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CRIME PREVENTION AND CRIMINAL JUSTICE

Implementation of the conclusions of the Eighth United
Nations Congress on the Prevention of Crime and the
Treatment of OffendersReport of the Secretary-General

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I. INTRODUCTION

1. The present report has been prepared in response to General Assembly resolution 44/72 of 12 December 1989, in paragraph 23, of which the Assembly requested the Secretary-General to submit to it at its forty-fifth session his views and recommendations on the implementation of the conclusions of the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders. 1/ It contains a brief summary of the results of the Congress, 8 consideration of the implementation modalities and constraints, and preliminary proposals for *action*.

2. The quinquennial United Nations congresses on the prevention of crime and the treatment of offenders have been held since 1955, in accordance with General Assembly resolution 415 (V) of 1 December 1950. They have served as a global forum for discussion, contributed greatly to the process of international consensus-building and standard-setting, and furthered progressive practice. The Economic and Social Council, in its resolution 1990/23, of 24 May 1990, having reaffirmed the importance of the United Nations Congresses as global events providing a forum for the exchange of expertise and experience in priority areas and for the development of policy options and international co-operation in the field of crime, commended the Secretary-General of the Eighth Congress for the important work done in preparing for it, in spite of the limited resources available. In its resolution 1990/27 of the same date, the Council, convinced that, to enhance its effectiveness and responsiveness and meet its increased responsibilities, the United Nations programme in crime prevention and criminal justice require adequate resources, invited the General Assembly, at its forty-fifth session, in considering the report of the Eighth Congress, to take appropriate measures to ensure the timely implementation and proper follow-up of the recommendations contained therein.

3. In preparation for the Eighth Congress and in accordance with existing mandates, in particular Economic and Social Council resolution 1986/10 of 21 May 1986, new draft standards, guidelines and model treaties, were formulated as well as manuals and strategies for practical action. The preparatory process involved a series of interregional and regional United Nations meetings attended by high-level government representatives and experts. These meetings discussed the topics on the Congress agenda in depth and from the standpoint of their regions' special concerns. They also considered the various draft instruments and guidelines proposed for consideration by the Eighth Congress and adopted a number of resolutions and recommendations. In finalizing the proposed new instruments and standards, the Committee on Crime Prevention and Control, as the preparatory body for the Congress, fulfilled a crucial role, reviewing all proposals and submitting them to the Congress for action, through the Economic and Social Council. 2/

4. Additional pre-Congress activities were organized with the support of Governments and other entities, in co-operation with the Secretariat. National statements were also prepared by many countries. Valuable contributions were made by intergovernmental and non-governmental organizations, both through material submitted and the special meetings convened before and during the Congress.

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

6. Two workshops were organized: one, on alternatives to imprisonment, focusing on research; and the other, on computerization of criminal justice information, with practical demonstrations. A special meeting on technical co-operation for participants from developing States and potential donor countries and a meeting of national correspondents were also convened. A series of ancillary meetings was organized by intergovernmental and non-governmental organizations in close co-operation with the Secretariat. They dealt with the following subjects: community participation in corrections; local crime prevention policies; children deprived of their liberty; waiting for justice: conditions for prisoners awaiting trial in Latin America and Western Europe; priorities for penal reform; prevention and prosecution of computer crime; domestic violence; strategies for increasing the use of alternatives to imprisonment; world-wide moves towards abolishing the death penalty; recidivism: an unsolved problem of criminal policy; implementation of the basic principles embodied in the United Nations declaration on victims; independence of the judiciary; drugs and drug-related crime; implementation of United Nations standards and rules; and not retribution but restoration: an alternative approach to justice. Meetings of regional groups and of special professional interest groups were also held.

7. An exhibit, including national stands and computer hardware and software applications, was organized, as were special film showings. A series of postal stamps commemorating the Congress was issued, and the designs submitted in a competition by artists from different countries were displayed.

8. Over 1,200 participants attended the Congress, including delegations from 127 countries, with 37 ministers of justice and the interior, 48 attorneys-general and chief justices, 22 deputy ministers, 8 senators and other parliamentarians, 20 ambassadors and 31 directors-general and heads of prison administrations and police services, as well as a large number of representatives of intergovernmental and non-governmental organizations and 350 experts as observers. The Director-General of the United Nations Office at Vienna served as Secretary-General of the Congress and the Chief of the Crime Prevention and Criminal Justice Branch served as its Executive-Secretary.

9. The Congress recommended 13 draft instruments and resolutions for adoption by the General Assembly and adopted 3 other instruments and 30 resolutions covering a wide range of priority issues, including proposals for a strengthened United Nations crime prevention and criminal justice programme.

II. SUMMARY OF THE RECOMMENDATIONS AND CONCLUSIONS OF THE EIGHTH CONGRESS

A. Crime prevention and criminal justice in the context of development: realities and perspectives of international co-operation (agenda item 3; topic I)

10. This agenda item provided an opportunity to review current trend⁶ of crime and to report on new developments in combating it, on the recognition that increased criminality constituted a factor impeding economic growth and social development. It also highlighted, in accordance with paragraph 18 of General Assembly resolution 44/72, the importance attached by Governments to international co-operation in crime prevention and control and the areas identified as requiring concerted action. At the conclusion of its deliberations on this item, the Congress recommended two draft resolutions for action by the General Assembly, and adopted one major instrument, 14 other resolutions and one decision.

11. The draft resolution recommended for action by the General Assembly entitled "International co-operation for crime prevention and criminal justice in the context of development" contains a set of 29 recommendations. Emphasizing that criminal justice efforts should be oriented towards the observance of the principles contained in the Caracas Declaration, 3/ the Milan Plan of Action, 4/ the Guiding Principles for Crime Prevention and Criminal Justice in the Context of Development and a New International Economic Order 5/ and other relevant United Nations resolutions, the recommendations propose a wide range of measures for Governments to follow. They also outline viable options for concerted and systematic action to strengthen international co-operation in crime prevention and criminal justice under this important United Nations programme, so as to respond more effectively to the needs and expectations of Member States.

12. The draft resolution entitled "Review of the functioning and programme of work of the United Nations in crime prevention and criminal justice", recommended for the adoption by the General Assembly, notes the endorsement by the Eighth Congress of the report of the Committee on Crime Prevention and Control entitled "The need for the creation of an effective international crime and justice programme" (E/1990/31/Add.1), which highlighted the alarming present world crime situation and proposed a reinforced and genuinely effective international crime and justice programme, to encompass all the functions necessary to assist countries in combating problems of national and transnational crime and to mount concerted strategies against it. It also calls for the establishment of an intergovernmental working group to elaborate proposals for an effective crime prevention and criminal justice programme and to suggest how it could most appropriately be implemented. The draft resolution invites Member States to convene an early ministerial meeting to consider the group's report and decide on the future programme, including the possible need for a convention or other international instrument to develop the content, structure and dynamics of the programme, including mechanisms for setting priorities, securing the implementation of the programme and monitoring the results achieved. The Secretary-General is requested to take all practical measures to ensure the rapid implementation of the appropriate General Assembly and Economic and Social Council resolutions in so far as they relate to the strengthening and upgrading of the Crime Prevention and Criminal Justice Branch, taking into account

the demands on the Branch created by the above-mentioned meetings and by the current and expected programme of work, including the conclusions and recommendations of the Eighth Congress.

