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SIXTH
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UNITED NATIONS CONGRESS
ON THE
PREVENTION OF CRIME
AND THE
TREATMENT OF OFFENDERS



UNITED NATIONS

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Department of International Economic and Social Affairs

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ACQUISITIONS

SIXTH
UNITED NATIONS CONGRESS
ON THE
PREVENTION OF CRIME
AND THE
TREATMENT OF OFFENDERS

Caracas, Venezuela, 25 August-5 September 1980

Report prepared by the Secretariat



U.S. Department of Justice
National Institute of Justice

82674

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UNITED NATIONS
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Part one
DECISIONS OF THE CONGRESS

Chapter I

DECISIONS OF THE CONGRESS

1. The Sixth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, held at Caracas from 25 August to 5 September 1980, adopted at its 3rd and 4th plenary meetings, on 5 September 1980, the Caracas Declaration (sect. A below), other resolutions and a decision (sect. B below) and a number of recommendations (sect. C below), the texts of which are set out below.

A. Adoption of the Caracas Declaration

The Sixth United Nations Congress on the Prevention of Crime and the Treatment of Offenders,

Having concluded the meeting held at Caracas, Venezuela, from 25 August to 5 September 1980,

Having adopted the resolutions and reports of the Congress,

Desiring to stress the importance of the principles contained in the resolutions adopted by the Sixth Congress to serve as a guide for international activities in the field of crime prevention and the treatment of offenders during the period starting from this date until the next Congress,

1. Decides to adopt the declaration set out below and entitled "Caracas Declaration", as an affirmation of the principles relating to the development of criminal policy and criminal justice;
2. Appeals to all States Members of the United Nations to communicate the text of the Declaration to national organizations and officials concerned with crime prevention and the treatment of offenders;
3. Requests the Secretary-General to take appropriate steps, in the context of the United Nations public information programme, to draw the international community's attention to the importance of the Caracas Declaration;
4. Invites the Secretary-General to be guided by the principles of the Caracas Declaration in directing the work of those offices of the United Nations Secretariat that exercise responsibility in the field of crime prevention and the treatment of offenders;
5. Expresses its profound gratitude to all the participants in the Congress and to the Government and people of Venezuela for the efforts they have made in arranging for and conducting the Congress, for the preparation of the draft text of the Declaration and for their warm hospitality.

CARACAS DECLARATION

The Sixth United Nations Congress on the Prevention of Crime and the Treatment of Offenders,

Bearing in mind the importance to all nations of making rapid progress in the prevention of crime and the treatment of offenders, in view of the significant increase in crime, including new forms of crime, in various parts of the world,

Considering that the phenomenon of crime, through its impact on society, impairs the over-all development of nations, undermines people's spiritual and material well-being, compromises human dignity and creates a climate of fear and violence that erodes the quality of life,

Considering that the international community should make concerted systematic efforts to co-ordinate and stimulate technical and scientific co-operation and policies directed towards crime prevention in the context of social, cultural, political and economic development,

Acknowledging the role played by the United Nations through its efforts at the international level in the field of crime prevention and the treatment of offenders,

Considering that this role should, by common accord, be strengthened at the international level, and especially at the regional level, in order to make the agreements concluded in this field truly effective and to ensure that the functioning of the technical advisory and co-ordination services is more systematic and efficient,

Welcoming the spirit of co-operation and the progress achieved in the field of crime prevention and the treatment of offenders during the Sixth United Nations Congress on the Prevention of Crime and the Treatment of Offenders,

1. Declares that:

1. The success of criminal justice systems and strategies for crime prevention, especially in the light of the growth of new and sophisticated forms of crime and the difficulties encountered in the administration of criminal justice, depends above all on the progress achieved throughout the world in improving social conditions and enhancing the quality of life; it is thus essential to review traditional crime prevention strategies based exclusively on legal criteria.
2. Crime prevention and criminal justice should be considered in the context of economic development, political systems, social and cultural values and social change, as well as in the context of the new international economic order.
3. It is a matter of great importance and priority that programmes for crime prevention and the treatment of offenders should be based on the social, cultural, political and economic circumstances of each country, in a climate of freedom and respect for human rights, and that Member States should develop an effective capacity for the formulation and planning of

criminal policy, and that all crime prevention policies should be co-ordinated with strategies for social, economic, political and cultural development.

4. There is a need to promote scientific research, taking into account the particular circumstances and priorities of each country or region.

5. Member States should ensure that those responsible for the functioning of the criminal justice system at all levels should be properly qualified for their tasks and should perform them in a manner which is independent of personal or group interest.

6. Criminal policy and the administration of justice should be based on principles that will guarantee the equality of everyone before the law without any discrimination, as well as the effective right of defence and the existence of judicial organs that are equal to the task of providing speedy and fair justice and of ensuring greater security and protection of the rights and freedoms of all people.

7. Continuous efforts should be made to seek new approaches and to develop better techniques for crime prevention and the treatment of offenders, and to that end criminal law should be developed in such a way as to play an effective and important role in creating stable social conditions free from oppression and manipulation.

8. The family, school and work have a vital part to play in encouraging the development of social policy and of positive attitudes that will assist in preventing crime, and these factors should be taken into consideration in national planning and in the development of criminal policy and crime prevention programmes.

9. Having regard to the vital role played by the United Nations in encouraging international co-operation and the development of norms and guidelines in the field of criminal policy, it is important that the General Assembly and the Economic and Social Council should ensure that appropriate measures are taken to strengthen, as necessary, the activities of the competent United Nations organs concerned with crime prevention and the treatment of offenders, especially activities at the regional and subregional levels, taking into account the specific needs of each region, including the establishment of institutes for research, training and technical assistance in those regions which lack such bodies, and the strengthening of existing institutes, and, further, to give effect to the conclusions of the Sixth United Nations Congress, including those relating to new perspectives for international co-operation in crime prevention, and to ensure that all United Nations organs co-operate effectively with the Committee on Crime Prevention and Control in pursuance of the relevant resolutions of the General Assembly.

