICEF, the Office of the United Nations High Commissioner for Human Rights and the United Nations Office on Drugs and Crime, as well as by representatives of the main non-governmental organizations working in the area, including Defence for Children International, Penal Reform International, the World Organization against Torture and the International Federation Terre des Hommes.

29. Participants were asked to provide to UNICEF before the meeting documentation on good practices and lessons learned, as well as policy and programming tools they felt could be useful to others. UNICEF analysed the materials received and developed a matrix presenting information on the activities being undertaken by various organizations in the field of juvenile justice. This global mapping of justice reform for children, which gave an overview of ongoing and planned activities in the field of juvenile justice and could be made available in electronic form, was considered by all participants as a useful tool to further strengthen cooperation and joint action. The decision was taken to establish an Intranet, linked to the UNICEF home page, which would be accessible to all members of the Coordination Panel. The web site would include, apart from the matrix, an overview of existing tools and good practices, developed by members of the Panel, under the following headings:

- (a) Legal reform for compliance with international standards;
- (b) Programmes for child offenders (including intersectoral programmes, alternatives to deprivation of liberty and child-friendly procedures);
- (c) Training materials;
- (d) Public attitudes towards children in conflict with the law;
- (e) Monitoring and reporting for the Convention on the Rights of the Child and international standards;
- (f) Post-conflict issues.

30. It was also decided to prepare a short publication presenting the Coordination Panel and its members, as well as the main focus of each of the partners and reference to some of the good practices to be followed. It was further agreed to look into possibilities for strengthening the role of the Panel in the future by developing common tools and joint initiatives.

31. The Panel felt that such a new approach would be very useful for technical cooperation on juvenile justice issues. As most of the members were already active in the countries of the Middle East and Northern Africa region, the latter was identified as a pilot area for improved coordination and collaboration at the regional and country level.

VII. Cooperation with the Office of the United Nations High Commissioner for Human Rights

32. Given that a number of resolutions of the Commission on Human Rights are of direct relevance to the work of the United Nations Office on Drugs and Crime, they are brought to the attention of the Commission. The issues involved include the question of arbitrary detention (Commission on Human Rights resolution 2003/31); torture and other cruel, inhuman or degrading treatment or punishment (Commission resolution 2003/32); the right to restitution, compensation and rehabilitation for victims of grave violations of human rights and fundamental freedoms (Commission resolution 2003/34); human rights and terrorism (Commission resolution 2003/37); the integrity of the judicial system (Commission resolution 2003/39); hostage-taking (Commission resolution 2003/40); the independence and impartiality of the judiciary, jurors and assessors and the independence of lawyers (Commission resolution 2003/43); elimination of violence against women (Commission resolution 2003/45); the human rights of migrants (Commission resolution 2003/46); the protection of human rights in the context of HIV/AIDS (Commission resolution 2003/47); extrajudicial, summary or arbitrary executions (Commission resolution 2003/53); and the question of the death penalty (Commission resolution 2003/67).

33. In accordance with the provisions of those and previous resolutions, regular exchanges of information have taken place on work programmes and technical cooperation between the two offices. Focal points have been established for a number of issues, including terrorism, trafficking in human beings, juvenile justice, the independence of the judiciary and technical cooperation.

34. Particular attention has been focused on the dissemination of United Nations standards and norms in human rights and the administration of justice. It has been agreed that lists of training materials for teaching the police, lawyers and other criminal justice personnel will be exchanged and a database maintained. In discussions on guides for trainers and facilitators, interactive compact discs, web-based training tools and public-awareness materials, the importance of adapting materials to specific audiences has been recognized. The United Nations Office on Drugs and Crime has cooperated in the formulation and review of a number of publications, including the following: *Human Rights in the Administration of Justice: A Manual for Judges, Prosecutors and Lawyers*; *ABC—Teaching Human Rights: Practical Activities for Primary and Secondary Schools*; *Human Rights and Law*

Enforcement: A Manual on Human Rights Training for the Police; International Human Rights Standards for Law Enforcement: A Pocket Book on Human Rights for the Police; Human Rights and Law Enforcement: A Trainer's Guide on Human Rights for the Police; Human Rights and Pre-trial Detention: A Handbook of International Standards relating to Pre-trial Detention and a manual on human rights in prison. The publications are available on the web site of the Office of the United Nations High Commissioner for Human Rights (<http://www.unhcr.ch/html/menu6/2/index.htm>).

35. Several meetings have been held with the Special Rapporteur on the independence of judges and lawyers regarding the promotion of the Bangalore Principles of Judicial Conduct, which were noted by the Commission on Human Rights at its fifty-eighth session (resolution 2003/43). Contacts have also been maintained with special rapporteurs concerned with specific human rights situations.

