

UNITED NATIONS
GENERAL
ASSEMBLY



Distr.
GENERAL

A/CONF.144/IPM.1
10 March 1988

ORIGINAL: ENGLISH

EIGHTH UNITED NATIONS CONGRESS
ON THE PREVENTION OF CRIME
AND THE TREATMENT OF OFFENDERS

REPORT OF THE INTERREGIONAL PREPARATORY MEETING FOR THE EIGHTH
UNITED NATIONS CONGRESS ON THE PREVENTION OF CRIME AND THE
TREATMENT OF OFFENDERS ON TOPIC I: "CRIME PREVENTION AND CRIMINAL
JUSTICE IN THE CONTEXT OF DEVELOPMENT: REALITIES AND PERSPECTIVES
OF INTERNATIONAL CO-OPERATION"

Vienna, 15-19 February 1988

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RECOMMENDATIONS

1. After an extensive discussion of topic I entitled "Crime prevention and criminal justice in the context of development: realities and perspectives of international co-operation" during the Interregional Preparatory Meeting for the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, which was held at Vienna, Austria, from 15 to 19 February 1988, the Meeting recognized the worsening socio-economic situation in some countries, which was contributing to an increase of structural inequality and of criminality in conventional and non-conventional forms.

2. In this context, the Meeting noted with concern that dysfunctional or imbalanced development tended to become criminogenic leading, in some cases, to an inappropriate reaction, even to an over-reaction, of the criminal justice system.

3. The Meeting reaffirmed that crime prevention and criminal justice in the context of development should be oriented towards the observance of the principles contained in the Caracas Declaration, 1/ the Milan Plan of Action, 2/ the Guiding Principles for Crime Prevention and Criminal Justice in the Context of Development and a New International Economic Order 3/ and other related instruments adopted by the Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders. Concerted efforts towards their practical implementation should be made, with full respect for human rights and fundamental freedoms and increased attention to the effectiveness and fairness of the criminal justice system.

4. In view of the complexity and seriousness of both conventional and non-conventional crimes, the Meeting recognized the important role of the United Nations and its Member States in combating them by effective international co-operation in crime prevention and criminal justice and made recommendations for action and follow-up at the national, regional and international levels. The Meeting advocated that its recommendations should be taken into account by the relevant policy-making bodies of the United Nations, the regional and interregional preparatory meetings and the Eighth Congress. The recommendations are summarized below.

A. Crime prevention and criminal justice in the context of development

Recommendation 1

Governments should accord priority attention to the promulgation and implementation of appropriate laws and regulations to control and to combat transnational crime and illegal international transactions, especially by the provision of proper schemes and trained personnel to check illicit export and import. Also, national laws should be reviewed in order to ensure an effective and adequate response to these criminal activities by the application of criminal, civil or administrative procedures and penalties.

Recommendation 2

In view of the fact that advanced technology and technical specialized knowledge are used in criminal activities in international trade and commerce, by using banking facilities and manipulating tax laws and customs regulations, law enforcement and criminal justice officials should be trained properly and provided with sufficient legal and technical means of detecting and investigating offences involving such areas. The co-ordination and co-operation of other relevant agencies at the national level should be ensured and their capacities

further improved. The development and strengthening of existing arrangements for direct international co-operation between the various agencies of the criminal justice system should also be pursued.

Recommendation 3

Since even legitimate enterprises, organizations and associations may sometimes be involved in transnational criminal activities affecting national economies, Governments should monitor their activities and collect useful information from various sectors and sources so as to have a solid base for the prevention, detection and punishment of enterprises, organizations and associations, their officials, or both, if they are involved in such criminal activities, with a view to preventing similar conduct in the future.

Recommendation 4

Taking note of the fact that in many countries there are no adequate laws to deal with the emerging manifestations of transnational criminality, the adoption and implementation of appropriate instruments and measures to prevent this type of criminality are urgently needed. In this regard, the exchange of information on existing laws and regulations should be encouraged in order to facilitate the dissemination and adoption of appropriate measures.

Recommendation 5

Because the corrupt activities of government officials can destroy the potential effectiveness of all forms of governmental programmes, hinder development, and thereby victimize individuals and groups, it is of crucial importance that all nations: (a) review the adequacy of their penal laws, in order to respond to all forms of corruption, as well as of related actions designed to assist or to facilitate corrupt activities, and provide sanctions that will achieve adequate deterrence; (b) adopt procedures to ensure the detection, investigation and conviction of corrupt officials, free of intimidating influences and unnecessary technical impediments; (c) make provision for the forfeiture of funds and property obtained by corrupt officials; and (d) devise administrative and regulatory mechanisms for the prevention of corrupt practices or the abuse of power. The Crime Prevention and Criminal Justice Branch should co-ordinate the elaboration of materials to assist nations in such processes, including the development of a manual to combat corruption.

Recommendation 6

Noting the alarming threat of illicit trafficking in narcotic drugs and psychotropic substances as one of the worst forms of crime that humanity is facing and the action carried out by United Nations drug control units and bodies in this field, and concerned that, despite all efforts already undertaken at the national, regional and international levels, this phenomenon persists unabated, it is recommended that, in efforts aimed at counteracting illicit drug trafficking, more relevance should be given to the central role of crime prevention and criminal justice systems in all plans and programmes to combat this type of criminality. It is also recommended that, in the light of the work of the United Nations in the field of crime prevention and criminal justice carried out by the Crime Prevention and Criminal Justice Branch, present efforts should be strengthened.

Recommendation 7

The process of developing unified model codes to combat crimes of transnational and international dimensions should be encouraged and efforts should be made to harmonize national penal laws, so as to be fully responsive to the realities of such crimes. Practical arrangements, such as extradition, assistance in criminal justice and the exchange of information, should be pursued. Adequate attention should be given to the effective enforcement of laws and regulations in order to minimize the effect of these crimes on countries not directly involved.

Recommendation 8

Appropriate educational policies for sensitizing the populations of Member States should be developed, by both formal educational systems and general public enlightenment and mass information programmes, with a view to promoting their awareness of ways and means of avoiding criminal victimization, as well as to acquainting them with the objectives, processes and aspirations of the criminal justice systems operating within their jurisdictions.

Recommendation 9

Recognizing the need for specific preventive measures related to conventional criminality, such as burglary, violent theft and street crime, an inventory of comprehensive prevention measures should be prepared for presentation to the Eighth Congress on the basis of an in-depth assessment and evaluation of their effectiveness in various cultural, social, economic and political situations.

Recommendation 10

With respect to victims of crime and abuse of power, an inventory of comprehensive measures on education on the prevention of victimization and the protection of, and assistance to, victims should be prepared, which would be applied in accordance with the legal socio-cultural and economic circumstances of each nation, taking into account the important role of non-governmental organizations.

Recommendation 11

In view of its crucial function in crime prevention, the criminal justice system should be evolved on the basis of a progressive rationalization of criminal laws and procedures, sentencing policies and dispositional alternatives from the viewpoint of human rights, within the overall framework of social justice and societal aspirations. For this purpose, appropriate linkages should be established between the criminal justice system and other sectors of development, including health, education and social welfare and other related fields.

Recommendation 12

A systematic approach with planning on a holistic basis should be pursued, starting from an overall reassessment of substantive criminal and procedural laws whenever appropriate. This would include the processes of decriminalization, depenalization and diversion, as well as reforms of procedures that would ensure the support of members of the public for the functioning of criminal justice.

Recommendation 13

There is a need for the trial process to be in consonance with the cultural realities and social values of society, in order to make it understood and effective within the community in which it operates. Consideration should be given to the observance of human rights, fairness and justice by the effective functioning of the criminal justice system. Criminal justice should also seek to utilize culturally acceptable disposition methods, seeking to achieve the aims of the criminal justice system efficiently but with minimum disruption to the tenets of society. With this in mind, the criminal justice system should reinforce existing social values and make use of other non-legal structures of society for social control. Accordingly, the role of the criminal justice system should be kept under review with a view to assessing the functioning of its component parts and the system as a whole.