2. Invites the General Assembly, in the light of the importance attached to the terms of the present Declaration by the States participating in the Sixth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, to take appropriate action at the earliest opportunity in accordance with the Declaration.

B. Other resolutions and decision

Resolution 1. Crime trends and crime prevention strategies

The Sixth United Nations Congress on the Prevention of Crime and the Treatment of Offenders,

Bearing in mind that the crime problem impedes progress towards the attainment of an acceptable quality of life for all people,

Bearing in mind also that crime prevention strategies should be based upon the elimination of causes and conditions giving rise to crime,

Noting that the main causes of crime in many countries are social inequality, racial and national discrimination, low standards of living, unemployment and illiteracy among broad sections of the population,

Recalling the provisions of the Declaration on Social Progress and Development, contained in General Assembly resolution 2542 (XXIV) of 11 December 1969, and other General Assembly resolutions stressing the urgent need to eradicate hunger and poverty, social inequality, unemployment and illiteracy,

Bearing in mind further that success in crime prevention can be achieved only through a specific analysis of crime trends inherent in a given country and region, as well as through the use of the means and methods of crime prevention which correspond to the country's historical, socio-economic and cultural peculiarities,

1. Calls upon all States Members of the United Nations to take every measure in their power to eliminate the conditions of life which detract from human dignity and lead to crime, including unemployment, poverty, illiteracy, racial and national discrimination and various forms of social inequality;

2. Invites all States to ensure, in the process of implementing measures of economic development, simultaneous realization of adequate measures of a social and cultural nature;

3. Deems it necessary to emphasize that such measures should reach the entire population and above all those groups and sections which, by virtue of their economic and social status, need them most;

4. Recommends the promotion of broader public participation in each State in the implementation of the above-mentioned social and cultural measures, as well as other activities aimed at crime prevention;

5. Proposes the continuation of studies aimed at improving systems of registration and crime statistics, so that those systems fully reflect the peculiarities of the State and dynamics of crime in a given country, bearing in mind its historical, socio-economic and cultural conditions;

6. Requests the Economic and Social Council to consider the question of the importance of economic and social conditions in the general context of crime prevention and control;

7. Calls attention to the need for wide dissemination of knowledge of the nature and causes of crime, as well as of measures ensuring its prevention on a social basis.

Resolution 2. Development of crime and justice statistics

The Sixth United Nations Congress on the Prevention of Crime and the Treatment of Offenders,

Recalling the concern of the Fifth United Nations Congress on the Prevention of Crime and the Treatment of Offenders with respect to more adequate statistics about crime and delinquency,

Recognizing the existence of experts in the United Nations staff who could provide technical assistance on statistical matters to Member States as needed,

Acknowledging with appreciation the efforts which have already been made by the Crime Prevention and Criminal Justice Branch of the Centre for Social Development and Humanitarian Affairs of the Secretariat to analyse world crime trends,

Noting the world-wide need to develop relevant and reliable statistical information about the phenomenon of crime and the operation of justice systems,

Recognizing the importance of valid information, particularly statistical information, in understanding crime and the operation of justice systems,

Noting the potential benefits of such information, including better use of resources, enhanced ability to deal effectively with crime, and improved ability to administer justice in an even-handed and fair way,

Noting the shortage of valid information about crime that can be used as a basis for cross-national comparisons in order to document and deal more effectively with problems of crime and justice,

1. Requests the Secretary-General to intensify efforts to co-ordinate the collection of comparable cross-national statistics on crime and justice in each of the Member States, initially at a regional level;

2. Recommends that all States should enhance their efforts at improving information, particularly quantitative information, about those crimes and those parts of the justice system that present the fewest problems of comparability and reporting difficulties for each State;

3. Also recommends that the Secretary-General should provide technical assistance to Member States according to their individual needs, in order to encourage their participation.

Resolution 3. Effective measures to prevent crime

The Sixth United Nations Congress on the Prevention of Crime and the Treatment of Offenders,

Considering that crime prevention strategies should be based on the elimination of the causes and circumstances that produce crime,

Considering also that crime prevention is dependent on man himself,

Recognizing the importance of national education and national culture in enhancing man's ability to adjust to the progressive principles of social life,

Noting that crime prevention strategies should be based on exalting the spirit of man and reinforcing his faith in his ability to do good,

1. Requests the Secretary-General to focus his efforts in crime prevention on reinforcing man's faith in his ability to follow the path of good;

2. Recommends that Member States should exert efforts towards the improvement of education, culture and information to strengthen the will of man and stir his conscience to avert the commission of crime.

Resolution 4. Development of minimum standards of juvenile justice

The Sixth United Nations Congress on the Prevention of Crime and the Treatment of Offenders,

Recognizing that a high degree of social attention should be paid to the ways in which juveniles are handled, because of their early stage of development,

Noting the adoption by the United Nations of standards and guidelines designed to protect fundamental human rights of all persons, particularly those involved in the criminal justice system,

Affirming that standard minimum rules for the administration of juvenile justice are important in protecting the fundamental human rights of juveniles and that those standard minimum rules should reflect the following basic principles:

(a) Juveniles in trouble with the law should be provided with carefully constructed legal protections,

(b) Pretrial detention should be used only as a last resort, no minors or juvenile offenders should be held in a gaol or other facility where they are vulnerable to the negative influences of adult offenders during this period, and account should always be taken of the needs peculiar to their age,