13. In the resolution entitled "Prevention of urban crime", the Congress recommended that Member States take appropriate steps in the following areas: the family, childhood, youth, justice, violence, urban housing and community development, alcohol, drugs and other substance abuse prevention, police, victims, prevention of recidivism, and communications. The Congress invited the Secretary-General to develop the initiating and co-ordination role of the United Nations Secretariat in crime prevention by various means, including the development of tools for monitoring and evaluating public policies designed to combat crime, support of relevant international and national initiatives, establishment of an international data bank on crime prevention; creation of an international foundation for crime prevention and assistance to victims, giving adequate priority to and promoting the objectives of the resolution; and requested the Secretary-General to report on its implementation to the Ninth Congress.

14. In the resolution entitled "Model treaty for the prevention of crimes that infringe on the cultural heritage of peoples in the form of movable property", Member States were invited to consider the model treaty as a framework for negotiating and drawing up bilateral agreements designed to improve co-operation in this area and to report periodically to the Secretary-General. In a related resolution entitled "Use of an automated information exchange to combat crimes against movable cultural property", the Congress requested the Secretary-General to make arrangements, in co-operation with Member States, intergovernmental, non-governmental and other organizations, for the establishment of national and international computer data bases to be used for preventing and combating crimes against cultural heritage, which would contain information on (a) stolen or illegally exported movable cultural property around the world, (b) national legislation and international instruments related to the protection of cultural heritage, and (c) measures to combat international traffic in movable cultural property. The Secretary-General was also requested to examine the feasibility of establishing a fund to be supported by revenues generated from the use of the data bases and to facilitate access to them by countries in need of assistance.

15. In the resolution entitled "The role of criminal law in the protection of nature and the environment", the Congress called upon Member States, *inter alia*, to recognize the need to modify or enact, where necessary, and to enforce national criminal laws designed to protect nature and the environment, as well as people, threatened by their deterioration. The Secretary-General was requested to encourage the incorporation, in future international conventions for the protection of the environment, of provisions by which States would be expected to enact sanctions under national criminal law, and to prepare a report every five years on developments in environmental criminal law.

16. The Eighth Congress called for increased international co-operation in and new modalities of combating emerging offences. In the resolution entitled "Computer-related crimes", it requested the dissemination of guidelines and standards to assist Member States in dealing with these problems nationally and

internationally. The Secretary-General was asked (a) to convene an **ad hoc** meeting of experts to submit proposals for national and international action to the Committee on Crime Prevention and Control and (b) to consider the publication of a technical publication on the prevention and prosecution of computer-related crimes.

17. In its resolution entitled "Corruption in government", the Congress recommended, **inter alia**, that Member States devise administrative and regulatory mechanisms for the prevention of corrupt practices and the abuse of power. The Congress also endorsed the manual on practical measures against corruption (TCD/SEM.90/2), calling for its wide dissemination, and requested the Crime Prevention and Criminal Justice Branch to solicit the views of Governments, intergovernmental and non-governmental **organizations** and professional associations on the measures advocated. The Committee was also asked to develop a draft international code of conduct for public officials and to keep the issue of corruption under constant review and report on the results to the Ninth Congress. The Department of Technical Co-operation for Development was requested to provide, in co-operation with the Crime Prevention and Criminal Justice Branch, assistance to requesting Member States in the strategic planning of anti-corruption programmes and to sponsor other relevant **activities**.

18. In its resolution entitled "Organized crime", the Congress invited the Committee on Crime Prevention and Control to study the establishment of a **register** of judicial sentences for transnational offences, such as trafficking in drugs, arms and persons, for terrorism and offences against ecosystems and cultural property. In its resolution entitled "Racketeering and illicit trafficking in narcotic drugs and psychotropic substances", the Congress called for intensified international co-operation and measures to combat them, with due respect for human rights and the sovereignty and **territorial** and political integrity of States. In another resolution, entitled "Measures against drug addiction", the Congress called upon Member States to develop and strengthen international co-operation in this area within the framework of the United Nations and specified the **principles** which should govern it.

19. In its resolution entitled "International co-operation and mutual assistance through training programmes and exchange of **expertise**", the Congress invited Member States to make available their training facilities to States seeking such training and recommended that the United Nations co-ordinate and promote those efforts. In a resolution entitled "Consolidation of the role of national correspondents", the Congress recognized their key role in the flow of information **between** Member States and the United Nations and proposed steps to maximize their contribution, especially through the United Nations Crime and Justice information Network.

20. In the resolution entitled "Development of United Nations criminal justice statistical surveys", the Congress made recommendations on the future design of the world crime trends surveys to ensure more informed decision-making based on the improved collection and analysis of criminal justice statistics. Recognizing the need to develop new approaches for assisting Member States in constructing and extending their data bases on crime trends and to provide assistance to developing countries in this connection (e.g. advice on data collection strategies, assistance in automation and in training of statistical staff), the Congress requested the

Secretary-General to appoint an ad hoc group of experts to provide advice on the future design, development, implementation and analysis of United Nations surveys and invited Member States to become more actively involved in developing criminal justice surveys.

21. In its resolution entitled "Social aspects of crime prevention and criminal justice in the context of development", the Congress appealed to Member States to develop their economic policies with, inter alia, the aim of reducing crime and to support the fourth United Nations development decade; it urged Governments, international finance institutions, trade banks and the international community to seek early and durable solutions to those problems of international trade and debt which impose a particularly heavy burden on developing countries that is exacerbated by the social and material costs of crime. The Secretary-General was requested to propose measures for the increased use of education in crime prevention and criminal justice, in co-operation with the United Nations Educational, Scientific and Cultural Organization (UNESCO) and other organizations concerned, and to consider the preparation of a manual. International action was called for to protect the environment from further deterioration to ensure better living conditions and to harmonize the provisions of international instruments entailing penal sanctions under national criminal law.

22. In its resolution entitled "Support for the United Nations African Institute for the Prevention of Crime and the Treatment of Offenders", Member States of the region which have not yet acceded to its Statute were urged to do so and to meet their financial obligations to the Institute, thereby broadening its support base. The Congress invited the international community, including scientific and non-governmental organizations, to aid the Institute with funding and technical assistance directly or through the United Nations Social Defence Trust Fund.

23. In its resolution entitled "Support for the United Nations Latin American Institute for the Prevention of Crime and the Treatment of Offenders", the Congress requested the Secretariat to support and promote technical and financial co-operation between the developed and developing countries with regard to crime prevention, criminal justice and human rights and urged developed countries outside the region, the United Nations Development Programme (UNDP), the Department of Technical Co-operation for Development and other international agencies and funds to provide greater technical and financial support to the countries of Latin America and the Caribbean, through the Institute.

24. The Congress requested the Secretary-General, in a decision on the "Implementation of the conclusions of the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders", to give attention to practical measures to combat international crime, to promote the effective implementation of norms, standards and instruments adopted by the international community and provide technical co-operation to Member States at their request. A resolution of appreciation to the host Government for its generous hospitality and excellent conference facilities was also adopted under the agenda item.

B. ~~Criminal justice policies in relation to problems of imprisonment, other penal sanctions and alternative measures~~ (agenda item 4; topic II)

25. Under this item, the Congress recommended three draft resolutions for Adoption by the General Assembly and adopted eight resolutions aimed at the more effective and humane treatment of offenders in institutions and in the community, with emphasis on the wider use of alternatives to incarceration.

26. The draft resolution entitled "United Nations Standard Minimum Rules for Non-custodial Measures (The Tokyo Rules)", recommended for adoption by the General Assembly, calls upon Member States to disseminate them and ensure their implementation. It also requests the Secretary-General to prepare a commentary on the Rules and *urges* the regional and interregional institutes and other bodies to assist Member States in their implementation. The Secretary-General is requested to report on progress to the Committee on Crime Prevention and Control at five-year intervals.

