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REPORT OF THE COMMITTEE ON CRIME PREVENTION
AND CONTROL ON ITS FIFTH SESSION

Held at Vienna from 5 to 16 June 1978

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I. ISSUES REQUIRING ACTION OR BROUGHT TO THE ATTENTION
OF THE COMMISSION FOR SOCIAL DEVELOPMENT

1. The Committee on Crime Prevention and Control recommends to the Commission for Social Development the adoption of the following draft resolutions and their submission to the Economic and Social Council for its consideration.

DRAFT RESOLUTION I

Technical co-operation in crime prevention and control

The Economic and Social Council,

Recalling General Assembly resolution 32/59 of 8 December 1977 by which it endorsed the recommendations of the Committee on Crime Prevention and Control on the report of the Fifth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, 1/

Concerned about the prevailing trend of criminality in many countries of the world, and its impact on the efforts of Member States to promote and sustain a better quality of life in their respective countries, especially in the developing countries,

Aware that Member States, particularly developing countries, are evaluating or willing to evaluate the effectiveness of their criminal justice systems with a view towards restructuring them so as to ensure their capacity to deal with rising crime rates,

Reaffirming the right of each Member State to formulate and implement its national policies and programmes in the field of crime prevention and control in accordance with its own needs and priority,

Considering that a growing number of countries feel the lack of interregional and technical advisers capable of assisting Governments in planning and implementing their crime prevention strategies,

Recognizing the importance of co-operation among Member States and the efforts already made by the international community in the field of crime prevention and the treatment of offenders, as well as the need to promote further collaboration in this field at the regional and interregional level,

Expressing the desirability of sustaining international collaboration and efforts in the field of crime prevention and the treatment of offenders, as a significant element in the achievement of the objectives of the New International Economic Order and the strategy for the Second United Nations Development Decade,

1/ For the related draft recommendations, see chap. II of document E/CN.5/536.

Noting the importance of the availability of technical assistance and technical advisory services, on a regular basis, to requesting members of the international community, especially among the developing countries of the world,

Concerned that the countries of Africa, south of the Sahara, in spite of numerous appeals to the international community for assistance in establishing regional institutes to facilitate research, planning and implementation of crime prevention programmes and strategies, are still without viable regional means of collaborating systematically and in concert in matters pertaining to crime prevention and the treatment of offenders,

Recalling that the United Nations has already established institutes in other regions of the world,

1. Requests the Secretary-General to establish an institute for Africa, south of the Sahara, in the field of crime prevention and the treatment of offenders;

2. Requests the Secretary-General to restore and make available through the United Nations Development Programme the services of interregional and regional advisers in the field of crime prevention and the treatment of offenders to Member States, at their request;

3. Requests the Secretary-General, under the auspices of the programme of technical co-operation among developing countries, to explore new formulae for providing developing countries with technical experts through the United Nations - for instance, providing experts whose basic salary would be covered by the sending country and whose additional expenses would be covered by the receiving country.

DRAFT RESOLUTION II

Strengthening of United Nations institutes and United Nations affiliated institutes on the prevention of crime and the treatment of offenders

The Economic and Social Council,

Reaffirming the importance of co-operation among Member States and the value of efforts already made by the international community in the field of crime prevention and the treatment of offenders, and also the need to promote development of this co-operation at the interregional and regional levels,

Recalling its resolution 1086 B (XXXIX) of 30 July 1965 calling for the strengthening of the United Nations social defence programme, which, inter alia, led to the establishment of the United Nations Trust Fund for Social Defence, and also General Assembly resolutions 32/58, 32/59 and 32/60, adopted on 8 December 1977,

Reaffirming the primary importance of the role of research and training in the field of social defence,

Aware of the fact that if the United Nations institutes and United Nations affiliated institutes on the prevention of crime and treatment of offenders are to be successful in the work they are doing in the context of economic and social development, they must be able to plan an organic, coherent and long-term policy,

Considering that the results that the institutes have achieved and the services they have rendered both to the international community as a whole and to specific regions or countries not only justify the maintenance of these structures but also militate in favour of their consolidation and strengthening,

Also aware of the fact that the means hitherto employed may benefit from increased co-ordination and co-operation,

Expresses its gratitude to all countries, and in particular to the host countries (Costa Rica, Egypt, Italy and Japan), which, by their voluntary contributions, have so far made possible the establishment and operation of these institutes,

1. Requests the Secretary-General, with a view to strengthening these institutes, to take all appropriate measures to ensure permanent financial resources - in addition to other voluntary contributions provided by governmental and non-governmental sources - by placing the question before the competent bodies of the United Nations Development Programme and the United Nations regional commissions;

2. Further requests the Secretary-General to study, with the competent bodies of the United Nations and the Secretariat services concerned, the most appropriate steps to secure better co-ordination of the work programmes of these institutes.

DRAFT RESOLUTION III

Capital punishment

The Economic and Social Council,

Recalling General Assembly resolutions 2857 (XXVI) of 20 December 1971 and 32/61 of 8 December 1977 which confirmed the continuing interest of the United Nations in the study of the question of capital punishment with a view to promoting full respect for everyone's right to life and also confirmed that the main objective to be pursued was the progressive restriction of the number of offences for which the death penalty may be imposed with a view to the desirability of abolishing this punishment,

Concerned about the slow progress in achieving this objective,

Reaffirming its wish for the establishment of adequate legal procedures and the greatest possible safeguards for the accused in capital cases,

Mindful of its request to the Secretary-General, in its resolution 1930 (LVIII), in accordance with General Assembly resolution 2857 (XXVI) to proceed with the report on practices and statutory rules which may govern the right of a person sentenced to capital punishment to petition for pardon, commutation or reprieve, and to report on these questions to the Council at the latest at its first regular session, 1980, together with the basic report of 1980 on capital punishment,

Considering that the General Assembly, in paragraph 5 of its resolution 32/61, authorized the Committee on Crime Prevention and Control to give consideration to the appropriate place on the agenda of the Sixth United Nations Congress on the Prevention of Crime and the Treatment of Offenders of the issue of capital punishment and to prepare documentation on the question,

Noting the decisions of the Committee on Crime Prevention and Control at its fifth session, pursuant to General Assembly resolution 32/61, dealing with the appropriate place on the agenda of the Sixth United Nations Congress of the issue of capital punishment and with the preparation of documentation on the question,

1. Decides that it is essential for the preparation of the future reports on capital punishment, and in particular for the report to be submitted to the Sixth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, to have the fullest possible information on the use of the death penalty in all countries;

2. Decides further that, in order to accomplish this objective, the questionnaire that has been used for collecting information on this question should be so framed as to simplify to the utmost extent the task of Governments in responding to it;

3. Requests the Secretary-General to make every effort to elicit full responses from all Governments, if necessary by measures that may include involving the national correspondents or sending representatives to make on the spot visits to countries requesting such assistance.

II. PROGRESS REPORT ON UNITED NATIONS ACTIVITIES IN CRIME PREVENTION AND CONTROL

(Agenda item 3)

2. The Committee considered agenda item 3 at its 4th, 5th, 7th and 18th meetings. The Assistant Director-in-Charge of the Crime Prevention and Criminal Justice Branch introduced the item, explaining that the purpose was to apprise the Committee of the extent to which progress had been made in carrying out the work of the United Nations in crime prevention and control. His statement supplemented a progress report (E/AC.57/32) and the report entitled "Crime prevention and control" (A/32/199), which were before the Committee. He drew the attention of the Committee to the fact that the role and future of the United Nations institutes would be dealt with under agenda item 4 (see chap. III, below).

3. The Committee noted with appreciation the progress which the United Nations had made in the implementation of its activities in the field of crime prevention and criminal justice. It also expressed its satisfaction with respect to the continued efforts of the United Nations in improving, through the rendering of technical assistance to requesting countries, their capacity to formulate and implement effective crime prevention and criminal justice policies in the future.

Implementation of the work programme for 1976-1977 and 1978-1979

4. The Committee decided to discuss the reports on the implementation of the work programme for 1976-1977 under agenda items 6 and 9 (see chaps. V and VIII, below).

5. With regard to the implementation of the work programme for 1978-1979, the Committee made suggestions concerning the scope and methodology of the project on the prevention and control of violence. It was proposed that it might not be useful, within the framework of this limited project, to focus on general definitions of violence or on broad etiological approaches. Specific forms of violence to be considered included violence against the person, violence against property and violence originating from or directed against institutions.

6. As far as interpersonal violence was concerned, some members of the Committee mentioned, in particular, the increased public attention paid in some countries to violence originating from family crises situations. In many cases violent acts were related to alcohol abuse. It was suggested that the project on the prevention and control of violence should take into account several recent studies undertaken on specific aspects of violence by various countries and organizations.

Survey of crime trends and criminal policies

7. The members of the Committee agreed that the recent report of the Secretary-General entitled "Crime prevention and control" (A/32/199), based on information received from the Governments of 66 States, was a major step in the direction of meeting a long standing need for a survey of the world crime situation. While it

was noted that the report was based on detailed quantitative data and other information, it was pointed out that ways and means should be explored to improve the completeness and accuracy of available information in the presentation of the next report. Such an undertaking should rely heavily on the co-operation with the United Nations Social Defence Research Institute. The desirability was mentioned of using information not only from Governments but also from other sources, such as intergovernmental and non-governmental organizations and research institutes, although the mandate of the General Assembly had referred only to information from Governments. Moreover, the need was expressed for more detailed treatment of subregional divisions in the preparation of the next report, as regards the region of Western Europe and other States.

Publications

8. The Committee was informed that Issue No. 33 of the International Review of Criminal Policy, which dealt with the emerging roles of the police and other law enforcement agencies, had been published in 1977. Issue No. 34, containing a survey of the work of the United Nations in the field of crime prevention and criminal justice, and of other modalities of international co-operation in crime prevention and control, would be published in 1978. Issue No. 35 of the Review, on crime trends and crime prevention policies, was under preparation and was scheduled to appear in 1979.

9. The first Newsletter, reporting on recent United Nations activities in the area of crime prevention and criminal justice, had been issued in October 1976, the second one had appeared in July 1977, and the third would be issued shortly. These Newsletters, sent out to the national correspondents with the Secretariat in the field of crime prevention and the treatment of offenders, were intended to facilitate the two-way communication process and keep the correspondents abreast of recent developments in the United Nations programme in that field.

10. They were also designed to provide information, as furnished by the national correspondents, on new and significant developments relating to crime prevention and control that had taken place in Member States. It was hoped that the biannual Newsletter would help to further close and meaningful co-operation with national correspondents and provide mutual feedback as one facet of an effective communications network. It was part of the effort to revitalize the system of national correspondents which had been one of the corner-stones of the United Nations programme in the field of crime prevention and control.

11. Two volumes had been published during the period under review in the series entitled International Monographs on Criminal Policy (issued under a United Nations-New York University Press external publications agreement). These were The Place of Criminal Justice in Developmental Planning, based on an analysis of national development plans, issued in 1977, and The Changing Faces of Juvenile Justice, based on the experience and assessments of practitioners in that field, issued in 1978. Further volumes in the series were being projected.

