



General Assembly

Distr.
GENERAL

A/44/756
21 November 1989

ORIGINAL: ENGLISH

Forty-fourth session
Agenda item 102

CRIME PREVENTION AND CRIMINAL JUSTICE

Report of the Third Committee

Rapporteur: Mr. Wilfried GRODIG (Federal Republic of Germany)

I. INTRODUCTION

1. At its 3rd plenary meeting, on 22 September 1989, the General Assembly, on the recommendation of the General Committee, decided to include in its agenda the item entitled "Crime prevention and criminal justice" and to allocate it to the Third Committee.
2. The Committee considered the item jointly with items 90, 91, 92, 93, 97, 99, 101 and 113 at its 12th to 20th, 30th and 37th meetings, on 18 to 20, 23 to 26 October and 2 and 9 November 1989. An account of the Committee's discussion is contained in the relevant summary records (A/C.3/44/SR.12-20, 30 and 37).
3. For its consideration of the item, the Committee had before it the following documents:
 - (a) Report of the Secretary-General on crime prevention and criminal justice (A/44/400);
 - (b) Letter dated 24 October 1989 from the Deputy Permanent Representative of the Islamic Republic of Iran to the United Nations addressed to the Secretary-General (A/C.3/44/8).
4. At the 12th meeting, on 18 October, the Director-General of the United Nations Office at Vienna and the Director of the Social Development Division made introductory statements (see A/C.3/44/SR.12).

II. CONSIDERATION OF PROPOSALS

A. Draft resolution A/C.3/44/L.19

5. At the 30th meeting, on 2 November, the representative of the Union of Soviet Socialist Republics introduced a draft resolution (A/C.3/44/L.19) entitled "International co-operation in combating organized crime", sponsored by Australia, Austria, Belgium, Bulgaria, Canada, Colombia, Czechoslovakia, France, the German Democratic Republic, Germany, Federal Republic of, Hungary, Italy, the Netherlands, Norway, Poland, the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland, the United States of America and Yugoslavia, and orally revised it by inserting in operative paragraph 1, the words "the Economic and Social Council to request" before the words "the Committee on Crime Prevention and Control".

6. Subsequently, Costa Rica, Denmark, El Salvador, Greece, Morocco, Trinidad and Tobago and Turkey joined in sponsoring the draft resolution.

7. At its 37th meeting, on 9 November, the Committee adopted draft resolution A/C.3/44/L.19, as orally revised, without a vote (see para. 10, draft resolution I).

B. Draft resolution A/C.3/44/L.22

8. At the 30th meeting, on 2 November, the representative of Italy introduced a draft resolution (A/C.3/44/L.22) entitled "Crime prevention and criminal justice", sponsored by Algeria, Argentina, Australia, Bolivia, Canada, Colombia, Costa Rica, Cuba, France, Greece, Hungary, Italy, Mexico, New Zealand, the Philippines, Spain, the Union of Soviet Socialist Republics, Uruguay, Venezuela and Yugoslavia. Subsequently, El Salvador and Samoa joined in sponsoring the draft resolution.

9. At its 37th meeting, on 9 November, the Committee adopted draft resolution A/C.3/44/L.22, without a vote (see para. 10, draft resolution II).

III. RECOMMENDATIONS OF THE THIRD COMMITTEE

10. The Third Committee recommends to the General Assembly the adoption of the following draft resolutions:

DRAFT RESOLUTION I

International co-operation in combating organized crime

The General Assembly,

Recalling the responsibility assumed by the United Nations in the field of crime prevention and criminal justice,

Concerned that organized crime has increased in many parts of the world and has become more transnational in character, leading, in particular, to the spread of such negative phenomena as violence, terrorism, corruption and illegal trade in narcotic drugs and, in general, undermining the development process, impairing the quality of life and threatening human rights and fundamental freedoms,

Taking into account the decision of the Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders ^{1/} relating to organized crime, as well as the views expressed on the matter by members of the Committee on Crime Prevention and Control,