(c) Juvenile offenders should not be incarcerated in a correctional institution unless adjudicated of a serious act involving, above all, violence against another person or of persistence in committing other serious offences; moreover, no such incarceration should occur unless it is necessary for their own protection or unless there is no other appropriate response that will protect the

public safety, or satisfy the ends of justice and provide the juvenile with the opportunity to exercise self-control,

(d) The community of nations should do all it can, both individually and collectively, to provide the means by which every young person can look forward to a life that is meaningful and valuable to himself, to his community and to his country,

Recognizing further that cross-cultural comparative research will significantly advance world-wide understanding of the causes of juvenile delinquency and the means to prevent it and that this vital research is not currently a major focus of any of the United Nations crime prevention centres,

Recommends that:

(a) The Committee on Crime Prevention and Control should be requested to develop standard minimum rules for the administration of juvenile justice and the care of juveniles, which can serve as a model for Member States;

(b) The Secretary-General should assign to one of the United Nations crime prevention centres the responsibility for conducting research on the causes of delinquency and programmes for its prevention;

(c) The Secretary-General should report to the Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders on the progress achieved in the formulation of the proposed standard minimum rules for the administration of juvenile justice and the care of juveniles for review and final action; moreover, the Secretary-General should report to the Congress on the progress in the research conducted in juvenile delinquency by the designated United Nations crime prevention centre.

Resolution 5. Extra-legal executions

The Sixth United Nations Congress on the Prevention of Crime and the Treatment of Offenders,

Alarmed by reports of widespread killings and executions of political opponents or suspected offenders carried out by armed forces, law enforcement or other governmental agencies or by paramilitary or political groups often acting with the tacit or other support of such forces or agencies,

Recalling that article 3 of the Universal Declaration of Human Rights ^{1/} guarantees to everyone the right to life, liberty and security of person,

Recalling article 6, paragraph 1, of the International Covenant on Civil and Political Rights, ^{2/} according to which no one shall be arbitrarily deprived of his life,

^{1/} General Assembly resolution 217 A (III).

^{2/} General Assembly resolution 2200 A (XXI), annex.

Recalling that the four Geneva Conventions of 12 August 1949 ^{3/} provide that wilful killings are grave breaches of the conventions and that article 3, common to the four Conventions, in respect of non-international armed conflict, further prohibits at any time and in any place whatsoever violence to life and person, in particular murder of all kinds,

Considering that murder committed or tolerated by Governments is condemned by all national legal systems and, thus, by general principles of law,

Recalling General Assembly resolution 33/173 of 20 December 1978 on disappeared persons, and the fact that the enforced or involuntary disappearances referred to in that resolution are frequently related to murder committed or tolerated by Governments,

Considering that the above-mentioned acts also violate the Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, contained in General Assembly resolution 3452 (XXX) of 9 December 1975,

1. Deplores and condemns the practice of killing and executing political opponents or suspected offenders carried out by armed forces, law enforcement or other governmental agencies or by paramilitary or political groups acting with the tacit or other support of such forces or agencies;

2. Affirms that such acts constitute a particularly abhorrent crime the eradication of which is a high international priority;

3. Calls upon all Governments to take effective measures to prevent such acts;

4. Urges all organs of the United Nations dealing with questions of crime prevention and human rights to take all possible action to bring such acts to an end.

Resolution 6. Torture and inhuman treatment: measures to put an end to torture and ill-treatment

The Sixth United Nations Congress on the Prevention of Crime and the Treatment of Offenders,

Considering Economic and Social Council resolution 663 C (XXIV) of 31 July 1957, by which the Council approved the Standard Minimum Rules for the Treatment of Prisoners,

Recalling General Assembly resolution 3452 (XXX) of 9 December 1975, by which the Assembly adopted the Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,

^{3/} United Nations, Treaty Series, vol. 75.

Conscious of the appeals of distress made by persons detained who are subjected to ill-treatment, torture or other cruel or degrading sanctions,

Calls upon all Governments to take effective measures to prevent practices of torture and ill-treatment of detained persons, and to punish persons found guilty of such practices.

Resolution 7. Prevention of the abuse of power

The Sixth United Nations Congress on the Prevention of Crime and the Treatment of Offenders,

Considering that abuses of economic and political power cause great material and social harm, undermine economic and social development and impair the quality of life of peoples throughout the world,

Considering that multinational and transnational corporations contribute to such abuses of political and economic power, particularly in their operations in developing countries,

Recognizing that criminal justice systems in most countries are designed primarily for the prevention and control of conventional forms of crime,

Emphasizing the need for urgent and incisive action to prevent, prosecute and control abuses of economic and political power, wherever they may occur, and to make criminal justice more responsive to contemporary needs and able to cope more effectively with such abuses,

Recommends that:

(a) The public should be made aware of the harmful consequences of the abuse of economic and political power, including those abuses committed or generated by the activities of multinational and transnational corporations;

(b) More effective strategies should be developed internationally, regionally and nationally, as appropriate, to prevent, prosecute and control such abuses of power;

(c) The United Nations, with special concern for the needs and interests of developing countries, should continue to gather, analyse and disseminate to Member States information, including the current status of the law in its Member States, concerning abuse of economic and political power, inter alia, the corruption of public officials and conduct adversely affecting consumers, working people and the environment;

(d) Research and training should be developed at the international, regional and national levels to assist Member States in combating such abuses;

(e) Member States should consider working on the further improvement of civil and penal laws against abuses of economic and political power, to the end that such abuses may be prevented;

(f) Co-operative efforts should be intensified among Member States to prevent, prosecute and control abuses of economic and political power that extend beyond national boundaries and territorial jurisdictions; such efforts, including mutual legal assistance treaties or conventions, should make provision for the establishment of procedures for the gathering of evidence and the extradition of persons;

(g) The United Nations should continue its present work on the development of guidelines and standards regarding abuse of economic and political power; and the possibility of international agreements on illicit payments should be actively pursued.