B. International, scientific and technical co-operation

Recommendation 14

In order to increase the effectiveness of international co-operation in the field of crime prevention and criminal justice, concerted efforts should be made towards: (a) ratification and implementation of existing international instruments;* (b) the development of bilateral and multilateral instruments; and (c) the preparation and elaboration of model instruments and standards for use at the national, bilateral, regional and interregional levels. In this connection, the Committee on Crime Prevention and Control should study the

*As noted in the Guiding Principles for Crime Prevention and Criminal Justice in the Context of Development and a New International Economic Order, the need for international co-operation in crime prevention and criminal justice has so far been recognized in the following specific instruments: the Convention on the Prevention and Punishment of the Crime of Genocide (General Assembly resolution 260 A (III)); the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others (General Assembly resolution 317 (IV)); the International Convention on the Suppression and Punishment of the Crime of Apartheid (General Assembly resolution 3068 (XXVIII)); the Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents (General Assembly resolution 3166 (XXVIII, annex)); the International Convention against the Taking of Hostages (General Assembly resolution 34/146, annex); the Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (General Assembly resolution 3452 (XXX)); the Code of Conduct for Law Enforcement Officials (General Assembly resolution 34/169, annex); Convention on Offences and Certain Other Acts Committed on Board Aircraft, signed at Tokyo on 14 September 1963 (United Nations, Treaty Series, vol. 704, No. 10106, p. 219); Convention for the Suppression of Unlawful Seizure of Aircraft, signed at The Hague on 16 December 1970 (United Nations, Treaty Series, vol. 860, No. 12325, p. 105); Convention for the Suppression of Unlawful Acts Against the Safety of Civil Aviation (with Final Act of the International Conference on Air Law held under the auspices of the International Civil Aviation Organization at Montreal in September 1971), concluded at Montreal on 23 September 1971 (United Nations, Treaty Series, vol. 974, No. 14118, p. 177); the Single Convention on Narcotic Drugs, 1961, as amended by the 1972 Protocol Amending the Single Convention on Narcotic Drugs of 1961 (United Nations, Treaty Series, vol. 976, No. 14151, p. 1); and the Convention on Psychotropic Substances of 1971 (United Nations, Treaty Series, vol. 1019, No. 14956, p. 175).

formulation of a comprehensive international convention on co-operation in penal matters, consolidating, *inter alia*, the existing and emerging agreements in this field, including extradition, mutual assistance, the transfer of prisoners, the transfer of proceedings, the transfer of supervision of conditionally sentenced or released offenders and the enforcement of criminal judgments and court orders on the forfeiture of illicit assets.

Recommendation 15

In the formulation of international instruments, standards and norms, specific areas of concern include the following: (a) judicial assistance treaties, in particular between common law and civil law countries, dealing with the means for obtaining evidence conforming with the requirements of the requesting State;* (b) the development of standardized requests for extradition and mutual assistance; (c) the development of means of providing assistance to victims of crime, with emphasis on the implementation of the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power (as adopted by the General Assembly in its resolution 40/34, annex), and of providing adequate protection for witnesses; (d) the further consideration of issues of transnational jurisdiction in order to assist in the process of responding to requests for extradition and mutual assistance and in the implementation of international instruments; and (e) the elaboration of standards on international assistance in respect of bank secrecy. In particular, banking organizations should be urged to standardize their reporting requirements and documents so that these can be used more rapidly and effectively as evidence. A group of experts should be convened to study and propose more effective standards to inhibit money laundering and investment connected with criminal activities, such as narcotics trafficking and terrorism.

Recommendation 16

Member States, intergovernmental and non-governmental organizations and international, national and private funding agencies should assist the United Nations in establishing a global crime prevention and criminal justice information network, as called for by the General Assembly and the Economic and Social Council. Member States are not only urged to contribute to this endeavour with finance and expertise, but are also encouraged to provide relevant information.

Recommendation 17

In accordance with the numerous decisions and resolutions of relevant organs of the United Nations, including the quinquennial United Nations congresses on the prevention of crime and the treatment of offenders, appropriate measures should be undertaken to strengthen the programme of international technical and scientific co-operation in the field of crime prevention and criminal justice on a bilateral and multilateral basis, as substantive components of broader development programmes, taking into account the special needs of developing countries.

*An example is provided by the Draft Bilateral Model Treaty on Mutual Assistance in Criminal Matters, which was presented by the Government of Australia at the Interregional Preparatory Meeting for the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders on Topic III: Effective National and International Action Against (A) Organized crime; (B) Terrorist Criminal Activities.

Recommendation 18

In order to formulate and develop proper regional and interregional strategies of international, technical and scientific co-operation in combating crime and improving the effectiveness of preventive and criminal justice activities, the programmes of technical and scientific co-operation especially should be oriented towards: (a) the improvement of the technical capacities of the criminal justice agencies; (b) the improvement of the human and technical resources in all sectors of the criminal justice system in order to stimulate technical assistance, model and demonstration projects, research activities and training programmes, in close co-operation with the regional and interregional institutes of the United Nations for the prevention of crime and the treatment of offenders and the appropriate non-governmental organizations; (c) the further development and improvement at the national, regional, interregional and international levels of information bases for the collection, analysis and dissemination of data on crime trends, on innovative ways and methods of crime prevention and control, and on the operation of criminal justice agencies and criminal policy programmes in order to provide an appropriate basis for policy-making; and (d) the promotion, by education programmes and training activities, of the implementation of United Nations norms, guidelines and standards in criminal justice.

Recommendation 19

The Crime Prevention and Criminal Justice Branch of the Centre for Social Development and Humanitarian Affairs, as the focal point of United Nations activities in this field, the regional and interregional institutes of the United Nations for the prevention of crime and the treatment of offenders, the Arab Security Studies and Training Centre at Riyadh, the services of the Interregional Adviser in Crime Prevention and Criminal Justice, and other relevant United Nations entities, as well as intergovernmental and non-governmental organizations enjoying consultative status with the Economic and Social Council, should be strengthened so as to increase the scope of their operations, improve their co-ordination and diversify forms and methods of technical and scientific co-operation.

Recommendation 20

The role of the Committee on Crime Prevention and Control as the principal body dealing with crime prevention and criminal justice matters, and, inter alia, entrusted with preparations for the United Nations congresses on the prevention of crime and the treatment of offenders, should be further enhanced so as to enable it to fulfil its important functions.

Recommendation 21

The capacity of the Crime Prevention and Criminal Justice Branch of the Centre for Social Development and Humanitarian Affairs, as the only professional and specialized entity within the United Nations system with overall responsibility for its crime prevention and criminal justice programme, should be strengthened in terms of human and financial resources. There is an urgent need for the prompt implementation of the Economic and Social Council and General Assembly resolutions related thereto. In particular, priority attention should be given to the implementation of paragraphs 4 and 5 of General Assembly resolution 42/59 approving the recommendations of the review of the functioning and programme of work of the United Nations in the field of crime prevention and criminal justice (E/1987/43); and paragraph 3 (a) of Economic and Social Council resolution 1987/53, in which the Council requested the Secretary-General, when implementing the measures and priorities proposed in the report, to develop the Crime Prevention and Criminal Justice Branch of the

Centre for Social Development and Humanitarian Affairs as a specialized body and facilitating agent in the field of crime prevention and criminal justice, engaging the available resources of the United Nations system as well as relevant networks outside the United Nations. Despite the current financial situation of the Organization, it is imperative that the Secretary-General take immediate steps to equip the Branch with the necessary means in response to the pressing needs dictated by the increased magnitude and divergent forms of criminality currently faced by the international community, particularly the majority of Member States who lack the resources to cope with the problem on their own.