12. Finally the Committee recommended exploration of the possibility of publishing the International Monographs on Criminal Policy in different languages. The representative of the League of Arab States declared that the League was prepared to finance the costs of translation of the Newsletters into Arabic.

Technical assistance

13. The Committee was informed of the technical assistance provided to countries during the period under review. The United Nations had provided both material and substantive support to Governments requesting it and regional and interregional advisory services of United Nations institutes in crime prevention and criminal justice.

14. At the request of the Government of Jamaica, a technical assistance team had been dispatched to Jamaica in December 1977 in order to determine the country's needs and the strategies required to deal with the question of crime prevention and to make appropriate recommendations.

15. Under the Leo Rosenthal fellowship programme, stemming from a special endowment for specialized training in juvenile delinquency prevention, two fellows from Sierra Leone and Kenya, respectively, had completed their periods of study and observation.

16. During the period under review, substantive support services had been supplied to the regional United Nations training and research institutes, with some related field visits. Unfortunately, the financial crisis of the United Nations Development Programme (UNDP) had severely curtailed its aid, preventing UNDP from continuing to aid existing institutes and providing assistance to new ones.

United Nations Asia and Far East Institute for the Prevention of Crime and Treatment of Offenders

17. In presenting a summary of the work of the United Nations Asia and Far East Institute for the Prevention of Crime and Treatment of Offenders (UNAFEI), the Director observed that 1977 had marked the fifteenth anniversary of the founding of that Institute. For the first decade of the Institute's existence, the United Nations had provided some of the key staff and experts and other financial assistance under its technical assistance programme. In 1970, the responsibility for the operation of the Institute had passed to the Government of Japan, although UNAFEI had retained the status of an international body conducting training and research under the joint auspices of the United Nations and the Government of Japan. The Institute had attempted throughout those 15 years to meet the urgent needs of the region in the field of crime prevention and control, particularly those relating to the training of personnel responsible for the administration of criminal justice and the treatment of offenders. By the end of 1977, a total of 1,020 persons from 41 countries had attended 47 international training or seminar courses and several special courses held at UNAFEI.

18. During the two-year period under review, from January 1976 to December 1977, UNAFEI had conducted, as part of its regular programme, four international training courses and two international seminar-courses, together with a training course on human rights, organized jointly with the Division of Human Rights, United Nations Secretariat. A total of 156 participants from 26 countries had taken part in those courses. Of the 156 participants, 99 had come from 25 countries and the remaining 57 had come from Japan. The participants had included judicial, correctional and other administrators, judges, public prosecutors, senior police officers, senior correctional officials, probation officers, social welfare officers, research officers and other officials working in the field.

19. While the Institute was primarily orientated towards the organization of training programmes, some research activities and information services were also provided.

20. The Committee expressed its appreciation of the work of the Institute and the generosity of the Government of Japan.

United Nations Latin American Institute for the Prevention
of Crime and Treatment of Offenders

21. The Director of the United Nations Latin American Institute for the Prevention of Crime and Treatment of Offenders, established in 1975 at San José in pursuance of an agreement between the United Nations and the Government of Costa Rica, reported that the Institute had undertaken a comprehensive training and research programme, convened policy-making meetings, rendered advisory services, established clearing-house services and issued a series of publications. During the discussion, the urgent need for tangible support of the Institute's activities was stressed, including assistance and help from the countries of the region. In view of lack of resources, the Institute was facing difficulties in continuing its programmes.

22. The Committee expressed its appreciation of the work of the Institute and the generosity of the Government of Costa Rica.

The United Nations Social Defence Research Institute

23. A brief report on the major activities of the Institute in the period under review was given by the officer-in-charge of the Institute. Additional background information was provided by three progress reports for the periods 1 January 1968 to 30 September 1977, 1 October 1977 to 31 January 1978 and 1 February 1978 to 31 May 1978. At the same time the officer-in-charge referred to organizational and financial difficulties which posed serious problems for the activities of the Institute. The Members of the Committee expressed grave concern about the direction and supervision of the Institute as well as staffing and funding and decided to take up this matter under agenda item 4. In that regard the opinion was expressed that additional information would be needed for a careful review of the situation. Consideration of the item was postponed pending the provision of further information upon request to the representative of the Secretary-General.

Organizational arrangements in pursuance of the resolutions
on crime prevention and control adopted at the sixty-second
session of the Economic and Social Council and the thirty-
second session of the General Assembly

24. After brief consideration of the subitem the Committee decided to discuss it at a later stage under agenda item 5 (see chap. IV, below).

Action by the Committee

25. At the seventh meeting Ms. S. Rozes (France) introduced, on behalf of M. El-Augi (Lebanon), R. W. Velde (United States of America) and J. A. Montero Castro, a draft resolution entitled "Technical co-operation in crime prevention and control" (E/AC.57/L.10). At the 18th meeting the same sponsors, joined by T. Asuni, M. Ette, R. P. Singh and Y.-H. Yip, introduced a revised draft of the resolution (E/AC.57/L.10/Rev.2), which was adopted by the Committee without a vote. (For the text of the resolution see chap. I, draft resolution I.)

26. In the field of publication the Committee also recommended that the Secretary-General improve his distribution lists, especially in consultation with the national correspondents, so as to ensure the widest possible distribution of newsletters and other relevant materials, including the International Review of Criminal Policy, to Governments, agencies, institutions, research centres, universities and other interested parties.

27. The Committee recommended that the Secretary-General distribute to the members of the Committee on Crime Prevention and Control all documentation of the United Nations relevant to the domain of crime prevention and control, in their respective languages, as soon as released, and to inform the members of the Committee of the release of all publications of the Secretariat and of the United Nations institutes and United Nations affiliated institutes on the prevention of crime and the treatment of offenders, as soon as they were released.

III. THE ROLE AND FUTURE OF THE UNITED NATIONS SOCIAL
DEFENCE RESEARCH INSTITUTE AND UNITED NATIONS
AFFILIATED INSTITUTES

(Agenda item 4)

28. The Committee considered the item at its 5th and 7th to 9th meetings on 5 June and 7 to 9 June 1978. Statements were made by the representative of the Secretary-General on issues relating to documentation for the consideration of this item, the position of the United Nations with respect to the future role and funding of the United Nations Social Defence Research Institute (UNSDRI) and of the regional institutes. Those statements were supplemented by the representatives of the institutes.

29. Some members of the Committee expressed the view that, since the institutes were expected to represent the operational arm of the Secretariat, greater efforts should be made to encourage them to include, on a regular basis, more policy-oriented research. It was observed that the regional institutes, in particular, laid greater emphasis on training activities and that a low priority was assigned to policy-oriented research.

30. While recognizing the importance of conducting policy-oriented research, the representatives of one of the regional institutes stressed that the limitation of resources imposed certain constraints on the range of choices that the institutes could make between training and research priorities. The decision to assign a higher priority to the training of personnel in the respective regions by the regional institutes was considered to be a wise decision. Faced with a critical resource situation, the allocation of more of available resources to training of personnel corresponded to the actual needs of the countries of the regions for an increase in the numbers and capacity of personnel in the crime prevention and criminal justice field.

31. Noting with concern the critical funding situation faced by UNSDRI and the financial constraints of the other two regional institutes, the Committee emphasized the need to find alternative means of stabilizing and improving the funding of the activities of the institutes. Action on those lines would not only guarantee the continuity of the important programme activities assigned to the institutes but would also improve the quality of their output. That would be consistent with the expectations of the world community on the role and functions of the institutes. It might be recalled that, while the institutes were expected to satisfy a specific need on a regular or permanent basis in the field of crime prevention and criminal justice, both the mechanism by which their activities were funded and the sources of those funds tended to remain uncertain or temporary.

32. The Committee viewed that contradictory situation with grave concern, and felt that the urgency of the situation called for immediate remedial action so that the very important activities entrusted to them by the United Nations could be rescued. The precarious nature of the current system of funding would, if

allowed to continue, undermine their stability. The Committee was also convinced that the level and reliability of funding would be a crucial factor in any efforts to sustain the desirable quality of over-all performance at the regional institutes.

33. It was observed that, because of the generous financial support and commitment of the Government of Japan to the United Nations Institute for Asia and the Far East (UNAFEI), this Institute had the best prospects for satisfactory functioning. In contrast, in order to survive, the Latin American Institute (UNLAI) would require more support from other countries of the region as well as some other voluntary sources of funding. Notwithstanding the generous support that the institute had been receiving from the Government of Costa Rica, the future of its activities could not be guaranteed much longer without substantial material support from other sources.

34. By all accounts, the United Nations Social Defence Research Institute was considered to be the most endangered of the related United Nations institutes. The institute had been created by the United Nations as a means of strengthening the capacity of the Organization to carry out its functions in the field of crime prevention and the treatment of offenders, and its activities were intended to benefit primarily the developing countries. However, the Committee was of the opinion that UNSDRI could not adequately discharge the functions and responsibilities entrusted to it by the United Nations Secretariat without a more reliable and adequate source of funding to guarantee its financial stability on a long-term basis.

35. During the general discussion of the role of the institutes, a member of the Committee suggested that those countries which made voluntary financial contributions to their activities should be given an opportunity to have some input in the management of their affairs.

36. It was also observed that without intensified efforts by the United Nations to increase the support of existing regional institutes by Governments in the respective regions, those institutes would become local in character; such a trend would undermine regional support for their continued existence. In that connexion, it was strongly recommended that the United Nations appeal to Member States to give adequate and regular support to the institutes located in their respective regions and also to the United Nations Social Defence Research Institute. Both objectives would be achieved by direct assistance to the institute concerned, or through special contributions to the United Nations Social Defence Trust Fund, established by Economic and Social Council resolution 1086 B (XXXIX) of 30 July 1965 for such purposes.

37. Notwithstanding the difficulties and uncertainties faced by some of the existing United Nations regional institutes for crime prevention and the treatment of offenders, the Committee, in full recognition of the invaluable contributions of those institutes in the achievement of the objectives of economic and social development, would once again renew its recommendation for the establishment of a regional institute to service the countries of Africa, south of the Sahara.

38. As a means of supplementing and reinforcing the activities of the United Nations institutes, some members of the Committee expressed the hope that the Committee would make a very strong recommendation to the United Nations for the extension of appropriate support to similar national institutes. It was also urged that the Committee undertake a comprehensive review of the roles and functions of the various United Nations and related institutes engaged in work in its field of competence, with a view to harmonizing and streamlining their activities.

39. It was further urged that the Committee undertake in a more systematic and sustained manner the co-ordination of the activities of the regional institutes, the work of the United Nations Branch for the Prevention of Crime and Criminal Justice and of the United Nations Social Defence Research Institute, with a view to harmonizing their activities and also to facilitating the exchange of staff on a regular basis.