Resolution 8. Alternatives to imprisonment

The Sixth United Nations Congress on the Prevention of Crime and the Treatment of Offenders,

Acknowledging that imprisonment remains an appropriate sanction for certain limited offences and offenders,

Recognizing the social benefits that accrue to society from dealing with its deviant members to the extent possible within the community,

Convinced that alternatives to prison sentences can in many cases be equally effective,

Believing that the tendency observable in many countries to avoid imposing prison sentences as far as possible can be taken further without undue risk to public safety,

Aware that it is necessary not only to develop existing alternatives, such as probation and work serving the community, but also to encourage the development of a range of sanctions to enable courts to select the particular sanction best suited to the individual case,

1. Recommends that Member States:

(a) Should examine their legislation with a view to removing legal obstacles to utilizing alternatives to imprisonment in appropriate cases, in countries where such obstacles exist;

(b) Should identify various new alternatives to prison sentences that could be implemented without undue risk to public safety, with a view to possible incorporation into legislation;

(c) Should endeavour to make the necessary resources available for carrying out alternative sanctions and ensure, in accordance with their national laws, the appropriate use of those sanctions to the maximum extent possible, in particular bearing in mind the need to respond to the specific requirements of disadvantaged and vulnerable groups in certain societies;

(d) Should consider means for the effective involvement of the various components of the criminal justice system and the community in the continuing process of developing alternatives to imprisonment;

(e) Should encourage wider community participation in the implementation of alternatives to imprisonment and in activities aimed at the rehabilitation of offenders;

(f) Should evaluate legal and administrative procedures with a view to reducing to the extent feasible the detention of persons awaiting trial or sentencing;

(g) Should make efforts to inform the public of the advantages of alternatives to imprisonment, to encourage public acceptance of these measures;

(h) Should ensure that the present resolution is widely circulated in the concerned organizations, agencies and institutions;

2. Calls upon the Secretary-General to provide advice and support on request from Member States and to facilitate co-operation among Member States interested in developing alternatives to imprisonment;

3. Invites Governments to consider reporting to the Secretary-General every five years on developments in this field;

4. Requests the Committee on Crime Prevention and Control to consider the question of alternatives to imprisonment at the earliest date, and to examine the possibility of preparing a report on the extent to which such alternatives are being utilized for submission to the Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders.

Resolution 9. Specific needs of women prisoners

The Sixth United Nations Congress on the Prevention of Crime and the Treatment of Offenders,

Considering that the Secretary-General, in his statement to the Sixth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, requested that the Congress should address itself to the problems encountered by women and to their contribution to the prevention of crime and the promotion of criminal justice,

Recognizing the efforts of the United Nations, through its Commission on the Status of Women and the World Conference of the United Nations Decade for Women: Equality, Development and Peace, to achieve equality for women,

Noting that, because of the small number of women offenders throughout the world, they often do not receive the same attention and consideration as do male offenders,

Noting further that this inattention often results in limited access for women to the necessary programmes and services, including placement in detention facilities far from their families and home communities,

Bearing in mind that women most of the time have major responsibilities for children and considering that deinstitutionalization is an appropriate disposition for most women offenders to enable them to discharge their family responsibilities,

1. Recommends that, in the implementation of the resolutions adopted by the Sixth United Nations Congress on the Prevention of Crime and the Treatment of Offenders directly or indirectly relevant to the treatment of offenders, recognition should be given to the specific problems of women prisoners and the need to provide the means for their solution;

2. Recommends also that in countries where it is not yet done programmes and services used as alternatives to imprisonment should be made available to women offenders on an equal basis with male offenders;

3. Recommends further that the United Nations, the governmental and non-governmental organizations in consultative status with it, and all other international organizations, should make continuing efforts to ensure that the woman offender is treated fairly and equally during arrest, trial, sentence and imprisonment, particular attention being paid to the special problems which women offenders encounter, such as pregnancy and child care;

4. Requests that, at future Congresses and their preparatory meetings, as well as in the work of the Committee on Crime Prevention and Control, time should be allotted for the study of women as offenders and victims, and urges Governments to include appropriate representation of women in their delegations.

Resolution 10. Development of measures for the social resettlement of the imprisoned

The Sixth United Nations Congress on the Prevention of Crime and the Treatment of Offenders,

Acknowledging the importance of developing alternatives to the sanction of imprisonment,

Recognizing that, nevertheless, imprisonment cannot be wholly dispensed with,

Noting that in many countries efforts are being made to reduce the negative effects of imprisonment by intensifying the social contact of the prisoner with the world outside prison,

1. Recommends that Member States:

(a) Should seek to promote measures aimed at keeping sentences involving deprivation of liberty as short as possible, having regard whenever possible to the protection of the public;

(b) Should ensure that their prison systems are sufficiently differentiated to allow the assignment of inmates in accordance with their needs, so as to facilitate their placement in open institutions wherever possible, either from the beginning or in the course of their prison sentences;

(c) Should seek to maintain and develop the personal and social relationships of the prisoner by making generous provision for correspondence and visits, as well as for leave from the prison;

(d) Should plan and carry out measures designed to facilitate the post-release adjustment of the inmate in society, in close co-operation with the various correctional bodies and social agencies;

(e) Should ensure to the greatest possible extent that opportunities are made available for the development of the prisoner's educational potentialities and for training in social and technical skills, and that efforts are made to motivate prisoners to use such opportunities;

(f) Should promote the training and education of prison staff so that they may contribute positively to the implementation of these measures;

(g) Should inform the public about the purposes of these measures for social resettlement of the imprisoned and encourage public acceptance of them;

2. Invites Governments to report to the Secretary-General every five years on developments in this field;

3. Requests the Committee on Crime Prevention and Control to consider the question of the development of measures for the social resettlement of the imprisoned at the earliest date, and - in the context of a revision of the Standard Minimum Rules for the Treatment of Prisoners that would encourage the utilization of these concepts - to prepare a report on the extent to which such measures are being utilized for submission to the Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders.

