



**Economic and Social  
Council**

Distr.  
LIMITED

E/CN.15/1998/L.2/Rev.1  
27 April 1998

ORIGINAL: ENGLISH

---

COMMISSION ON CRIME PREVENTION  
AND CRIMINAL JUSTICE

Seventh session  
Vienna, 21-30 April 1998  
Agenda item 8

**TECHNICAL COOPERATION, INCLUDING RESOURCE MOBILIZATION,  
AND COORDINATION OF ACTIVITIES**

**Angola, Botswana, Cape Verde, Colombia, Democratic Republic of the Congo, Egypt, Ghana, Lesotho,  
Romania, Saudi Arabia, South Africa, Sudan, Togo, Uganda, Zambia and Zimbabwe:  
revised draft resolution**

The Commission on Crime Prevention and Criminal Justice recommends to the Economic and Social Council the adoption of the following draft resolution:

**International cooperation aimed at the reduction of prison overcrowding  
and the promotion of alternative sentencing**

*The Economic and Social Council,*

*Deeply concerned* by the serious problem confronting many Member States as a result of prison overcrowding,

*Convinced* that conditions in overcrowded prisons may affect the human rights of prisoners,

*Mindful* of the fact that the physical and social conditions associated with prison overcrowding may result in outbreaks of violence in prisons, a development that could pose a grave threat to law and order,

*Recalling* the United Nations Standard Minimum Rules for Non-custodial Measures (the Tokyo Rules) <sup>1</sup> and convinced of the necessity of their further implementation,

*Recalling* the resolutions on the conditions of prisoners adopted by United Nations congresses on the prevention of crime and the treatment of offenders, in particular resolution 16, on reduction of the prison population,

---

<sup>1</sup>General Assembly resolution 45/110, annex, of 14 December 1990.

alternatives to imprisonment, and social integration of offenders, and resolution 17, on the human rights of prisoners, adopted by the Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders,<sup>2</sup>

*Noting* that the International Conference on Community Service Orders in Africa, held at Kadoma, Zimbabwe, from 24 to 28 November 1997, adopted the Kadoma Declaration on Community Service, annexed to the present resolution,

*Noting* the recommendation of the seminar entitled "Criminal justice: the challenge of prison overcrowding", held jointly by the Latin American Institute for the Prevention of Crime and the Treatment of Offenders and the European Commission at San José, Costa Rica, from 3 to 7 February 1997,

*Mindful* that many Member States lack the necessary resources to resolve the problem of prison overcrowding and conscious that the inadequate facilities and cell accommodations in prisons are a product of the difficult socio-economic conditions prevailing in developing countries and in countries with economies in transition,

*Noting* that, in an attempt to reduce prison overcrowding, some Member States have been trying to find a solution by granting amnesties or pardons or by building new prisons,

*Recognizing* the need for Member States to establish economic and technical cooperation for the purpose of improving prison conditions and allocating resources to that end,

*Considering* that prison overcrowding causes a variety of problems, including difficulties for overworked staff,

*Taking into account* the limited effectiveness of imprisonment, especially for prisoners serving short sentences, and the cost of imprisonment to society as a whole,

*Considering* the growing interest in many Member States in measures to replace custodial sentences, especially taking into account the principles of human rights,

*Considering* that community service and other non-custodial measures are innovative alternatives to imprisonment and that there have been promising developments in that area,

*Considering* that compensation for damage done is an important element of non-custodial sentences,

*Considering* that legislation can be introduced to ensure that community service and other non-custodial measures will be imposed as alternatives to imprisonment,

1. *Urges* Member States, if they have not yet done so, to consider introducing appropriate alternatives to imprisonment in their criminal justice systems;<sup>3</sup>

2. *Recommends* to Member States that have not yet done so to consider the adoption of effective measures to reduce pre-trial detention;

---

<sup>2</sup>*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. E.

<sup>3</sup>See the United Nations Standard Minimum Rules for Non-custodial Measures (the Tokyo Rules) (General Assembly resolution 45/110, annex) and *Human Rights and Pre-trial Detention: A Handbook of International Standards relating to Pre-trial Detention* (United Nations publication, Sales No. E.94.XIV.6).

3. *Recommends* Member States, subject to national law, to consider the following:

(a) Dealing with petty offences according to customary practice where such practice exists, provided that doing so meets human rights requirements and that those involved so agree;

(b) If possible, using amicable means of settlement to deal with petty offences and resolving those offences among the parties, for example by using mediation, acceptance of civil reparation, or agreement to compensation through part of the income of the offender or through the work done by the offender to recompense the victim;

(c) If possible, preferring community service and other non-custodial measures to imprisonment;

(d) Conducting a study on the feasibility of adapting successful models of non-custodial measures and applying them in States where they are not yet being applied;

(e) Educating the public about the objectives of the above-mentioned alternatives to imprisonment and about how those alternatives work;

4. *Invites* international and regional financial institutions such as the World Bank and the International Monetary Fund to incorporate in their technical assistance programmes measures to reduce prison overcrowding, including the establishment of adequate infrastructure and the development of alternatives to imprisonment in their criminal justice systems;

5. *Requests* the Secretary-General to report to the Commission on Crime Prevention and Criminal Justice at its ninth session on the implementation of the present resolution.