27. The draft resolution on "Basic principles for the treatment of prisoners", recommended for adoption by the General Assembly, request-s the Secretary-General to bring to the attention of Member States the principles contained in the annex to the resolution, aimed at the constructive and humane treatment of prisoner s, as a supplement to the Standard Minimum Rules for the Treatment of Prisoners. 6/

28. The draft resolution entitled "Computerization of criminal justice", recommended for adoption by the General Assembly, calls for the active involvement of Member States in promoting computerization of their criminal justice systems and requests the Secretary-General to undertake a range of activities for the wider use of such technological advances to increase management capability and so upgrade this sector of public administration to strengthen the global United Nations Crime Prevention and Criminal Justice Information Network, to establish a technical co-operation programme to provide assistance to developing countries, and to establish an international group of experts that would, *inter alia*, monitor the activities of the technical co-operation programme. The Committee on Crime Prevention and Control is requested to consider including this quest-ion in the provisional agenda of the Ninth Congress.

29. The resolution entitled "Management of criminal justice and development- of sentencing policies" offers guidelines related to the application of the criminal law and sentencing policies for consistency and fairness i n the criminal justice system, based on the policies of minimum necessary recourse to official procedures, the minimum necessary use of imprisonment, and the provision of appropriate information to judges on the impact of their decisions on the rest of the system. Recommendations are also given on the management of prisons in crisis situations and on the development of training programmes.

30. The resolution entitled "Pr inciples and direct-ions for research on non-custodial sanctions" provides guidelines for the productive use of research in ensuring that alternative sanctions are used as widely and appropriately as possible.

31. The resolution entitled "Pre-trial detention" addresses one of the major problems of many countries, stressing that pre-trial detention should be used only when unavoidable. The Committee on Crime Prevention and Control is requested to examine the question and to take a number of steps, including presentation of proposals to the Ninth Congress and the Secretary-General is requested to provide the necessary assistance. In another resolution entitled "Assessment for the release of life sentence prisoners", the Committee was requested to study this question.

32. The resolution entitled "Infection with human immunodeficiency virus (HIV) and acquired immunodeficiency syndrome (AIDS) in prison" recognizes the serious problem posed to the management of prisons in this regard. The Secretary-General is requested, in collaboration with the World Health Organization, to assist prison administrations in the development of national AIDS prevention and control programme for the prison population, to encourage international co-operation, and to elaborate guidelines for the institutional and clinical management of HIV-infected prisoners and those with AIDS.

33. The resolution entitled "International and interregional co-operation in prison management and community-based sanctions and other matters" supports the approach of the Tokyo Rules in advocating maximum use of community-based sanctions. It also contains recommendations for improving the management of prisons, including the professional status of staff and such areas as work, education, leisure, family visits, juveniles, drugs and health care, as well as international co-operation. It envisages regular regional and interregional meetings of the heads of prison administrations, co-ordinated by the United Nations, and other relevant activities. In another resolution, the Secretary-General was invited to co-operate closely with the International Committee of the Red Cross in the treatment of detainees. A further resolution proposed that the General Assembly proclaim an international year for the protection of victims and rehabilitation of offenders.

C. Effective national and international action against:
(a) organized crime, (b) terrorist criminal
activities (agenda item 5: topic III)

34. Three major international instruments were approved by consensus as draft resolutions for adoption by the General Assembly; model treaties on extradition, on mutual assistance in criminal matters, and on the transfer of proceedings in criminal matters. The "Guidelines for the prevention and control of organized crime" and the "Measures against international terrorism" were annexed to resolutions of the Congress. The three model treaties are a basis for bilateral negotiations between States, while the two sets of recommendations are designed to assist Governments wishing to improve their domestic and international efforts to prevent and control organized crime and terrorism.

35. The model treaties complement each other and, together, reduce the chances of criminals avoiding prosecution and punishment. Thus, the model treaties on extradition and on the transfer of criminal proceedings represent both sides of the

formula aut dedere aut iudicare, ensuring, in so far as possible, that the offender is brought to trial. The model treaty on mutual assistance in criminal matters facilitates the acquisition of all relevant evidence for the prosecution of the offence, regardless of where they were committed. It also contains an optional protocol aimed at the freezing and forfeiture of assets generated by criminal activities.

36. The Eighth Congress recommended in those draft resolutions that the Assembly urge Member States to strengthen international co-operation in criminal justice and inform the Secretary-General periodically of the arrangements established in the areas covered by the model treaties. It is further recommended that the Secretary-General bring the three model treaties to the attention of Member States and that the Committee on Crime Prevention and Control review periodically progress made in applying them and provide guidance and assistance, upon request, to Member States in developing such treaties and the appropriate legislation.

37. The "Guidelines for the prevention and control of organized crime", annexed to the Congress resolution entitled "Prevention and control of organized crime", emphasise, inter alia, national measures, such as the need to raise public awareness and increase public support, to provide better training to upgrade the skills and professional qualifications of law enforcement and judicial personnel, to enact legislation defining new offence with respect to money laundering and organized fraud, as well as computer crimes, and to focus attention on new methods of criminal investigation to follow the money trail. They also underline the importance of international initiatives in such areas as advisory services and technical co-operation and the priority that should be given to mutual assistance, the transfer of criminal proceedings and the enforcement of criminal judgements, including the confiscation and forfeiture of illegal assets, and the development of less complicated extradition procedures.

38. The "Measures against international terrorism", annexed to the resolution entitled "Terrorist criminal activities", underline the importance of international co-operation for its effective and uniform prevention and control. They call for co-operation between law enforcement agencies, prosecution authorities and the judiciary, increased integration within the various agencies responsible for law enforcement and criminal justice, the protection of judges, jurors, lawyers and other criminal justice personnel, modalities of inter-state co-operation in penal matters at all levels of enforcement, education and training of law enforcement personnel, with specialized courses on international criminal law and comparative penal law and procedures, the protection of, and redress for, the victims of terrorism, and the development of Public awareness of the dangers of terrorist violence, through the mass media.

39. The measures also urge greater uniformity in the laws and practices of States concerning criminal jurisdictions. Further, the development and implementation by States of extradition treaties, as part of multilateral conventions, regional conventions or bilateral agreements, is considered highly desirable. The measures also call for a study on the feasibility of an international convention to improve the protection of particularly vulnerable targets, whose destruction would cause great harm to society. States are invited to develop appropriate national

legislation for the effective control of weapons, ammunition and explosives and other dangerous materials that find their way into the hands of terrorists.

40. They **suggest** that the Committee on Crime Prevention and Control present its views on codification of international criminal law to the International Law Commission, and that the Commission be encouraged to continue exploring the possibility of establishing an international criminal court or some other international mechanism with jurisdiction over persons who have committed offences connected with terrorism or with illicit trafficking in narcotic drugs and psychotropic substances. They also recognize the central role of the United Nations, including the crime prevention and criminal justice bodies, in the preservation of peace, the strengthening of world order and the fight against crime under the rule of law.

41. The Eighth Congress, in adopting the Guidelines and the Measures, urged Member States to give favourable consideration to their implementation nationally and internationally.

D. Prevention of delinquency, juvenile justice and the protection of the young: policy approaches and directions (agenda item 6; topic IV)

42. Four draft resolutions, including two major international instruments, "United Nations Guidelines for the Prevention of Juvenile Delinquency" (The Riyadh Guidelines) and "United Nations Rules for the Protection of Juveniles Deprived of their Liberty", were recommended for adoption by the General Assembly.

