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# **Third Session of the United Nations Commission on Crime Prevention and Criminal Justice**

Vienna, 26 April - 6 May 1994

## **Summary**

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## **Third Session of the United Nations Commission on Crime Prevention and Criminal Justice**

The third session of the United Nations Commission on Crime Prevention and Criminal Justice was held in Vienna from 26 April to 6 May 1994. The session was attended by 37 of the 40 Member States of the Commission, 59 other States as well as representatives of 58 intergovernmental and nongovernmental organizations. A total of more than 460 persons took part.

The present report summarizes the work of the Commission at its third session and, in particular, the (draft) resolutions produced at this session.

### **1. Background on the Commission**

The United Nations Commission on Crime Prevention and Criminal Justice was established by the Economic and Social Council in 1992. It consists of forty members, and meets annually. The Commission is the policy-making body responsible for setting the framework and outline of the work of the United Nations in this sector. It not only develops, monitors and reviews the United Nations Crime Prevention and Criminal Justice Programme, it also mobilizes support for the Programme among Member States and coordinates the activities of the United Nations network of institutes on crime prevention and criminal justice.

### **2. Organization of the Third Session**

The third session of the Commission adopted a number of draft resolutions for submission to the Economic and Social Council. The focus was on such issues as the need for strengthening the United Nations Crime Prevention and Criminal Justice Programme, the role of criminal law in the protection of the environment, violence against women and children, the control of the proceeds of crime, the organization of a ministerial conference on organized transnational crime, the organized smuggling of illegal migrants, the illicit traffic in children, and the preparations for the Ninth United Nations Congress, to be held in a year's time in Tunis (24 April - 5 May 1995).

Ms. Zenaida Osorio Vizcaino (Cuba) was elected chairperson of the Commission. The vice-chairpersons were Mr. Habib Ammar (Tunisia), Mr. Seyed Mojtaba Arastou (Islamic Republic of Iran) and Mr. Ferdinand Mayrhofer-Grunbuhel (Austria). The rapporteur was Mr. Gy     Somogyi (Hungary).

At the opening of the third session, the Commission observed a minute of silence in memory of Mr. Giovanni Falcone and Mr. Luigi Daga, who had met with untimely deaths as the result of terrorist attacks.

### **3. The review of the priorities of the United Nations Crime Prevention and Criminal Justice Programme**

At its first session, the Commission had established three broad priority themes for the United Nations Crime Prevention and Criminal Justice Programme. These were, essentially, (1) national and transnational crime, organized crime, economic crime (including money laundering), and the role of criminal law in the protection of the environment; (2) urban crime, juvenile crime and violent crime; and (3) the improvement of the criminal justice system.

The restructuring of the Crime Prevention and Criminal Justice Programme was designed so that more specific medium-term priorities would be established (para. 26(b) of General Assembly resolution 46/152). The process of developing these medium-term priorities is developing fitfully. In practice, what appears to be required is that a (draft) resolution requests that the Commission consider a certain issue at a coming session "as a priority issue." Disagreement arose during the third session regarding at what stage an issue would be designated as a priority. Those introducing draft resolutions wanted to establish the issue in question as a priority in connection with the debate on this issue. Some other delegations were of the view that priorities should not be established one by one, but instead only after the Commission became aware of how many issues were being proposed as priorities.

At the third session, the former approach won the day. The following issues are to be dealt with as priority issues at the fourth session of the Commission, in 1995:

- \* organized transnational crime;
- \* violence against women and children;
- \* the organized smuggling of illegal migrants across national boundaries; and
- \* illicit traffic in children.

On 24-26 October 1994, a World Ministerial Conference on Organized Transnational Crime shall be held in Naples, Italy, at the invitation of the Italian Government. In connection with this, the Commission submitted a draft resolution to ECOSOC on *organized transnational crime*. Member States are asked to be represented at the Conference at the highest possible level. The Secretary-General is requested to continue the work on collecting, analysing and dissemination information and materials on this issue, and to provide advisory services and practical assistance.

The Commission adopted a decision on *violence against women and children*. The draft was introduced by Canada. In addition to urging Governments to take various measures to deal with this issue, the Commission decided to continue discussing the issue at the fourth session, in the inter-sessional working group. The institutes are invited to prepare a report to the Commission at its fifth session, on "practical measures that could be taken in the field of crime prevention and criminal justice to combat violence against women and children."

A draft resolution for approval by ECOSOC on *the organized smuggling of illegal migrants across national boundaries*, originally submitted by the United States, requests States to cooperate in sharing information and coordinating activities to prevent and control this activity, and to undertake measures to these same ends, such as the enactment or amendment of laws.