40. However, some members of the Committee cautioned that rigid control of the activities of the regional institutes might defeat the original intention of regionalizing their characteristics. It was considered advisable that the institutes be encouraged to undertake a limited amount of what was considered "not immediately useful research" as a necessary means of maintaining valuable links with established scientific institutions. The fear was expressed that failure to encourage that type of research might tend to isolate the United Nations institutes and might also discourage possible recruits for the United Nations institutes.

Action by the Committee

41. At the 18th meeting Mr. Montero Castro introduced, on behalf of Ms. S. Rozes and Messrs. El-Alugi, M. Ette, S. Garcia-Ramirez and R. W. Velde, a draft resolution entitled "Strengthening of United Nations institutes and United Nations affiliated institutes on the prevention of crime and the treatment of offenders" (E/AC.57/L.11). It was suggested that the resolution be amended by deleting the words "without thereby prejudicing the scientific independence which these institutes must enjoy in order better to carry out their assigned task" from the last operative paragraph.

42. At the same meeting the Committee adopted the draft resolution, as orally amended, by 9 votes to 1. (For the text see chap. I, draft resolution II.)

IV. CO-ORDINATION OF THE ACTIVITIES OF UNITED NATIONS BODIES
IN THE FIELD OF PREVENTION AND CONTROL OF CRIMINALITY

(Agenda item 5)

43. The Committee considered the item at its 8th, 9th, 10th, 18th and 19th meetings on 8-9 and 15-16 June 1978. The representative of the Secretary-General introduced the item with a statement on the situation with regard to recent developments in restructuring the economic and social sectors of the Secretariat. Reference was made to the establishment of the Department of International Economic and Social Affairs, the Department of Technical Co-operation for Development and the Office of Secretariat Services for Economic and Social Matters. The Committee was also informed of the present situation with regard to the projected move of the Centre for Social Development and Humanitarian Affairs to Vienna.

44. In that context the Committee considered its role, function and long-term programme within the framework of General Assembly resolutions 32/60 and 32/197. The Committee agreed that its role and function should not be limited to the preparation of the quinquennial congresses on the prevention of crime and the treatment of offenders. The Committee should take principal responsibility for and co-ordinate all activities of the United Nations in the field of crime prevention and criminal justice. It was considered desirable to enlarge the membership of the Committee to 23 members in order to achieve more equitable geographical representation and also to enable the Committee to benefit from the greater diversity of professional expertise.

45. The view was expressed that it might be useful to re-examine the relation of the work of the Committee to the work programme of other United Nations bodies whose activities affected the role of the Committee. In that regard it was suggested that the Committee should pay particular attention to the survey of the human rights activities of the United Nations, in accordance with General Assembly resolution 32/130. It was also proposed that a more direct link should be established between the work of the Committee and the work of such other United Nations bodies as the Commission on Human Rights, the Commission on Narcotic Drugs, the Commission on Transnational Corporations and the ad hoc committees on international terrorism and on the drafting of a convention against the taking of hostages.

46. The Committee expressed its regret that it had not received relevant documents pertaining to the task imposed upon it by Economic and Social Council decision 1978/1, which referred to the Committee General Assembly resolution 32/60, concerning the Council's consideration in a comprehensive manner (at its sixty-fourth session) of the question of crime prevention and control with a view to further co-ordination of the activities of United Nations bodies in that field, the question of the function entrusted to the Committee of preparing the quinquennial congresses, the composition of the Committee with due regard to equitable geographical distribution from among experts possessing the necessary qualifications and scientific knowledge, and the question of the functions and long-term programme of work of the Committee on Crime Prevention and Control with a view to further improving United Nations activities in that field.

47. At its 19th meeting on 16 June, Sir Arthur Peterson introduced, on behalf of Professor Nils Christie and himself, the following draft resolution (E/AC.57/L.13/Rev.1):

"The Committee on Crime Prevention and Control,

"Noting General Assembly resolution 32/60 of 8 December 1977 on crime prevention and control, which was referred to it by Economic and Social Council decision 1978/1,

"Noting also General Assembly resolution 32/130 of 16 December 1977 on alternative approaches and ways and means within the United Nations system for improving the effective enjoyment of human rights and fundamental freedoms,

"Conscious of the over-all analysis of alternative approaches and ways and means within the United Nations system for improving the effective enjoyment of human rights which is being undertaken by the Commission on Human Rights at the request of the General Assembly,

"Aware of the importance of the struggle against crime in the context of the improvement of the effective enjoyment of the human rights of peoples and persons,

"Noting that the Economic and Social Council has, in its decision 1978/20 of 5 May 1978, endorsed the work done by the Commission on Human Rights at its thirty-fourth session pursuant to General Assembly resolution 32/130,

"Noting that the Economic and Social Council has decided, in paragraph 3 (g) of its decision 1978/1, to defer until 1979 the comprehensive review of the activity of United Nations bodies in the field of crime prevention and control requested in General Assembly resolution 32/60,

"Convinced of the desirability of a thorough examination of the United Nations activity in the field of crime prevention and control being placed before the Economic and Social Council in the context of its work on the restructuring of the economic and social sections of the United Nations called for by General Assembly resolution 32/197 of 20 December 1977,

"1. Adopts the annex to this resolution as its response to requests contained in General Assembly resolutions 32/60, 32/130 and 32/197 and decisions taken pursuant to these resolutions in the Economic and Social Council and the Commission on Human Rights;

"2. Decides, pursuant to General Assembly resolution 32/197,

"(a) To request the Secretary-General to transmit this resolution and its annex to the Economic and Social Council at its second regular session, 1978, for consideration in the context of the Council's deliberation on the restructuring of the economic and social sectors of the United Nations;

/...

"(b) To recommend that the Economic and Social Council defer taking a decision on the future course of United Nations activity in the field of crime prevention and control until reports have been received on the general and specific questions involved from the Commission on Human Rights (acting pursuant to General Assembly resolution 32/130) and the Commission for Social Development (acting pursuant to General Assembly resolution 32/60);

"3. Decides, pursuant to General Assembly resolution 32/130, to request the Secretary-General to transmit, by 31 October 1978, this resolution and its annex to the working group of the Commission on Human Rights which, pursuant to Economic and Social Council decision 1978/20, is to meet for one week prior to the thirty-fifth session of the Commission on Human Rights to consider the item entitled 'Alternative approaches and ways and means within the United Nations system for improving the effective enjoyment of human rights and fundamental freedoms'.

"4. Decides, pursuant to General Assembly resolution 32/60, to request the Secretary-General to draw this resolution and its annex to the attention of the Commission for Social Development at its twenty-sixth session for consideration in the comprehensive review of United Nations activity in the field of crime prevention and control.

"ANNEX

"Report of the Committee on Crime Prevention and Control on
co-ordination of the activities of United Nations bodies in
the field of prevention and control of criminality

"The Committee on Crime Prevention and Control,

"Having been informed of Economic and Social Council decision 1978/1, paragraph 5 (h), adopted by the Council pursuant to General Assembly resolution 32/60,

"Recalling its report on methods likely to be most effective in preventing crime and improving the treatment of offenders, 1/ and on guidelines for future United Nations activities directed towards the prevention and control of crime and delinquency and the treatment of offenders,

"Aware of the action of the General Assembly, in its resolution 32/58, by which Member States were invited to make use of the report in formulating national crime prevention policies and strategies, and by which, moreover, the Secretary-General was recommended to draw on the report in formulating proposals for future medium-term plans in crime prevention and control,

"Recalling the report's emphasis on the growing seriousness of certain crimes, especially those of transnational character and on the need for strengthened national and international action to combat such criminality, as well as on the urgency to incorporate planning of criminal policy into national development planning, and on the necessity of reducing the excessive social cost which crime now exacts in many countries, especially developing countries,

"1/ E/AC.57/L.7.

"Recalling also the economic costs of crime which have substantial implications for the economies of many countries,

"Advises as follows:

"I. Concerning the invitation to the Economic and Social Council, contained in paragraph 5 of General Assembly resolution 32/60, to request the Commission for Social Development to consider the question of the functions and long-term programme of work of the Committee on Crime Prevention and Control with a view to further improving United Nations activities in this field, and to submit its suggestions and proposals to the Council, the Committee advises as follows:

"(1) The Committee on Crime Prevention and Control was established as an expert body by the General Assembly in annex I, paragraph (c), of Assembly resolution 415 (V) of 1 December 1950, by which the United Nations undertook obligations theretofore carried out by the International Penal and Penitentiary Commission. The Economic and Social Council, in paragraph 5 of its resolution 1584 (L) of 21 May 1971, decided to enlarge from 10 to 15 the membership of the Advisory Committee of Experts on the Prevention of Crime and the Treatment of Offenders, established under General Assembly resolution 415 (V) and strengthened by Economic and Social Council resolution (1086 B) 'in order to provide the variety of professional expertise needed on social defence questions, spread over a wider geographical area'. In paragraph 6 of resolution 1584 (L) the Economic and Social Council decided that the members of the Committee shall be appointed by the Council on the recommendation of the Secretary-General, that the Committee shall be renamed the Committee on Crime Prevention and Control, and that it should report to the Commission for Social Development and, as appropriate on particular aspects, to the Commission on Human Rights and the Commission on Narcotic Drugs. By its resolution 32/60, the General Assembly decided that the members of the Committee on Crime Prevention and Control should be elected by the Economic and Social Council for a term of four years, with half the membership being elected every two years, on the basis of equitable geographical distribution, from among experts who possess the necessary qualifications and professional or scientific knowledge in the field and are nominated by Member States.

"(2) The Committee on Crime Prevention and Control is responsible for advising the Secretary-General, the Commission for Social Development and other legislative bodies, as appropriate, in devising and formulating programmes for study on an international basis and policies for international action in the field of the prevention of crime and the treatment of offenders, and to fulfil such other legislative mandates as have been or will be imposed upon it, including the additional responsibility of preparing the quinquennial congresses on the prevention of crime and the treatment of offenders (see II below).

"(3) The increasing importance attached to the Committee on Crime Prevention and Control by Member States, whose number has nearly tripled since the creation of the Committee, would seem to correspond to a more clearly

perceived need for United Nations guidance in a problem area that is increasingly troubling a large number of countries, both developing and developed. As evidenced in the report of the Secretary-General to the General Assembly at its thirty-second session prepared on the basis of replies to a questionnaire circulated in pursuance of General Assembly resolution 3021 (XXVII) of 18 December 1972, 'the great majority of developing and developed countries are facing an escalation of criminality whose new forms and dimensions are increasingly challenging the traditional measures and means of coping with them'. The United Nations has a primary role in promoting the exchange of expertise and experience among countries, which would be of mutual benefit, in highlighting both what has proved effective and what has not. The Committee on Crime Prevention and Control plays a pivotal role in accomplishing this objective, as evidenced by the report of the Committee on methods and ways likely to be most effective in preventing crime and improving the treatment of offenders, approved by the General Assembly in resolution 32/58, by which the policy of the United Nations in the area of crime prevention and control was delineated for the remainder of the twentieth century.

