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Addendum

Use and application of United Nations standards and norms in crime prevention and criminal justice

1. At its 7th meeting, on 26 April 2007, the Commission on Crime Prevention and Criminal Justice considered agenda item 5, entitled “Use and application of United Nations standards and norms in crime prevention and criminal justice”. For its consideration of the item, the Commission had before it the following documents:

(a) Report of the Secretary-General on the results of the meeting of the Intergovernmental Expert Group to Develop an Information-Gathering Instrument on United Nations Standards and Norms Related Primarily to Victim Issues (E/CN.15/2007/3);

(b) Report of the Secretary-General on United Nations standards and norms in crime prevention and criminal justice (E/CN.15/2007/11);

(c) Report of the Secretary-General on strengthening basic principles of judicial conduct (E/CN.15/2007/12).

2. The Director of the Division for Treaty Affairs and the Chief of the Rule of Law Section, Human Security Branch, Division for Operations, made introductory statements. The Commission also heard statements by the representative of Germany (on behalf of the European Union) and by the observer for Ecuador (on behalf of the Group of Latin American and Caribbean States). The Commission also heard statements by the representatives of South Africa, Republic of Korea, Canada, the United States of America and Ukraine. The observers for Defence for Children



International, the World Society of Victimology, Penal Reform International and the International Commission of Catholic Prison Pastoral Care also made statements.

Deliberations

3. The Director of the Division for Treaty Affairs presented the report of the Secretary-General on the Results of the Meeting of the Intergovernmental Expert Group to Develop an Information-Gathering Instrument on United Nations Standards and Norms Related Primarily to Victim Issues (E/CN.15/2007/3), which contained the draft questionnaire on standards and norms primarily related to victims prepared by the Intergovernmental Expert Group at its meeting held from 27 to 29 November 2006, which had been made possible through the generous financial contributions of the Governments of Canada and Germany. She briefly presented the structure of the draft questionnaire and stated that the report also contained the outcome of the Expert Group's discussion on ways and means to promote further the use and application of standards and norms primarily related to victims.

4. The Director also introduced the report of the Secretary-General on United Nations standards and norms in crime prevention and criminal justice (E/CN.15/2007/11), which contained an analysis of the replies received from Governments to the questionnaire on the use and application of standards and norms related primarily to the prevention of crime. She noted that compared with previous questionnaires, the response rate had increased and that this could be attributed to the importance attached by Governments to crime prevention. She stressed that many respondents had reported that they had specific crime prevention plans through which they implemented in whole or in part the Guidelines for the Prevention of Crime (Economic and Social Council resolution 2002/13, annex). The analysis of the replies received provided information on the main elements of a successful crime prevention plan and the main challenges faced by States in connection with crime prevention.

5. Referring to the report on strengthening basic principles of judicial conduct (E/CN.15/2007/12), which contained a summary of the discussions and recommendations of the Intergovernmental Group of Experts on a Technical Guide for Strengthening Judicial Integrity and Capacity, at its meeting held in Vienna on 1 and 2 March 2007, the Director drew the attention to some of its recommendations, including the request to UNODC to publish and disseminate the commentary on the Bangalore Principles of Judicial Conduct and to continue working on the development of the Guide on Strengthening Judicial Integrity and Capacity, and the recommendation to the Commission to explore the desirability of establishing an international judicial academy.

6. The attention of the Commission was drawn to the publication of the "Compendium of United Nations standards and norms in crime prevention and criminal justice", and to the tools developed by UNODC to promote international cooperation in criminal matters, namely the Mutual Legal Assistance Request Writer Tool, and the forthcoming extradition request writer tool, and urged Member States that had not yet done so to designate central authorities in charge of executing such cooperation.