On the basis of a draft proposal originally submitted by Argentina, Brazil, Paraguay and Spain, the Commission adopted a decision on the *illicit traffic in children*. In addition to requesting that ECOSOC consider practical proposals to improve the coordination of efforts to deal with this matter, the Commission decided to take up the matter at the Ninth United Nations Congress and, on the basis of a report to be prepared in the meantime, at the fourth session of the Commission.

#### **4. Other specific issues in crime prevention and criminal justice**

The Government of Italy and the International Scientific and Professional Advisory Council are organizing the International Conference on Laundering and Controlling Proceeds of Crime: A Global Approach (Courmayeur, Italy, 17-21 June 1994). The Commission submitted a draft resolution to ECOSOC entitled *control of the proceeds of crime*. This *inter alia* requests the Secretary-General to develop cooperation with Member States and various other entities, organize and facilitate training seminars, and elaborate model curricula on the issue. Finally, the Secretary-General is requested to report to the fifth session of the Commission on the initiatives taken for prevention and control of money laundering and the control of such proceeds.

At the second session of the Commission, France introduced a proposal for *guidelines for cooperation and technical assistance in the field of urban crime prevention*. At the third session, the Commission decided to recommend to ECOSOC that these guidelines be forwarded to the Ninth

Congress, and finalized at the fourth session of the Commission. The institutes cooperating with the United Nations and non-governmental organizations are called upon to submit their experiences in this field and express their observations. Funding organizations, including the United Nations Development Programme, are called upon to "give appropriate consideration to the inclusion in their assistance programmes of urban crime prevention projects."

A draft resolution for ECOSOC, introduced by Germany, dealt with *the role of criminal law in the protection of the environment*. It *inter alia* requests that the United Nations Environment Programme and other UN bodies coordinate with the Commission any relevant activities related to criminal law.

The Commission adopted a decision on the *succession of States in respect of international treaties on combating various manifestations of crime*. The decision, introduced by the Russian Federation, essentially urges successor States to commit themselves to the international treaties to which their predecessor State had been bound, and requests the Secretary-General to provide advisory services in this area.

#### **5. Technical cooperation and the strengthening of the Programme**

In accordance with the restructuring of the United Nations Crime Prevention and Criminal Justice Programme (General Assembly resolution 46/152 of 18 December 1991), the Programme seeks to emphasize technical cooperation activities. The Commission was informed of the many activities that the Crime Prevention and Criminal Justice Branch had carried out to this end, including participation in various projects, meetings and courses, and the preparation of recommendations, manuals and training materials.

Despite the repeated requests of the General Assembly and ECOSOC to strengthen the Programme and upgrade the Crime Prevention and Criminal Justice Branch to a Division, little action has been taken. The primary difficulty is the lack of resources. The Commission was informed that a second position of interregional advisor had been established (both positions are vacant at the moment, pending the conclusion of the appointment process). The Commission prepared a draft resolution for ECOSOC which repeated the request for a strengthening of the Programme, including the establishment of a D-2 position of head of the new Division.

A draft resolution submitted to ECOSOC deals with *technical cooperation*. It refers, for example, to the work of the interregional advisers, and calls upon Member States to contribute to the United Nations Crime Prevention and Criminal Justice Fund. The draft resolution endorses the declaration of support for the multilateralization of the Latin American Institute for the Prevention of Crime and the Treatment of Offenders (ILANUD). It also requests the Secretary-General to establish a database on technical assistance projects. (The database, which would at first focus on projects in Central and Eastern Europe and would later become global, will be started in cooperation with the European Institute.)

The Commission recommended that ECOSOC adopt a draft resolution on the need to *strengthen the United Nations Crime Prevention and Criminal Justice Programme*. This draft recalls that the General Assembly, in its resolution 46/152 (18 December 1991) had requested the Secretary-General to give a high level of priority to the activities of the United Nations crime prevention and criminal justice programme, and expresses deep concern over the delay in the implementation of this and related General Assembly and ECOSOC resolutions.

In the draft resolution, ECOSOC *inter alia* requests the Secretary-General, as a matter of urgency, to give effect to these resolutions by providing the Crime Prevention and Criminal Justice Branch with the resources needed for full implementation of its mandates and upgrading it into a division.

