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### Commission on Crime Prevention and Criminal Justice

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### Draft report

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### Addendum

### United Nations standards and norms in crime prevention and criminal justice

1. At its [...] meeting, on [...] April 2002, the Commission considered item 4 of its agenda. It had before it the following documents:

(a) Report of the Secretary-General on criminal justice reform: use and application of United Nations standards and norms, especially concerning juvenile justice and penal reform (E/CN.15/2002/3);

(b) Note by the Secretary-General transmitting the report of the Meeting of the Group of Experts on Crime Prevention, held in Vancouver, Canada, from 21 to 24 January 2002 (E/CN.15/2002/4);

(c) Report of the Secretary-General on restorative justice (E/CN.15/2002/5 and Corr.1);

(d) Report of the meeting of the Group of Experts on Restorative Justice (E/CN.15/2002/5/Add.1);

(e) Report of the Secretary-General on the implementation of the United Nations Declaration against Corruption and Bribery in International Commercial Transactions (E/CN.15/2002/6 and Add.2);

(f) Report of the Secretary-General on the implementation of the International Code of Conduct for Public Officials (E/CN.15/2002/6/Add.1 and 3);

(g) Report of the Secretary-General on the implementation of the United Nations Declaration on Crime and Public Security (E/CN.15/2002/11).



2. Following an introductory statement by the Director of the Centre for International Crime Prevention, the Commission heard statements by the representatives of Mexico, Colombia, Spain (on behalf of the members of the European Union), Germany, Austria, Turkey, the Republic of Korea, Peru, Oman, Australia, Canada, Japan, Morocco, Saudi Arabia, Poland and the United States of America.

## **Deliberations**

3. The Director of the Centre for International Crime Prevention brought to the attention of the Commission a number of documents related to the use and application of United Nations standards and norms in crime prevention and criminal justice. He noted that, as the first reporting cycle had been completed, guidance was needed on how to approach the next reporting cycle; he added that one possibility would be to cluster the reports around a number of major issues, thus streamlining the reporting procedure.

4. Speakers commended the Centre for International Crime Prevention for assisting States in developing and harmonizing national legislation and in reforming criminal justice systems in line with United Nations standards and norms in crime prevention and criminal justice. They documented how those standards and norms were being implemented through substantive and procedural laws in their respective countries. They emphasized that the reports of the Secretary-General on the use and application of those standards and norms had provided useful information. The plan to publish an updated version of the *Compendium of United Nations Standards and Norms in Crime Prevention and Criminal Justice*<sup>1</sup> was also welcomed.

5. A number of speakers recalled that the United Nations had, in its overall work priorities, emphasized pursuing sustainable development, gender equality and the alleviation of poverty. The overall priorities should be incorporated into the implementation of United Nations standards and norms in crime prevention and criminal justice. While the questions of violence against women and restorative justice addressed certain aspects of those overall priorities, the use and application of those standards and norms should contribute even further to their implementation.

### **1. Restorative justice**

6. Many speakers supported the idea of promoting restorative justice, seen as an opportunity for victims, offenders and the community to participate in the process of managing the harm done and restoring the victims and the offenders to their former states as far as possible. However, it was stressed that the restorative justice process should be understood as being complementary to the established modes of trial. It was noted that, in a number of countries, restorative measures had already been used successfully, particularly in cases involving young offenders and less serious crimes. In addition, in many countries restorative justice had a long tradition of dealing with community-based conflict resolution. The importance of qualified

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<sup>1</sup> United Nations publication, Sales No. 92.IV.1.

mediators, as well as the need to set up national standards for restorative justice, was highlighted.

7. Many speakers expressed their satisfaction with the work of the Group of Experts on Restorative Justice, which had held its meeting in Ottawa from 29 October to 1 November 2001. Reference was made to the revised draft elements of a declaration of basic principles on the use of restorative justice programmes in criminal matters (E/CN.15/2002/5/Add.1, annex II), which the Group of Experts had developed. It was stressed that different cultural, social, economic and other circumstances should be taken into account. Many speakers noted that that type of normative instrument should set non-binding guidelines and recommendations. One speaker regarded the basic principles as one example of restorative justice measures and noted that other new approaches should be further developed and evaluated.