Resolution 11. Prevention of torture and other forms of cruel, inhuman or degrading treatment

The Sixth United Nations Congress on the Prevention of Crime and the Treatment of Offenders,

Recalling the adoption by the General Assembly, in its resolution 3452 (XXX) of 9 December 1975, of the Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, which had been submitted to it by the Fifth United Nations Congress on the Prevention of Crime and the Treatment of Offenders,

Recalling that the General Assembly, in its resolution 34/169 of 17 December 1979, adopted the Code of Conduct for Law Enforcement Officials and decided to transmit it to Governments with the recommendation that favourable consideration should be given to its use within the framework of national legislation or practice as a body of principles for observance by law enforcement officials,

Recalling also that the Economic and Social Council, in its resolution 1979/34 of 10 May 1979, requested the Secretary-General to transmit to all Governments for their comments the draft Body of Principles for the Protection of

All Persons under any Form of Detention or Imprisonment, ^{4/} adopted by the Sub-Commission on Prevention of Discrimination and Protection of Minorities at its thirty-first session, with a view to consideration of the matter by the General Assembly at its thirty-fifth session,

Recalling also that the General Assembly, in its resolution 34/168 of 17 December 1979, requested the Secretary-General to circulate to Member States and others for comments and suggestions the draft Code of Medical Ethics ^{5/} relevant to the protection of persons subjected to detention or imprisonment, and decided to consider the question again at its thirty-fifth session,

Recalling further that the General Assembly, in its resolution 32/62 of 8 December 1977, requested the Commission on Human Rights to draw up a draft convention on torture and other cruel, inhuman or degrading treatment or punishment and, in its resolution 34/167 of 17 December 1979, noted with satisfaction the significant progress made in the drafting of such a convention and requested the Commission to continue to give high priority to the question of completing it,

Noting that the Commission on Human Rights at its thirty-sixth session made substantial progress in preparing the said draft convention,

Sharing the satisfaction of the General Assembly at the progress made in preparing the draft convention and sharing its view that high priority should be given to completing the draft,

Believing that the draft convention should be finalized at the earliest possible time, including the study of adequate procedures for ensuring the proper implementation of the future convention on torture,

1. Welcomes the adoption by the General Assembly of the Code of Conduct for Law Enforcement Officials and urges Governments to ensure the observance of the principles it contains by all enforcement officials;

2. Expresses the hope that the General Assembly will adopt the draft Body of Principles for the Protection of All Persons under any Form of Detention or Imprisonment and the draft Code of Medical Ethics, subject to any amendments which appear to be necessary for the greater protection of such persons in the light of any comments and suggestions received;

3. Recommends that the General Assembly should request the Commission on Human Rights, taking into account the opinions that may be expressed by the Committee on Crime Prevention and Control, to continue to give priority to the completion of the preparation of the draft convention against torture and to examine all the proposals that would ensure the effective application of the convention against torture.

^{4/} E/CN.4/1296, para. 109.

^{5/} A/34/273, annex.

Resolution 12. Code of Conduct for Law Enforcement Officials

The Sixth United Nations Congress on the Prevention of Crime and the Treatment of Offenders,

Aware of the prominent role that law enforcement officials have to play in the protection of human rights, in particular the right to life, liberty and security of person, and in the prevention and suppression of torture or cruel, inhuman and degrading treatment or punishment, laid down in articles 3 and 5 of the Universal Declaration of Human Rights, 6/

Recalling General Assembly resolution 34/169 of 17 December 1979, containing the Code of Conduct for Law Enforcement Officials,

Noting the Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment, contained in General Assembly resolution 3452 (XXX) of 9 December 1975, which in article 5 provides, inter alia, for the duty of States to include the prohibition against torture in the training of competent officials,

Noting the conclusions and recommendations of the Symposium on the Role of the Police in the Protection of Human Rights, held at The Hague from 14 to 25 April 1980, 7/

Recognizing that a number of Member States already have legal provisions and safeguards which reflect the principles of the Code of Conduct for Law Enforcement Officials,

Calls upon the General Assembly to stimulate further development in so far as concerns law enforcement officials in the protection of human rights:

- (a) By requesting all States Members of the United Nations:
 - (i) To consider favourably the incorporation of the Code of Conduct for Law Enforcement Officials into domestic law or directives governing law enforcement agencies;
 - (ii) To make the text of the Code of Conduct available to all law enforcement officials;
 - (iii) To instruct, in basic training and in all subsequent training and refresher courses, law enforcement officials in the provisions of the national legislations which are connected with the Code of Conduct and other basic texts on human rights;
- (b) By instructing the Secretary-General:
 - (i) To invite Governments in all regions of the world to organize symposia

6/ General Assembly resolution 217 A (III).

7/ ST/HR/SER.A/6, chap. III.

on the role of law enforcement officials in the protection of human rights;

- (ii) To request the Committee on Crime Prevention and Control to review the application of the Code of Conduct, taking into account the recommendations of the national symposia on the role of law enforcement officials in the protection of human rights, and to report to the General Assembly through the Economic and Social Council on the conclusions of its work.