As was the case at the second session of the Commission, a draft resolution for submission to ECOSOC deals with the *African Institute for the Prevention of Crime and the Treatment of Offenders* (UNAFRI). UNAFRI, the youngest of the regional institutes, has continuously suffered from a shortage of resources that has hampered its work. This work, in turn, is of great importance

to the African region, where the work that must be done in the development of crime prevention and criminal justice policies is perhaps the greatest of all the regions, and the national capacities the most limited.

The draft resolution *inter alia* requests the Secretary-General and the Administrator of the United Nations Development Programme to ensure that UNAFRI is provided with adequate funds, and encourages Governments and other entities to provide UNAFRI with support. The draft resolution also strongly recommends that the Statute of the Institute be revised in order to update the terms of reference of the Institute.

The Commission adopted three decisions related to the strengthening of the Programme and technical cooperation. One decision deals with *coordination and cooperation between the Crime Prevention and Criminal Justice Branch and the United Nations International Drug Control Programme*. It essentially requests that the Branch and the UNDCP continue to coordinate their activities and undertake joint operational activities.

A second decision, entitled *cooperation and coordination of activities with other United Nations bodies and other entities*, recommends that ECOSOC adopt a set of draft criteria and procedures for the affiliation with the United Nations of institutes and centres and the establishment of United Nations subregional institutes in the field of crime prevention and criminal justice.

The Commission also adopted a decision on the *information management functions of the United Nations Crime Prevention and Criminal Justice Programme*. Among other issues, this decision changed the name of UNCJIN to "The United Nations Crime and Justice Information Network," and calls on Member States and other entities to assist the Secretary-General in establishing an *ad hoc* group of experts on computerization of criminal justice, in accordance with General Assembly resolution 45/109, para. 4.

## 6. Standards and norms

During the session, the work of the Crime Prevention and Criminal Justice Branch in promoting the use and applications of the United Nations standards and norms received much favourable comment. The Commission was also informed that the "Compendium of United Nations Standards and Norms in Crime Prevention and Criminal Justice" would soon be available in all six languages of the United Nations, thanks to financial support provided by the Governments of China, France, the Russian Federation, Spain and the United Kingdom.

On the recommendation of the second session of the Commission, the Economic and Social Council had decided that the work on the use and application of these standards and norms is to focus at this stage on the following four instruments, with the understanding that this selection does not imply any priority over other standards, norms and guidelines:

- the Standard Minimum Rules for the Treatment of Prisoners;
- the Code of Conduct for Law Enforcement Officials;
- the Declaration of Basic Principles of Justice for Victims of Crime and the Abuse of Power; and
- the Basic Principles on the Independence of the Judiciary.

The Commission noted that the Secretariat had prepared draft questionnaires on the use and application of these four instruments. The questionnaires followed a new and simplified format, which was welcomed by the Commission. A draft resolution submitted for the approval of ECOSOC on *standards and norms inter alia* endorses these questionnaires, and invites Member States, in replying, to comment on them. The fifth session of the Commission shall presumably decide which standards and norms will be the subjects of the next round of questionnaires.

A draft resolution for ECOSOC, based on a proposal originally submitted by Argentina, Bolivia and Uruguay, proposes the *development of minimum rules for the administration of criminal justice*. The draft resolution notes the set of draft rules, requests the Secretary-General to seek comments from

all Member States and other appropriate sources on the desirability of preparing and adopting United Nations minimum rules in the field covered by the set of draft rules, and requests the Commission to follow up on this matter at its fourth session.

## **7. Preparations for the Ninth United Nations Congress**

### **7.1. Background**

One of the main subjects at the third session of the United Nations Commission, as at the second session, was the preparations for the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders in 1995.

Since this is to be the first time a Congress has been organized after the restructuring of the United Nations Crime Prevention and Criminal Justice Programme, considerable attention has been focused on the outline, functions and mode of work of the Congress. It appeared from the discussion that the exact functions and mode of work of the Congress have remained somewhat ambiguous.

The Congress, which has traditionally been held during the last week of August and the first week of September, is now tentatively scheduled for 24 April - 5 May 1995.

The proposed *structure of the Ninth Congress* will be somewhat different from its predecessors. As before, the Congress will work in a continuous plenary session and two parallel committees, each of which would deal with two of the topics of the Congress. The most notable change is that research and demonstration workshops would feature more prominently in the programme. This would provide a more focused forum for the exchange of experience on selected issues. The tentative programme foresees a continuous plenary throughout the duration of the Congress, while the two committees would alternate between discussions on the designated topics and various workshops.