*Annex*

**KADOMA DECLARATION ON COMMUNITY SERVICE**

*Recalling* the 1996 Kampala Declaration on Prison Conditions in Africa, which takes into account the limited effectiveness of imprisonment, especially for those serving short sentences, and the cost of imprisonment to the whole of society,

*Noting* the growing interest in many countries in measures which replace custodial sentences and the promising developments across the world in this regard,

*Further noting* with appreciation that the importance of the Kampala Declaration was recognized when it was noted in, and annexed to, a draft resolution on international cooperation for the improvement of prison conditions by the Commission on Crime Prevention and Criminal Justice at its sixth session, held in Vienna, Austria, from 28 April to 9 May 1997, and subsequently adopted by the Economic and Social Council in its resolution 1997/36 of 21 July 1997,

*Bearing in mind* the 1990 United Nations Standard Minimum Rules for Non-custodial Measures (The Tokyo Rules) and the 1985 United Nations Standard Minimum Rules for the Administration of Juvenile Justice (The Beijing Rules),

*Considering* that, in many countries in Africa, the level of overcrowding is inhuman,

*Recalling* that the African Charter on Human and Peoples' Rights reaffirms the dignity inherent in a human being and the prohibition of degrading punishment and treatment,

*Welcoming* the success of the Zimbabwe Community Service scheme and its adoption by the Government of Zimbabwe following a three-year trial period,

*Also noting* with appreciation that other African countries, including francophone and lusophone countries, are interested in introducing community service as a penal sanction in their criminal justice systems,

*The participants at the International Conference on Community Service Orders in Africa, held in Kadoma, Zimbabwe, from 24 to 28 November 1997, make the following declaration:*

1. The use of prison should be strictly limited as a measure of last resort. Prisons represent a waste of scarce resources and human potential. The majority of prisoners who occupy them pose no actual threat to society.
2. The overcrowding in our prisons requires positive action through, *inter alia*, the introduction of community service.
3. Community service is in conformity with African traditions of dealing with offenders and with healing the damage caused by crime within the community. Furthermore, it is a positive and cost-effective measure to be preferred whenever possible to a sentence of imprisonment.
4. Community service should be effectively implemented and supervised and involve a programme of work where the offender is required to carry out a number of hours of voluntary work for the benefit of the community in his or her own time.

5. Governments, donors and civil society organizations are invited to support research, pilot schemes and other initiatives in this important area.
6. Countries that already have community service should take into account lessons learned from elsewhere and review their own schemes accordingly.
7. There should be promotion of community support through sensitization campaigns targeting public opinion; and the development of statistical databases to measure the effectiveness of community service.
8. We encourage those countries that have not yet done so to develop non-custodial sentencing alternatives and to this end we commit ourselves to cooperating with, and coordinating our action through, other national committees on community service, and/or interested groups, in order better to promote the scheme.
9. We adopt the Plan of Action attached hereto.

## *Appendix*

### **PLAN OF ACTION FOR THE KADOMA DECLARATION ON COMMUNITY SERVICE**

Further to the Declaration made by participants at the Kadoma Conference on Community Service Orders in Africa, held in Kadoma, Zimbabwe, from 24 to 28 November 1997

The participants adopt the following plan of action:

#### **1. Network**

Establish a network of National Committees on Community Service and other interested groups to provide mutual support and encouragement through:

- Providing resource persons to assist at seminars in the subregion and elsewhere;
- Sharing documentation (legislation, guidelines, administrative forms) and ideas;
- Coordination and support of new projects;
- Cooperation and assistance in administering the scheme;
- Assistance in staff training;
- Exchange visits.

#### **2. Community service directory**

Compile a community service directory. To this end, a home page will be established on the Internet informing interested persons of developments in this area; and a book will be produced which will include:

- The contact points and addresses of all National Committees on Community Service and those contacts engaged in community service schemes;
- List of experts and resource persons;
- Contacts in interested countries;
- Interested groups and organizations around the world;
- Donor contacts and government contacts.

The book will be distributed in other languages, including French and English translations.

#### **3. Newsletter**

Issue a newsletter:

- To be produced by each National Committee on Community Service at regular intervals and circulated to the network;

- To include: initiatives undertaken, problems encountered, solutions found, reports on workshops, calendar of events, requests for support (e.g. resource persons), statistics and other information;

- Disseminated through the Internet or the mail (or both).

#### **4. Research and data-gathering**

Set up mechanisms for research and data-gathering:

Research findings and data gathered to be shared through the Newsletter or via the Internet;

Research projects identified (e.g. on cost-benefit analyses) and funding application supported by the network;

Joint research projects on the benefits, problems and effectiveness of community service where the scheme is applied—undertaken regionally and internationally.