Resolution 13. Transfer of offenders

The Sixth United Nations Congress on the Prevention of Crime and the Treatment of Offenders,

Considering the fact that improved means of transportation and communication, the development of economic and financial resources, and the ensuing mobility of individuals have resulted in increasing the internationalization of crime, and the consequent incarceration of larger numbers of foreign nationals in the prison systems of many Member States,

Conscious of the fact that difficulties of communication by reason of language barriers, unfamiliarity with local culture and habits, and the absence of contact with relatives and friends may work excessive hardship on individuals serving sentences in other than their home countries,

Reaffirming the right of each State to formulate and implement its national policies and programmes in the field of crime prevention and control in accordance with its own needs and priorities, as expressed in General Assembly resolution 32/60 of 8 December 1977,

Recognizing the conclusion reached by the Committee on Crime Prevention and Control in its International Plan of Action, 8/ which calls for international co-operation in order to establish procedures that provide for the return of persons convicted of crimes abroad to their home country to serve the sentence, thereby facilitating the process of reintegration into society,

Noting that such procedures have been established or are being considered by several Member States, especially since the Fifth United Nations Congress on the Prevention of Crime and the Treatment of Offenders,

Bearing in mind the fact that work on the development of standards for the transfer of offenders was identified as a priority by the Committee on Crime Prevention and Control at its fourth session, 9/

1. Urges Member States to consider the establishment of procedures whereby such transfers of offenders may be effected, recognizing that any such procedures

8/ E/CN.5/536, annex IV.

9/ See E/CN.5/536, chap. I, sect. B.

can only be undertaken with the consent of both the sending and receiving countries and either with the consent of the prisoner or in his interest;

2. Calls upon the Secretary-General to provide or facilitate the provision of technical and professional advice and support at the request of Member States that are interested in establishing such procedures;

3. Requests the Committee on Crime Prevention and Control to give priority to the development of a model agreement for the transfer of offenders with a view to presenting it to the General Assembly for consideration as soon as possible.

Resolution 14. Human rights instruments and their implementation for prisoners

The Sixth United Nations Congress on the Prevention of Crime and the Treatment of Offenders,

Considering the concern expressed by the United Nations at all times for the rule of justice in the world,

Recalling the practical step taken by the United Nations in convening the First United Nations Congress on the Prevention of Crime and the Treatment of Offenders in 1955 and the value of the work of subsequent Congresses,

Recalling the Standard Minimum Rules for the Treatment of Prisoners adopted at the First Congress,

Noting the continual reference to prisoners' rights in the debate on the agenda item entitled "United Nations norms and guidelines in criminal justice: from standard-setting to implementation, and capital punishment" during the Sixth Congress,

Requests the General Assembly to include a specific item concerning the implementation of human rights for prisoners in the agenda of the Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders.

Resolution 15. Legal information and the dissemination of legal knowledge

The Sixth United Nations Congress on the Prevention of Crime and the Treatment of Offenders,

Bearing in mind that a knowledge of the law assists in fostering an attitude of awareness in life, based on the principles of law, justice and morality, in raising the general level of the state of legality and public order and in enhancing the role of each citizen in solving the important problems of life in society,

Considering that a knowledge of legal principles and norms on the part of the entire population constitutes a key instrument in the prevention of crime and the just treatment of offenders,

Considering that a knowledge of the law is an essential means to enable the public to defend their rights and freedoms, as has been repeatedly emphasized in the decisions of the General Assembly and the United Nations Educational, Scientific and Cultural Organization,

1. Calls upon States to take steps to organize a broader study of the fundamental principles of law through the school and university system, educational and cultural institutions and public organizations, with a view to enabling the public to acquire the necessary knowledge for the defence of their rights and interests, especially in the fields of labour and economic, social and political relations, and, in the process of legal instruction, to give attention also to the basic United Nations documents on the questions of human rights, the prevention of crime and the treatment of offenders;

2. Requests the Secretary-General to study the problem of instructing the population, especially young people, in the principles of law, with a view to ensuring a wide dissemination of the experience acquired in that field by the various countries, and of adopting the corresponding recommendations, and to arrange for the preparation of a special programme to provide legal education and assistance from specialists;

3. Requests the Secretary-General to call the attention of Member States to the need to render their assistance, so as to ensure that the mass information media, in dealing with problems of law and justice, and recognizing the principles of freedom of information and freedom of the press, are guided by the idea of humanism, respect for human dignity and the norms of law and order, and that they refrain from actions that might engender more callous attitudes, negatively influence moral values and hinder crime prevention.

Resolution 16. Guidelines to ensure the independence of judges and to improve the selection and training of judges and prosecutors

The Sixth United Nations Congress on the Prevention of Crime and the Treatment of Offenders,

Noting that article 14, paragraph 1, of the International Covenant on Civil and Political Rights ^{10/} stipulates that everyone is entitled to a fair and public hearing by a competent, independent and impartial tribunal,

Considering that, in order to attain the objective of impartiality in the administration of justice, it is necessary to avoid all political, social, racial, religious, cultural, sexual or any other kind of discrimination in the selection and appointment of judges and prosecutors,

Considering that professional qualifications are an essential element in ensuring that judges are independent and that, accordingly, it is necessary to improve the recruitment and the legal and professional training of judges and prosecutors, and to provide them with all the necessary means to enable them properly to fulfil their function in combating criminality, particularly in its new forms,

^{10/} General Assembly resolution 2200 A (XXI), annex.

1. Recommends that Member States:

(a) Should avoid all political, social, racial, religious, cultural, sexual or any other kind of discrimination in the selection, appointment and advancement in their professional career of judges and prosecutors;

(b) Should guarantee the independence of the judiciary so as to ensure the impartial and effective administration of justice;

(c) Should make all necessary improvements in the recruitment and training of judges and prosecutors and in the provision of refresher courses for them;

(d) Should consider the possibility of devoting a larger part of their budgets to the judicial system with a view to strengthening its structures and encouraging the recruitment of judges and prosecutors;

2. Requests the Secretary-General:

(a) To provide interested Member States with all the technical assistance needed to attain the objectives described above;

(b) To encourage international collaboration in research and in the training of judges, using in particular regional institutes for the prevention of crime and the treatment of offenders;

3. Calls upon the Committee on Crime Prevention and Control to include among its priorities the elaboration of guidelines relating to the independence of judges and the selection, professional training and status of judges and prosecutors.

