

for Social Development and Humanitarian Affairs of the Secretariat, towards the full realization of the project,

Noting with appreciation the responsiveness of the United Nations Development Programme in earmarking the necessary funds for the initial phase of the operation of the Institute,

Firmly convinced that the Institute should undertake its activities on a continuous basis, so as to respond promptly and efficiently to the needs and concerns of the African States, meet their training and research requirements in the field of crime prevention and criminal justice, and contribute to existing regional and international efforts directed towards the prevention of crime and the treatment of offenders,

1. *Expresses its appreciation* to the Secretary-General for the steps taken to establish the African Institute for the Prevention of Crime and the Treatment of Offenders;

2. *Requests* the Secretary-General to continue making every effort to ensure adequate support for the Institute, through the Crime Prevention and Criminal Justice Branch of the Centre for Social Development and Humanitarian Affairs of the Secretariat, and to explore other means of ensuring the effective operation of the Institute;

3. *Urges* the Secretary-General and all the organizations and agencies involved in the establishment of the Institute to make every effort to assist the host country in arrangements necessary for the effective operation of the Institute;

4. *Invites* Member States in the African region and other interested States to contribute generously to the activities of the Institute to enable it to formulate and implement technical co-operation projects;

5. *Invites* the international community, including governmental and non-governmental organizations, to respond positively to the need for assistance and support, which would enable the Institute to fulfil its mandates effectively;

6. *Urges* the United Nations Development Programme to continue providing the necessary financial support to the Institute, and appeals to other funding agencies to do likewise;

7. *Requests* the Secretary-General to issue special postage stamps on the occasion of the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, to be held in 1990, and to place the revenue earned at the disposal of the Institute for the formulation and implementation of specific technical assistance projects in the African region;

8. *Invites* the United Nations regional and interregional institutes for the prevention of crime and the treatment of offenders to strengthen existing collaboration with the Institute, promote a regular exchange of information and experience and implement joint activities of mutual interest;

9. *Requests* the Secretary-General, to submit a report on the implementation of the present resolution to the Council at its first regular session of 1990.

*15th plenary meeting
24 May 1989*

1989/60. Procedures for the effective implementation of the Basic Principles on the Independence of the Judiciary

The Economic and Social Council.

Recalling the Basic Principles on the Independence of the Judiciary, adopted by the Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders⁹⁵ and endorsed by the General Assembly in its resolutions 40/32 of 29 November 1985 and 40/146 of 13 December 1985.

Recalling also that the Congress, in its resolution on the Basic Principles, recommended them for national, regional and interregional action and called upon the Committee on Crime Prevention and Control to consider, as a matter of priority, the effective implementation of that resolution.

Bearing in mind its resolution 1986/10, section V, of 21 May 1986, by which Member States were invited to inform the Secretary-General every five years, beginning in 1988, of the progress achieved in the implementation of the Basic Principles, including their dissemination, their incorporation into national legislation, the problems faced in their implementation at the national level and assistance that might be needed from the international community,

Also bearing in mind General Assembly resolution 41/149 of 4 December 1986, in which the recommendations made by the Council were welcomed,

Having considered the report of the Committee on Crime Prevention and Control on its tenth session,⁹⁶

Guided by the desire to promote the independence and impartiality of the judiciary,

1. *Adopts* the Procedures for the Effective Implementation of the Basic Principles on the Independence of the Judiciary, recommended by the Committee on Crime Prevention and Control and annexed to the present resolution;

2. *Invites* the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders and its preparatory body to accord priority to ways and means of stimulating adherence to the Procedures.

*15th plenary meeting
24 May 1989*

ANNEX

Procedures for the effective implementation of the Basic Principles on the Independence of the Judiciary

Procedure 1

All States shall adopt and implement in their justice systems the Basic Principles on the Independence of the Judiciary in accordance with their constitutional process and domestic practice.

Procedure 2

No judge shall be appointed or elected for purposes, or be required to perform services, that are inconsistent with the Basic Principles. No judge shall accept judicial office on the basis of an appointment or election, or perform services, that are inconsistent with the Basic Principles.

Procedure 3

The Basic Principles shall apply to all judges, including, as appropriate, lay judges, where they exist.

⁹⁵See *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. D.2.

⁹⁶*Official Records of the Economic and Social Council*, 1988, Supplement No. 10 (E/1988/20).

Procedure 4

States shall ensure that the Basic Principles are widely publicized in at least the main or official language or languages of the respective State. Judges, lawyers, members of the executive, the legislature, and the public in general, shall be informed in the most appropriate manner of the content and the importance of the Basic Principles so that they may promote their application within the framework of the justice system. In particular, States shall make the text of the Basic Principles available to all members of the judiciary.

Procedure 5

In implementing principles 8 and 12 of the Basic Principles, States shall pay particular attention to the need for adequate resources for the functioning of the judicial system, including appointing a sufficient number of judges in relation to case-loads, providing the courts with necessary support staff and equipment, and offering judges appropriate personal security, remuneration and emoluments.