36. In addition, the Office of the High Commissioner was invited to join a United Nations Office on Drugs and Crime assessment mission to Algeria in June 2003. The mission was based on a request by the authorities of Algeria to support the country in its ongoing criminal justice reform process, in particular as it related to the issues of prevention of terrorism, drug control and the penitentiary system, including human rights aspects. A detailed set of recommendations was prepared by the mission team, which included, as far as criminal justice reform was concerned, the need to undertake activities that could strengthen national action against transnational organized crime, improve the juvenile justice system and enhance crime prevention and victim support. Follow-up action is currently under way, taking into account the comments of the Algerian authorities on the mission recommendations.

VIII. Technical assistance for crime prevention and criminal justice reform

37. The demand for technical assistance projects in reconstruction of criminal justice systems, criminal justice reform and crime prevention has increased steadily over the past two years. The United Nations Office on Drugs and Crime assists countries in building their capacities to administer criminal law and to reduce crime, in accordance with the United Nations standards and norms in crime prevention and criminal justice and good practices. Current projects cover a variety of areas, including juvenile justice reform, penal reform, victim support and prevention of urban crime, as described below.

A. Juvenile justice reform

38. A follow-up project being carried out in Lebanon is based on a national pilot project, completed in 2002, which led to the reduction of the average period of detention (pre-trial and post-conviction) of male minors, an increased presence of skilled social workers during hearings and an increase in the number of professionals trained in juvenile justice issues. The follow-up project to support the juvenile justice system in Lebanon was launched in November 2002. The first phase of the project focused on the situation of girls in closed institutions. A specific

institution for the detention of girls in conflict with the law has been established and a standard administrative file, as well as special educational and vocational programmes adapted to the situation and needs of girls in detention, have been developed. In the ongoing second phase, the project aims at creating a service for youth care, developing reinsertion programmes outside the prison context, establishing a protection section at the Youth Department of the Ministry of Justice and developing a judicial protection procedure for minors who have become victims of crime.

39. A project to strengthen legislative and institutional capacity for juvenile justice in Egypt began in early 2003. Building on lessons learned from the pilot projects in Lebanon, the project assists the Government of Egypt in its efforts to improve the implementation of the national legislative and institutional provisions for juvenile justice. It formulates a strategy directed towards the prevention of delinquency and recidivism, the protection of young people in difficult circumstances and the improvement of detention conditions for young offenders.

40. A similar juvenile justice project has also been designed for Jordan. The United Nations Office on Drugs and Crime is planning to expand, based on donor interest, its juvenile justice programme in the Middle East and North Africa region and in some other countries.

B. Penal reform

41. In addition to its penitentiary reform project in Afghanistan, the United Nations Office on Drugs and Crime is currently planning penal reform initiatives in the Islamic Republic of Iran and the Lao People's Democratic Republic. Moreover, as the Office has become the lead agency on prevention of HIV/AIDS in prisons, a strategy is being developed to prepare a toolkit on good practices, as well as to initiate pilot projects.

C. Victim support

42. A project to establish shelters for victims of domestic violence in South Africa has been expanded to include another province during 2003. The shelters provide a range of services, including paralegal, counselling and emotional support, for the victims and survivors of violence, especially women and children, and rehabilitation services (counselling and support groups) for male perpetrators in order to break the cycle of violence. Based on lessons learned from the pilot project in South Africa, similar projects to counteract and prevent violence against women are envisaged for some neighbouring countries.

43. A global programme for building up non-governmental support structures for victims of violent crime, including victims of trafficking in persons, has also been initiated. The project is aimed at identifying good practices in global victim assistance by funding innovative victim support initiatives, primarily in developing countries and countries with economies in transition. In response to an invitation to submit ideas for projects, the Office received over 200 proposals and will soon announce 15 projects that have been selected by the international jury to receive grants. They will be subject to a special monitoring and evaluation mechanism.

D. Prevention of urban crime

44. A crime prevention project launched in Senegal aims at assisting the local authorities to establish neighbourhood police forces and judicial centres in deprived districts in the Dakar area and at providing special training for the personnel working in those public services, such as conciliators, social workers and police officers. The project promotes partnership initiatives involving the various elements of society as well as the state police and the judiciary. The active involvement of the population groups concerned is fostered, in particular through local surveys on the lack of security.

45. A project is also being developed on inter-agency partnerships for safer *favelas* in the city of Rio de Janeiro, Brazil. The project will strengthen the strategies for action by the Rio de Janeiro local authorities, involving partnerships with non-governmental organizations and including systematized collection of data and use of victimization survey methodologies, launching of awareness-raising campaigns and training of staff involved in community prevention interventions.