7. The Chief of the Rule of Law Section, Human Security Branch, Division for Operations, reported on activities undertaken by UNODC in the implementation of Economic and Social Council resolution 2005/21 of 22 July 2005 entitled “Strengthening the technical cooperation capacity of the United Nations Crime Prevention and Criminal Justice Programme in the area of the rule of law and criminal justice reform”. He drew attention to the fact that programming in the area of criminal justice reform had seen an increase of 77 per cent since the 2004-2005 biennium. Resources available under the regular budget of the United Nations in the 2006-2007 biennium were complemented by additional resources received as a follow-up to the 2005 World Summit Outcome, specifically for work in the area of the rule of law in countries emerging from conflict and extrabudgetary resources received from the Governments of Austria, Belgium, Canada, Norway and Sweden. He noted that the growth had been the result of four contributing factors: (a) increased assessment and programming missions; (b) greater diversity of programming opportunities; (c) greater cooperation with partners both within and outside the United Nations system; and (d) training of field-level staff using tools developed in-house. A broad range of activities were being addressed, including (a) reform and integrity of criminal justice institutions; (b) prison overcrowding and providing for alternatives to imprisonment; (c) children in conflict with the law; and (d) victims of crime and violence, in particular women and children. Assistance was being provided to Member States in building up the capacity of their justice systems to operate more effectively within the framework of the rule of law, with particular attention to vulnerable groups. The majority of recipient States fell under the category of post-conflict or transitional societies.

8. A series of operational tools and training materials were being developed by UNODC to assist Member States in the use and application of United Nations standards and norms in crime prevention and criminal justice. The UNODC Criminal Justice Handbook Series currently comprised 11 publications (in print and under development). A child-friendly version of the United Nations Guidelines on Justice in Matters involving Child Victims and Witnesses of Crime (Economic and Social Council resolution 2005/20, annex) had also been developed in the six official languages of the United Nations (in CD-Rom and hard copy) in cooperation with the United Nations Children’s Fund (UNICEF), the UNICEF-affiliated Innocenti Research Centre and the International Bureau for Children’s Rights.

9. Attention was also drawn to the publication of the *Criminal Justice Assessment Toolkit*, in October 2006, by UNODC in cooperation with the Organization for Security and Cooperation in Europe (OSCE). The *Toolkit* provided a standardized and detailed set of tools for conducting assessments covering various activities and aspects of the criminal justice system. A stand-alone training course on the use and application of the *Toolkit* had been developed and piloted-tested on field staff of UNODC and the United Nations Development Programme (UNDP). An interactive software version had been produced and would soon be launched.

10. Referring to the recommendations of the High-level Panel on United Nations System-wide Coherence in its report entitled “Delivering as one”, he noted that UNODC continued to place particular emphasis on building partnerships to enhance inter-agency coordination and cooperation in the area of the rule of law and criminal justice reform. A focus had been placed on forging a partnership with the Department of Peacekeeping Operations and UNDP, through joint missions, tools

and programmes. UNODC had participated in a number of United Nations system-wide efforts to coordinate assistance, including the United Nations Rule of Law Focal Point Network, which served as a coordinating and information-sharing body for rule of law activities in peacekeeping operations.

11. Pursuant to Economic and Social Council resolution 2005/21 of 22 July 2005, a policy dialogue had continued with the World Bank on joint projects and studies. A joint UNODC-UNDP working group had been established, to, *inter alia*, outline a strategic partnership between the two organizations, including cooperation in the areas of anti-corruption, good governance and criminal justice, as well as knowledge management. UNODC had continued its active involvement in the United Nations Coordination Panel on Technical Advice and Assistance in Juvenile Justice, which had established a part-time secretariat hosted by the non-governmental organization, Defence for Children International. UNODC had also provided inputs to the studies of the Secretary-General on violence against children and all forms of violence against women and would continue to be involved in the mechanisms established for their respective follow-up.

12. Several speakers stressed the importance of the United Nations standards and norms in crime prevention and criminal justice and the role they played in addressing crime prevention and criminal justice issues, their contribution to the harmonization of legislation and to the development of a united response to crime-related problems. The need to identify innovative approaches and new areas where international standards and norms could be applied was also stressed. One speaker stated that standards and norms had allowed the international community to create a solid foundation for any State willing to reform its criminal justice system or for any State or entity willing to provide technical assistance to others in accordance with broad principles recognized by the international community. He also noted that one of the key prerequisites for preventing and fighting transnational organized crime, terrorism or corruption was the existence of a fair, efficient and effective criminal justice system, based on the rule of law, and that United Nations standards and norms provided a cornerstone on which all Member States may rely for the establishment of such a criminal justice system.

13. Some delegates expressed their support for the periodic review of the use and application of standards and norms undertaken by the Commission to exchange information on the implementation of those instruments so as to make further progress in that regard. Some speakers reiterated their concern about Governments being overburdened by questionnaires and called for the need to minimize that burden. One speaker stressed the need to find a balance between the rationalization of the information-gathering requests and the importance for the Commission to receive information on the use and application of standards and norms, in order to enable an understanding of how States had been able to integrate such instruments into their criminal justice systems. The 2003 decision by the Economic and Social Council to re-cluster the existing standards and norms into four groups had met the dual objective of diminishing the number of questionnaires and improving the application of the instruments, while allowing the Commission to collect information promoting an evidence-based approach.