43. The Riyadh Guidelines are a set of 65 universally applicable principles intended to prevent juvenile delinquency before young persons come into conflict with the law. Aimed at promoting the well-being of young persons from their early childhood, the Guidelines stress that young persons should play an active role rather than being considered as objects of socialization and control. The Guidelines emphasize early protective and preventive intervention modalities for all young persons, with special attention to situations of "social risk". In the draft resolution recommended for adoption by the General Assembly the Secretary-General is requested to intensify research on particular situations of social risk and on the exploitation of children with a view to developing comprehensive countermeasures, to issue a manual on juvenile justice standards and to report to the Ninth Congress.

44. The United Nations Rules for the Protection of Juveniles Deprived of their Liberty address the overuse of detention for young persons. The Rules specify the conditions required to ensure the fair treatment of young persons deprived of their liberty and to safeguard their rights and well-being, consistent with human rights principles and fundamental freedoms, and with a view to counteracting the detrimental effects of all types of detention. They cover the management of juvenile facilities and give special attention to pre-trial detention, which poses particularly serious risks. The Rules stress the need to keep juveniles separated from adult offenders and highlight the importance of the proper classification of

juveniles in detention facilities. In the draft resolution recommended for adoption by the General Assembly the Secretary-General is requested to conduct comparative research, to pursue the necessary collaboration and to devise strategies to deal with serious and persistent young offenders, and to prepare a policy-oriented report for submission to the Ninth Congress.

45. In the draft resolution entitled "Instrumental use of children in criminal activities", recommended for adoption by the General Assembly, Member States and the Secretary-General are requested to formulate programmes in this field and take effective action. Furthermore, the Secretary-General is requested to study the situation in different countries in co-operation with relevant agencies and to report thereon to the Ninth Congress.

46. In the draft resolution entitled "Domestic violence", also recommended for adoption by the General Assembly, Member States, the Secretary-General and concerned intergovernmental and non-governmental organizations are requested to include the problem of domestic violence in the agenda of the International Year of the Family. The Secretary-General is also requested to convene a working group of experts to formulate guidelines or a manual for practitioners for consideration by the Ninth Congress and the regional preparatory meetings. The Committee on Crime Prevention and Control is asked to consider placing the topic on the agenda of the Ninth Congress as a priority issue.

E. United Nations norms and guidelines in crime prevention and criminal justice: implementation and priorities for further standard-setting (agenda item 7; topic V)

47. Three major international instruments were approved by consensus and recommended for adoption by the General Assembly: the "Basic Principles on the Use of Force and Firearms by Law Enforcement Officials"; the "Basic Principles on the Role of Lawyers" adopted by the Congress; and the "Model treaty on the transfer of supervision of offenders conditionally sentenced or conditionally released". The Congress also adopted the "Guidelines on the Role of Prosecutors".

48. The model treaty draws on the experience gained under existing conventions, treaties and agreements. It considers the scope of application, the types of transfer, and the underlying basic principles relating to national sovereignty, dual criminality, rights of the victim, double jeopardy, adaptation and non-aggravation. In the resolution to which the model treaty is annexed the Secretary-General is requested to assist Member States in developing such treaties and to report regularly to the Committee on Crime Prevention and Control.

49. The Basic Principles on the Use of Force and Firearms by Law Enforcement Officials distinguish between the general provisions applicable to the use of firearms only and the various uses of force and firearms by individual law enforcement officials, in formation and in larger units, and by prison officers. Special consideration has been given to the use of force and firearms as a last resort, ethical issues, new technologies for developing non-lethal incapacitating

weapons and ammunition for appropriate use, graduated responses by law enforcement officials, proportionate to the situation, qualifications and training in the use of force or firearms by law enforcement officials, stress-counselling for law enforcement officials required to use cut-throat weapons in the course of their duties, and effective reporting and review procedures.

50. The Basic Principles on the Role of Lawyers have a limited but well-focused approach: they contain pragmatic suggestions for the day-to-day operation of the legal profession, with emphasis on criminal justice. Attention is given to effective access to legal services for all groups within society, the right of the accused to counsel and legal assistance of their own choosing, education of the public on the role of lawyers in protecting fundamental rights and liberties, training and qualifications of lawyers and the prevention of discrimination with respect to entry into the legal profession, the role of Governments, bar associations and other professional associations of lawyers, the right of lawyers to represent clients or causes without fear of repression or persecution, and the obligation of lawyers to keep communications with their clients confidential, including the right to refuse to give testimony. In adopting the Principles, the Congress took into account the study and draft Declaration on the independence and impartiality of the judiciary, jurors and assessors and on the independence of lawyers (E/CN.4/Sub.2/1985/18 and Add.1-6 and E/CN.4/Sub.1/1988/20/Add.1 and Add.1/Corr.1), in accordance with resolution 1989/32 of the Commission on Human Rights.

51. The Congress requested the Secretary-General to disseminate the instruments and to bring them to the attention of Governments and all United Nations bodies concerned, to include them in the next edition of the United Nations publication entitled Human Rights: Compilation of International Instruments to provide Governments, at their request, with expert services and regional and interregional advisers to assist in implementing the standards, and to report to the Ninth Congress on the technical assistance and training actually provided and to the Committee on Crime Prevention and Control, at its twelfth session, on the steps taken.

52. The Guidelines on the role of prosecutors, annexed to the Congress resolution of the same title, seek to promote fairness, openness, accountability and efficiency in matters relating to prosecution. They stress the importance of decisions to prosecute or waive prosecution, the exclusion of discriminatory factors in decision-making, the qualifications, selection and training of prosecutors, their status, special responsibilities, conditions of service and tenure, the discretionary functions of prosecutors, their role in criminal proceedings, alternatives to prosecution, relations with the police and other public institutions, and disciplinary proceedings. The Congress requested the Secretary-General to disseminate the Guidelines widely, to prepare quinquennial reports on their implementation, beginning in 1991, and to assist Member States in their implementation.

53. In addition to these four instruments in the field of human rights in the administration of justice, the Congress adopted three other resolutions. In the resolution entitled "Protection of the human rights of victims of crime and abuse

of power", the Congress, inter alia, requested the Secretary-General to study the feasibility of establishing an international fund, within the framework of the United Nations crime prevention and criminal justice programme, for the compensation of, and assistance to, victims of transnational crimes, the promotion of international research, data collection and dissemination and for the formulation of policy guidelines. The Secretary-General was further requested to distribute widely the Guide for Practitioners on the Basic Principles of Justice for Victims of Crime and Abuse of Power (A/CONF.144/20, annex) and the Measures for Implementation of the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power (E/AC.57/1988/NGO/1).

54. In its resolution entitled "*Transfer of enforcement of penal sanctions*", the Congress, inter alia, called upon the Secretary-General to provide or facilitate the provision of professional advice and technical support for Member States interested in concluding agreements in this area. The Secretary-General was also called upon to encourage international collaboration in research, using, in particular, the United Nations regional and interregional institutes for the prevention of crime and the treatment of offenders.

55. In its resolution entitled "*Development of future procedures for evaluating the extent to which Member States implement United Nations norms and guidelines in criminal justice and crime prevention*", the Congress, inter alia, requested the Secretary-General, subject to the provision of extrabudgetary funds, to convene an ad hoc group of experts, in accordance with the principle of equitable geographical representation and with special consideration to developing countries, charged with the task of submitting proposals to the Committee on Crime Prevention and Control, at its twelfth session, for promoting the implementation of existing standards, consolidating and rationalizing arrangements, for such evaluation and improving the techniques for the effective evaluation and monitoring of the implementation of United Nations norms and guidelines in crime prevention and criminal justice.

III. IMPLEMENTATION MODALITIES AND CONSTRAINTS

56. The number and scope of the recommendations made by the Congress reflect the extensive needs in the crime field and expectations of suitable action by the United Nations in helping to meet them. Yet, there is a wide gap between these needs and expectations and the existing possibilities of fulfilling them. In stressing the urgency of practical implementation of the new and past mandates, the Congress assigned highest priority to operational work, calling for strengthened international co-operation and technical assistance to developing countries in combating crime and improving the quality of justice.