46. Another project being executed by the United Nations Office on Drugs and Crime is entitled "South-South cooperation for determining good practices for crime prevention in the developing world" and is financed from the United Nations Development Account. Its main objective is to build up a systematic process of information exchange on crime prevention between the countries of the Caribbean and those of Southern Africa.

IX. Technical cooperation in post-conflict situations

47. A comprehensive programme for criminal justice reform and reconstruction has been formulated for Afghanistan and is currently being implemented. It is composed of three main components developed in close consultation with the relevant stakeholders, covering the following areas:

(a) *Reform of the penitentiary system.* Activities commenced in June 2003 and include the rehabilitation of the prison and detention centre capacity in Kabul and the establishment of a detention centre for women, where special attention is given to the needs of women with small children. The project also entails the revision of legislation and the training of prison staff on standards and norms and on management issues. Educational and vocational programmes have been initiated, jointly with the Ministry for Women's Affairs, especially for detained women, in order to facilitate their social reintegration. The United Nations Office on Drugs and Crime is currently looking into possibilities to expand the penitentiary reform project to the main provinces of the country;

(b) *Criminal law reform and criminal justice capacity-building.* Starting in January 2004, the project is aimed at reviewing legislation in order to meet international standards, refurbishing the offices of the Ministry of Justice and the judiciary, training the staff and establishing multi-purpose centres of justice in selected provincial capitals;

(c) *Juvenile justice.* Launched in February 2004, the project is designed to strengthen the juvenile justice administration of the Ministry of Justice as a focal

point for matters pertaining to children in conflict with the law. The project includes providing new premises for the youth court in Kabul as well as a special residential institution for offenders aged 15-18.

48. Within the overall programme, special attention is paid to the role of girls and women within and outside the criminal justice system, so as to prevent gender-related violence and discrimination and to ensure the participation and representation of women in the implementation of all phases of the programme.

49. The United Nations Office on Drugs and Crime participates in the rule of law focal points of the Department of Peacekeeping Operations and assists in assessing post-conflict situations and in identifying personnel for peace-building missions. The Office presented a paper to the Chief Executives Board of the United Nations system highlighting the need for inter-agency cooperation to effectively tackle organized crime in a holistic manner, including in post-conflict situations. The recommendations contained in the paper were approved by the Board.

50. Following a mission to Sierra Leone in December 2002, a multisectoral project proposal for that country was developed. A project document on restoring criminal justice and crime prevention systems in Somalia has also been formulated. Advice on prison reform has been provided to Timor Leste, which is being followed up. Regular consultations take place between United Nations Office on Drugs and Crime offices in Bangkok, Bogota, Kabul and Pretoria, as well as on projects in Bosnia and Herzegovina, Cambodia, Guatemala, Haiti, Mexico, the Philippines, Somalia, the Sudan, Timor Leste and Serbia and Montenegro. The Office participated in a brainstorming session on the rule of law and justice in the Democratic Republic of the Congo, organized by the Office of the United Nations High Commissioner for Human Rights in May 2003.

51. In August 2003, a mission took place to Iraq to assess the requirements for criminal justice reform in specific areas. The mission team concluded that the evolving nature of organized crime in Iraq was based on sophisticated smuggling networks, many of which had been established under the previous regime, as well as new forms of organized criminal activity and smuggling. There had been a recent upsurge in the levels of violent crime, including murder, kidnapping with extortion and hijacking of vehicles. There were indications that many such offences, especially kidnapping, were linked to an increase in organized crime. The conditions for the expansion of organized crime included the absence of rule of law, disintegration of state institutions and the promotion of various forms of smuggling under the previous regime. Such factors had taken place against the backdrop of a deterioration in socio-economic conditions in the past decade. While drug abuse in Iraq was not perceived to be a serious problem, key indicators suggested that there was an emerging problem of abuse, with a potential for dramatic growth. Serious challenges lay ahead for the future Government of Iraq in tackling organized crime and trafficking in drugs. An effective and humane criminal justice system was not yet in place. An essential first step would be to establish an adequate legal framework in compliance with the international conventions on drugs, organized crime and terrorism.