Recommendation 22

The regional and interregional institutes for crime prevention and the treatment of offenders of the United Nations should further develop their own research, training and technical assistance capacities and widen their collaborative network by greater reliance on non-governmental organizations and national research and educational institutions in order to meet the growing requests from developing countries for technical and scientific assistance. The Governments concerned, relevant regional bodies and organizations and United Nations entities should actively assist the regional and interregional institutes of the United Nations for the prevention of crime and the treatment of offenders, and particularly the African Regional Institute for the Prevention of Crime and the Treatment of Offenders, in consolidating its status and further promoting its activities.

Recommendation 23

Governments should be invited to fund in their regions, directly or through the United Nations Development Programme (UNDP), advisory services at the regional level so as to develop and complement existing structures in this field further. Regional commissions should be supported and encouraged to do likewise.

Recommendation 24

Special attention should be paid to strengthening the collaborative ties between the Crime Prevention and Criminal Justice Branch of the Centre for Social Development and Humanitarian Affairs, UNDP, the Department of Technical Co-operation for Development, and other relevant organs, with a view to ensuring adequate resources for technical co-operation activities in crime prevention and criminal justice. Interested Governments should give priority to the inclusion of crime prevention and criminal justice projects in the country and regional programmes of UNDP.

Recommendation 25

In order to implement fully the mandates emerging from the crime prevention and criminal justice programme and to provide additional technical and scientific expertise and resources in matters of international co-operation, a broader involvement of and assistance by non-governmental organizations is required.

Recommendation 26

Governments and other funding agencies are requested to contribute to the United Nations Social Defence Trust Fund in order to enable the entities of the United Nations to implement, in an adequate and effective manner, programmes of technical and scientific co-operation in this field.

I. ATTENDANCE AND ORGANIZATION OF WORK

A. Date and venue

5. The Interregional Preparatory Meeting for the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders on topic I entitled "Crime prevention and criminal justice in the context of development: realities and perspectives of international co-operation" was the first of a series of interregional meetings, each convened to discuss one of the substantive agenda items of the Eighth Congress to be held in 1990, in accordance with Economic and Social Council resolution 1987/49 and General Assembly resolution 42/59. The Meeting was held at Vienna, Austria, from 15 to 19 February 1988.

B. Attendance

6. The Meeting was attended by experts from different regions of the world and by observers from Member States, United Nations bodies and intergovernmental and non-governmental organizations. A list of participants is given in annex I to the present report.

C. Opening of the Meeting

7. The Interregional Preparatory Meeting was opened by the Director-General of the United Nations Office at Vienna and Secretary-General of the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders. The Director-General said that the purpose of the Meeting was to discuss crime prevention and criminal justice in the context of development, which was the umbrella topic for the Congress under which Governments, intergovernmental and non-governmental organizations would exchange experiences and examine problems encountered and successes achieved in the field of crime prevention and criminal justice, thus making a valuable contribution to United Nations activities in this field. Furthermore, the topic was intended to provide continuity between the two congresses, allowing for constructive dialogue between Member States and leading to the formulation of concrete directives, principles and guidelines for regional and interregional co-operation. In emphasizing the seriousness of criminality, the Director-General said that crime in its new dimensions and manifestations threatened the course of development, security and peace. It drew on new technological developments and complex organizational forms. It profited from gaps and differences in national legislation and shortcomings in effective enforcement modalities. It victimized individuals, groups, entire segments of the population and even States. Organized crime subverted national economies and public institutions; economic criminality impaired prospects for growth, accentuated financial crises and diverted funds needed for development programmes into illicit channels, contravening the public good. Terrorism and other forms of violence claimed innocent lives and created a climate of fear. The costs associated with criminality were enormous. Adequate policy responses and appropriate measures to combat criminality ought to be instituted at the national, regional and international levels. This could not be accomplished without vigorous co-operation between States. Such co-operation should focus on qualitative improvements in crime policies and strategies and deal with criminality in the context of the existing economic, political, social and cultural circumstances of countries. At the regional level, countries with similar problems and common traditions had joined forces to confront escalating transnational crime. The role of the United Nations regional institutes for the prevention of crime and the treatment of offenders, as the main components of the United Nations system operating in that field, was of particular

importance in view of the need to implement existing international conventions, standards and norms in crime prevention and criminal justice. She stressed the importance of an integrated approach to crime prevention and criminal justice policies and strategies. International co-operation in crime prevention and criminal justice had to be considered as an integral part of global co-operation for economic and social development. Referring to the role of the Secretariat, the Director-General noted that the attainment of its programme objectives depended largely not only on the responsiveness of countries and their readiness to co-operate, but also on the kind of services to be provided by the Secretariat, which should serve all Member States as a reliable source of timely information and as a tool for the implementation of cost-effective programmes thereby maximizing the capacity of the Secretariat to communicate directly with its constituency. The Director-General expressed serious concern over the question of resource constraints, which had imposed a heavy burden on all United Nations programmes at Vienna. Should recommendation 15 of the Report of the Group of High-level Intergovernmental Experts to Review the Efficiency of the Administrative and Financial Functioning of the United Nations (A/41/49) be applied to the already small base of crime prevention and criminal justice activities, programme implementation would face extremely serious consequences. With respect to technical co-operation in that field, the Director-General stated that meaningful regional and international co-operation could not be achieved without adequate attention being paid to its operational aspects. Unless there was a specific commitment on the part of Member States to strengthen the multilateral approach to crime prevention and criminal justice, including effective operational activities, little progress could be achieved in terms of practical results.

8. On behalf of the Committee on Crime Prevention and Control, Judge Shiddo thanked the experts for their willingness to assist the United Nations and the Committee on Crime Prevention and Control in the substantive preparation for the Eighth Congress. He informed the Meeting of the recommendation of the Committee in relation to topic I. In view of the importance of this topic, it had been decided that it should be discussed in the plenary sessions so as to allow for an exchange of experience at the highest level. With regard to the conclusions of the Seventh Congress, he stressed that emphasis should be placed on implementation activities, particularly with respect to the Milan Plan of Action.

9. The Chief of the Crime Prevention and Criminal Justice Branch introduced the substantive issues under discussion, stressing that topic I focused on crime prevention and criminal justice in relation to the dynamics, patterns and dimensions of criminality, which had changed considerably over the years, assuming in many parts of the world increasingly dangerous facets. Besides conventional and street crime, which continued to affect everyday life, the increasingly transnational nature of certain forms of crime was an issue of great concern and preoccupation. The growth of crime was an important matter, but there was nothing novel in it. The First United Nations World Crime Survey (A/32/199) had shown that between 1970 and 1975, the rates of intentional homicide increased by an average 20 per cent; theft by 46 per cent; robbery by 179 per cent and drug abuse by 114 per cent. The Second Survey had shown that during the period 1976-1980, the rates of intentional homicide registered an overall increase of almost 30 per cent; theft 22 per cent; robbery over 25 per cent; fraud 40 per cent; kidnapping 16 per cent, and drug crimes 120 per cent (A/CONF.121/18). Massive power and organizational strength were the novel aspects of transnational criminality, which was reducing several States to virtual impotence, thereby exposing the fragility of their institutions to the erosion of the rule of law itself, since so many transnational offenders often

benefited from total impunity. Terrorism, at sea, on land and in the air, the illegal arms trade, illicit drug trafficking, ecological offences and computer crimes were the most obvious examples. He noted that it was that new criminality that disturbed the international community, throwing the socio-political culture and the consolidated machinery of existing norms into crisis. That kind of criminality had become much more dangerous than had commonly been thought, and required urgent and strengthened international action. Crime was recognized as a major problem of national and international dimensions with ramifications extending beyond national frontiers, the disruptive and destabilizing impact of which on society was bound to increase, as stressed in the Milan Plan of Action, unless concrete and constructive action was taken on an urgent and priority basis. This included the strengthening of the role of the United Nations, as a leading organization in enhancing responsiveness to crime problems at all levels and in promoting regional and international collaboration. An important aspect of such collaboration, he emphasized, was technical co-operation and assistance in the field of crime prevention and criminal justice. Although a strong commitment existed on the part of the Secretariat to the development of human resources, the strengthening of national machinery and the promotion of training activities, such a commitment would become of greater value only if countries would individually and collectively share their responsibilities and resources in that common endeavour.