Recalling Economic and Social Council resolution 1989/70 of 24 May 1989,

Convinced of the need to strengthen international co-operation in combating organized crime,

Convinced also that the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders will, inter alia, explore the possibilities and ways of strengthening further international co-operation in combating organized crime,

Recognizing the pivotal role of the Committee on Crime Prevention and Control in providing guidance and the co-ordinating role to be played by the Centre for Social Development and Humanitarian Affairs of the Secretariat, especially by the Crime Prevention and Criminal Justice Branch, in strengthening international co-operation in crime prevention and criminal justice,

1. Invites the Economic and Social Council to request the Committee on Crime Prevention and Control at its eleventh session, to give special attention in its work to promoting international co-operation in combating organized crime;

2. Calls upon Governments, international organizations and interested non-governmental organizations to co-operate to that end with the Committee on Crime Prevention and Control and to submit to the Committee, through the Secretary-General, their proposals on strengthening international co-operation in combating organized crime;

3. Requests the Committee to consider ways of strengthening international co-operation in combating organized crime, taking due account of the opinions of Governments, international organizations and non-governmental organizations, as well as opinions expressed at and decisions taken by the

^{1/} 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).

Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, and to submit its views, through the Economic and Social Council, to the General Assembly at its forty-seventh session.

DRAFT RESOLUTION II

Crime prevention and criminal justice

The General Assembly,

Bearing in mind the responsibilities assumed by the United Nations in the field of crime prevention and criminal justice under Economic and Social Council resolution 155 (C) (VII) of 13 August 1948 and General Assembly resolution 415 (V) of 1 December 1950, as well as its pivotal role in the promotion of international co-operation in this field, in accordance with Assembly resolutions 3021 (XXVII) of 18 December 1972, 32/59 and 32/60 of 8 December 1977 and 35/171 of 15 December 1980,

Emphasizing the importance of its resolution 40/32 of 29 November 1985, in which it approved the Milan Plan of Action, 2/ adopted by consensus by the Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders, as a useful and effective means of strengthening international co-operation in the field of crime prevention and criminal justice,

Recalling its resolution 41/107 of 4 December 1986, in which it invited Member States and the Secretary-General to ensure timely preparations for the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, its resolution 42/59 of 30 November 1987, in which it welcomed, inter alia, the results of the comprehensive review of the functioning and programme of work of the United Nations in the field of crime prevention and criminal justice conducted by the Secretary-General 3/ and approved the recommendations contained in Economic and Social Council resolutions 1986/11 of 21 May 1986 and 1987/53 of 28 May 1987, and its resolution 43/99 of 8 December 1988, in which it stressed the necessity for Member States to continue to make concerted and systematic efforts to strengthen international co-operation in crime prevention and criminal justice,

Recalling also Economic and Social Council resolutions 1987/49 of 28 May 1987, approving the provisional agenda for the Eighth Congress, 1989/68 of 24 May 1989 on the review of the functioning and programme of work of the United Nations in crime prevention and criminal justice, and 1989/69 of 24 May 1989 on the continuation of preparations for the Eighth Congress,

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/ E/1987/43.

Recalling further Economic and Social Council resolutions 1989/56 of 24 May 1989 on the statute of the United Nations Interregional Crime and Justice Research Institute, 1989/59 of 24 May 1989 on the African Institute for the Prevention of Crime and the Treatment of Offenders, 1989/62 of 24 May 1989 on concerted international action against the forms of crime identified in the Milan Plan of Action and 1989/67 of 24 May 1989 on domestic violence,

Taking note of Economic and Social Council decision 1989/134 of 24 May 1989, accepting the invitation of the Government of Cuba to hold the Eighth Congress at Havana from 27 August to 7 September 1990,

Conscious that the convening of such a global event demonstrates the continuing interest and capacity of Member States, intergovernmental and non-governmental organizations, scholars and experts to react to the challenge posed by the new forms and dimensions of criminality, both nationally and internationally,

