

ments for the prevention of transnational forms of crime,

Gravely concerned at the growing tendency of some Governments and transnational corporations to facilitate the dumping of toxic nuclear and industrial waste in developing countries,

Deeply preoccupied with the devastating damage to the environment which is the direct outcome of harmful and illicit practices, such as the dumping of toxic waste, the thoughtless depletion of non-renewable resources, the extermination of animal species, the massive use of herbicides and defoliants and the release into the atmosphere of harmful gases and radioactive substances,

Concerned about the sustained pillage of archeological sites and the illicit international trade in objects belonging to the cultural heritage of nations, and the ensuing damage to the national identity of peoples,

Aware of the necessity of revising existing international instruments so as to make them more responsive to the new realities of transnational forms of crime,

Conscious of the indispensability of international co-operation and concerted action for the effective control of transnational forms of crime,

1. *Takes note with appreciation* of the report of the Secretary-General on proposals for concerted international action against the forms of crime identified in the Milan Plan of Action;⁹⁷

2. *Invites* Governments, international organizations, concerned non-governmental organizations in consultative status with the Economic and Social Council and other decision-making bodies to examine favourably the recommendations contained in that report, with a view to implementing them, taking into account the social, political and economic characteristics of each country;

3. *Urges* Governments to examine existing domestic legislation with a view to enacting provisions, including penal provisions, to protect the natural environment, in cases where such legislation is non-existent or insufficiently developed, and to establish adequate compensation for the victims of such practices;

4. *Reiterates* the need for the international community to make a concerted effort to prevent, combat and monitor all actions leading to the dumping of toxic nuclear and industrial waste in developing countries, in close co-operation with the United Nations Environment Programme and the International Atomic Energy Agency;

5. *Invites* Governments to exercise stricter and more effective control over the industrial sector or other sectors that could be involved in such conduct;

6. *Decides* that the topics of transnational crimes against the environment and against the cultural patrimony of countries should be considered under item 3 of the provisional agenda for the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders,⁹⁸ in order to explore the possibilities of formulating comprehensive policies of international co-operation for the prevention of such offences, including the imposition of sanctions;

7. *Requests* the Secretary-General, in the light of the present resolution, to expand his report on

⁹⁷E/AC.57/1988/16.

⁹⁸See resolution 1987/49.

proposals for concerted international action against the forms of crime identified in the Milan Plan of Action, for submission to the Eighth Congress.

*15th plenary meeting
24 May 1989*

1989/63. Implementation of United Nations standards and norms in crime prevention and criminal justice

The Economic and Social Council,

Calling attention to the Milan Plan of Action and the Guiding Principles for Crime Prevention and Criminal Justice in the Context of Development and a New International Economic Order, adopted by the Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders,⁹⁹

Recalling the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power,¹⁰⁰ the Safeguards guaranteeing protection of the rights of those facing the death penalty,¹⁰¹ the Code of Conduct for Law Enforcement Officials,¹⁰² the Basic Principles on the Independence of the Judiciary,⁹⁵ the Standard Minimum Rules for the Treatment of Prisoners,¹⁰³ the United Nations Standard Minimum Rules for the Treatment of Juvenile Justice (The Beijing Rules)¹⁰⁴ and the Model Agreement on the Transfer of Foreign Prisoners,¹⁰⁵

Recognizing the important role the United Nations has played in the development of those standards and norms in crime prevention and criminal justice through its quinquennial congresses on the prevention of crime and the treatment of offenders and the Committee on Crime Prevention and Control,

Acknowledging the valuable contribution the United Nations has made to those endeavours through its activities in the field of human rights, based on the Universal Declaration of Human Rights,¹⁰⁶ the International Covenant on Economic, Social and Cultural Rights,¹⁰⁷ the International Covenant on Civil and Political Rights¹⁰⁷ and other instruments,

Recalling General Assembly resolutions 40/146 of 13 December 1985, 41/149 of 4 December 1986 and 42/143 of 7 December 1987 on human rights in the administration of justice,

Recalling also its resolution 1987/53 of 28 May 1987 on the review of the functioning and programme of work of the United Nations in crime prevention and criminal justice,

Commending the steps initiated by the Crime Prevention and Criminal Justice Branch of the Centre for Social Development and Humanitarian Affairs and the Centre for Human Rights of the Secretariat to ensure even closer co-operation, in-

⁹⁹Seventh 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, sects. A and B.

¹⁰⁰General Assembly resolution 40/34, annex.

¹⁰¹Resolution 1984/50, annex.

¹⁰²General Assembly resolution 34/169, annex.