D. Election of officers

10. The Meeting elected by acclamation the following officers:

Simone Andrée Rozès (France)	Chairman
Svetla Daskalova (Bulgaria))	
Hassan B. Jallow (Gambia))	Vice-Chairmen
Ramon de la Cruz Ochoa (Cuba))	
Hira Singh (India)	Rapporteur

E. Adoption of the agenda and organization of work

11. The following agenda was adopted:

1. Opening of the Meeting.
2. Election of officers.
3. Adoption of the agenda and organizational matters.
4. Crime prevention and criminal justice in the context of development:
 - (a) Extent and seriousness of crime in the contemporary world;
 - Conventional and non-conventional crime;
 - The negative impact of crime on development;
 - (b) The need for effective crime prevention policies and strategies;
 - (c) The role of the criminal justice system.
5. International co-operation in crime prevention and criminal justice:
 - (a) Assessment of existing realities and constraints;

- (b) Future perspectives;
 - (c) The role of the United Nations.
6. Adoption of the report.
 7. Closure of the meeting.

II. REPORT OF THE DISCUSSION

12. At the outset of the discussion, it was pointed out that the inclusion of the topic entitled "Crime prevention and criminal justice in the context of development: realities and perspectives of international co-operation" in the agenda of the Eighth Congress indicated the growing concern of the international community to tackle the present realities of crime by suggesting innovative approaches to its prevention and control and identifying needs and priorities deserving particular attention. Satisfaction was expressed with the work accomplished by the Secretariat in the formulation and presentation of the discussion guide for the interregional and regional preparatory meetings for the Eighth Congress (A/CONF.144/PM.1). The guide aptly concentrated on specific issues that would stimulate in-depth discussion at the interregional and regional preparatory meetings and at the Congress itself. It was stressed that the Congress should tackle specific issues and focus attention on recommendations that would lead to concrete action, while the preparatory work should stimulate the preparation of national reports, which could indicate the progress made in the implementation of the recommendations of the Seventh Congress, evaluate current policies and practices and propose concrete new initiatives.

13. The Interregional Adviser in Crime Prevention and Criminal Justice informed the Meeting, on the basis of his experiences in the field, of the measures taken by a number of Governments with respect to crime prevention policies and the improvement of the performance of criminal justice systems, as a result of the implementation of the conclusions of the Seventh Congress. He also briefed the Meeting on the problems encountered in that process, including the emergence of sophisticated forms of crime, which were new to many countries. Most of these countries not only lacked adequate resources to respond adequately to the challenge of such crimes, but also suffered from a shortage of trained personnel. In that connection, he underlined the important role of the regional and interregional institutes of the United Nations for the prevention of crime and the treatment of offenders in responding to the needs of various countries and suggested that increased efforts should be made to involve relevant international organizations and funding agencies, such as UNDP and the World Bank, so that components of crime prevention and criminal justice could be included in their development assistance country programmes.

A. Crime prevention and criminal justice in the context of development

1. The extent and seriousness of crime in the contemporary world

14. The Meeting observed that current trends of crime in many parts of the world and their negative implications for the quality of life caused great concern: the extent and seriousness of crime not only hampered the process of development, but also endangered the enjoyment of basic human rights. Crime produced a climate of fear and insecurity, weakened communal harmony and impeded the orderly functioning of society. People in many countries suffered from the rising rate of adult criminality as well as from juvenile delinquency,

while in others, transnational crimes involving violence and terrorist activities, illicit trafficking in drugs, economic crimes, corruption and various types of organized crime threatened democratic institutions and, in certain cases, their very existence. In such situations, the perception of the public and the authorities towards crime was often distorted, resulting in over-reaction to the problems at hand, which did not serve the purposes of effective crime prevention and a humane performance of the criminal justice system.

15. The Meeting also observed that the threat to the quality of life and to progress emerged not only from traditional crimes, but also, increasingly, from non-conventional criminality. Traditional crimes, such as those against property and personal integrity and life, were well known and widely experienced. Violence, including violence in sport and schools, created particular problems. But the damage caused by new manifestations of crime, which were not specified in the legal codes of many countries, such as computer crime, fraudulent transactions, environmental offences etc., was often not fully realized. In developing countries, illegal transactions and the flow of financial assets, embezzlement and fraud, accompanied by corruption, had serious consequences for their economies. The experts emphasized that there was an urgent need to pay adequate attention to the criminogenic consequences of new technology and the impact of certain industrial and commercial malpractices and other practices and to ecological imbalances that seriously threatened the well-being and welfare of the human race. It was also desirable, however, to draw a line between the criminalization and decriminalization of certain acts so as to achieve a humane and effective criminal policy.

16. In discussing the negative impact of crime on development, some experts referred to the interlinkages between crime and development, which were highly complex and hardly understood in a precise manner. In order to assess the negative impact of crime on development, however, it was considered necessary to examine carefully the interrelationship between the two so as to devise countermeasures on a scientific basis. While it was difficult to establish solid causal correlations between criminality and development, preliminary research findings had amply indicated that dysfunctional or unbalanced development tended to become criminogenic. Development was a dynamic process that took different forms and proceeded at different rates. Certain socio-economic factors associated with criminality in a given country might not be applicable to others. It was noted that crime also was a dynamic phenomenon, which varied according to time and place, and was influenced by socio-economic changes, technological transformation and laws and regulations governing criminal acts. While the experience of some developed countries showed that a high standard of living was accompanied by an increase in the number of opportunities for committing certain types of crime, in many developing countries the growth of crime was caused by deteriorating social and economic conditions, leading to poverty and social injustice. The denial of basic needs, unemployment, the lack of proper housing, the absence of educational opportunities and health services and the struggle for a better standard of living were among the major factors associated with crime.

17. It was noted that, while development per se did not lead to crime, in certain countries a lopsided economic growth, resulting in the concentration of wealth in the hands of a minority, had created conditions conducive to crime. Inequality in income distribution, differential sectoral growth rates, rapid urbanization and unmanageable population increases, unprecedented social mobility, the splitting up of families and the decline of emotional ties were also seen to generate crime. Many experts felt that crime was a symptom of conditions of economic crisis rather than a product of poverty. In that

respect, reference was made to certain conditions imposed on developing countries by international financial institutions, such as the massive devaluation of local currencies and the radical reduction of public expenditures on social welfare policies and programmes, resulting in a greater deterioration of socio-economic conditions and unemployment. As a result, people who could not satisfy their basic needs were likely to resort to crime in order to avoid deprivation. In this connection, it was recommended that the social effects of certain economic measures and adjustments should always be considered and that impact studies should precede the introduction of such measures.

18. An additional problem mentioned by some experts was the presence, in many countries, of large numbers of refugees who had been forced to migrate as a result of military conflicts in their countries of origin. This floating population not only lived in conditions of extreme poverty and hopelessness, but also lacked the controls of traditional structures. In that connection, an expert reported that as a consequence of the problems of refugees and their illegal movement across frontiers, organized groups of arms robbers, using advanced weaponry that had been taken from the conflict areas, threatened both the internal security and stability of one country.