Acknowledging that the United Nations congresses, as major intergovernmental forums, have influenced national policies and practices by facilitating the exchange of views and experiences, mobilizing public opinion and recommending policy options at the national, regional and international levels, thus making a significant contribution to progress and the promotion of international co-operation in this field,

Appreciative of the success of all the preparatory activities for the Eighth Congress, which have been carried out in a spirit of mutual understanding, productive consensus and professional competence,

Mindful of the main objectives of the United Nations in the field of crime prevention and criminal justice, which include, inter alia, the promotion of a more effective administration of justice, the strengthening of international co-operation in the fight against transnational crime, the observance of human rights and the pursuance of the highest standards of fairness, efficiency, humanity and professional conduct,

Aware that transnational criminality, particularly violent and organized crime, constitutes a serious threat to the development and security of nations,

Concerned at the increase both in the incidence and seriousness of crime in many parts of the world, including conventional and non-conventional criminality and juvenile delinquency, and its negative effects on the quality of life and the enjoyment of human rights and fundamental freedoms,

Also concerned at the level of the human and financial resources available to the United Nations in this field, and taking into account its enlarged responsibilities and expanded mandates,

Recognizing that constraints of an economic and technical nature impede many countries in their fight against crime, and that technological advances

may not only entail dangers to the human environment but also may be utilized in the perpetration of sophisticated forms of criminality, for which criminal law can serve a useful function, including the penal protection of the environment,

Convinced of the urgent need to strengthen international co-operation and co-ordination at all levels in order to meet the challenge posed by contemporary crime,

Determined to improve joint action to achieve further progress in combating crime, particularly in its new forms and transnational dimensions, and in ensuring respect for the rule of law, as well as to increase the usefulness and impact of the Eighth Congress through the discussion and adoption of new important international instruments and heightened public awareness of its results,

1. Takes note of the report of the Secretary-General on the implementation of its resolution 43/99, 4/ which summarizes, inter alia, the recommendations of the regional preparatory meetings for the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders; 5/

2. Reaffirms the continued validity of the Milan Plan of Action and the importance of its goals, which include the strengthening of international co-operation and the enhancement of the United Nations role in this field;

3. Urges the international community to apply the recommendations contained in the Milan Plan of Action, together with the resolutions adopted by the Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders, and invites those Governments which have not yet done so to provide relevant information to the Secretary-General on the progress made towards their implementation;

4. Expresses its hope that the Eighth Congress will make a major contribution to the solution of problems related to crime prevention and criminal justice;

5. Approves the recommendations contained in Economic and Social Council resolutions 1989/68 and 1989/69, and requests the Secretary-General to take appropriate measures to translate them into action;

6. Acknowledges the crucial functions of the Committee on Crime Prevention and Control, which the Economic and Social Council has entrusted with developing practical crime prevention and criminal justice policies and monitoring the implementation of United Nations standards and norms and which

4/ A/44/400.

5/ A/CONF.144/IPM.1-5.

is also the preparatory body for the United Nations congresses on the prevention of crime and the treatment of offenders;

7. Welcomes the establishment by the Committee on Crime Prevention and Control of a sub-committee charged with the task of providing an overview of the problem of crime and assessing the most efficient means of stimulating practical international action in support of Member States, as well as the establishment of a pre-sessional working group to oversee the process of implementing existing standards;

8. Also welcomes the new statute of the United Nations Interregional Crime and Justice Research Institute and the formal establishment of the African Institute for the Prevention of Crime and the Treatment of Offenders at Kampala;

9. Invites the Committee on Crime Prevention and Control, at its eleventh session, to give priority attention to the conclusions and recommendations of its sub-committee and to consider their appropriate follow-up by the Eighth Congress;

10. Stresses the importance of the United Nations crime prevention and criminal justice programme and the necessity of strengthening it in order to make it more responsive to the needs and expectations of Member States, whose stability and social peace, as well as law enforcement and judicial structures, may be undermined by the growing incidence and impact of criminality;