"(4) The Committee draws attention to the need for further elaboration of its report on methods and ways likely to be most effective in preventing crime and improving the treatment of offenders, including the development of guidelines to assist Member countries in the formulation of programmes for the prevention and control of crime and to minimize the social and economic consequences of crime and the development of guidelines and standards for the administration of criminal justice.

"(5) The Committee further draws attention to the need to monitor the implementation of its recommendations and conclusions of the United Nations Congresses on the Prevention of Crime and the Treatment of Offenders to ensure that the recommendations and conclusions of the Congresses are effectively implemented and to ensure that continuity of action between Congresses is maintained to combat crime at the national and international levels.

"(6) The Committee advises that it has additional important functions to fulfil in the perfection of the network of interregional and regional United Nations institutes on the prevention of crime and the treatment of offenders, and in the general supervision of the work of those institutes, directed towards rendering assistance to all States in the various regions, at their request.

"(7) The Committee notes that many issues of crime prevention and control rest on political, juridical, social, economic, humanitarian and scientific knowledge of a specialized character and not always possessed by general legislative bodies, nor capable of being resolved by ad hoc advisory bodies, and therefore urges the Economic and Social Council to strengthen the Committee on Crime Prevention and Control as its own advisory and preparatory body.

"(8) As an indication of the work before the Committee, the draft provisional agenda adopted for its next meeting is appended to this annex (not reproduced in the present report).

"(9) This strengthening of the Committee could best be accomplished by:

(a) Increasing the frequency of meetings of the Committee so as to allow it to accomplish its increased mandates; and

(b) A modest enlargement of the membership of the Committee so as to allow for a more faithful representation of all cultural and political subregions within regions, and the various professions which contribute to the broad field of crime prevention and control, considering, however, that such increase should not impede the effectiveness of the Committee or impose disproportionate costs.

"II. Concerning the entrusting to the Committee on Crime Prevention and Control, contained in paragraph 2 of General Assembly resolution 32/60, with the function of preparing the United Nations congresses on the prevention of crime and the treatment of offenders by submitting appropriate proposals to the Economic and Social Council concerning, inter alia, the place and time of the congresses, the provisional agenda and preparation of the necessary documentation, the Committee notes with appreciation this additional important responsibility, and notes particularly that the cycle of preparations for each congress consists of five years and extends to the organization and conduct of regional preparatory meetings of Governments in all regions and of ad hoc meetings of experts on all agenda items of each congress, as well as the organization of the congresses themselves.

"III. Concerning the decision, contained in paragraph 4 of Assembly resolution 32/60, that the members of the Committee on Crime Prevention and Control should be elected by the Economic and Social Council for a term of four years, with half the membership elected every two years, on the basis of the principle of equitable geographical distribution, from among experts who possess the necessary qualifications and professional or scientific knowledge in the field and are nominated by Member States, the Committee notes with appreciation the General Assembly's concern for proper representation by highly qualified experts of all relevant disciplines from States duly representative of all regions and urges the Council to impress upon States Members desirous of making nominations, the necessity of ensuring the Committee of representation of all disciplines and experiences significant for crime prevention and control.

"IV. Concerning the endorsement, contained in paragraph 3 of Assembly resolution 32/60, of the recommendation of the Fifth United Nations Congress on the Prevention of Crime and the Treatment of Offenders /Ä/CONF.56/107, which requested the Committee on Crime Prevention and Control to review, at its fifth session, the provisional rules of procedure of the Congress with a view to bringing them into conformity with current practice in other United Nations bodies, conferences and congresses convened under the auspices of the United Nations, and requesting the Committee to submit the

revised draft rules of procedure to the Economic and Social Council at its first regular session, 1979, the Committee reports that it has drafted a new set of rules in conformity with the above-mentioned requirements, and that these draft rules will be referred to the Council at its first regular session, 1979.

"V. Concerning the request to the Economic and Social Council, contained in paragraph 1 of Assembly resolution 32/60; to consider in a comprehensive manner at its sixty-fourth session the question of crime prevention and control with a view to further co-ordination of the activities of United Nations bodies in this field, in particular the preparation every five years of a United Nations congress on the prevention of crime and the treatment of offenders, the publication of the International Review of Criminal Policy and the provision of technical assistance to interested Member States, at their request, the Committee advises as follows:

"(1) The organizational structure of the United Nations in matters of crime prevention and control has been largely the result of historical forces and events, by which certain special problems of the broad range of criminality and crime control have been given deserved special emphasis, through the creation of a variety of special units concerned with such matters as narcotic drugs, transnational criminality, terrorism and other international criminality, and other subjects, while the Secretariat unit concerned with over-all responsibility for mandates of crime prevention and control, criminal policy and the treatment of offenders, has remained a relatively small unit.

"(2) Consequently, the Committee recommends that any consideration of restructuring the following views should be borne in mind:

"(a) That the central unit concerned with matters of crime prevention and control be given an organizational status consonant with its over-all responsibilities and consistent with that of the units concerned with special problems of criminality;

"(b) That consideration should be given to the most appropriate structural position of the unit entrusted with carrying out the mandates in crime prevention and criminal policy within the organizational structure of the Secretariat, and that this position, in the view of the Committee on Crime Prevention and Control, should be consistent with the political, juridical, humanitarian and developmental nature of the mandates involved;

"(c) That consideration should be given to strengthening the machinery for co-ordination between all units within the United Nations concerned with matters of crime prevention and criminal policy;

"(d) That the United Nations unit concerned with crime prevention and criminal policy should be assured the best possible access to all resources, data, information and constituencies, including missions (especially of developing countries), intergovernmental and non-governmental organizations and specialized agencies."

48. After considerable discussion and several statements in support of the resolution, several members of the Committee voiced substantive and procedural concerns about the original resolution and its annex (E/AC.57/L.13) and its revised form (E/AC.57/L.13/Rev.1). Lack of time and concerns about a quorum precluded further discussion, and the Committee therefore took no action on the draft resolution. It was decided to insert the entire draft resolution and its annex into the present report, thereby indicating the Committee's earnest concern over the co-ordination of the activities of United Nations bodies in the field of prevention and control of criminality, and so as to allow discussion of the issues by higher bodies as well as by this Committee on future occasions.

Action by the Committee

49. In the light of the increased workload of the Committee there was consensus that the Commission on Social Development recommend to the Economic and Social Council that the Committee could convene frequent meetings of its bureau and more frequent sessions, whenever necessary, particularly for the preparation of the Congresses.

50. The Committee expressed concern in regard to its future role. It was pointed out that the United Nations had a special responsibility in the field of crime prevention and control which it had inherited from the International Penal and Penitentiary Commission in accordance with General Assembly resolution 415 (V) of 1 December 1950.

V. SIXTH UNITED NATIONS CONGRESS ON THE PREVENTION
OF CRIME AND THE TREATMENT OF OFFENDERS

(Agenda item 6)

51. The Committee considered this item at its 5th and 6th meetings on 7 June 1978. The Executive Secretary of the Congress introduced the report (E/AC.57/31) and elaborated on the preparations for the Sixth Congress, expressing his appreciation for the splendid co-operation of the Government of Australia and the Australian co-ordinator, as well as of the Governments of the Federal Republic of Germany and the Philippines, who had hosted regional preparatory meetings. Those meetings had been extremely helpful to the Secretariat, as attested to by their reports. On being questioned by the Committee, the Executive Secretary explained the difference between regional preparatory meetings, where the report was governmental, and preparatory ad hoc meetings of experts, one on each of the five topics, which had been authorized for the purpose of obtaining scientific reports from experts of all regions for the purposes of projecting the Secretariat's working papers.

52. The Australian co-ordinator described the Australian preparations and commented on the agenda items, emphasizing the need for focusing on practical issues.

53. The Committee expressed its satisfaction to the Executive Secretary and the Australian co-ordinator, commenting on the fact that preparations were proceeding well ahead of preparations for previous congresses, thus guaranteeing an earlier completion of preparations and an early distribution of pre-session documentation. The Committee discussed the machinery for the preparation of the Congress in detail and expressed its satisfaction. As to the future involvement of the Committee, in its additional role as a preparatory Committee for those congresses, the view was expressed that in the selection of topics the Committee should keep its own plan in mind (Methods and ways likely to be most effective in preventing crime and improving the treatment of offenders), 2/ since that plan had been noted by the General Assembly as a guideline for future United Nations activities. Moreover, each new congress agenda should reflect the experiences of preceding congresses, and the special needs of the developing countries should always be kept in mind. The need for proper and adequate publicity for congresses and preparatory meetings was stressed, as was the need for greater involvement of police and other law enforcement officials.

54. The Committee then discussed the scope and coverage of all five agenda items in some detail and expressed its satisfaction with all items. Having been requested by the General Assembly in resolution 32/61 to find an appropriate place for the issues related to capital punishment on the agenda, the Committee formed a working group to prepare a draft proposal.

2/ See E/CN.5/536, annex IV.

VI. REVIEW OF THE RULES OF PROCEDURE OF THE UNITED NATIONS
CONGRESSES ON THE PREVENTION OF CRIME AND THE
TREATMENT OF OFFENDERS

(Agenda item 7)

55. The Committee considered the item at its 10th to 12th meetings on 9 and 12 June 1978. The Officer-in-Charge of the Crime Prevention and Criminal Justice Branch introduced the item, explaining the purpose of the review of the rules. His statement supplemented the note by the Secretary-General (E/AC.57/36) which was before the Committee. He reminded the Members of the Committee of the decision of the Fifth United Nations Congress on the Prevention of Crime and the Treatment of Offenders and of the General Assembly in paragraph 3 of resolution 32/60, which requested the Committee to review the rules with a view to making them conform to current practice in other United Nations bodies. The Committee was requested to submit the revised draft rules to the Economic and Social Council at its first regular session, 1979.

56. The Committee noted that the draft provisional rules of procedure contained in the annex of document E/AC.57/36 referred only to the Sixth Congress. It was agreed, however, to make the rules applicable also to all subsequent quinquennial congresses and it was, therefore, decided that the title and respective rules should be changed accordingly.

57. With regard to the rules of procedure for the Sixth Congress, the Committee agreed to adopt the rules as amended and submit them to the Economic and Social Council for its approval (for the text of the rules, see annex II).

VII. CAPITAL PUNISHMENT

(Agenda item 8)

58. The Committee considered the item at its 12th, 13th and 18th meetings. In introducing the item, the Assistant Director-in-Charge of the Crime Prevention and Criminal Justice Branch informed the Committee that the Economic and Social Council, by its resolution 1930 (LVIII) of 6 May 1975, had requested the Committee to study, with the co-operation of the United Nations Social Defence Research Institute and other research centres, ways to analyse existing trends and to stimulate studies on the matter. The Committee had before it a survey of studies on the use of and trends in capital punishment (E/AC.57/33). The document also included information concerning the request made by the General Assembly, in its resolution 32/61, that the Committee give consideration to the appropriate place of capital punishment as an item on the agenda of the Sixth Congress and prepare documentation on the question. The Committee also had before it an international bibliography on capital punishment, prepared by the United Nations Social Defence Research Institute and a declaration by Amnesty International calling for "the immediate and total abolition of the death penalty" and for the penalty unambiguously to be declared "contrary to international law" (E/AC.57/30).