¹⁰³See *Human Rights: A Compilation of International Instruments* (United Nations publication, Sales No. E.88.XIV.1).

¹⁰⁴General Assembly resolution 40/33, annex.

¹⁰⁵Seventh 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.1, annex I.

¹⁰⁶General Assembly resolution 217 A (III).

¹⁰⁷See General Assembly resolution 2200 A (XXI), annex.

cluding preparations for the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, which were noted with appreciation by the General Assembly in its resolution 42/143,

Welcoming in particular the fact that focal points have been created within the Crime Prevention and Criminal Justice Branch of the Centre for Social Development and Humanitarian Affairs and the Centre for Human Rights to monitor the human rights aspects of the administration of justice within various programmes and to provide, as appropriate, advice on co-ordination and other relevant issues,

Convinced of the need for further co-ordinated and concerted action by the Centre for Social Development and Humanitarian Affairs and the Centre for Human Rights, as called for, *inter alia*, in Commission on Human Rights resolutions 1988/33 of 8 March 1988 on human rights in the administration of justice, 1988/40 of 8 March 1988 on the independence and impartiality of the judiciary, jurors and assessors and the independence of lawyers, 1988/45 of 8 March 1988 on administrative detention without charge or trial, and 1988/68 of 10 March 1988 on summary or arbitrary executions,¹⁰⁸

Noting with appreciation the report of the Interregional Preparatory Meeting for the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders on the topic "United Nations norms and guidelines in crime prevention and criminal justice: implementation and priorities for further standard setting",¹⁰⁹

1. *Invites* Governments:

(a) To adopt in national legislation and practice and to implement fully United Nations standards and guidelines on crime prevention and criminal justice, making them available to all persons concerned;

(b) To design realistic and effective mechanisms for implementing the standards and guidelines;

(c) To increase, as far as possible, the level of support provided to technical co-operation and advisory services at all levels for the more effective implementation of standards and norms, either directly or through such international funding agencies as the United Nations Development Programme, particularly when developing countries include specific projects in their country programmes;

(d) To devise measures to promote the observance of the principles embodied in United Nations instruments, including educational and promotional activities, the support of the mass media and increased community involvement;

2. *Requests* the Secretary-General:

(a) To prepare a compilation of all existing United Nations standards and norms in crime prevention and criminal justice and publish them in a form similar to that of the United Nations publication entitled *Human Rights: A Compilation of International Instruments*;

(b) To formulate practical proposals for the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders on procedures and actions at national, regional and interna-

tional levels to implement United Nations norms and standards in crime prevention and criminal justice;

3. *Encourages* the continuing development of strategies for the practical implementation of United Nations standards and guidelines in crime prevention and criminal justice and of measures to assist Member States, at their request, in their implementation, as well as in evaluating their impact and effectiveness, in particular through the advisory services of the Department of Technical Co-operation for Development, the Centre for Human Rights and the Crime Prevention and Criminal Justice Branch of the Centre for Social Development and Humanitarian Affairs of the Secretariat;

4. *Also encourages* intensified co-operation between the United Nations and its regional and interregional institutes in crime prevention and criminal justice, and requests that special attention be paid, *inter alia*, to:

(a) The strengthening, as far as possible, of substantive support to the institutes;

(b) The application of United Nations instruments by the institutes in their research and training programmes, including the development of appropriate curricula and training materials based on those instruments;

(c) The provision of technical assistance to Member States upon request;

5. *Emphasizes* the need to strengthen the role of the Committee on Crime Prevention and Control in overseeing, evaluating and following up the implementation process, including:

(a) Keeping under review the application of existing standards;

(b) Assisting the General Assembly, the Economic and Social Council and other United Nations bodies and related entities, as appropriate, with reports and recommendations relating to their work;

(c) Fostering more active inter-sessional involvement of Committee members, *inter alia*, by designating them as resource persons on priority topics;

6. *Requests* the Secretary-General to take appropriate action to establish pre-sessional working groups of the Committee on Crime Prevention and Control which would:

(a) Prepare certain items for discussion by the Committee;

(b) Oversee the elaboration of questionnaires to be used for the reporting system;

(c) Examine in-depth replies, data and reports received from Governments and other relevant sources, including non-governmental organizations;

(d) Identify general problems that may impinge on the effective implementation of standards and norms and recommend viable solutions with action-oriented proposals based on the principles of international co-operation and solidarity;

7. *Notes with appreciation* that the United Nations continues to give special attention to standard-setting work in priority areas, in pursuance of the mandates of the Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders;

8. *Recognizes* the importance of developing diversified funding strategies, including recourse to voluntary and mixed multilateral and bilateral contributions for specific projects, and of strengthening

¹⁰⁸See *Official Records of the Economic and Social Council, 1988, Supplement No. 2 (E/1988/12 and Corr.1)*, chap. II, sect. A.