The *themes of the Ninth Congress* are as follows:

- (1) International cooperation and practical technical assistance for strengthening the rule of law: promoting the United Nations crime prevention and criminal justice programme;
- (2) Action against national and transnational economic and organized crime and the role of criminal law in the protection of the environment: national experiences and international cooperation;
- (3) Criminal justice and police systems: management and improvement of police and other law-enforcement agencies, prosecution, courts, corrections, and the role of lawyers; and
- (4) Crime prevention strategies, in particular as related to crimes in urban areas and juvenile and violent criminality, including the question of victims: assessment and new perspectives.

At the Seventh Congress in 1985, only one workshop was organized. Five years later, one research workshop and one demonstration workshop were organized. A total of six workshops are proposed for the Ninth Congress:

- (1) Extradition and international cooperation: exchange of national experiences and the implementation of relevant principles in national legislation (one day);
- (2) Mass media and crime prevention (one day);
- (3) Urban policy and crime prevention (one day);
- (4) Prevention of violent crime (one day);
- (5) Environmental protection at the national and international levels: potentials and limits of criminal justice (two days); and
- (6) International cooperation and assistance in the management of the criminal justice system: computerization of criminal justice operations and the development, analysis and policy use of criminal justice information (two days).

In addition, a one-day discussion during plenary is proposed, on "Experiences and practical measures in combatting corruption by public officials".

## 7.2. Streamlining the work of the Congresses

One of the subjects dealt with extensively at the second session of the Commission in respect of the preparations for the Ninth Congress was the *proposed rules of procedure*. Following the experience at the Eighth United Nations Congress, when the delegations faced the need to take a position on some forty draft resolutions, many of which incorporated extensive substantive amendments made very much at the last minute, the Commission agreed that in the future the delegations should be allowed sufficient time to become acquainted with the draft resolutions.

ECOSOC has subsequently decided, on the recommendation of the second session of the Commission, that draft resolutions are to be submitted to the Secretary-General *four months in advance of the Congress* for translation and distribution to the delegations two months in advance. Unless the Congress decides otherwise, substantive amendments cannot be discussed until *twenty-four hours after they have been circulated in the UN languages*.

In practice, this means that no draft resolutions on the items on the provisional agenda can be submitted at the Congress itself, and that delegations would have twenty-four hours to consider the significance of any substantive amendments proposed at the Congress.

In the discussions at the third session, this issue was raised in a roundabout manner. The Secretariat had prepared a compilation of the resolutions of the five regional preparatory meetings. This compilation was divided into two: a short section consisting of recommendations with respect to the preparations for, and structure of, the Ninth Congress, and a longer section containing a number of elements that could go into a draft resolution for the Ninth Congress to consider.

The shorter section formed the basis for a draft resolution for ECOSOC on *preparations for the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders*. The preparation and adoption of this draft resolution proceeded quite speedily and without significant disagreement.

The fate of the second, longer section caused considerable discussion. Some delegations argued that the Commission had a responsibility, both to the preparatory meetings and in respect of its own mandate in preparing for the Congress, to sketch out an omnibus resolution. Such a resolution could help to focus the discussions at the Ninth Congress. Furthermore, by bringing all the elements into one omnibus resolution, this would help to prevent unnecessary overlap in resolutions.

Others, however, argued that it would be difficult to prepare such a draft resolution during the short time available to the Commission (an argument which begs the question of how the Ninth Congress would find any more time for this consideration). The second argument cited was that the Commission itself was the policy-making body of the Programme, and presumably has no need to prepare a draft resolution for the Ninth Congress if, in time, the resolution(s) emanating from the Ninth Congress would come back to the Commission. Third, it would be difficult for the Commission to identify what issues would preoccupy the Congress, which would not take place for another year.

It appears, however, that for many delegations one further argument was decisive. As noted above, the rules of procedure had been amended in order to avoid new draft resolutions suddenly appearing at the Congress. If the Commission were to formulate a draft omnibus resolution, this could form a framework on which the Ninth Congress could readily attach paragraphs dealing with almost any crime prevention and criminal justice issue possible, thus defeating one of the intentions of the restructuring.

In accordance with this latter view, no draft resolution was formulated for adoption by the Ninth Congress. However, in order to ensure that the various points raised at the regional preparatory meetings are considered, ECOSOC, according to the draft resolution on the preparations for the Congress the reports of these meetings, invites Member States and other entities concerned to take into appropriate account the conclusions and recommendations contained in those reports.

### 7.3. Preparations for the Congress

As noted, a draft resolution was submitted to ECOSOC on the preparations for the Congress. The following summary notes only some of the issues raised in this draft.