19. The Meeting recognized that development was affected by crime and the fear of crime. Criminality destroyed human and material resources. The danger arose when development efforts were hampered by increasing criminality, as shown by the increasing expenditures spent on crime prevention and control activities. In many countries, various economic crimes, such as tax evasion, smuggling, the diversion of public funds for private gain, and different forms of corruption affected the implementation of developmental projects and undermined national economies. In addition, the damage inflicted upon certain intangible human values, such as dignity, spiritual well-being, optimism and hope, generated a climate of insecurity and fear, thus reducing the capacity of individuals to contribute to development programmes. Confidence in public institutions was also negatively affected. It was emphasized that the direct and indirect costs of crime in terms of human, social and economic losses seriously distorted development perspectives, priorities and goals. The total cost of crime became incalculable if the hidden cost of unreported crime was also accounted for. The expenditure on the maintenance of law and order often led to the diversion of funds that were badly needed for vulnerable sectors of development, thus constituting a drain on national budgets.

20. Many experts said that the expansion of economic activities, as a result of technological advances, without proper attention to their negative consequences, had led to certain forms of economic crimes, such as the theft of industrial secrets, insurance fraud, the embezzlement of funds involving bank robbery, the violation of customs laws, tax evasion, computer crime and political corruption involving high-ranking officials. The process of rapid industrialization, the consequent urbanization and pulls and pressures on human life seemed to have further aggravated crime problems. At the international level, it was observed that the growing interdependence among various nations in the realms of industry, trade and commerce, accompanied by a vast expansion in communications and transport, had been closely associated with the proliferation of several new forms of crime across national frontiers. It was suggested that as people moved towards material progress, the social implications of this process should be fully taken into account.

21. In considering environmental offences, it was suggested that special attention should be given to ensuring protection against criminal negligence. The representative of the European Co-ordination Centre for Research and Documentation in Social Sciences informed the Meeting of an international

conference on environmental harm and the use of the criminal justice process to deal with its criminal aspects, which would be held in late 1988, and solicited the co-operation of the experts and the United Nations. Many speakers welcomed the holding of such a conference and in view of the importance attached to its theme, the Chairman, on behalf of the experts, expressed support for it. The Chief of the Crime Prevention and Criminal Justice Branch also assured the representative of the European Co-ordination Centre of close collaboration.

22. The Meeting was informed of a study that had been undertaken by the United Nations Social Defence Research Institute on the perceived needs and priorities of developing countries in the areas of crime, the criminal justice system in the context of development, and the role of international co-operation. The study was based on the results of three surveys that had been carried out by the Institute in 1976, 1982 and 1986. It showed that there was a general increase in the importance and desirability of multilateral co-operation, particularly regarding comparative research, various forms of technical co-operation, the need for training, the holding of seminars on specific priority areas, the exchange of information and the organization of major conferences and meetings for the exchange of experiences on problems encountered, and successes achieved, in the field of crime prevention and criminal justice.

2. The need for effective crime prevention policies and strategies

23. In the light of the seriousness of crime and the related demands for improving the means of combating it, the Meeting stressed the urgent need for an adequate response at the national, regional and international levels. What was required was the elaboration of policies and strategies fully responsive to day-to-day realities and needs, taking into account the constantly changing needs of society. Crime should not be treated as an isolated problem to be tackled by ad hoc simplistic and fragmentary methods, but rather as a complex and multi-dimensional phenomenon requiring systematic strategies and differential approaches. Effective co-ordination between the criminal justice agencies had to be ensured, if an integrated approach was to be achieved by the active participation of all concerned.

24. It was emphasized further that the development of effective crime prevention policies and strategies required action-oriented research on policy issues, the establishment of a sound data base and national information networks for a better understanding of trends and patterns of criminality, and a more sound formulation of policy. The role of academic institutions was essential. Effective crime prevention not only depended on the availability of resources, but also on adequate numbers of trained criminal justice personnel and national mechanisms for manpower development. In view of the absence of efficient information systems in many developing countries, it was recommended that the United Nations should assist in establishing national information networks, which were of vital importance to the operators of the criminal justice process and indispensable if the process of national development planning was to incorporate crime prevention and control.

25. In considering crime prevention in the context of development, it was agreed that the formulation of crime prevention policies within the overall framework of economic and social planning necessitated an integrated approach, in which urbanization, population movements, social welfare programmes, education and employment opportunities would be taken into account. Such an approach also necessitated a certain amount of physical planning for crime prevention by way of improved town planning, the development of appropriate living spaces and the provision of social infrastructure. It was suggested

that a systematic programme of problem-solving research and pilot projects might be introduced to evolve models for programme development. There was a need to develop new styles of action in crime prevention in keeping with the social systems of the countries concerned. In ensuring the rule of law, priority attention should be given constantly to safeguarding the rights and liberties of individuals. It was felt necessary to reduce opportunities for committing crimes such as street and property crimes. Street lighting should be improved. Security in housing and the establishment of alarm systems to prevent thefts should also be developed. Crime prevention planners had to be fully alert to the changing realities of the social environment so as to be in a position to anticipate factors likely to generate crime. They should deal firmly with various developmental issues and work out strategies conducive to social justice. As crime prevention implied interdisciplinary, integrated and co-ordinated planning, a team-work approach, on the part of experts and policy-makers from relevant fields, was a prerequisite.

26. Different strategies for preventing crime were recommended including, inter alia, defining a coherent and balanced social policy and properly identifying social needs, which would reach the young and raise the awareness of the public at large to the necessity of rejecting crime and illegality as a threat to the quality of life; reducing opportunities to commit crime by the creation of conditions unfavourable to crime; formulating effective rehabilitation policies so as to avoid problems of recidivism; and encouraging public participation.

27. Countermeasures against transnational crimes were also discussed. The identification of factors associated with such crimes, for the formulation of effective policies, was thought advisable. There was a need to enact new regulations to control exports and imports properly by trained and qualified personnel and to develop effective devices for use by immigration officers in checking travel documents and in inspection. It was suggested that the mass media should collaborate in the prevention of transnational crime by innovative methods of education of the public at large; that appropriate means should be developed in co-operation with other countries to reduce the opportunity for the commitment of such crimes in the course of international trade; and that bank secrecy in many countries should be revised to prevent money laundering and other criminal financial acts. In sum, Governments should make their legal systems responsive to the reality of transnational crime.

28. Many experts underlined the importance of intersectoral and sectoral planning as emphasized by the Guiding Principles. Efforts towards intersectoral planning should be designed to achieve interaction and co-operation between economic planners, development agencies and the criminal justice sector, in order to strengthen appropriate co-ordination mechanisms. Crime prevention planning should be carried out from a dynamic and systematic perspective, taking into account the interrelationship of activities and functions in the areas of legislation, law enforcement, the judicial process, the treatment of offenders and juvenile justice, with a view to ensuring greater coherence, consistency, accountability, equity and fairness.