57. That the Congress identified so many new areas for action attest to the pervasive world requirements in this field and the fact that the United Nations capabilities have not kept pace with the steadily widening extent and new transnational forms of crime. This serious problem has been highlighted by the Congress, the Committee on Crime Prevention and Control, the Economic and Social Council and the General Assembly in resolutions adopted in light of the comprehensive reviews of the United Nations crime programme. 7/ The following proposals are made for the implementation of those mandates.

/...

58. In implementing the Congress recommendations efforts will be made to ensure a well-focused approach. Rationalizing and streamlining the work represent an overriding objective of the programme. The Congress sought to advance this process. Many of its decisions are aimed at optimizing activities under way or those to be undertaken. Some seek to consolidate the work done and promote its practical application: others specify new areas for international co-operation. The emphasis of the Congress on practical action and on an expanded operational outreach is reflected in the proposals. The Congress recommendations, in conjunction with the proposed medium-term plan for the period 1992-1997 (A/45/6), have established a basic set of priorities for the future United Nations crime prevention and criminal justice programme.

A. Transnational criminality

59. Transnational criminality was a clear pre-occupation of the Congress, which sought measures - including legal instruments - for ensuring more effective global collaboration. Consequently, further bilateral and multilateral instruments and standards will be developed, along with model codes. The envisaged model legislation on the forfeiture of the proceeds of crime, along with the standards for international assistance in respect of bank secrecy, should facilitate the seizure and confiscation of such assets. The international standards to be formulated should inhibit money laundering connected with organized criminal activities, such as illicit drug traffic and terrorism.

60. As the Congress requested, standardized forms will be prepared, for example, to facilitate requests for extradition and mutual assistance, and practical arrangements will be developed to promote collaborative action by the respective services of interested States. A study will be conducted as a basis for a uniform standard of penalties for terrorism, and reports prepared on terrorist violence.

61. Not only will a variety of means be devised to combat negative practices transcending national frontiers, such as corruption, but positive prototypes will also be advanced. As a complement to the Manual on Measures Against Corruption (A/CONF.144/8), which is to be widely disseminated and applied with international assistance, a draft international code of conduct for public officials will be formulated, for submission to the Committee on Crime Prevention and Control. Apart from its special relevance for criminal justice personnel, it should assist Governments in upgrading the quality of this public service sector and to curtail illicit activity.

62. To help harmonize national legislation pertaining to major transnational offences and bridge loopholes or gaps deriving from inter-State differences apt to be criminogenic or conducive to the transfer of criminal operations, criminal law reviews will be undertaken in such areas as organized crime, illicit drug trafficking, corruption, protection of the environment and of cultural patrimony and terrorist criminal practices, with periodic reports on new developments. This work should not only ensure more appropriate and harmonized national legislation but also the incorporation of suitable provisions in other international

instruments (e.g. clauses on criminal sanction⁶ in future international conventions on environmental protection), contributing to the codification of international criminal law, and to the establishment of the proposed international Criminal court.

63. Feasibility studies will also be conducted, for example, on the possible establishment of a universal or regional register of judicial decisions rendered in cases of transnational crime, on the development of a computerized data base on stolen cultural property, and on the application of criminal sanctions to computer crimes.

B. Crime prevention planning and criminal justice management

64. The Congress emphasized the need for action at the international and national levels and the role of the United Nations in promoting more effective crime prevention and more humane justice.

1. Crime prevention planning

65. The formulation of guideline⁶ for multidisciplinary, intersectoral strategies, in accordance with the resolutions on crime prevention and criminal justice in the context of development, the social aspects of development, and the prevention of urban crime, should promote their practical application by Member States. As a complement to the inventory of comprehensive crime prevention measures, submitted to the Eighth Congress, an inventory of measures for specific crime⁶ (e.g. burglary, violent theft and street crime) will be prepared. At the same time, methods and techniques for the assessment of policies aimed at curtailing crime will be devised, for submission to the Committee on Crime Prevention and Control.

66. An international data bank on new developments and pilot programmes designed to combat urban crime will be established to keep up to date the agencies of Member States involved in crime prevention. Inter-State co-operation, especially with developing countries, will be furthered at the policy, scientific and technical levels. This will include the promotion of exchanges between cities and local communities implementing preventive programmes and demonstration projects utilizing a multidisciplinary and intersectoral approach. Agencies and offices of the United Nations system will also be encouraged to take into account, when formulating their programmes, the priorities established by the Eighth Congress. In particular, substantive backstopping and co-ordination will be necessary to help the United Nations regional and interregional institutes on crime prevention and criminal justice organize meetings and exchanges and to intensify research and training in this area. Technical support will also be provided for other salient initiatives, such as the Second International Conference on Safety, Drugs and the Prevention of Urban Crime (Paris, 18-20 November 1991).

2. Criminal justice management

67. The Congress called for more rational, effective and **accountable** management of criminal justice systems through the application of technological advances, such as computerization techniques, and other means and for the more humane and effective treatment of adult and juvenile offenders and of victims. The implementation of the various guidelines adopted **requires** continuous monitoring and assistance, with periodic reporting. Taking into **account** the world-wide problem of severe prison overcrowding and the high human and material costs of **imprisonment**, including detention pending trial, the use of **alternative** sentencing dispositions, with non-custodial options and community participation, will be **promoted** through training, the exchange of expertise and experience, and demonstration projects.

68. Policy and research attention will be given to the treatment of special categories of offenders, including long-term, drug-addicted and AIDS- or HIV-infected prisoners, and to the protection of juvenile offenders deprived of their liberty. The principles for the improved management of both adult and juvenile facilities will be **supplemented** by commentaries on the new standards and other ways of fostering their **practical** application. Since institutionalization should be a measure of last resort, more viable options will also be explored, including ways of handling serious and persistent young offenders whose entry into criminal careers may be a result of their inappropriate treatment.

69. The United Nations not only plays an international role but must help Governments to achieve real impact at the national and local **levels** in the following **areas**: the development of criteria and benchmarks to measure crime; identification of areas of priority needs and of technical assistance requirements in meeting them, be they for special equipment and skills, as in the case of **computerization**; guidance on greater **use** of less extreme measures than incarceration and on greater use of indigenous practice⁶ and traditions as an alternative to formal criminal justice; and guidance on means of promoting the observance of human rights in the administration of justice. The development and sharing of knowledge, practical demonstration schemes and **in-service** training, in co-operation with the United Nations institutes and interested **Governments**, should lead to viable treatment policies and help to conserve valuable human and material resources that can usefully be employed to meet development goals.

70. Systematic contacts and exchanges, especially among penal administrators, will be promoted to **permit** the centralization and provision of information, the preparation of models (e.g. for the collection of prison statistics), the organization of seminars and workshops on matters of mutual interest, and the sharing of professional **expertise** and national experience among particular groups of countries and world wide.

71. Strengthened United Nations action will also be pursued on **behalf** of victims of crime and abuse of power, or of particular categories of victims such as the victims of terrorism, child victims exploited as a means of crime, and victims of domestic violence. The initiatives required to give effect to the Congress resolution on the human rights of victims and to Economic and Social Council resolution 1990/192, to which it refers, include the wide dissemination of the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power

and of relevant materials to help its application; the development of a comprehensive inventory of measures for victims and the prevention of victimization: research and skill-building in treatment- of victims: technical assistance in developing services for victims: provision of international means of redress where national channels are insufficient; monitoring and curtailing serious victimization through conflict resolution techniques; and development of funding possibilities and other means of alleviating the plight- of victims.