Resolution 17. Implementation of the conclusions of the Sixth United Nations Congress on the Prevention of Crime and the Treatment of Offenders

The Sixth United Nations Congress on the Prevention of Crime and the Treatment of Offenders,

Recalling General Assembly resolution 32/59 of 8 December 1977, in which the Assembly invited Member States to support the relevant conclusions of the Fifth United Nations Congress on the Prevention of Crime and the Treatment of Offenders and to provide to the Secretary-General information on the measures taken, and requested the Secretary-General to prepare a report on the information received for submission to the Sixth Congress and the General Assembly,

Noting with appreciation the report of the Secretary-General, 11/

Conscious of the desirability of promoting continuity of action between Congresses and ensuring that the momentum generated by each Congress is maintained on a systematic basis,

11/ A/35/289.

Recognizing the desirability of consideration being given by Member States to the implementation of the recommendations and conclusions of the Sixth Congress and, to that end, of providing Member States with as much notice as possible of the precise recommendations that will be the subject of the questionnaire issued by the Secretariat in relation to the implementation of the conclusions of the Congress,

1. Recommends that the process initiated by General Assembly resolution 32/59 in relation to the implementation of the conclusions of the Fifth United Nations Congress on the Prevention of Crime and the Treatment of Offenders should be continued in relation to subsequent Congresses;

2. Recommends that an identification should be made, as early as possible, by the Secretary-General of the matters that will be the subject of the questionnaire issued on the implementation of the recommendations and conclusions of the Sixth Congress, and communicated to Member States.

Resolution 18. Support for the United Nations Latin American Institute for the Prevention of Crime and the Treatment of Offenders

The Sixth United Nations Congress on the Prevention of Crime and the Treatment of Offenders,

Considering that:

(a) Since it was founded in 1975 by an agreement between the United Nations and the Government of Costa Rica, the United Nations Latin American Institute for the Prevention of Crime and the Treatment of Offenders has conducted a series of activities in the field of crime prevention and the treatment of offenders on behalf of each country and on behalf of the region as a whole,

(b) This effort has evoked the gratitude of the countries of the region and warrants a serious effort to strengthen it,

(c) A great number of benefits have been derived from the experiments conducted in the countries of the region on the basis of horizontal co-operation, frequently supplemented by contributions from outside the region,

Resolves:

(a) To stress its special satisfaction at the work carried out by the United Nations Latin American Institute for the Prevention of Crime and the Treatment of Offenders during its first five years;

(b) To express its gratitude to the United Nations, to the Government of Costa Rica and to the officials and staff of the United Nations Latin American Institute for the Prevention of Crime and the Treatment of Offenders for the work they have done, urging them to continue to support the national efforts of the Latin American countries;

(c) To issue a common appeal to the countries of the region in particular, and to the international community in general, to envisage the possibility and the advantage of making a significant technical and financial contribution to the United Nations Latin American Institute for the Prevention of Crime and the Treatment of Offenders for the efforts it is making on behalf of the Latin American countries.

Resolution 19. Establishment in Africa of a regional institute for social defence

The Sixth United Nations Congress on the Prevention of Crime and the Treatment of Offenders,

Having studied the various reports submitted to it,

Considering the complexity of the phenomenon of crime and of the problem of crime prevention and the treatment of offenders,

Considering the social and cultural characteristics of the African continent and the specific nature of the phenomenon of crime in Africa,

Recalling the resolutions of the Economic and Social Council and resolution CM/Res.755 (XXXIII), adopted by the Council of Ministers of the Organization of African Unity at its thirty-third ordinary session, held at Monrovia from 6 to 20 July 1979, concerning the establishment of an African body for the prevention of crime and the treatment of offenders, 12/

Desiring to assist Africa, as in the case of other regions, in acquiring an adequate instrument to enable it to exert better control over the phenomenon of crime through appropriate research and scientific studies with a view to the effective prevention of crime and the more effective treatment of offenders,

Recommends that the Secretary-General:

(a) Should view favourably the establishment in Africa of a regional body for social defence studies, along the lines of those already set up in the other regions of the world;

(b) Should co-operate closely with the Organization of African Unity in setting up such a body in accordance with the task to be assigned to it;

(c) Should provide the necessary means to assist that body, once it has been set up, in effectively discharging its task, in the form of financial assistance from the United Nations Development Programme;

(d) Should hold regular consultations with the Organization of African Unity in order to consider jointly the necessary practical arrangements to ensure the proper functioning of the said body;

(e) Should report to the Economic and Social Council on the progress achieved in setting up the institute.

Decision. Credentials of the representatives to the Congress

At its 3rd plenary meeting, on 5 September 1980, the Sixth United Nations Congress on the Prevention of Crime and the Treatment of Offenders approved the report of the Credentials Committee (chap. IV, sect. C, below).

C. Other action taken by the Congress

1. Crime trends and crime prevention strategies

At its 3rd plenary meeting, on 5 September 1980, the Congress approved the report of Committee I on agenda item 3 (see chap. IV, sect. A, below), which contained the following conclusions:

12/ See A/34/552, annex I.

(1) As each country might give close consideration to the effective measures in force in other countries, in order to evaluate the possibility of using such experience in their country, the United Nations could assist by setting up studies, analyses and meetings which would facilitate such an evaluation.

(2) The value of an international exchange of information and the mutual comparison of experiences can greatly contribute to the development of national criminal justice systems and crime prevention planning. To this end, the United Nations should arrange for and conduct regional and interregional meetings and seminars for the exchange of views and policy discussions.