## **2. Effective community-based crime prevention**

8. Knowledge-based crime prevention measures, complementing criminal justice responses, were generally seen as a cost-effective way to reduce crime and victimization and promote the well-being of citizens. Social development was mentioned as a key element of successful crime prevention, as it included providing support to vulnerable families and communities. Building partnership was also seen as a central component of successful crime prevention interventions. Many speakers stressed the importance of crime prevention measures, especially in connection with juvenile delinquency. Several speakers noted that they were pleased with the outcome of the Meeting of the Group of Experts on Crime Prevention, held in Vancouver, Canada, from 21 to 24 January 2002. Some speakers indicated that Member States should be given time to consider carefully the revised draft Guidelines for the Prevention of Crime (E/CN.15/2002/4, annex II), developed by the Group of Experts. There was a need for close coordination between specialized agencies and other entities of the United Nations system in developing efficient crime prevention measures and for technical cooperation activities in the field of crime prevention.

## **3. United Nations Declaration on Crime and Public Security**

9. It was noted that, although the number of replies was not as high as desired, the information provided on the impact of the United Nations Declaration on Crime and Public Security (E/CN.15/2001/11) was welcomed. Emphasis was placed on the importance of the Declaration, especially for its value in enhancing international cooperation in criminal matters. Some speakers stressed the role of the Declaration in promoting bilateral or multilateral arrangements on extradition, mutual legal assistance and law enforcement cooperation and called upon Member States to intensify cooperation in those areas.

10. One speaker referred to the national strategy on public security in his country, noting that it was based on the principles of prevention, closeness to citizens and co-responsibility of different authorities, taking into account the elements of the Declaration to protect the security and well-being of citizens and to prevent serious crimes.

**4. International Code of Conduct for Public Officials and the United Nations Declaration against Corruption and Bribery in International Commercial Transactions**

11. Several representatives stressed the relevance and the importance, in relation to the fight against corruption, of the International Code of Conduct for Public Officials and the United Nations Declaration against Corruption and Bribery in International Commercial Transactions, adopted by the General Assembly in 1996. They noted that the reports of the Secretary-General on the implementation of those instruments (E/CN.15/2002/6 and Add.1-3) were a useful contribution to the ongoing negotiation of the draft United Nations Convention against Corruption.

12. During the discussion, the attention of the Commission was drawn to two conferences against corruption to be held in Seoul in May 2003: the third Global Forum on Fighting Corruption and Safeguarding Integrity and the 11th International Anti-Corruption Conference.

**5. Reporting on United Nations standards and norms in the prevention and criminal justice**

13. During the discussion on the modalities for reporting on the implementation of United Nations standards and norms in crime prevention and criminal justice, it was noted that the Commission at its tenth session had agreed that the subject should be discussed further at its eleventh session, when the first cycle of reporting was to be completed. It was stated that many countries were still using those standards and norms as a basis for reforming their penal system. The existing United Nations standards and norms must therefore be considered on their own merits, independently of the development of future international instruments on criminal justice. Several speakers indicated that the issue would be best addressed by convening a meeting of an expert group to formulate proposals for consideration by the Commission at its twelfth session. The expert group could, for example, consider consolidating and streamlining reports or regrouping questionnaires around cross-cutting topics in the area of criminal justice administration.

14. It was stressed that, despite its limited resources, the United Nations Crime Prevention and Criminal Justice Programme, with its advocacy, analytical and operational expertise, had contributed significantly to strengthening global efforts to fight crime. Some speakers, however, noted that the Programme should be very selective when developing United Nations standards and norms in crime prevention and criminal justice. There was agreement that the Centre for International Crime Prevention should focus on the use and application of those standards and norms in the context of technical assistance, responding to pressing needs of the international criminal justice community as required. A streamlined reporting system should be proposed with a view to increasing the impact of the use and application of those standards and norms, at the national and international levels.