52. In response to a request from the Department of Political Affairs, the United Nations Office on Drugs and Crime participated in July 2003 in a United Nations assessment mission to Guatemala to collect and analyse information on illegal and

clandestine groups responsible for threats and attacks against human rights defenders, members of the judiciary, witnesses and labour and other activists. On the basis of the recommendations made by the mission, an agreement was concluded between the United Nations and the Government of Guatemala, calling for the establishment of a commission for the investigation of illegal groups and clandestine security organizations in Guatemala. That agreement breaks new ground for the United Nations as, for the first time, the Organization has been granted prosecutorial functions, to be used only as a last resort should a case become blocked. Unlike an international tribunal, which establishes a new court under special rules of procedure, and unlike a truth commission, which looks at the past, the Commission is expected to investigate current criminal acts for prosecution in Guatemalan courts, using Guatemalan criminal procedures. The agreement calls for legal reforms that would help to ensure the proper functioning of Guatemala's criminal investigation and prosecution system in order to equip them with the basic tools necessary for fighting organized crime. As some changes would be required to bring the Guatemalan legislation and criminal procedures in compliance with the international conventions on human rights and the United Nations Convention against Transnational Organized Crime, which the Government ratified in August 2003, a follow-up mission was undertaken by the United Nations Office on Drugs and Crime in March 2004. The mission was jointly organized with the Head of the Human Rights and Justice Section of the United Nations Verification Mission in Guatemala, to assess the needs for technical assistance to law enforcement, prosecutors and judges dealing with organized and other serious crimes. Among the short-term activities to be undertaken, the Office identified the need to organize a multi-disciplinary workshop on the implementation of the United Nations Convention against Transnational Organized Crime, as well as the need for mentoring to support the work of the legislative reform group and to assist prosecutors with cases related to organized crime, corruption, extradition and mutual legal assistance.

53. Assessment missions are also being planned for Ethiopia, Georgia and Mozambique. As far as Ethiopia and Mozambique are concerned, the United Nations Office on Drugs and Crime works closely with the United Nations Development Programme. Cooperation with the Department of Peacekeeping Operations is envisaged in Côte d'Ivoire, Haiti and the Sudan.

54. The United Nations Office on Drugs and Crime is developing a project to support peace-building assessment and formulation missions, based on the need for resources to participate at an early stage in United Nations preparatory meetings, take part in missions and formulate projects, as well as for the provision of immediate assistance (advice, training and basic equipment) and the establishment of temporary offices, in order to ensure close coordination with all counterparts in the country. In order to obtain accurate information about the situation with respect to organized crime and trafficking in drugs and human beings, the different sectors of the criminal justice system, the treatment of prisoners and vulnerable groups within the criminal justice system, specialized professional expertise would be required, at short notice. For that reason, the Office is currently compiling a roster of experts who could participate in needs assessment missions, provided that a minimum of extrabudgetary resources is made available for that purpose.

X. Conclusions and recommendations

55. The General Assembly, in its resolution 58/183 of 22 December 2003, entitled "Human rights in the administration of justice", invited the Commission on Human Rights and the Commission on Crime Prevention and Criminal Justice, as well as the Office of the United Nations High Commissioner for Human Rights and the Crime Programme of the United Nations Office on Drugs and Crime, to closely coordinate their activities relating to the administration of justice; and encouraged the regional commissions, the specialized agencies, United Nations institutes active in the areas of human rights and crime prevention and criminal justice, as well as intergovernmental and non-governmental organizations, including national professional associations concerned with promoting United Nations standards in this field, and other segments of civil society, including the media, to continue to develop their activities in promoting human rights in the administration of justice. The Assembly once more reaffirmed the importance of the full and effective implementation of all United Nations standards on human rights in the administration of justice.

56. Against that background, and the mandate given by the Economic and Social Council in its resolution 2003/30, the conclusions and recommendations of the Intergovernmental Expert Group Meeting on United Nations Standards and Norms in Crime Prevention and Criminal Justice are particularly important (E/CN.15/2004/9/Add.1).

57. In line with the above-mentioned recommendations, the Commission may wish to request the United Nations Office on Drugs and Crime to establish rosters of national and regional experts, enhance advisory services on the basis of lessons learned and develop, at the request of Member States, practical projects, in particular for victims' support services and witness protection, prison reform and alternatives to imprisonment, juvenile justice and restorative justice.

58. Finally, the Commission may also wish to encourage the United Nations Office on Drugs and Crime to continue to develop and produce manuals and tools to be used in providing training on United Nations standards and norms in crime prevention and criminal justice, to carry out such training courses and workshops and to continue coordinating its activities with other United Nations entities, in particular in the context of peacekeeping and peace-building operations.

Notes

¹ A/CONF.157/24 (Part I), chap. III.

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. D.2, annex.

³ Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Havana, 27 August-7 September 1990: report prepared by the Secretariat (United Nations publication, Sales No. E.91.IV.2), chap. I, sect. B.3, annex.

⁴ *Ibid.*, sect. C.26, annex.