C. Application of United Nations norms and guidelines

72. While many countries have successfully implemented the United Nations standards, serious shortfalls still exist in various parts of the world, as relevant United Nations surveys have indicated. Among the major obstacles to successful implementation, as noted at the Congress are the lack of co-ordinated action, a shortage of funds, the low priority accorded to such matters, inadequate human and professional resources and, all too often, lack of political will or public apathy. Greater public awareness of the issues might elicit both increased support and additional resources, while strengthened technical assistance can show how the United Nations guidelines can be concretely applied.

73. The United Nations has been requested to assist interested Governments in implementing the guidelines and standards by carrying out the following tasks: devising effective procedures for their application in the context of economic and social development strategies and the changes taking place in various parts of the world; strengthening technical co-operation and advisory services: incorporating the United Nations instruments in national legislation and making the standards and guidelines available, in the appropriate language and form, to all those concerned: using educational and promotional processes in schools, colleges and academies of criminal justice, as well as law faculties and professional groups; exploring the role of the mass media and their active support; increasing community involvement; creating an atmosphere conducive to the observance of the principles embodied in the instruments and developing ways of overcoming resistance towards them: establishing or strengthening national committees for the promotion of United Nations norms and guidelines: and enhancing evaluative research.

74. The wider dissemination of the reports on implementation submitted to the Committee on Crime Prevention and Control and a strengthened role of the Committee and the Congresses in overseeing, evaluating and following up the reports, including appropriate recommendations, should contribute to their application. Direct support to the Member States through reinforced advisory services and concrete follow-up by means of specific projects would further action at the national level and help to meet the many requests for technical assistance in conforming to United Nations standards and norms.

75. A comprehensive plan will be prepared for review by an ad hoc group of experts, in 1991, with concrete proposals to the Committee on Crime Prevention and Control for the promotion of implementation of the existing standards, their consolidation, if necessary, and the monitoring and evaluation of their practical application, also in accordance with Economic and Social Council resolution 1990/21.

D . Strengthening international co-operation and the United Nations crime and justice programme

76. The Eighth Congress noted the growing discrepancy between the world-wide crime prevention and criminal justice needs and the United Nations response. It also endorsed the recommendations of the Committee on Crime Prevention and Control on the creation of an effective international crime and justice programme and, in accordance with General Assembly resolution 44/72, sought to give it appropriate follow-up. In so doing, the Congress highlighted the modalities of international co-operation that particularly need to be reinforced and extended and the new means for furthering it that will have to be devised.

1 . Technical co-operation and assistance

77. The recurrent emphasis on practical action in almost all the resolutions was reflected in the overriding importance attached to strengthened technical co-operation and assistance in the crime field. The call for outside expertise and other aid in applying United Nations standards and guidelines was echoed throughout, as were the pervasive crime problems and requirements of most developing countries suffering also from economic crises, increasing poverty and the lack of appropriate technical skills and means.

78. Various ways of expanding United Nations crime-related assistance were proposed, including the provision of additional interregional, regional and technical advisory services: inclusion of relevant projects or project elements in the UNDP country programmes; mobilization of training resources in developed and other countries, with special emphasis on certain areas: initiation of feasibility studies, pilot and demonstration projects. The United Nations donor agencies were urged to give appropriate priority to assistance in this area in view of its critical importance and the negative impact of crime on the development process. Some efforts in this direction have previously been made, for example, by the Interregional Adviser and the regional institutes, and by including technical co-operation activities among those financed by the United Nations Social Defence Trust Fund and those carried out by the United Nations Interregional Crime and Justice Research Institute. These efforts, however, have so far been limited by the lack of funds, so that the vast majority of the acute needs of developing countries in this sphere continue to be unmet.

79. Although some Governments have sponsored certain activities and projects, the lack of possibilities for their extension or replication and of the requisite infrastructure for other appropriate follow-up has forestalled the kind of multiplier effect that would make a difference. If the vicious circle of lack of means and access to technical co-operation tools is not to further handicap operational efforts in the crime field, then drastic measures must be taken to break it. The consensus at the Congress, the Committee on Crime Prevention and Control and other United Nations forums on this overriding necessity must be given tangible effect. Unless it is acted upon now, the situation in many countries risks deteriorating further.

80. Some countries, anxious to speed up the process of transition to democracy and

a market or mixed economy, have instituted more liberal crime control policies, ~~de~~institutionalizing many offenders and revising their criminal legislation. In spite of repeated requests for assistance, however, it could not be provided because of the unavailability of means. Sharply rising crime rates and the emergence of acute new problems, such as organized and economic crime, in a number of these countries compound their needs. Without preventive aid, this situation can be expected to deteriorate further and to affect negatively not only the quality of life but also the economic climate and prospects for investment,

81. Some of the requested activities, such as training, have been included in the proposed medium-term plan, to be implemented mostly as continuing programmes of the United Nations regional crime and justice institutes. The training tasks for the United Nations envisaged by the Congress in its resolutions, however, necessitate considerable strengthening of these efforts, especially interregionally, with an expanded central co-ordinating role. The establishment of the requested co-operative training programme involves the identification and utilization of training opportunities available in the field of crime prevention and criminal justice, as a whole, and in the areas emphasized by the Congress, in particular. This is a major undertaking but one that should yield significant returns, especially if proper linkages are established and maintained with the United Nations institutes and with governmental, professional and scientific institutions, as well as with the fellowship programme of the Department of Technical Co-operation for Development, to create a world-wide training network serving developing countries and others with specific requirements.

2. Policy-oriented research and analysis

82. Research is required in various new subject areas, for instance, environmental offences and computer crimes, as well as others, such as the treatment of juveniles at risk, the instrumental use of children in crime, the situation of long-term prisoners and pre-trial detention. Further, comparative research will be undertaken, as will evaluative research, to facilitate assessment of the measures used and circumstances warranting them. The access of developing countries to the results of empirical studies will be increased, as well as their participation in them, augmenting their knowledge base and expertise.

83. Joint research arrangements with the United Nations institutes and the scholarly community will be expanded, thus extending the scientific base of the prospective efforts and ensuring a systematic flow of research-related information and feedback from research results. Experimental innovation through pilot projects and feasibility studies, as an important means of promoting practical action in the context of technical assistance, will be actively pursued.

84. The United Nations criminal justice surveys are a unique source of quantitative data and qualitative information on the world crime situation and measures adopted against crime in their socio-economic context. Their usefulness has been recognized, as have the problems faced by developing countries in providing the required responses. Assistance to States in this regard and the further development of the surveys should increase their timeliness and coverage,

combined with the further development of indicators, indices and forecasting techniques, as well as national and regional profiles to be prepared in co operation with the United Nations institutes. If well performed, this complex exercise can serve as a prime research and service function whose results, to be incorporated in the United Nations data base, will help to guide national policy-formulation.

3. Information sharing and exchange

85. In a number of resolutions the Congress requested the establishment of data banks on special subjects; in others it called for expanded automated information exchange and networking in the crime field as a whole. These requests reflect the necessity, underlined time and again, for an empirical knowledge base for policy-making and programming. An attempt has been made to respond to it through the initiation of the United Nations Crime Prevention and Criminal Justice Information Network. The necessary human and material resources for its effective operation, however, have so far not been forthcoming. If it is to fulfil its intended function and also to provide the special data bases and services requested in the various resolutions, the necessary equipment and staff time will have to be allotted. The Network's further development, in a phased way, must be accompanied by the expansion, also, of the regional clearing-houses and establishment of interfaces with other major crime-related information systems.