11. Requests the Secretary-General to ensure that the level of human and financial resources of the Crime Prevention and Criminal Justice Branch of the Centre for Social Development and Humanitarian Affairs of the Secretariat is sufficient to carry out its multiple tasks mandated by the United Nations policy-making bodies, including the promotion of collaborative action by Governments on problems of mutual concern, evaluation research, the collection and dissemination of information, the preparation of reports and studies and technical co-operation activities, and to ensure that the specialized nature of the programme is fully reflected in its management and staffing;

12. Notes the efforts made by the Secretariat towards the establishment of a global crime prevention and criminal justice information network and, in view of its value, urges governmental agencies concerned and criminal justice institutions to join it, and requests the Secretary-General to secure adequate resources for its full development and functioning;

13. Invites the Economic and Social Council, at its first regular session of 1990, to give priority consideration to the report of the Committee on Crime Prevention and Control on the work of its eleventh session, paying attention also to the operational aspects of the crime prevention programme of work, with a view to assisting interested countries in developing self-reliant and adequate law enforcement and judicial structures through human resources development, the reinforcement of national machinery, the promotion of human

rights, the organization of joint training activities and the development of pilot and demonstration projects, and urges the World Bank, the United Nations Development Programme, the Department of Technical Co-operation for Development of the Secretariat and other funding agencies to continue to provide financial support and assistance for technical co-operation activities;

14. Encourages Governments and intergovernmental and non-governmental organizations, in co-operation with the Secretariat, to play an active role in the formulation and implementation of technical co-operation projects in crime prevention and criminal justice, to allocate adequate resources and expertise for technical assistance activities, and to increase their support to the interregional and regional institutes for the prevention of crime and the treatment of offenders;

15. Reiterates its invitation to Governments to participate actively in the preparation for the Eighth Congress, particularly through the involvement of the national correspondents in the field of crime prevention and criminal justice, the submission of national position papers on the different agenda items, the establishment, as appropriate, of national committees and focal points and the encouragement of contributions from the academic community and relevant scientific institutions;

16. Urges Member States to contribute to the two research workshops to be held during the Eighth Congress on the computerization of criminal justice information and alternatives to imprisonment by preparing research and technical papers and other information enabling a substantive and fruitful exchange of national experiences in these areas;

17. Calls upon the specialized agencies, in particular the International Labour Organisation, the United Nations Educational, Scientific and Cultural Organization, the World Health Organization, the International Civil Aviation Organization and the International Maritime Organization, and other intergovernmental and non-governmental organizations to participate actively in the Eighth Congress and to give the necessary attention and priority to national, regional and international measures aimed at preventing crime and improving the quality of the administration of justice;

18. Requests the Eighth Congress, under item 3 of its provisional agenda, to give urgent attention to strengthening international co-operation in crime prevention and criminal justice, in pursuance of the recommendations of the preparatory meetings and of the Committee on Crime Prevention and Control, which also emphasized, inter alia, the role of criminal law in environmental protection;

19. Also requests the Eighth Congress, under item 5 of its provisional agenda, to pay particular attention to the linkages between illicit drug trafficking, organized crime and terrorist criminal activities, and to propose viable control measures;

20. Encourages Member States to contribute to the United Nations Trust Fund for Social Defence in order to enable the Fund to undertake activities of assistance to countries requesting it;

21. Requests the Secretary-General to ensure that the substantive and organizational work of the Eighth Congress is fully adequate for its successful outcome, including a strengthened information programme, and to provide the required resources;

22. Also requests the Secretary-General to submit to the General Assembly at its forty-fifth session a report on the implementation of the recommendations of the Seventh Congress, to be prepared in pursuance of resolution 22 of the Seventh Congress and of Economic and Social Council resolution 1987/49, for consideration by the Eighth Congress, in order to assess the progress achieved and to ensure continuity between the congresses;

23. Further requests the Secretary-General to submit to the General Assembly at its forty-fifth session his views and recommendations on the implementation of the conclusions of the Eighth Congress;

24. Decides to include in the provisional agenda of its forty-fifth session the item entitled "Crime prevention and criminal justice".