59. The Committee was informed that the first five-year report on capital

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punishment (E/5616 and Corr.1 and 2 and Add.1) had been prepared in 1974 by the Secretary-General in pursuance of Economic and Social Council resolution 1745 (LIV) of 16 May 1973. The Secretary-General would prepare the next report on the matter in 1979. In accordance with the request contained in paragraph 6 of General Assembly resolution 2857 (XXVI) of 20 December 1971, that report would also include information on practices and statutory rules which might govern the right of a person sentenced to the death penalty to petition for pardon, commutation or reprieve.

60. In discussing the item, it was noted that capital punishment was a social and historical phenomenon. It was deemed to be necessary to focus research on the following areas:

(a) Gathering of information on the factual situation, in particular with reference to statistical data of sentencing and executions in various countries;

(b) Studies of the laws, legal safeguards and practices with regard to capital punishment;

(c) Historical studies on the use of capital punishment, including well-documented case studies on successful abolition or increase in certain countries;

(d) Socio-psychological research with regard to capital punishment, extending to sentenced persons, victims and the judiciary;

(e) Studies of the question of subterfuges for capital punishment, that is, killings committed or tolerated by authorities without judicial process.

61. The members of the Committee agreed that the reduction of the use of capital punishment and its eventual abolition was desirable. It was pointed out, however, that it would be difficult to achieve that goal in the near future because many countries wished to retain capital punishment for certain kinds of serious crimes, particularly in view of the influence exercised by public opinion, which was shaped and reinforced by religious, social and even economic influences.

62. It was further noted that because of the irreversible effect of capital punishment and the grave consequences of possible errors, strong legal safeguards were required, including adequate legal representation of the accused, appropriate psychiatric services and safeguards concerning the burden of proof.

63. It was recommended that in the future preparation of reports on capital punishment the United Nations should rely more heavily on the network of national correspondents in crime prevention and criminal justice. Questionnaires and requests both to Governments and national correspondents should be simple so that the response rate would increase. An attempt should also be made to develop guidelines towards the reduction and eventual abolition of capital punishment.

Action by the Committee

64. The Committee decided, pursuant to the request of the General Assembly in paragraph 5 of resolution 32/61, to discuss "the various aspects of the use of capital punishment and the possible restriction thereof, including a more generous application of rules relating to pardon, commutation or reprieve" under item 5 of the provisional agenda of the Sixth United Nations Congress on the Prevention of Crime and the Treatment of Offenders to form the following agenda item:

"United Nations norms and guidelines in criminal justice:

From standard-setting to implementation -

(a) Capital punishment

(b) Other standards

(c) Implementation"

65. The Committee also recommended that the Congress secretariat provide for the establishment of an intersessional working group to prepare the topic for discussion under item 5 of the provisional agenda, with such secretariat and language services as the Secretariat might be able to provide.

66. The Committee further decided that, pursuant to the request of the General Assembly in paragraph 5 of resolution 32/61, a separate working paper on capital punishment should be provided by the Secretariat. The working paper would include a discussion guide which should be in accordance with the terms of General Assembly resolutions 2857 (XXVI) of 20 December 1971 and 32/61 - namely, that the main objective to be pursued in the field of capital punishment should be that of progressively restricting the number of offences for which the death penalty might be imposed, with a view to the desirability of abolishing the punishment. The discussion guide should, accordingly, focus on the following issues:

(a) Legal provisions and practices that had contributed in the previous five years to the reduction or total abolition of capital punishment;

(b) The experience of countries that had succeeded in abolishing capital punishment;

(c) Current governmental, non-governmental and popular initiatives and plans to reduce capital punishment;

(d) Details of targets set for the eventual abolition of the death penalty.

67. At the 18th meeting, Mr. El-Augi introduced, on behalf of Messrs. N. Christie, M. Ette, G. di Gennaro, S. Hekmat and R. Velde, a draft resolution entitled "Capital punishment" (E/AC.57/L.12), which was adopted by the Committee without a vote. (For the text see chap. I, draft resolution III.)

VIII. GUIDELINES FOR CRIME PREVENTION AND CRIMINAL JUSTICE
(Agenda item 9)

68. The Committee considered item 9 of the agenda at its 12th, 13th, 14th, 15th and 16th meetings on 12, 13 and 14 June 1978. At its 3rd meeting on 6 June 1978 the Committee had decided to group together the following items of the provisional agenda for consideration under item 9: (a) Human rights in the administration of justice: draft guidelines for expeditious and equitable handling of criminal cases (item 6); (b) Incorporation of crime prevention policies in educational and vocational training programmes (item 8); and (c) Guidelines for linking the rehabilitation of offenders to related Social Services (item 9).

Human rights in the administration of justice: draft guidelines
for expeditious and equitable handling of criminal cases

69. The Committee used as a basis for the consideration of the subitem a report by the Secretary-General (E/AC.57/34) and a conference room paper containing draft guidelines on expeditious and equitable handling of criminal cases at the pre-trial stage.

70. The subitem was introduced by the representative of the Secretary-General. The Chairman made a brief statement on the preparatory work on the guidelines, and he informed the Committee that he had taken part in the work of the ad hoc expert meeting 3/ that drafted the guidelines.

71. The Committee expressed satisfaction and appreciation for the work that had been accomplished. It noted that the present draft guidelines could be regarded as an important first step leading to the preparation of an acceptable set of guidelines.

72. At the outset of the discussion of the subitem questions were raised concerning the scope, approach, the title of the subitem and the practical aspects of implementation. Some Members of the Committee were of the view, in particular, that the draft guidelines lacked a balanced approach to the problem addressed, and tended to over-emphasize the needs of the defence or accused more than those of the community. In that regard, the committee suggested that a balanced approach, taking into full account both the needs of the defence and the needs of the community or society, would be most desirable.

73. The Committee was concerned that the current title of the project would cause some misunderstanding regarding its scope. It was suggested that the title be limited to the actual substance of the project. Preference was expressed for the original title, "Guidelines for expeditious and equitable handling of criminal cases".

3/ The meeting was held at Reno, Nevada, United States of America from 23 to 27 May 1977. The National Judiciary College acted as host.

74. In discussing the scope and applicability of the draft guidelines, it was pointed out that, while some of the rules were very specific and rigid, others tended to be too general in their application. That was regarded as the main defect of the rules since that particular characteristic would greatly affect their implementation. Some Members of the Committee expressed the view that the task of refining the rules would be prohibitive, and that consideration should be given to confining future work on the rules to a limited area such as presenting procedures on the right to defence.

75. A member of the Committee suggested that the Committee might consider instead the preparation of minimum standards for criminal justice procedures similar to the United Nations Standard Minimum Rules for the Treatment of Prisoners. It was also suggested that the scope of the rules be broadened to include, inter alia, the principle of the privilege against self-incrimination, search and seizure, and the certainty of sanction or punishment.

76. With regard to implementation of the rules, some members of the Committee felt strongly that it would be incorrect for the Committee to assume that people were aware of their rights and that there was a general understanding of the criminal justice system. In many parts of the world, particularly in the developing countries, there was ample doubt that the enunciated principles would be understood and respected both at the official and individual level. In that regard, it was considered not only desirable but absolutely necessary for the rules to include a section dealing with the simplification of the criminal justice system.

77. Taking those remarks into consideration, the Committee decided that it would not be appropriate to finalize the rules at that stage and that further work would be necessary. Several proposals were made by members of the Committee on the future course of action. One proposal was to circulate the draft guidelines to Member States and National Correspondents for their reaction and comments before the commencement of the work of the Secretariat on a new draft.

78. On that point, the representative of the Secretary-General informed the Committee that the document containing the draft guidelines was not an official document of the Committee and could not be forwarded to higher bodies or to national Governments. Replying to another proposal to submit the draft guidelines to the Sixth Congress, he stated that for the same reason that could not be done. He also referred to the financial implications, and the difficulties involved in the preparation of appropriate documentation on the subject. It would not be possible to submit such documentation to the regional preparatory meetings for comments. Also, to include that topic as well as capital punishment under item 5 of the provisional agenda of the Sixth Congress would create serious problems.

79. The observer for the Division of Human Rights, United Nations Office at Geneva, expressed the view that in the process of revising the draft guidelines, much attention should be paid to the crucial importance of the right to assistance by counsel. It was through such counsel that the accused could be made aware of his rights. Without the assistance of counsel the accused could hardly give an "informed consent" to the waiving of his rights. Consideration should also be given to recognizing expressly in rule XIII the right of the accused to address complaints to intergovernmental bodies.

80. The observer for the Division of Human Rights further assumed that, in accordance with Economic and Social Council resolution 1086 B (XXXIX) of 30 July 1965, which set forth the terms of reference of the Committee on Crime Prevention and Control, the Commission on Human Rights would be fully informed of the progress of work in the revision of guidelines, which touched upon many questions for which the Commission had primary responsibility.

81. The Committee finally decided to entrust the Secretariat with the task of redrafting the guidelines, in accordance with the observations and comments contained therein. The Secretariat should produce a single-volume publication for the widest possible distribution containing all relevant provisions of such documents as the Universal Declaration of Human Rights and of the International Covenant on Civil and Political Rights, as well as the Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Standard Minimum Rules for the Treatment of Prisoners and their implementation procedures, the Draft Code of Conduct for Law Enforcement Officials, the Draft Principles on Freedom from Arbitrary Arrest and Detention and the Draft Principles on Equality in the Administration of Justice, as well as such other standards and guidelines as might be approved by the other United Nations legislative bodies.

Guidelines for linking the rehabilitation of
offenders to related social services

82. The subitem was introduced by the representative of the Secretary-General. The Committee used as a basis for the consideration of the subitem a report by the Secretary-General (E/AC.57/38) on the subject.

83. While noting the importance and usefulness of the document under consideration, several reservations were expressed by the Committee regarding its clarity and precision. The document required considerable simplification.

84. The Committee agreed that the work of the Secretariat and of the Committee regarding the linking of rehabilitation of offenders to related social services was of great significance. The variety of national experiences, and the availability of information on only a few countries, made it very difficult to proceed to the formulation of guidelines at that time. Moreover, while the need for a harmonization of social support and social control for offenders had been felt or even successfully dealt with in some countries, others had not yet been confronted with the issue. That was particularly true in some developing countries where, especially for offenders in the community, indigenous social control through the extended family and community was still viable. It was mentioned that the experiences and needs of developing countries should be stressed. Consequently the Committee requested the Secretariat to proceed with further work, as follows:

(a) The report should be simplified so that it would not lead to any misinterpretations;

(b) The 10 so-called "guidelines" should not be referred to as such; rather, a term should be found that more accurately described their true nature;

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(c) Those 10 points, to the extent possible, should be phrased in terms of problem-solving rather than in terms of problem-posing. Parts of the text relating thereto should be adjusted accordingly;

(d) Practical aspects should be stressed to the extent possible;

(e) The second issue (paragraph 52) should be rephrased to emphasize the need for harmonization of the functions of social support and social control within the context of national or cultural traditions;

(f) The issue covered in paragraph 59, on the need for social services early in the process, should be covered earlier;

(g) The document should be redrafted with those considerations in mind, should be produced under the provisions in document A/C.5/32/52, paragraph 10 (1) (b), and should be distributed as a pre-session document to the preparatory ad hoc meeting of experts on item 4 of the provisional agenda for the Congress, which would be convened at Cambridge, England in December 1978, in view of that document's special significance to that agenda item;

(h) After consideration by that expert group, the contents of the document, and the views of the group thereon, should be placed before the Congress for consideration;

(i) The Secretariat should respond to additional requests by the Committee regarding specific provisions of the text, the "principles" and the notes preliminary thereto.