3. The role of the criminal justice system

29. Many experts emphasized that an integrated approach to crime prevention policies and strategies necessitated a criminal justice system that was responsive to the external environment, such as changing social and economic trends, demographic patterns, and the emerging needs of society. There was a need to ensure that the operation of the criminal justice system was carried out as effectively as possible and in accordance with existing standards and norms of

human rights. It was observed that, in many countries, there was a crisis in the management of the criminal justice system, mainly owing to the lack of adequate training of criminal justice personnel in policy formulation and implementation. There was also a lack of effective co-ordination and follow-up among the criminal justice agencies. Many experts recalled what had been emphasized by the Guiding Principles with respect to the role of the criminal justice system. It was stressed that the criminal justice system, besides being an instrument to effect control and deterrence, should also contribute to the objective of maintaining peace and order for equitable social and economic development by redressing inequalities and protecting human rights. The criminal justice system should play an essential role aimed at containing crime and creating a climate of stability and peace, thus ensuring the protection of the rights of the individual against any violation. While the system was guarding society's values through the protection of rights and liberties, it should also contribute to the translation of those values and rights into social and political realities. It was emphasized, however, that a humane criminal justice system, while drawing a line between the use and abuse of rights and freedoms, should consistently aim at ensuring a just balance between the enjoyment of such rights and the enforcement of law. The real challenge for criminal justice personnel was to provide such a balance. The approach suggested could not be achieved without an effective application of justice at all levels.

30. Many experts stressed the importance of strengthening and improving the criminal justice system. This would involve stimulating changes, which should range from the reform of substantive criminal law and procedures to the reform of the functioning of the various sectors of the criminal justice system, with the objective of updating them in the light of current scientific knowledge and technological innovations, keeping in view the social, economic, political and cultural circumstances of the countries concerned. It was recommended that, at the regional and subregional levels, efforts should be made to draft model codes for the administration of criminal justice, which could be adopted, with the necessary adaptations, by different countries. The regional and interregional institutes of the United Nations for the prevention of crime and the treatment of offenders should play a leading role in that respect. It was also stressed that the responsiveness of the criminal justice system should go beyond local requirements; it should be equipped to deal with transnational crime dynamically and effectively so as to contribute to efforts aiming at ensuring internal and external security and stability.

31. The Meeting recognized the important and relevant contribution of the regional and interregional institutes of the United Nations for the prevention of crime and the treatment of offenders in assisting the countries of their regions to formulate more effective crime prevention policies and strategies. The network of those institutes included: the United Nations Asia and Far East Institute for the Prevention of Crime and the Treatment of Offenders, established at Fuchu, Japan, in 1961; the United Nations Social Defence Research Institute, established at Rome, Italy, in 1968; the United Nations Latin American Institute for the Prevention of Crime and the Treatment of Offenders, established at San José, Costa Rica, in 1975; the Helsinki Institute for Crime Prevention and Control affiliated with the United Nations, established at Helsinki, Finland, in 1981; and the African Regional Institute for the Prevention of Crime and the Treatment of Offenders, established at Addis Ababa, Ethiopia, in 1987.

32. One expert informed the Meeting of the activities undertaken by the United Nations Asia and Far East Institute for the Prevention of Crime and the Treatment of Offenders in contributing not only to regional efforts to combat

crime and to improve the performance of the criminal justice system, but also to technical and scientific co-operation activities undertaken at the international level. Those activities included the organization of international training courses and seminars; of special courses on priority issues in collaboration with intergovernmental and non-governmental organizations; of overseas joint seminars to meet the particular needs of countries, as part of the bilateral assistance programmes of the Institute; of international workshops; and the conduct of practical research projects. It was reported that the Institute had contributed to the training of more than 1,718 criminal justice professionals, who played a key role in improving crime prevention policies and strategies in their countries.

B. International co-operation in crime prevention and criminal justice

1. Assessment of existing realities and constraints

33. The Meeting considered that the realities of crime, particularly that of international dimensions, should be assessed in conjunction with the international response to it. It was emphasized that given the importance of developing closer collaboration between States, the existing constraints and problems impeding such efforts should be examined and practical action proposed. Traditional approaches to crime prevention, and the corresponding categorization of criminal phenomena, had started to become obsolete. Many traditional distinctions, as for instance those between national and international crimes, had ceased having a valid correspondence to the modern dynamics of social reality, and thus required serious reconsideration.

34. A specific approach to counteracting the deleterious operations of organized crime was suggested in view of the fact that organized crime required and relied for its activities on the co-operation and logistical support of legitimate organizations, institutions, and agencies (for example, financial, tourist, transport), and generally operated under legal and/or overtly illegal cover. Such cover was characterized by: corporate crime and the mafia respectively.

35. An appropriate countermeasure, therefore, would be to cut off or to block the avenues of such support. That could be done, inter alia, by exerting police control over the internal operations of legitimate companies that were believed to be facilitating the activities of organized crime syndicates, as well as by imposing sanctions on the heads of such companies, thus holding these individuals directly liable and accountable. It was acknowledged however, that such sanctions, in the case of a fine, for example, would in all likelihood be disproportionate to the profits gained from the illegal operations in question.

36. It was stressed that criminality, in its transnational dimensions, could not be dealt with merely as a local problem; rather, as a universal one, its control and prevention required deep commitment and co-operation at the national, regional and international levels. Such co-operation was already taking place partly through the elaboration of conventions relating to certain criminal acts that caused damage to the values of the international community as a whole. In certain regions of the world, it extended to different aspects and phases of criminal proceedings, including prosecution, investigation, judgement and enforcement of sanctions, and international judicial and other assistance.

37. The Meeting noted that, although there were a number of global instruments dealing with particular issues related to international co-operation in the field of crime prevention and criminal justice, much more was needed to be done to bridge the widening gap between those instruments and the contemporary realities of crime and criminal justice. The Meeting recognized that there existed a large and important body of conventions, international principles, norms and guidelines in that field, which could not only guide Member States in their collaborative ties, but also serve as a basis for the future development of international instruments. In this connection, the Meeting stressed the importance of the recommendations made by the International Expert Meeting on United Nations and Law Enforcement: the Role of Criminal Justice and Law Enforcement Agencies in the Maintenance of Public Safety and Social Peace, held at Baden, Austria, from 16 to 19 November 1987.

38. In tracing the path for the future course of crime prevention and criminal justice in the context of global economic and political realities, it was suggested that efforts should be focused on areas of priority concern to Member States and on determining the modalities of action likely to yield fruitful returns. Reference was made to article 36 of the Guiding Principles, which stated that all States and entities should co-operate through the United Nations or otherwise in the prevention and control of crime as an indispensable element for contributing to the promotion of the peace and security of mankind, while enhancing the effectiveness, viability and fairness of criminal justice. It was stressed that such co-operation depended not only on the commitment of States and their willingness to make progress in that regard, but also on the availability of infrastructural mechanisms to monitor the implementation of existing conventions and guidelines. It was thought desirable to mobilize all efforts and avoid fragmenting activities and wasting resources in the search for innovative solutions to crime problems. The lack of effective and strong leadership at the international level made the articulation of goals and strategies indistinct. Making a firm commitment to multilateral action and avoiding fragmentary efforts were seen to be imperative. In that connection, it was recommended that a convention on international co-operation in the field of crime prevention and criminal justice, which would consolidate all the existing crime prevention and criminal justice provisions of multilateral and bilateral conventions, treaties, agreements and existing norms, should be elaborated. The aim of such a comprehensive convention would be to strengthen international co-operation, particularly in relation to transnational crimes, and to mobilize multilateral efforts. The Meeting also stressed the importance of the recommendations made at the meeting of the Ad hoc Group of Experts on International Co-operation for the Prevention and Control of the Various Manifestations of Crime including Terrorism, held at the headquarters of the Institute of Higher Studies in Criminal Sciences, Siracusa, Italy, from 20 to 24 January 1988.

2. The role of the United Nations

39. The Meeting recalled that in the Milan Plan of Action, the United Nations had been called upon to play a pivotal role in multilateral co-operation in the field of crime prevention and criminal justice. The Meeting also recalled General Assembly resolution 42/59 and Economic and Social Council resolutions 1986/11 and 1987/53 on the comprehensive review of the functioning and programme of work of the United Nations in the field of crime prevention and criminal justice (E/1987/43), which reaffirmed the leading role of the United Nations in this field through its programme activities and congresses. It was stressed that the initiatives of the Organization to develop action-oriented proposals to combat transnational crimes and the elaboration of appropriate model treaties and agreements for world-wide use should be given priority.