First, as a reflection of the intensive negotiations behind the scene regarding the venue of the Ninth Congress, the preamble notes that the Islamic Republic of Iran, which made the original offer, had withdrawn in favour of a potential host from the African continent. The preamble further welcomes the agreement reached between the Governments of Egypt and Tunisia, and the first operative paragraph "accepts with gratitude the generous invitation of the Government of Tunisia to act as host to the Ninth Congress, to be held from 24 April to 5 May 1995, with pre-Congress consultations being held from 22 to 23 April 1995."

Member States are invited to include in their delegations senior officials, legislators, practitioners, policymakers and experts from the various sectors of the criminal justice system, including persons with expertise and experience in the subject areas of the workshops, including development aid.

The Secretary-General is requested to facilitate the broader participation of developing countries, including the provision of the necessary resources for the participation of delegations from least development countries in accordance with Economic and Social Council resolution 1993/32 (within the limits of available resources) and by exploring the possibility of obtaining contributions from all sources available, including governmental, intergovernmental and the relevant non-governmental donors.

The Secretary-General is further requested to continue cooperating with the relevant intergovernmental, non-governmental and professional organizations in the proper planning and conduct of ancillary meetings on relevant issues.

The organizers of the workshops are requested to seek to ensure sufficient time for thorough and fruitful discussion, by fostering the exchange of information and experience on closely specified issues of direct concern to policy makers and practitioners. The draft resolution proposes as one possible format the organization of panel discussions of case-studies. The workshops are designed to identify the priorities for action, examine possible model projects, assess the factors behind the success or failure of such projects, examine ways in which successful projects could be replicated and modified for implementation within the framework of other criminal justice systems, and examine methods of ensuring the proper follow-up to the workshops, including the organization of regional and interregional training courses on the workshop topics.

Member States and other entities concerned are invited to prepare video programmes, documents and other presentations relevant to the subject areas of the workshops, in consultation with the organizers of the workshops, in order to increase the practical orientation of the discussions and promote the exchange of experience and information.

They are further invited to consider the organization of various national competitions in the areas of urban planning and architectural design targetted at preventing crime and increasing safety, crime prevention programmes planned and implemented by youth, and a mass media competition on crime prevention material, in order that winners and outstanding projects be presented at the appropriate workshops at the Ninth Congress or at the national kiosks.

The draft resolution also contains substantive issues that are to be considered in respect of each of the four topics, each of the six workshops and the plenary discussion on corruption. The following is a selection of these issues.

For example, under topic 1, "International cooperation and practical technical assistance for strengthening the rule of law: Promoting the United Nations Crime Prevention and Criminal Justice Programme", the Ninth Congress is invited to consider further ways of developing, promoting and refining forms of technical cooperation and the development of strategic alliances in the provision of



advisory services and training and research programmes, the promotion of contributions in kind and the development of working manuals, by serving as a forum where the need for technical assistance in developing countries and countries in transition and the capacity of the donor community may meet, and by considering ways in which the United Nations Criminal Justice Information Network could be used in order to assist Member States in coordinating their bilateral and multilateral cooperation projects.

Under topic 2, "Action against national and transnational economic and organized crime and the role of criminal law in the protection of the environment: National experiences and international cooperation," the Ninth Congress is invited to seek to identify and address new forms of national and transnational economic and organized crime, including forms arising as a result of the use of new technology. The Ninth Congress is also invited to consider crimes of terrorism, as well as their interrelationship with organized crime.

Under topic 3, "Criminal justice and police systems," the Ninth Congress is invited to consider the potential of traditional and non-traditional mechanisms of justice and social control such as processes of mediation, social reconciliation, restitution, compensation and non-custodial measures, in inspiring new strategies for preventing and controlling crime, reducing prison overcrowding and strengthening support of the criminal justice system.

The Ninth Congress is also invited to consider recent developments in the functioning of criminal justice and police systems (in particular the mobilization and integration of law enforcement arrangements), to explore ways of improving the relationship between the police and the public, and to consider such recent trends in criminal justice as the privatization of certain police and correctional functions, the excessive use of pre-trial custody, prison overcrowding, and the development of alternatives to incarceration.

Under topic four, "Crime prevention strategies," the Ninth Congress is invited to examine ways of promoting cooperation in crime prevention between criminal justice agencies, on the one hand, and *inter alia*, other agencies, businesses, associations and the public, on the other hand, in order to develop successful crime prevention activities on the local, national and international level, for example through the work of crime prevention councils.