¹⁰⁹A/CONF.144/IPM/5

the involvement of United Nations development agencies, including the World Bank and the United Nations Development Programme;

9. *Acknowledges* the significant role of the United Nations regional and interregional institutes and the regional commissions, the specialized agencies and other organizations of the United Nations system, as well as intergovernmental and non-governmental organizations, including professional associations concerned with promoting United Nations standards and norms in crime prevention and criminal justice;

10. *Decides* to draw the attention of the regional preparatory meetings for the Eighth Congress and of the Congress itself to the issues raised in the present resolution;

11. *Requests* the Secretary-General to implement the provisions of the present resolution and to report thereon to the Eighth Congress.

*15th plenary meeting
24 May 1989*

1989/64. Implementation of the safeguards guaranteeing protection of the rights of those facing the death penalty

The Economic and Social Council,

Recalling its resolution 1984/50 of 25 May 1984, in which it approved the safeguards guaranteeing protection of the rights of those facing the death penalty,

Recalling also resolution 15 of the Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders,⁹⁰

Recalling further section X of its resolution 1986/10 of 21 May 1986, in which it requested a study on the question of the death penalty and new contributions of the criminal sciences to the matter,

Taking note of the report of the Secretary-General on the implementation of the United Nations safeguards guaranteeing protection of the rights of those facing the death penalty,¹¹⁰

Noting with satisfaction that a large number of Member States have provided the Secretary-General with information on the implementation of the safeguards and have made contributions,

Noting with appreciation the study on the question of the death penalty and the new contributions of the criminal sciences to the matter,¹¹¹

Alarmed at the continued occurrence of practices incompatible with the safeguards guaranteeing protection of the rights of those facing the death penalty,

Aware that effective implementation of those safeguards requires a review of relevant national legislation and the improved dissemination of the text to all persons and entities concerned with them, as specified in resolution 15 of the Seventh Congress,

Convinced that further progress should be achieved towards more effective implementation of the safeguards at the national level on the understanding that they shall not be invoked to delay or to prevent the abolition of capital punishment,

Acknowledging the need for comprehensive and accurate information and additional research about the implementation of the safeguards and the death penalty in general in every region of the world,

1. *Recommends* that Member States take steps to implement the safeguards and strengthen further the protection of the rights of those facing the death penalty, where applicable, by:

(a) Affording special protection to persons facing charges for which the death penalty is provided by allowing time and facilities for the preparation of their defence, including the adequate assistance of counsel at every stage of the proceedings, above and beyond the protection afforded in non-capital cases;

(b) Providing for mandatory appeals or review with provisions for clemency or pardon in all cases of capital offence;

(c) Establishing a maximum age beyond which a person may not be sentenced to death or executed;

(d) Eliminating the death penalty for persons suffering from mental retardation or extremely limited mental competence, whether at the stage of sentence or execution;

2. *Invites* Member States to co-operate with specialized bodies, non-governmental organizations, academic institutions and specialists in the field in efforts to conduct research on the use of the death penalty in every region of the world;

3. *Also invites* Member States to facilitate the efforts of the Secretary-General to gather comprehensive, timely and accurate information about the implementation of the safeguards and the death penalty in general;

4. *Further invites* Member States that have not yet done so to review the extent to which their legislation provides for the safeguards guaranteeing protection of the rights of those facing the death penalty as set out in the annex to Council resolution 1984/50;

5. *Urges* Member States to publish, for each category of offence for which the death penalty is authorized, and if possible on an annual basis, information on the use of the death penalty, including the number of persons sentenced to death, the number of executions actually carried out, the number of persons under sentence of death, the number of death sentences reversed or commuted on appeal and the number of instances in which clemency has been granted, and to include information on the extent to which the safeguards referred to above are incorporated in national law;

6. *Recommends* that the report of the Secretary-General on the question of capital punishment, to be submitted to the Council in 1990, in pursuance of its resolution 1745 (LIV) of 16 May 1973, should henceforth cover the implementation of the safeguards as well as the use of capital punishment;

7. *Requests* the Secretary-General to publish the study on the question of the death penalty and the new contributions of the criminal sciences to the matter, prepared pursuant to Council resolution 1986/10, section X, and to make it available, with other relevant documentation, to the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders.

*15th plenary meeting
24 May 1989*

¹¹⁰E/AC.57/1988/9 and Corr. 1 and 2

¹¹¹E/AC.57/1988/CRP.7.