14. Several delegations took note of the work undertaken by the Intergovernmental Expert Group Meeting held in Vienna from 27 to 29 November 2006 to develop an information gathering instrument on United Nations standards

and norms primarily related to victim issues. They expressed support for the adoption of the information-gathering instrument, as they considered that it would: (a) help better to identify specific needs of States in the area of victim protection; and (b) provide an analytical framework with a view to improving technical cooperation in this field. In that regard, concern was expressed about the length of the questionnaire and the need to collect statistically valid data. One speaker invited the Commission to focus on the recommendations aimed at improving the quality of the information sought by means of the new questionnaire and encouraged Governments to consider seeking assistance in responding to the questionnaire from the institutes of the United Nations Crime Prevention and Criminal Justice Network and national, regional and international research institutes and universities.

15. In connection with the proposal to develop an information-gathering instrument on standards and norms related primarily to “good governance, the independence of the judiciary and the integrity of the criminal justice personnel” (i.e. the so-called fourth cluster of United Nations standards and norms), one representative, in view of the existing information-gathering processes undertaken within the framework of the United Nations Convention against Transnational Organized Crime and the United Nations Convention against Corruption, cautioned against the risk of overlapping and expressed his preference for not having an information-gathering instrument on that cluster of standards and norms. However, he pointed out that should the Commission decide to develop such a questionnaire, it should not address issues already covered by the information-gathering process under the above Conventions and it should be prepared after completion of the information-gathering process undertaken within the Conventions.

16. Several speakers expressed appreciation for the analysis of the replies to the questionnaire on United Nations standards and norms related primarily to crime prevention and to those States that had adopted specific crime prevention plans in order to implement the Guidelines for the Prevention of Crime. They endorsed the conclusion that international cooperation, in the form of sharing expertise and best practices and providing technical assistance, was essential to promote the Guidelines further. One speaker described the efforts of her Government to implement social as well as situational crime prevention. Another speaker, expressing satisfaction with the results of the questionnaire, opined that the data received would ensure the continued development of relevant crime prevention resources and the delivery of technical assistance where it was most needed.

17. Several speakers, referring to the report on crime prevention, indicated that there was still a long way to go in order to implement crime prevention measures effectively. They further noted that, although social crime prevention and public policies were important, there was a need for a holistic approach. In particular, they stressed the need for international cooperation to assist Governments in need of technical assistance and in order to facilitate the exchange of information and best practices. Several speakers noted that crime prevention may appear costly, but it was less expensive than the alternative in terms of quality of life and direct socio-economic costs of crime.

18. Some speakers reported on the measures taken by their Governments at the national level to implement standards and norms, particularly in the areas of crime prevention, assistance to victims, women and children, juvenile justice, prison administration and restorative justice.

19. The importance of the United Nations Standard Minimum Rules for the Treatment of Prisoners was referred to by several speakers. One speaker described the unavoidable challenges that arose whenever United Nations standards and norms on the treatment of prisoners were not respected. The special needs of foreigners in prison needed to be addressed and the Commission was invited to address that matter in the future.

20. One speaker welcomed the consideration by the Commission of the Lilongwe Declaration on Accessing Legal Aid in the Criminal Justice System in Africa, which was described as a practical document containing concrete and low-cost proposals on implementing the right to legal aid.

21. One speaker noted that the Bangalore Principles of Judicial Conduct were a valuable tool for the development and revision of domestic standards and rules governing the professional and ethical conduct of members of the judiciary. The work of the open-ended intergovernmental expert group to review the draft commentary on the Bangalore Principles was welcomed. Support was expressed for the request to UNODC to continue working on the development of a technical guide to be used in providing technical assistance aimed at strengthening judicial integrity and capacity.

22. Another speaker provided information on the legislative and ethical standards taken at the national level to incorporate the fundamental values declared in the Bangalore Principles. The commentary on the Bangalore Principles of Judicial Conduct would serve as a helpful resource in further developing detailed guidelines on judicial conduct. Another speaker also supported the Bangalore Principles and noted that it was crucial that all States made all efforts to find the most suitable ways to maintain high ethical standards among their judiciary.