Incorporation of crime prevention policies in educational
and vocational training programmes

85. In introducing the subitem, the representative of the Secretary-General stated that the project was of long-range importance to the Secretariat and it was being placed before the Committee for its consideration and recommendations. The project would focus on the use of the public school system for crime prevention.

86. The Committee used as a basis for its consideration of the subitem a progress report by the Secretary-General (E/AC.57/37) on the project and a conference room paper containing summaries of five case studies on national experiences in the use of the public school system for crime prevention, and of an ad hoc expert group meeting on the subject. 4/

87. The Committee noted with appreciation the progress that had been made in the implementation of the project. In expressing its satisfaction with the plan of the Secretariat to undertake future work in the implementation of the project, the Committee observed that such work would fall within the framework of the function of education. In that connexion, the Secretariat should establish close contacts and collaboration with the specialized agencies, in particular, the United Nations

4/ The meeting was held at Uppsala, Sweden from 10 to 13 January 1978, under the auspices of the University of Uppsala.

Educational, Scientific and Cultural Organization (UNESCO), the United Nations Children's Fund (UNICEF) and the International Labour Organisation (ILO).

88. The Committee heard a number of statements on national experiences in the use of their educational systems to create a sense of awareness of civic responsibility and respect for the national legal system. The statements were warmly received by the Committee, and there was general satisfaction that Member States were demonstrating a genuine concern for the maintenance of social progress.

89. With regard to the practical aspects of the implementation of the project, the Committee was of the view that the preparation of a manual, at that stage, would not be advisable. The Committee then recommended the preparation by the Secretariat during the biennial period 1980-1981 of a two-part study rather than of a manual as such. The study was to elaborate a set of general principles for the use of national educational systems for crime prevention, and demonstrate how such principles could be implemented within specific social contexts.

90. In that respect, the envisaged activities should be undertaken with caution. The Committee stressed the need to pay particular attention to such key areas as civic education in the public school system; the adaptation of education to existing economic and social conditions and the actual needs of the countries concerned; and the education of parents to reinforce their role in the upbringing of their children.

91. The Committee also emphasized the importance of stimulating national awareness of the problem of delinquency and the role of the public school system in its prevention.

IX. TERRORISM

(Agenda item 10)

92. The Committee discussed that item at its 16th and 17th meetings. In his introductory statement the Assistant Director-in-Charge of the Crime Prevention and Criminal Justice Branch informed the Committee on the activities of other United Nations bodies dealing with terrorism.

93. Some members of the Committee expressed the view that the proper discussion of the question of terrorism should refer to specific aspects not being dealt with by other United Nations bodies and could be meaningful only on the basis of a clear definition of the problem.

94. Other members of the Committee shared the opinion that the escalation of the threat of terrorism had assumed such proportions that it was imperative for the Committee to deal with the item, particularly because none of the United Nations bodies was focusing its attention on such matters as trends in terrorism and strategies to cope with it. The development of further technology could provide the terrorist in future with additional means threatening the life and property of the citizenry.

95. In that regard the following fields of actions were proposed:

(a) Strengthening co-operation between police forces of different countries and developing guidelines for such co-operation;

(b) Elaborating a network of extradition treaties;

(c) Developing provisions in criminal procedure that would permit successful prosecution of terrorists.

96. It was suggested that the United Nations Social Defence Research Institute should undertake a study on trends on terrorism, subject to the availability of extrabudgetary funds.

X. CONSIDERATION OF THE PROVISIONAL AGENDA FOR THE SIXTH SESSION OF THE COMMITTEE

(Agenda item 11)

97. The Committee agreed to retain all items of the provisional agenda for its sixth session and to add six items. One of those was the item on capital punishment, as to which the Committee felt it had a continuing obligation and on which it wished to continue offering advice, especially on the matter of gauging world trends. An item on the review of the rules of procedure of the congresses was added in view of the Committee's addition of rule 64 of the rules of procedure of the United Nations congresses on the prevention of crime and the treatment of offenders. The provisional agenda was adopted as amended. (See annex III.)

98. Regarding several suggestions for additions to the agenda, the Committee decided as follows:

(a) The question of discussing trends in innovating criminalological research should be dealt with in the progress reports on the United Nations institutes, and the contents of the International Review of Criminal Policy should be dealt with in the Secretary-General's progress report (Issues of the Review should be provided to the members of the Committee.);

(b) The question of the positive and negative impact of the mass communications media should be studied by the Secretariat in conjunction with the Secretariat's project on violence, on which the Committee had offered its views earlier. The topic of trends in prison population should be dealt with by the Secretariat in conjunction with the questionnaire on world crime trends.

99. It was also decided that the item on implementation of General Assembly resolution 32/60 should contain a reference to the Committee's function to monitor the implementation of the recommendations of congresses.

100. The Committee did not require the Secretariat to prepare detailed documentation on all items of the agenda, but wished to be able to have informed discussions on all of those issues. The need for documentation on the issue of women as perpetrators and victims of crime was particularly stressed, whether budgetary or extrabudgetary funds were available or not.

XI. ORGANIZATION OF THE SESSION

Opening and duration of the session

101. The Committee on Crime Prevention and Control held its fifth session at Vienna from 5 to 16 June 1978. The session was opened by the temporary Chairman, Mr. Giuseppe di Gennaro (Italy). The representative of Austria, Ambassador Herndl, addressed the Committee. The representative of the Secretary-General, Madame L. N'Kanza, read the message of the Secretary-General. The Committee expressed its deep gratitude to the Government of Austria for acting as host for the session and for the warm hospitality extended to members of the Committee.

Membership and attendance

102. The following persons are members of the Committee: Tolani Asuni (Nigeria), Stanislav V. Borodin (USSR), Nils Christie (Norway), Mustafa El-Augli (Lebanon), Marcel Ette (Ivory Coast), Sergio García-Ramírez (Mexico), Giuseppe di Gennaro (Italy), Said Hekmat (Iran), Wojciech Michalski (Poland), Jorge A. Montero Castro (Costa Rica), Sir Arthur Peterson (United Kingdom of Great Britain and Northern Ireland), Simone Rozes (France), Ramanand P. Singh (Nepal), Richard W. Velde (United States of America) and Yat-Hoong Yip (Malaysia). All the members of the Committee, except Mr. Michalski, attended the session.

103. The meeting was also attended by observers from Australia, Austria, Bolivia, Canada, Cuba, the German Democratic Republic, the Federal Republic of Germany, Israel, Japan, Mozambique, Portugal, the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland and the United States of America.

104. The following units of the United Nations were represented: the Division of Human Rights, the United Nations Asia and Far East Institute for the Prevention of Crime and the Treatment of Offenders and the United Nations Social Defence Research Institute.

105. Three intergovernmental organizations were represented: the International Criminal Police Organization (INTERPOL), the League of Arab States and the International Narcotics Control Board. The following non-governmental organizations in consultative status with the Economic and Social Council were represented: Amnesty International, Association Internationale des Juristes Démocrates, International Society for Criminology, the Salvation Army, Société internationale de prophylaxie criminelle and Union internationale des magistrats.

106. The International Penal and Penitentiary Foundation (IPPF) was also represented.

Election of officers

107. At the first meeting on 5 June 1978 the Committee elected the following officers: Chairman: Giuseppe di Gennaro; Vice-Chairmen: Mustafa El-Augi, Jorge Montero Castro and Pamanand Singh; Rapporteur: Tolani Asuni.

Agenda and documentation

108. At its 1st and 2nd meetings on 5 June 1978, the Committee considered the provisional agenda as contained in document E/AC.57/35 and adopted the agenda contained in annex I to the present report.

109. The documents that were before the Committee at its fifth session are listed in annex IV to the present report.

Adoption of the report

110. At its 19th meeting the Committee considered the draft report contained in document E/AC.57/L.9 and Add.1-7. During the consideration of the draft report members of the Committee made oral amendments to the draft. The Committee adopted the draft report as amended.

Annex I

AGENDA

1. Election of officers
2. Adoption of the agenda
3. Progress report on United Nations activities in crime prevention and control during the period from January 1976 to February 1978
4. The role and future of United Nations institutes and United Nations affiliated institutes
5. Co-ordination of the activities of United Nations bodies in the field of prevention and control of criminality
6. Sixth United Nations Congress on the Prevention of Crime and the Treatment of Offenders
7. Review of the rules of procedure of the United Nations congresses on the prevention of crime and the treatment of offenders
8. Capital punishment
9. Guidelines for crime prevention and criminal justice
10. Terrorism
11. Consideration of the provisional agenda for the sixth session of the Committee
12. Adoption of the report of the Committee

Annex II

DRAFT PROVISIONAL RULES OF PROCEDURE FOR THE UNITED NATIONS
CONGRESSES ON THE PREVENTION OF CRIME AND THE TREATMENT OF
OFFENDERS

Chapter I

REPRESENTATION AND CREDENTIALS

Composition of delegations

Rule 1

The delegation of each State participating in the Congress shall consist of a head of delegation and such other representatives, alternate representatives and advisers as may be required.

Designated representatives

Rule 2

An alternate representative or an adviser may act as a representative upon designation by the head of delegation.

Submission of credentials

Rule 3

1. The credentials of representatives shall be issued either by the Head of the State or Government or by the Minister for Foreign Affairs.

2. The credentials of representatives and the names of alternate representatives and advisers shall be submitted to the Executive Secretary of the Congress, if possible not later than one week before the opening of the Congress. Any later change in the composition of delegations shall also be submitted to the Executive Secretary.

Credentials Committee

Rule 4

1. There shall be a Credentials Committee of nine members appointed by the Congress on the proposal of the President. Its membership shall, as far as possible, be the same as that of the General Assembly of the United Nations at its preceding session.

2. The Credentials Committee shall elect its own Chairman, Vice-Chairman and Rapporteur.

3. The Credentials Committee shall examine the credentials of representatives and report to the Congress.

4. The rules contained in chapters II, IV, V and VI shall be applicable, mutatis mutandis, to the proceedings of the Credentials Committee.

Provisional participation in Congress

Rule 5

Pending a decision of the Congress upon their credentials, representatives shall be entitled to participate provisionally in the Congress.