86. The new requests, such as that calling for the development of facilities for systematic, continuing inputs to the United Nations information network by the national correspondents, establishment of rosters of experts, organizations and other sources of technical assistance and training, and for the automation of justice procedures, make still clearer the need for an adequate computer infrastructure and servicing. If the services come available, they would permit also the fulfilment of other important tasks highlighted by the Congress, such as the centralization of research-related information, particularly research and evaluation results, and the transfer of knowledge. This is an ambitious project also because of the multidisciplinary nature of the crime field, but an effective international service of this kind should not only ensure access for Governments, practitioners and researchers to up-to-date, comprehensive information but also allow them to build on what is available and to effect savings in the long run. Given the rapidly increasing work-load in the implementation of United Nations standards, the entire reporting and monitoring system needs to be rationalized and computerized, with a view to enhancing efficiency and facilitating reporting by Member States, as well as the analysis of their reports.

87. The information dissemination function of the United Nations in the crime field must be strengthened in all possible ways. In spite of the efforts in this direction made to date and the steps taken by some Governments, the United Nations standards and other work products are still insufficiently known. The elaboration and exchange of educational materials in the areas identified by the Congress will be undertaken. Greater visibility and outreach of the United Nations crime and justice programme through a variety of means are necessary, including special user-targeted publications, pamphlets and press releases, as well as systematic information campaigns.

4 , Collaboration and co-ordination

88. A number of envisaged activities require a new type of collaboration with other United Nations entities, such as the Centre for Human Rights, the Office of Legal Affairs, the United Nations Environment Programme and the United Nations Children ' s Fund. Some Congress resolutions, like those on urban crime prevention and domestic violence, imply co-operation with other parts of United Nations Office at Vienna, both within the Centre for Social Development and Humanitarian Affairs and with the United Nations bodies in the field of narcotic drugs. Reinforced linkages with intergovernmental and non-governmental organizations, and with national and international professional associations and scientific institutions will also be necessary.

89. The co-operative training network and the mechanism for the transfer of knowledge, linked to the scientific advisory council, should help to promote them. Inter-agency collaboration has not yet yielded the desired results, though some joint initiatives have been taken (e.g., with WHO on the treatment of HIV-infected and AIDS prisoners, and with UNESCO on the protection of cultural patrimony). Experience has underlined the fact that United Nations crime-related activities are carried out almost entirely by the Crime Prevention and Criminal Justice Branch, which has also been entrusted, under Economic and Social Council resolution 1979/119, with the co-ordinating responsibility in this field.

90. Sources of voluntary funding have to be more systematically tapped, staff time and means permitting. The continuing low level of contributions to the United Nations Social Defence Trust Fund, in spite of the generosity of some Governments, has confirmed the fact that fund-raising is an intensive process requiring advance project formulation and negotiations with prospective donors, as well as seed money to undertake them. This is true also of the requisite contacts with the United Nations funding agencies and with outside foundations, impeded by geographical and logistical factors.

91. The United Nations crime prevention and criminal justice institutes have been fulfilling an invaluable role, but are severely handicapped, especially those located in developing regions, for example the institutes in Africa and in Latin America, by insufficient material support from countries in their regions. Institution-building and consolidation, as well as fund-raising and diversification, will require intensified work, particularly with respect of the newly established African Institute.

92. Recognizing the Present constraints, the Congress called for adequate support of the United Nations institutes, which have a crucial role to play in international and South-South co-operation. It could be provided through various means, including technical backstopping, on-site visits, staff secondments, joint training initiatives and research projects, periodic briefings and consultations, programming and fund-raising assistance and other initiatives, as resources permit. If inter-institute collaboration is to be strengthened, more joint opportunities and exchanges will also be necessary. This is true also of initiatives designed to improve the functioning of the network of national correspondents and institutes ' alumni.

93. Co-ordination of another kind is mandated to foster joint action by States against transnational crime problems of mutual concern. This will be furthered through the development, promotion **and monitoring** of practical co-operative arrangements and operational schemes involving law enforcement and customs officials from several countries with similar problems, as well as others concerned, in particular prosecutors and judges involved in the investigation of transnational crimes.

5. Increasing institutional capacity

94. The Eighth Congress approved more instruments and adopted more standards and guidelines than have all the previous United Nations congresses together. The stress placed on implementation in all resolutions underlines the importance of giving them practical effect. It was pointed out that, although specific priorities varied with the countries, many, especially developing, States had a whole spectrum of needs. The proposed medium-term plan has acknowledged the increased importance of this subject area by including it as a separate programme entitled "Crime prevention and criminal justice" (see A/45/6, Prog. 29). It contains three comprehensive subprogrammes corresponding to the main areas of the field and principal programme activities. The new mandates can be incorporated in this overall framework, but involve a wide range of additional tasks,

95. The request for the designation of an intergovernmental working group and convening of a ministerial summit meeting to establish a viable crime prevention and criminal justice programme is a call for action that should bear concrete results. Since, in spite of the recent programme reviews and successive General Assembly and Economic and Social Council resolutions, no changes have so far been forthcoming, the Congress envisaged this modality as a means of eliciting the help of Governments and a partnership of the international community as a whole in resolving the impasse. By asking that the necessary means be provided for this urgent work, that the relevant resolutions be implemented, and that the United Nations crime and justice programme be strengthened and upgraded, the Congress expressed the will of Governments to bridge the wide gap between the extensive needs and the limited response. The working group and the inter-ministerial meeting should further elaborate the particulars of a really effective United Nations programme in an area that is among many countries' pressing concerns, and which deserves higher priority in the United Nations system than it has received.

TV. PROPOSALS FOR ACTION

96. Additional new activities must be undertaken as soon as possible in order to respond to the requests of the Eighth Congress. The Congress identified a wide spectrum of requirements unmet because of the limitations of both national and international capacity to deal with the worsening crime situation. It called for progress reports in several matters, to be submitted to the Committee on Crime Prevention and Control in early 1992, necessitating intensive work during 1991. The intergovernmental working group and the ministerial summit are major initiatives requiring thorough preparation in order to yield the most fruitful results.

97. The new tasks mandated by the Congress include the preparation of a dozen manuals, guidelines, compendia or technical publications, a series of periodic reports to the Committee on Crime Prevention and Control and 16 reports on new subjects for the Ninth Congress. In addition to the establishment of nine data banks, the convening and servicing of eight working groups and the provision of technical assistance to Member States in the implementation of almost all resolutions adopted were requested. Activities related to the accomplishment of those tasks are as follows:

1. Expansion of the United Nations Criminal Justice Information Network to render additional services, to an increased number of users and to develop the following international data bases:
 - (a) Input from national correspondents;
 - (b) Information on available training resources, for the establishment of a co-operative training network;
 - (c) Measures to combat crime, especially new developments and pilot projects, and preventive measures for specific crimes, for the compilation of the requested inventories;
 - (d) Measures for victims, for the compilation of the requested inventory;
 - (e) Computerized data base on stolen cultural property and on countermeasures;
 - (f) Computerized data base on terrorist criminal acts for annual reports : incidents, arrest, prosecution, adjudication and sentencing for international circulation;
 - (g) Feasibility study of the establishment of a universal or regional registers of judicial decisions in cases of transnational crime;
 - (h) Information on methods and techniques for evaluation of policies to curtail crime;
 - (i) Information on criminal justice computerization programmes.
2. Collection and analysis of crime statistics:
 - (a) Development of criminal justice indicators, projection and country and regional profiles, for more reliable, comprehensive and frequent United Nations surveys of crime trends, and crime prevention and criminal justice strategies;
 - (b) Assistance to countries and United Nations regional institutes;
 - (c) Preparation of biennial reports.