Procedure 6

States shall promote or encourage seminars and courses at the national and regional levels on the role of the judiciary in society and the necessity for its independence.

Procedure 7

In accordance with Economic and Social Council resolution 1986/10, section V, Member States shall inform the Secretary-General every five years, beginning in 1988, of the progress achieved in the implementation of the Basic Principles, including their dissemination, their incorporation into national legislation, the problems faced and difficulties or obstacles encountered in their implementation at the national level and the assistance that might be needed from the international community.

Procedure 8

The Secretary-General shall prepare independent quinquennial reports to the Committee on Crime Prevention and Control on progress made with respect to the implementation of the Basic Principles, on the basis of the information received from Governments under procedure 7, as well as other information available within the United Nations system, including information on the technical co-operation and training provided by institutes, experts and regional and interregional advisers. In the preparation of those reports the Secretary-General shall also enlist the co-operation of specialized agencies and the relevant intergovernmental organizations and non-governmental organizations, in particular professional associations of judges and lawyers, in consultative status with the Economic and Social Council, and take into account the information provided by such agencies and organizations.

Procedure 9

The Secretary-General shall disseminate the Basic Principles, the present implementing procedures and the periodic reports on their implementation referred to in procedures 7 and 8, in as many languages as possible, and make them available to all States and intergovernmental and non-governmental organizations concerned, in order to ensure the widest circulation of those documents.

Procedure 10

The Secretary-General shall ensure the widest possible reference to and use of the text of the Basic Principles and the present implementing procedures by the United Nations in all its relevant programmes and the inclusion of the Basic Principles as soon as possible in the United Nations publication entitled *Human Rights: A Compilation of International Instruments*, in accordance with Economic and Social Council resolution 1986/10, section V.

Procedure 11

As part of its technical co-operation programme, the United Nations, in particular the Department of Technical Co-operation for Development of the Secretariat and the United Nations Development Programme, shall:

(a) Assist Governments, at their request, in setting up and strengthening independent and effective judicial systems;

(b) Make available to Governments requesting them, the services of experts and regional and interregional advisers on judicial matters to assist in implementing the Basic Principles.

(c) Enhance research concerning effective measures for implementing the Basic Principles, with emphasis on new developments in that area;

(d) Promote national and regional seminars, as well as other meetings at the professional and non-professional levels, on the role of the judiciary in society, the necessity for its independence, and the importance of implementing the Basic Principles to further those goals;

(e) Strengthen substantive support for the United Nations regional and interregional research and training institutes for crime prevention and criminal justice, as well as other entities within the United Nations system concerned with implementing the Basic Principles.

Procedure 12

The United Nations regional and interregional research and training institutes for crime prevention and criminal justice as well as other concerned entities within the United Nations system shall assist in the implementation process. They shall pay special attention to ways and means of enhancing the application of the Basic Principles in their research and training programmes, and to providing technical assistance upon the request of Member States. For this purpose, the United Nations institutes, in co-operation with national institutions and intergovernmental and non-governmental organizations concerned, shall develop curricula and training materials based on the Basic Principles and the present implementing procedures, which are suitable for use in legal education programmes at all levels as well as in specialized courses on human rights and related subjects.

Procedure 13

The regional commissions, the specialized agencies and other entities within the United Nations system as well as other concerned intergovernmental organizations shall become actively involved in the implementation process. They shall inform the Secretary-General of the efforts made to disseminate the Basic Principles, the measures taken to give effect to them and any obstacles and shortcomings encountered. The Secretary-General shall also take steps to ensure that non-governmental organizations in consultative status with the Economic and Social Council become actively involved in the implementation process and the related reporting procedures.

Procedure 14

The Committee on Crime Prevention and Control shall assist the General Assembly and the Economic and Social Council in following up the present implementing procedures, including periodic reporting under procedures 7 and 8 above. To this end, the Committee shall identify existing obstacles to, or shortcomings in, the implementation of the Basic Principles and the reasons for them. The Committee shall make specific recommendations, as appropriate, to the Assembly and the Council and any other relevant United Nations human rights bodies on further action required for the effective implementation of the Basic Principles.

Procedure 15

The Committee on Crime Prevention and Control shall assist the General Assembly, the Economic and Social Council and any other relevant United Nations human rights bodies, as appropriate, with recommendations relating to reports of *ad hoc* inquiry commissions or bodies, with respect to matters pertaining to the application and implementation of the Basic Principles.

1989/61. Guidelines for the effective implementation of the Code of Conduct for Law Enforcement Officials

The Economic and Social Council,

Recalling General Assembly resolution 34/169 of 17 December 1979, by which the Assembly adopted the Code of Conduct for Law Enforcement Officials set forth in the annex to the resolution,

Recalling also resolution 14 of the Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders,⁹⁰ in which the Congress, *inter alia*, called attention to the guidelines for the more effective implementation of the Code formulated at the Interregional Preparatory Meeting for the