Member States, intergovernmental and non-governmental organizations should be fully involved in that endeavour. The important role of the Committee on Crime Prevention and Control and the United Nations Secretariat in assisting Member States in the implementation of United Nations standards and norms in the field of crime prevention and criminal justice was considered crucial and, admittedly, implied a considerable work-load.

40. Technical co-operation activities needed to be strengthened, expanded and co-ordinated, with the Secretariat performing a vital technical, operational and field-oriented function. It was also recommended that, in order to increase the effectiveness of technical co-operation, the institutional legal and criminological capacity of the Crime Prevention and Criminal Justice Branch should be strengthened especially in relation to the backstopping and follow-up of interregional advisory services, and the design, implementation, management and execution of projects. The Committee would be central to that process in providing policy guidance and in monitoring existing international standards.

41. It was acknowledged that the United Nations had a good record in effecting certain changes in the process of developing criminal justice systems. The preservation of justice was seen as a basic goal, as it was obvious that the intake of criminal justice systems, in terms of crime and offender processing, would not diminish in the world in the near future.

42. A number of experts referred to specific forms of crime, describing their particular dangers for society. Apart from crimes related to drugs, political corruption seemed to be the most pertinent offence in the context of development. One expert suggested that the United Nations should give special attention to that type of crime and proposed a number of actions to be taken, such as the development of an anti-corruption manual, which would describe techniques, approaches and measures that were applicable on a trans-cultural level so as to assist to Member States in forming legal machinery including penal and civil statutes to prevent political corruption. Another expert suggested the removal of the power of investigation and of the freezing of illegally required assets from the police to especially appointed organs.

43. Many experts recognized that the effective management of crime prevention and criminal justice programmes depended largely on well-functioning national, regional and international institutions, as well as on the appropriate choice of policies and priorities. Crime prevention and criminal justice policies were relevant and effective only when the institutional capacity to carry them out was made available. The United Nations, through its technical co-operation and advisory services, should accord priority attention to creating training facilities and institutional reforms in developing countries requesting assistance, and to making laws and regulations that were more responsive to the realities of social and economic change.

44. There was general concern that crime prevention and criminal justice programmes did not have sufficient priority or resources compared with other issues connected with economic and social development matters. The experts felt that it was a paradox that at a time when basic human rights issues were being developed on the broadest scale, crime prevention and criminal justice seemed to be increasingly neglected.

45. The marginalization of the programme within the United Nations was regarded as a major failure of the Organization in its efforts to respond to the challenge of criminality. The experts referred to the need for a full and vigorous implementation of various resolutions of legislative bodies,

acknowledging the programme as crucial, specialized and technical in nature and called for the strengthening of the capacity of the organ responsible for the implementation of the work programme, in accordance with Economic and Social Council resolution 1987/53, by the provision of the resources necessary for it to fulfil its obligations to Member States. Any reduction of the personnel of the secretariat of the Crime Prevention and Criminal Justice Branch was acknowledged to be counter-productive to building a capacity to fulfil the needs of Member States, particularly in respect to the implementation of major United Nations instruments in that field.

46. In the view of the experts, while social development was considered to be relevant to crime prevention and criminal justice activities, crime was not only a social problem, but also one with political and economic dimensions. It was recommended therefore that the programme should be given greater weight and visibility as it represented a highly technical and specialized field that was directly relevant to different disciplines and concerns.

47. There was a general agreement that all possible steps should be taken to provide the necessary funding to the Crime Prevention and Criminal Justice Branch in the scientific preparation of the Eighth Congress. The Branch was under considerable pressure, owing to the lack of human and other resources, and could only discharge adequately its responsibility for the preparatory work for the Congress as well as other mandatory obligations of the United Nations Secretariat if the necessary funds were earmarked. The experts, referring to a number of General Assembly and Economic and Social Council resolutions, urged that all the impediments should be removed to allow for the substantive preparation of work to ensure the success of the Eighth Congress.

48. The experts stated that the activities of the United Nations in the field of crime prevention and criminal justice had a considerable influence on a global scale and were of a special importance for countries that had gained independence during the phase of decolonization. The United Nations system had an elaborate organizational structure that could well fulfil all the mandates given to it, while functioning as a catalyst for national action.

49. The experts observed, however, that the financial crisis of the United Nations was reflected in the work of its organs. In that context, they felt that it was most urgent to convince Member States, as well as the United Nations system itself, of the priority that the crime prevention and criminal justice programme deserved to be given. As crime was attacking the quality of life on an international level, including such issues as human rights, economic order, refugee problems etc., and as it was the responsibility of the United Nations to secure the quality of life, more was needed to be done.

50. Several experts noted that the financial problems could be solved considerably if Member States were made to recognize the role of the United Nations in the field of crime prevention and criminal justice. In view of the financial restrictions, some experts suggested the convening of a meeting of ministers, with the participation of different United Nations organs, to discuss extrabudgetary means of funding.

51. According to the experts, the forthcoming regional preparatory meetings should be used extensively to stress the role that the United Nations played in the field of crime prevention and criminal justice, so as to ensure that Member States had a better understanding of the importance of supporting even further the activities of the Committee on Crime Prevention and Control and the Crime Prevention and Criminal Justice Branch.

52. The experts also pointed out the need for closer co-operation between the Crime Prevention and Criminal Justice Branch, the specialized agencies and other entities of the United Nations and non-governmental organizations. The contribution of the scientific community and intergovernmental and non-governmental organizations should go beyond the holding of conferences and special international events to exchange views and experiences. Their efforts should aim at formulating specific guidelines for practical results, which would bring the Governments and agencies concerned closer together in working towards the achievement of common goals.

53. Forums such as the General Assembly, the United Nations congresses and similar international gatherings should address themselves to existing international realities and recommend measures whereby meaningful international co-operation could be established, of which non-governmental organizations were an integral part. The contribution of non-governmental organizations to bringing about change in the implementation of standards was particularly important. By way of example, a pilot project had been undertaken by a non-governmental organization in one country, in which a range of services had been provided for the victims of crime. That had not only served a practical purpose and met substantial needs, but had also generated a wealth of evaluative research data, which had influenced the Government to extend the project on a wider scale, which had provided a visible, concrete and positive model for other countries.

54. Experts underlined the possibility of forming closer working relations with, and using the capacities of, universities and research centres, which would be selected by their Governments, and mentioned examples of existing models of such co-operation.

55. Several experts referred to the inputs made by the regional and inter-regional institutes of the United Nations for the prevention of crime and the treatment of offenders, including the preparations for the establishment of a global crime and criminal justice information network, a project that would be outlined in greater detail at the Eighth Congress. Those institutes were backstopping the Organization's efforts and evolving regional perspectives based on their own experience, research findings and policy development in their countries. The institutes should play a crucial role in bridging the communication gap that might exist between the Secretariat and other constituencies at the regional level. It was recommended that the United Nations should make every effort to bring together policy makers at the highest level who were involved in crime prevention and criminal justice programmes and encourage dialogue and collaborative ties on priority issues between Member States.

56. The scientific work and activities of a number of institutes co-operating with the United Nations programme in the field of crime prevention and criminal justice were acknowledged as valuable and as reliable sources of input in the achievement of goals and objectives. A number of organizations expressed their intention of continuing to assist the United Nations, to the extent possible, by way of seminars, conferences, training courses, and research and technical advice.

57. Several speakers described the extent to which efforts had been undertaken at the national level to make the programmes, standards and guidelines of the United Nations better known, for example, by disseminating documentation, by undertaking press and television activities aimed at the general public, as well as by holding specialized training courses for various categories of professionals and making presentations to law-makers and ministries. Some

experts mentioned cases where the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (The Beijing Rules) (General Assembly resolution 40/33, annex) had been accepted and incorporated into national law with the necessary adaptations to meet local needs.