Chapter II

OFFICERS

Elections

Rule 6

The Congress shall elect from among the representatives of participating States a President, and such a number of Vice-Presidents and a Rapporteur-General, as well as a Chairman for each of the sections provided for in rule 44, as shall bring the total number of officers to 25. These 25 officers shall constitute the General Committee and shall be elected on the basis of ensuring its representative character.

Acting President

Rule 7

1. If the President finds it necessary to be absent from a meeting or any part thereof, he shall designate one of the Vice-Presidents to take his place.

2. A Vice-President acting as President shall have the same powers and duties as the President.

Replacement of the President

Rule 8

If the President is unable to perform his functions, a new President shall be elected.

Voting rights of the President

Rule 9

The President, or a Vice-President acting as President, shall not vote, but shall designate another member of his delegation to vote in his place.

Chapter III

GENERAL COMMITTEE

Chairman

Rule 10

The President or, in his absence, one of the Vice-Presidents designated by him, shall serve as Chairman of the General Committee.

Substitute members

Rule 11

1. If the President or a Vice-President or the Rapporteur-General is absent from a meeting of the General Committee, he may designate a member of his delegation as his substitute.

2. In case of absence, the Chairman of a section shall designate another officer of the section or, if none is available, a member thereof. However, such a substitute shall not have the right to vote if he is of the same delegation as another member of the General Committee.

Applicable rules

Rule 12

The rules contained in chapters II, IV, V and VI above shall be applicable, mutatis mutandis, to the proceedings of the General Committee, except that:

- (a) The Chairman of the General Committee may exercise the right to vote;
- (b) A majority of the members of the General Committee shall constitute a quorum;
- (c) Decisions of the General Committee shall be taken by a majority of the members present and voting, except that a motion to reconsider a proposal shall require the majority established by rule 32.

Functions

Rule 13

1. In addition to carrying out other functions provided in these rules, the General Committee shall assist the President in the general conduct of the business of the Congress and, subject to decisions of the Congress, shall ensure the co-ordination of its work.

2. At the request of the Chairman of a section, the General Committee may adjust the allocation of work to the sections.

Chapter IV

SECRETARIAT

Duties of the Secretary-General

Rule 14

1. The Secretary-General of the Congress shall be the Secretary-General of the United Nations. He, or his representative, shall act in that capacity in all meetings of the Congress and its subsidiary organs.

2. The Secretary-General shall appoint an Executive Secretary of the Congress and shall provide and direct the staff required by the Congress and its subsidiary organs.

Duties of the secretariat

Rule 15

The secretariat of the Congress shall, in accordance with these rules:

- (a) Interpret speeches made at meetings;
- (b) Receive, translate, reproduce and distribute the documents of the Congress;
- (c) Publish and circulate the report and the official documents of the Congress;
- (d) Make and arrange for the keeping of such recordings of meetings as are provided for by rule 50;
- (e) Arrange for the custody and preservation of the records of the Congress in the archives of the United Nations; and
- (f) Generally perform all other work that the Congress may require.

Statements by the secretariat

Rule 16

The Secretary-General or any member of the secretariat designated for that purpose may at any time make either oral or written statements concerning any question under consideration.

Chapter V

CONDUCT OF BUSINESS

Quorum

Rule 17

The President may declare a meeting open and permit the debate to proceed when representatives of at least one third of the States participating in the Congress are present. The presence of representatives of a majority of the States so participating shall be required for any decision to be taken.

General powers of the President

Rule 18

1. In addition to exercising the powers conferred upon him elsewhere by these rules, the President shall preside at the plenary meetings of the Congress, declare the opening and closing of each such meeting, direct the discussions, accord the right to speak, put questions to the vote and announce decisions. He shall rule on points of order and, subject to these rules, have complete control of the proceedings and over the maintenance of order thereat. The President may propose to the Congress the closure of the list of speakers, a limitation on the time to be allowed to speakers and on the number of times participants may speak on a question, the adjournment or closure of the debate, and the suspension or the adjournment of a meeting.

2. The President, in the exercise of his functions, remains under the authority of the Congress.

Points of order

Rule 19

Subject to rule 37, a representative may at any time raise a point of order, which shall be immediately decided by the President in accordance with these rules.

A representative may appeal against the ruling of the President. The appeal shall be immediately put to the vote, and the President's ruling shall stand unless overruled by a majority of the representatives present and voting. A representative may not, in raising a point of order, speak on the substance of the matter under discussion.

Speeches

Rule 20

1. No one may address the Congress, without having previously obtained the permission of the President, who shall, subject to rules 18, 20 and 22-25, call upon speakers in the order in which they signify their desire to speak. The Executive Secretary shall be in charge of drawing up a list of such speakers.

2. Debate shall be confined to the question before the Congress and the President may call a speaker to order if his remarks are not relevant to the subject under discussion.

3. The Congress may limit the time allowed to speakers and the number of times participants may speak on a question: a motion to set such limits shall be immediately put to the vote. In any event, the President shall limit interventions on procedural questions to a maximum of five minutes. When the debate is limited and a speaker exceeds the allotted time, the President shall call him to order without delay.

Precedence

Rule 21

The Chairman or another representative of a subsidiary organ may be accorded precedence for the purpose of explaining the conclusions arrived at by that organ.

Closing of the list of speakers

Rule 22

During the course of a debate the President may announce the list of speakers and, with the consent of the Congress, declare the list closed. When there are no more speakers on the list, the President shall declare the debate closed. Such closure shall have the same effect as closure pursuant to rule 27 (d).

Right of reply

Rule 23

The right of reply shall be accorded by the President to a representative of a State participating in the Congress who requests it. Any other representative may be granted the opportunity to make a reply. Such replies should be as brief as possible.

Suspension or adjournment of the meeting

Rule 24

Subject to rule 37, a representative may at any time move the suspension or the adjournment of the meeting. Such motions shall not be debated, but shall be immediately put to the vote.

Adjournment of debate

Rule 25

A representative may at any time move the adjournment of the debate on the question under discussion. In addition to the proposer of the motion, two representatives may speak in favour of and two against the motion, after which the motion shall be immediately put to the vote.

Closure of debate

Rule 26

A representative may at any time move the closure of the debate on the question under discussion, whether or not any other representative has signified his wish to speak. Permission to speak on the closure of the debate shall be accorded only to two speakers opposing the closure, after which the motion shall be immediately put to the vote.

Order of motions

Rule 27

Subject to rule 19, the following motions shall have precedence in the following order over all other proposals or motions before the meeting:

- (a) To suspend the meeting;

- (b) To adjourn the meeting;
- (c) To adjourn the debate;
- (d) To close the debate.

Items for consideration

Rule 28

The Congress shall consider the agenda items approved by the Economic and Social Council on the recommendation of the Committee on Crime Prevention and Control.

Proposals and amendments

Rule 29

Proposals shall normally be introduced in writing and handed to the Executive Secretary, who shall circulate copies to all delegations in all the working languages of the Congress. As a general rule, no proposal shall be discussed or put to the vote unless copies of it have been circulated to all delegations not later than the day preceding the meeting. The President may, however, permit the discussion and consideration of amendments, or motions as to procedure, even though these amendments and motions have not been circulated or have only been circulated the same day.

Withdrawal of proposals and motions

Rule 30

A proposal or motion may be withdrawn by its sponsor at any time before voting on it has commenced, provided that it has not been amended. A proposal or motion thus withdrawn may be reintroduced by any representative.

Decisions on competence

Rule 31

Subject to rule 19, any motion calling for a decision on the competence of the Congress to discuss any matter or to adopt a proposal submitted to it shall be put to the vote before the matter is discussed or a vote is taken on the proposal in question.

Reconsideration

Rule 32

When a proposal or motion has been adopted or rejected, it may not be reconsidered unless the Congress, by a two thirds majority of the representatives present and voting, so decides. Permission to speak on a motion to reconsider shall be accorded only to two speakers opposing reconsideration, after which the matter shall be immediately put to the vote.

Chapter VI

VOTING

Voting rights

Rule 33

Each State represented at the Congress shall have one vote.

Majority required

Rule 34

1. Unless the Congress decides otherwise and except as otherwise provided in these rules, decisions of the Congress on all other matters shall be taken by a simple majority of the representatives present and voting. If a vote is equally divided, the proposal or motion shall be regarded as rejected.

2. For the purpose of these rules, the phrase "representatives present and voting" means representatives present and casting an affirmative or negative vote. Representatives who abstain from voting shall be considered as not voting.

Method of voting

Rule 35

Except as provided in rule 42, the Congress shall normally vote by show of hands, but any representative may request a roll call, which shall then be taken in the English alphabetical order of the names of the States participating in the Congress, beginning with the one whose name is drawn by lot by the President. The name of each participating State shall be called in all roll calls, and its representative shall reply "yes", "no" or "abstention".

Explanation of vote

Rule 36

Representatives may make brief statements consisting solely of explanation of their votes, before the voting has commenced or after the voting has been completed. The representative of a State sponsoring a proposal or motion shall not speak in explanation or vote thereon except if it has been amended. The President may limit the time to be allowed for such explanations.

Conduct during voting

Rule 37

The President shall announce the commencement of voting, after which no representative shall be permitted to intervene until the result of the vote has been announced, except on a point of order in connexion with the process of voting.

Division of proposals

Rule 38

A representative may move that parts of a proposal shall be voted on separately. If objection is made to the request for division, the motion for division shall be voted upon. If the motion for division is adopted, those parts of the proposal that are approved shall be put to the vote as a whole. If all operative parts of the proposal have been rejected, the proposal shall be considered to have been rejected as a whole.

Amendments

Rule 39

An amendment is a proposal that does no more than add to, delete from or revise part of another proposal. Unless specified otherwise, the word "proposal" in these rules shall be considered as including amendments.

Order of voting on amendments

Rule 40

When an amendment is moved to a proposal, the amendment shall be voted on first. When two or more amendments are moved to a proposal, the Congress shall vote first on the amendment furthest removed in substance from the original proposal and then on the amendment next furthest removed therefrom, and so on until

all the amendments have been put to the vote. Where, however, the adoption of one amendment necessarily implies the rejection of another amendment, the latter shall not be put to the vote. If one or more amendments are adopted, the amended proposal shall then be voted upon.

Order of voting on proposals

Rule 41

If two or more proposals, other than amendments, relate to the same question, they shall, unless the conference decides otherwise, be voted on in the order in which they were submitted. The Congress may, after each vote on a proposal, decide whether to vote on the next proposal.

Elections

Rule 42

All elections shall be held by secret ballot, unless the Congress decides otherwise in an election where the number of candidates does not exceed the number of elective places to be filled.

Rule 43

1. When one or more elective places are to be filled at one time under the same conditions, those candidates, in a number not exceeding the number of such places, obtaining in the first ballot a majority of the votes cast and the largest number of votes, shall be elected.

2. If the number of candidates obtaining such majority is less than the number of places to be filled, additional ballots shall be held to fill the remaining places.