3. Crime prevention through effective law enforcement!

(a) **Promotion of crime prevention strategies and measures through inventories and manuals ;**

(b) Application of modern technological advances in crime prevention and control, including preparation of a handbook and development of pilot schemes and demonstration projects;

(c) Promotion of collaborative activities between national police services, especially against transnational crime.

4. Improved criminal justice management:

(a) Application of modern managerial techniques and technological developments, such as computerization;

(b) Evaluation of effectiveness through cost-benefit approaches;

(c) Upgrading quality of personnel through training, formulation and promotion of code of conduct for public officials;

(d) Integrated planning of criminal justice system; needs assessment and pilot schemes.

5. Crime prevention and criminal justice training and education:

(a) Preparation of manual on education in crime prevention and criminal justice, as well as of other training materials, packages and modules, audio-visual aids and correspondence courses;

(b) Training of trainers through seminars, workshops, special study and exchange programmes, in collaboration with the United Nations regional institutes!

(c) Development of co-operative international training scheme, through collation of information on training opportunities available nationally, regionally and internationally and assistance in accessing them.

6. Environmental penal Protection:

(a) Preparation of reports on developments in the field of environmental criminal law;

(b) Study of the possibilities of further harmonization of the provisions of existing international instrument⁶ entailing penal sanctions under national laws;

- (c) Formulation of provisions ~~concerning~~ penal sanctions under national and international law and for redress to the victims, for incorporation in future international conventions for the protection of the environment.

7. **Organized and economic crime, including corruption!**

- (a) Inventory/manual of measures against organized crime;
- (b) Preparation of guidelines on protection of legitimate business from infiltration by organized crime;
- (c) Measures against money laundering, forfeiture of illegal proceeds of organized crime, and detection of illicit activities;
- (d) Protection of judges and witnesses.

8. **Prevention of terrorism and other violence:**

- (a) Study for formulation of convention for protection of particularly vulnerable targets and assistance to victims;
- (b) Anti-terrorist law enforcement measures;
- (c) Psychological profiles, crisis intervention and other non-violent conflict resolution techniques for preventing and resolving terrorist incidents.

9. **Model legislation and treaty implementation:**

- (a) Preparation of model national legislation on protection of cultural property, including preventive and law enforcement aspects and inter-State strategies;
- (b) Feasibility study of consolidation of existing instruments for inter-State co-operation in criminal justice matters and/or multilateral treaties, starting with extradition, including preparation of standard forms;
- (c) Assistance to Member States in drafting legislation on use of model treaty for bilateral arrangements;
- (d) Preparatory work for elaboration of model treaty on transfer- of enforcement of penal sanctions.

10. **Corrections:**

- (a) Formulation of guidelines and other means of furthering ^{mot-e} appropriate and humane prison administration, with emphasis on the observance of Prisoners ' rights (including supervisory mechanisms) ;

- (b) Formulation of **operational standards and** agreed indicators for evaluation of practice in areas covered by the United Nations Standard Minimum Rules;
 - (c) Guidelines on the treatment of special categories of prisoners, such as those in pre-trial detention, those serving life sentences, HIV-infected and AIDS prisoners, women prisoners and young prisoners;
 - (d) Promoting the use of non-institutional alternatives, including preparation of a commentary to the Tokyo Rules;
 - (e) Comparative studies, with a view to expanding the range of non-institutional options, harmonizing national laws and facilitating their application across frontiers in accordance with the model treaties.
11. Protection of and redress for victims of crime and abuse of power:
- (a) Development of operational procedures for monitoring developments with a view to curtailing serious victimization;
 - (b) Development and application of mediation and other forms of non-violent conflict resolution;
 - (c) Preparation of inventory of measures on behalf of victims, including special categories of victims such as victims of organized crime, terrorism and environmental crime, and for the protection of particularly vulnerable groups, such as young persons, members of minority groups;
 - (d) Preparation of A manual on measures against domestic violence;
 - (e) Studies of exploitation and use of children for criminal activities;
 - (f) Feasibility study on development of international means of recourse and redress where national channels may be insufficient, including the possible establishment of a United Nations fund for such victims.
12. Technical co-operation and assistance in the implementation of United Nations norms and guidelines:
- (a) Preparation of comprehensive **implementation plan** for monitoring the application of United Nations standards;
 - (b) Assistance needs assessment ;

(c) Development of methods for the evaluation of progress toward the achievement of postulated targets;

(d) Initiation of pilot schemes and strengthening advisory services for this purpose.

V. CONCLUSION

98. The programme budget implications of the draft instruments and resolutions for the consideration of the General Assembly are being issued separately.

99. In his report on the work of the Organization the Secretary-General underlined the need for concerted international action against social disorder, crime, violence and other afflictions which undermine the prospect of a stable world order and a better human condition as the ultimate aim of development. As the vision of global peace moves nearer - in spite of the persisting problems - and the observance of fundamental human rights and basic freedoms gains ascendancy, there is a chance to tackle these obstacles to their full exercise. Internal peace and the rule of law are increasingly being threatened by crime which in its new, transnational form is undermining sustained national growth, the foundation of the legitimate institutions of society and even relations between States. Effective responses to the challenges to security both from without and within are therefore urgently needed, and should be provided, in accordance with the recommendations of the Congress. If they are innovative and wide-ranging enough, they could have real impact and prevent further escalation of crime which is impairing the quality of life the world over. They could also strengthen the pursuit of justice as an essential condition of a viable national and international order.

100. The Eighth United Nations Congress has not only pointed the way but outlined the directions for concrete action. It recognized the chasm that still exists between declared precepts and even widely accepted United Nations norms, and the actual practice. It called for ways of bridging the gap and helping Governments to do so. The Congress envisaged an effective international/national partnership and an enhanced United Nations role in providing the framework for sustained progress in combating the pernicious phenomena of contemporary crime. It acknowledged both the importance of political will and of technical know-how in ensuring the likelihood of success.

101. How to give tangible effect to the recommendations and expectations of the Congress is a matter before the General Assembly. The consensus by which Governments at the Congress, represented by high-level policy makers, adopted all the resolutions reflects agreement that incisive steps must be taken and that the United Nations must respond more vigorously to the dangers - but also the challenge - of crime. Recent events have underlined the potential of collective efforts against common threats. The nefarious links between organized criminality, especially illicit drug traffic, corruption, violence and a vast array of other crimes, have revealed the futility of piecemeal measures. If it is to succeed, a

global strategy must confront these critical issues of our day in a coherent and far-sighted manner, not only to relieve the severe current problems but also as a key to a better future.

Notes

1/ The Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders was held at Havana from 27 August to 7 September 1990. For the report of the Congress, see A/CONF.144/28.

2/ For the report of the Committee on Crime Prevention and Control at its eleventh session, see Official Records of the Economic and Social Council, 1990, Supplement No. 10 (E/1990/31).

3/ General Assembly resolution 35/171, annex.

4/ See Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Milan, 26 August-6 September 1985: report prepared by the Secretariat (United Nations publication, Sales No. E.86.IV.1), chap. I, sect. A.

5/ Ibid., sect. B.

6/ See Human Rights: A Compilation of International Instruments (United Nations publication, Sales No. E.88.XIV.1), sect. G.

7/ With regard to instruments alone, up to 1978 there was only one international instrument requiring periodic reporting: a decade later there were 10; as a result of the Eighth Congress decisions, there will be 25 such instruments. The work-load has also increased exponentially in other respects, while the scant resources for this programme have not been augmented. See, also, report of the Committee on Crime Prevention and Control on its eleventh session, E/1990/31, chapters II, III and IV, and Add.1.