58. With respect to the various international standards, minimum rules and guidelines etc., the experts were concerned about the slow pace of their implementation, as well as the lack of implementation in most countries. They recommended that more thought should be given to the development of a methodology of implementation, as had been done for the procedures for the effective implementation of the Standard Minimum Rules for the Treatment of Prisoners. ^{4/} Besides the adoption of guidelines for implementation, the preparation of an inventory of compliance could be considered, based on a questionnaire such as the one that was prepared for the Seventh Congress.

59. It was noted that sound data and research were prerequisites for assisting Member States in the implementation of United Nations standards and norms in crime prevention and criminal justice. In particular, experimental pilot projects, if successful, could bring to light supporting evidence for policy makers of the desirability of, and need for, adopting the particular approaches and principles advocated in various standards.

60. Reference was made to the efforts of the United Nations in the establishment of a global crime and criminal justice information network, as called for in Economic and Social Council resolution 1986/11. The crucial role of information, which would lead to a better understanding of problems related to crimes and the identification of effective countermeasures, as well as the provision of guidelines for the gathering, classification and analysis of crime statistics, was highlighted by the experts.

61. The role of the Committee on Crime Prevention and Control, as the only expert body within the United Nations system that provided guidance in the field of crime prevention and criminal justice, was considered not only important, but also essential in developing programmes of international co-operation, and in assisting the Economic and Social Council in the co-ordination of the activities of the United Nations bodies whose programmes of work were relevant to the crime field.

62. Referring to the role of the United Nations congresses on the prevention of crime and the treatment of offenders, the Meeting recognized that these Congresses served as global events and world-wide forums for the exchange of expertise and the comparison of experiences. The experts felt, however, that there was a need for the congresses to focus on specific issues and to attract more decision makers and policy makers at the highest level, who were responsible for crime prevention and criminal justice issues, such as ministers of justice, interior and welfare. Since the congresses over the years had undergone significant changes and become intergovernmental in nature, bringing together representatives of Governments, intergovernmental and non-governmental organizations and internationally recognized experts, the time had come for them to be more actively involved not only in making appropriate recommendations for viable crime prevention policies, but also in negotiating and adopting international conventions on priority issues.

63. The Director of the Social Development Division made a statement in which he expressed appreciation to the experts for their willingness to assist the Secretariat in its substantive preparations for the Eighth Congress. He stressed the importance of crime prevention and criminal justice as it related to freedom, justice, peace and development. He stated that crime, as a social

problem, interacted with social development issues and had a direct bearing on the quality of life. The consideration of crime prevention and criminal justice in the context of development had been the concern of previous United Nations congresses, which had made progress in the formulation of effective policies and strategies to combat crime in the developmental context. He observed, however, that perhaps too much emphasis had been placed on what he termed as purely repressive aspects of crime prevention. In that connection, he suggested that more attention should be given to fair, equitable and humane justice rather than to the repressive aspect of crime prevention. The Guiding Principles, the Milan Plan of Action, as well as other relevant resolutions and decisions on crime prevention and criminal justice represented a blueprint for future action. What was needed was for Governments to be attracted and encouraged to implement the principles and guidelines that had been agreed upon. As to the problem of resource constraints, he brought the attention of the Meeting to the serious financial situation of the United Nations and reported on a number of steps that had been taken to assist preparations for the Eighth Congress so that the activities of the Crime Prevention and Criminal Justice Branch would not be seriously affected by cuts in resources.

III. ADOPTION OF THE REPORT OF THE MEETING

64. At the final session, the draft report was introduced by the Rapporteur and unanimously adopted by the Meeting. The Meeting also adopted unanimously all recommendations, the text of which has been placed at the beginning of the present report. Closing statements were made by the Chairman, the Rapporteur, the representative of the Committee on Crime Prevention and Control, the Director of the Social Development Division and the Chief of the Crime Prevention and Criminal Justice Branch.

Notes

1/ See Sixth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Caracas, 25 August-5 September 1980: report prepared by the Secretariat (United Nations publication, Sales No. E.81.IV.4), chap. I, sect. C.

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

3/ Ibid., sect. B.

4/ See Human Rights: A Compilation of International Instruments (United Nations publication, Sales No. E.83.XIV.1).

Annex I

LIST OF PARTICIPANTS

Experts invited by the Secretary-General

Adedokun A. Adeyemi (Nigeria), Dean, Faculty of Law, University of Lagos

Dušan Čotić (Yugoslavia), Professor of Criminal Law and Vice-President of the Federal Supreme Court of Yugoslavia

Svetla Daskalova (Bulgaria), Minister of Justice, Ministry of Justice

Ronald L. Gainer (United States of America), Deputy Associate Attorney-General, United States Department of Justice

Hassan B. Jallow (Gambia), Minister of Justice and Attorney-General, Ministry of Justice

Jaime E. Malamud-Goti (Argentina), Procurator-General of the Supreme Court of Justice

Ramon de la Cruz Ochoa (Cuba), Prosecutor-General, Ministry of Justice

Simone Andrée Rozès (France), First President of the Court of Cassation

Hira Singh (India), Director, National Institute of Social Defence, Department of Social Welfare

Shinichi Tsuchiya (Japan), Director, Research Division, Ministry of Justice

Committee on Crime Prevention and Control

A. A. Shiddo (Sudan), Judge

States Members of the United Nations
represented by observers

Australia, Austria, Bulgaria, Egypt, German Democratic Republic, Germany, Federal Republic of, Indonesia, Italy, Nigeria, Philippines, Thailand, United Kingdom of Great Britain and Northern Ireland.

United Nations bodies

Helsinki Institute for Crime Prevention and Control affiliated with the United Nations, United Nations Social Defence Research Institute.

Intergovernmental organizations

Arab Security Studies and Training Centre.

Non-governmental organizations

Friends World Committee for Consultation, International Alliance of Women - Equal Rights, Equal Responsibilities, International Centre of Sociological Penal and Penitentiary Research and Studies, International Council of Jewish Women, International Penal and Penitentiary Foundation, International Society of Social Defense, National Association of Victims Support Schemes.

Annex II

LIST OF DOCUMENTS

A. Basic document

A/CONF.144/PM.1

Discussion guide for the interregional and regional preparatory meetings for the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders

B. Background documents

A/CONF.121/20

New dimensions of criminality and crime prevention in the context of development: challenges for the future. Working paper prepared by the Secretariat

A/CONF.121/22/Rev.1

Report of the Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Milan, Italy, 26 August-6 September 1985

E/AC.57/1986/9

Committee on Crime Prevention and Control: report on the ninth session

E/1987/43

Review of the functioning and programme of work of the United Nations in the field of crime prevention and criminal justice: report of the Secretary-General

Economic and Social Council resolution 1986/10

Implementation of the conclusions and recommendations of the Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders

Economic and Social Council resolution 1986/11

Initial review of the functioning and programme of work of the United Nations in crime prevention and criminal justice

Economic and Social Council resolution 1987/49

Preparations for the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders

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Crime prevention and criminal justice

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Crime prevention and criminal justice

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C. Other documents

United Nations Social Defence Research Institute

Publication No. 29

Research and International Co-operation in Criminal Justice: Survey on Needs and Priorities of Developing Countries

UNSDRI 382

Development and Crime

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This archiving project is a collaborative effort between United Nations Office on Drugs and Crime and American Society of Criminology, Division of International Criminology. Any comments or questions should be directed to Cindy J. Smith at CJSmithphd@comcast.net or Emil Wandzilak at emil.wandzilak@unodc.org.