Chapter VII

SUBSIDIARY ORGANS: SECTIONS, SUBSECTIONS AND WORKING GROUPS

Rule 44

There shall be as many sections of the Whole as may be approved by the Economic and Social Council on recommendation of the Committee on Crime Prevention and Control, each of which may set up subsections and working groups.

Officers

Rule 45

1. In addition to a Chairman elected by the Congress pursuant to rule 6, each section shall itself elect two Vice-Chairmen and a Rapporteur from among the representatives of States.

2. Subsections and working groups shall elect a Chairman and no more than two Vice-Chairmen from among the representatives of States, provided that Rapporteurs of subsections and working groups may be elected from among all representatives, observers and individual participants.

Applicable rules

Rule 46

The rules contained in chapters II, IV, V and VI above shall be applicable, mutatis mutandis, to the proceedings of subsections and working groups, except that:

(a) The Chairmen thereof may exercise the right to vote.

(b) Decisions of subsections and working groups shall be taken by a majority of the representatives of States, members thereof, present and voting, except that a motion to reconsider a proposal shall require the majority established by rule 32.

Chapter VIII

LANGUAGES AND RECORDS

Official and working languages

Rule 47

Arabic, /Chinese/, English, French, Russian and Spanish shall be the official languages and English, French, Russian and Spanish the working languages of the Congress.

Interpretation

Rule 48

1. Speeches made in an official language of the Congress shall be interpreted into the other such languages.

2. Statements may be made in a language other than an official language of the Congress if the speaker provides for interpretation into one of the official languages. Interpretation into the other official languages of the Congress by interpreters of the secretariat may be based on the interpretation given in the first such language.

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Languages of official documents

Rule 49

Official documents shall be made available in the working languages of the Congress.

Sound recordings and other recordings of meetings

Rule 50

The secretariat shall make sound recordings of meetings of the Congress and of the sections. Such recordings shall be made of meetings of other subsidiary organs when the body concerned so decides. The secretariat may also video-tape the proceedings.

Chapter IX

REPORT OF THE CONGRESS

Rule 51

1. The Congress shall adopt a report, the draft of which shall be prepared by the Rapporteur-General.

2. The report shall be distributed as soon as practicable and not later than six months after the closing of the Congress to all States and to other participants in the Congress.

Chapter X

PUBLIC AND PRIVATE MEETINGS

Plenary meetings and meetings of sections,
subsections and working groups

Rule 52

The plenary meetings and meetings of sections, subsections and working groups shall be held in public unless the body concerned decides otherwise.

Meetings of the General Committee and the Credentials Committee

Rule 53

Meetings of the General Committee and of the Credentials Committee shall be held in private unless the body concerned decides otherwise.

Chapter XI

OTHER PARTICIPANTS AND OBSERVERS

Representatives of the United Nations Council for Namibia

Rule 54

Representatives designated by the United Nations Council for Namibia may participate in the deliberations of the Congress and its subsidiary organs.

Representatives of organizations that have received a standing invitation from the General Assembly to participate in the sessions and work of all international conferences convened under the auspices of the General Assembly in the capacity of observers

Rule 55

Representatives designated by organizations that have received a standing invitation from the General Assembly to participate in the session and work of all international conferences convened under the auspices of the General Assembly may participate as observers, without the right to vote, in the deliberations of the Congress, its sections, subsections and working groups and, as appropriate, in its subsidiary organs.

Representatives of national liberation movements

Rule 56

Representatives designated by national liberation movements invited to the Congress may participate as observers, without the right to vote, in the deliberations of the Congress, its sections, subsections and working groups and, as appropriate, in its subsidiary organs.

Representatives of United Nations organs and related agencies

Rule 57

Representatives designated by organs of the United Nations, the specialized agencies or the International Atomic Energy Agency may participate as observers, without the right to vote, in the deliberations of the Congress, its sections, subsections and working groups and, as appropriate, in its subsidiary organs.

Observers for other intergovernmental organizations

Rule 58

Observers designated by other intergovernmental organizations invited to the Congress may participate, without the right to vote, in the deliberations of the Congress, its sections, subsections and working groups and, as appropriate, in its subsidiary organs.

Observers for non-governmental organizations

Rule 59

Observers designated by non-governmental organizations invited to the Congress may participate, without the right to vote, in the deliberations of the Congress, its sections, subsections and working groups.

Individual experts

Rule 60

Individual experts having an interest in the field of crime prevention and the treatment of offenders may be invited to the Congress by the Secretary-General in their individual capacity and may participate, without the right to vote, in the deliberations of the Congress, its sections, subsections and working groups.

Written statements

Rule 61

Written statements related to the work of the Congress submitted by the designated representatives, individual experts or observers referred to in rules 54-60 shall be distributed by the secretariat to all delegations in the quantities and in the languages in which the statements are made available to the secretariat for distribution, provided that a statement submitted on behalf of a non-governmental organization shall be on a subject in which it has a special competence.

Chapter XII

AMENDMENT OR SUSPENSION OF THE RULES OF PROCEDURE

Method of amendment

Rule 62

These rules may be amended by a decision of the Congress taken by a two thirds

majority of the representatives present and voting upon a recommendation of the General Committee.

Method of suspension

Rule 63

Any of these rules may be suspended by a decision of the Congress, provided that 24 hours' notice of the proposal for the suspension has been given, which may be waived if no representative objects; subsidiary organs may be unanimous consent waive rules pertaining to them. Any suspension shall be limited to a specific and stated purpose and to the period required to achieve it.

Periodic review of rules

Rule 64

After the completion of each Congress, the Committee on Crime Prevention and Control shall make appropriate recommendations to the Economic and Social Council for such amendments to these rules as it may deem necessary.

Annex III

DRAFT PROVISIONAL AGENDA FOR THE SIXTH
SESSION OF THE COMMITTEE a/

1. Election of officers
2. Adoption of the agenda
3. Report of the Sixth United Nations Congress on the Prevention of Crime and the Treatment of Offenders

In accordance with General Assembly resolution 415 (V) of 1 December 1950, the report of the Sixth United Nations Congress on the Prevention of Crime and the Treatment of Offenders will be communicated to the Secretary-General and, if necessary, to the policy-making bodies.

4. Preparation of the Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders

In paragraph 2 of General Assembly resolution 32/60, the Committee on Crime Prevention and Control was entrusted with the function of preparing the United Nations congresses on the prevention of crime and the treatment of offenders by submitting to the Economic and Social Council appropriate proposals concerning, inter alia, the place and time of the congresses, the provisional agenda, participation and preparation of the necessary documentation.

5. Implementation of General Assembly resolution 32/60, regarding co-ordination of the activities of the United Nations bodies in crime prevention and control and the functions and long-term programme of work of the Committee on Crime Prevention and Control

The General Assembly, in paragraph 1 of resolution 32/60, requested the Economic and Social Council to consider in a comprehensive manner at its first regular session, 1978, the question of crime prevention and control with a view to further co-ordination of the activities of United Nations bodies in this field. At its organizational session for 1978, the Council deferred the comprehensive review until 1979 and requested the Commission for Social Development to consider the matter at its twenty-sixth session.

The Committee will have before it decisions of the Commission and the Council on the above-mentioned matter and on the other task assigned to it by the General Assembly in resolution 32/60, paragraph 5 - namely, consideration of the functions

a/ This provisional agenda is prepared on the assumption that the Committee will be convened at least six weeks after completion of the Sixth United Nations Congress on the Prevention of Crime and the Treatment of Offenders.

and long-term programme of work of the Committee on Crime Prevention and Control, with a view to further improving United Nations activities in this field,

The Committee will also review the report of the Secretary-General on the implementation of the recommendations of the Fifth United Nations Congress and establish ways and means of determining the implementation of the recommendations of subsequent congresses.

6. Guidelines on the prevention and control of violence

The Committee will have before it a report analysing factors relating to violence and its prevention and control, including a set of draft guidelines for possible national action and commentaries thereon, for consideration by the Committee. The report is being prepared as project 3.4 of the programme budget for the biennium 1978-1979.

7. Guidelines on human rights in criminal justice

(a) The improvement of the situation of persons detained either in police custody or in prison custody before trial.

(b) The development of standards that would ensure just, humane and effective judicial proceedings, improved selection and training of judges and prosecutors and the establishment of safeguards against the abuse of discretion in sentencing.

(c) Code of conduct for the judiciary.

(d) The facilitating of the return of persons convicted of crime abroad to their domicile to serve their sentences.

8. Incorporation of crime prevention policies in educational and vocational training programmes, progress report, with special emphasis on education for civic responsibility

9. The extent and consequences of economic criminality

10. Capital punishment

11. Women as perpetrators and victims of crime

12. Review of the rules of procedure for the United Nations congresses on the prevention of crime and the treatment of offenders, in light of the experiences of the Sixth Congress

13. Progress report on United Nations activities in crime prevention and control

The Committee will have before it a report that will give a brief account of developments during the period from March 1978 to September 1980 in United Nations activities in crime prevention and control, including programmes on the Standard

Minimum Rules for the Treatment of Prisoners, capital punishment, and crime trends and criminal policies.

14. Consideration of the provisional agenda of the seventh session of the Committee
15. Adoption of the report of the Committee

Annex IV

LIST OF DOCUMENTS BEFORE THE COMMITTEE AT ITS FIFTH SESSION

- E/AC.57/30 Note verbale dated 7 March 1978 from the Permanent Representative of Sweden addressed to the Secretary-General
- E/AC.57/31 Note by the Secretary-General on the Sixth United Nations Congress on the Prevention of Crime and the treatment of offenders
- E/AC.57/32 Report of the Secretary-General on United Nations activities on crime prevention and control during the period from January 1976 to February 1978
- E/AC.57/33 Note by the Secretary-General on capital punishment
- E/AC.57/34 Report of the Secretary-General on human rights in the administration of justice: guidelines for expeditious and equitable handling of criminal cases
- E/AC.57/35 Provisional agenda for the fifth session of the Committee on Crime Prevention and Control
- E/AC.57/36 Note by the Secretary-General on the review of the rules of procedure of the United Nations congresses on the prevention of crime and the treatment of offenders
- E/AC.57/37 Report of the Secretary-General on the incorporation of crime prevention policies in educational and vocational training programmes
- E/AC.57/38 Report of the Secretary-General on guidelines for linking the rehabilitation of offenders to related social services
- E/AC.57/39 Draft provisional agenda for the sixth session of the Committee on Crime Prevention and Control
- E/AC.57/L.9
and Adds.1-7 Draft report of the Committee at its fifth session
- E/AC.57/L.10
and Rev.1 Technical co-operation in crime prevention and control (draft resolution)
- E/AC.57/L.11 Renforcement des instituts des Nations Unies et des instituts affiliés aux Nations Unies (projet de resolution)

E/AC.57/L.12	Capital punishment (draft resolution)
E/AC.57/L.13 and Rev.1	Co-ordination of the activities of United Nations bodies in the field of prevention and control of criminality (draft resolution)
E/AC.57/NGO.1	Statement submitted by Amnesty International
E/AC.57/INF.1	List of participants in the fifth session of the Committee on Crime Prevention and Control