(3) Studies and analyses aimed at a higher standard of crime prevention planning, especially of an intersectoral nature, should be undertaken by the United Nations for the use of Member States, at their request.

(4) Although there are well-known difficulties in an international comparison of crime rates and crime trends, owing to the different legal definitions and different methods of data collection, feasible endeavours for a continuing and uniform comparative international exercise are of great use. Cross-cultural information on the operation of the criminal justice system should be strongly supported by the United Nations because of its great utility and the absence of the difficulties inherent in crime statistics.

(5) The need for better and deeper knowledge cannot be met entirely by many developing countries because of lack of resources. Therefore, at their request, technical assistance should be provided to such countries, the value of such technical assistance widely emphasized in the United Nations and the relevant services greatly reinforced.

(6) The United Nations should facilitate direct exchange of information by publishing and disseminating a comprehensive global glossary and index of criminological research publications.

2. United Nations norms and guidelines in criminal justice: from standard-setting to implementation and capital punishment

At its 4th plenary meeting, on 5 September 1980, the Congress took note of the draft resolution entitled "Death penalty" (A/CONF.87/C.1/L.1/Rev.1) and the amendments thereto (A/CONF.87/C.1/L.9), submitted under agenda item 7, and agreed to include the texts in the report of Committee I for further consideration and discussion by the legislative bodies of the United Nations (see chap. IV, sect. A, below, annex).

3. New perspectives in crime prevention and criminal justice and development: the role of international co-operation

At its 3rd plenary meeting, the Congress approved the report of the Working Group of Committee I on agenda item 8 (see chap. IV, sect. A, below), in which the Working Group stated that it was in general agreement on the following recommendations:

(1) To develop a precise definition of the scope and spheres of activity of United Nations organs in the field of crime prevention and criminal justice in connexion with social and economic development.

(2) To initiate and develop further research and analysis on the interrelationship between crime and specific socio-economic issues, for example, employment, migration, urbanization and industrialization, and socio-cultural issues such as the role of the family and schools in education, taking into account diversities in national situations and drawing upon national and regional experiences.

(3) To reinforce and strengthen first of all, on a national level, data collection and work on social indicators to provide a sound empirical basis for such research and analysis.

(4) To study in particular the emergence of new types of criminal activity in the context of changing socio-economic structures, including international structures and relationships.

(5) To request the Secretary-General to carry out, after close consultation with Member States, an in-depth study on crime prevention and the treatment of offenders within the framework of the establishment of the new international economic order, particularly bearing in mind the needs of underdeveloped countries.

(6) To initiate and develop a systematic exchange of information as an important component of international co-operation for crime prevention and control. Also, to elaborate socio-criminological studies in collaboration with countries which so request, in order to provide an opportunity for assistance in the efforts to control crime. The United Nations should provide information on world trends in crime and criminal policies on a regular basis and in close and continuing co-operation with Member States and relevant bodies. This will require that the capacity of the United Nations to collect, analyse and disseminate information in the form most useful to Member States be strengthened. To that end, the United Nations should study the possibility of establishing unified statistical plans which would serve as a guide for Member States and as a way of collecting, analysing and disseminating information.

(7) To initiate and develop at the national and local levels, wherever they do not exist, co-ordination between experts in the field of crime prevention and criminal justice and representatives of other development sectors, and to encourage participation in crime prevention measures by members of the community. Assistance should be provided to strengthen national institutions. Efforts should also be made by the United Nations to utilize such institutions, including universities and scientific institutes, in research and operational activities and also to promote training and exchange of technical expertise among Member States.

(8) To promote international co-operation, in particular, in judicial matters, through exchange of information and experience in regard to the treatment of offenders and also the problems relating to the victims of crime.

(9) To reinforce the capacities and capabilities of the United Nations Social Defence Research Institute and the regional institutes, such as the United Nations Asia and Far East Institute for the Prevention of Crime and the Treatment of Offenders and the United Nations Latin American Institute for the Prevention of Crime and the Treatment of Offenders, as well as the establishment, as soon as possible, of a United Nations African institute for the prevention of crime and the treatment of offenders, for such research and analysis and to initiate work in this field in the regional commissions. In this connexion, there is also

a need to maintain a close link between the Committee on Crime Prevention and Control and the United Nations Social Defence Research Institute and regional institutes, and a need for close co-operation between the United Nations and its regional institutes in the field of crime prevention and criminal justice and national institutions established by Member States in several countries. The national correspondents in the field of crime prevention and the treatment of offenders should be involved more actively in research into and analysis of crime trends and crime prevention strategies in their respective countries.

(10) To increase, on a bilateral and on a regional basis and also through the United Nations, the provision of technical assistance to Member States upon request, in relation to the development process through, *inter alia*, the establishment of interregional and regional advisory services, and the maintenance of a roster of experts whose services can be made available when required.

(11) To reinforce, in particular, considering the available resources, training facilities by organizing, within and outside the United Nations, training courses and seminars, group study tours and provision of fellowships.

(12) The need for the United Nations to act as a catalyst in promoting co-operation among developing countries, particularly technical co-operation, in dealing with problems in this area. This should be done primarily at the regional and subregional levels through, *inter alia*, the convening of seminars and symposia and the pooling of knowledge and resources.

(13) The need for the Committee on Crime Prevention and Control to give specific and continuing attention to the problems of crime and development, in close collaboration with other relevant United Nations Bodies, particularly those at the regional level, in order to make effective policy recommendations.

(14) The need in particular for the Committee on Crime Prevention and Control to give specific attention to the relationship between development and exploitation and traffic in persons in response to the invitation contained in resolution 43 adopted by the World Conference of the United Nations Decade for Women: Equality, Development and Peace. 13/

(15) To promote closer relations between the Committee on Crime Prevention and Control within its competence and the work of other relevant bodies concerned with crime and related problems, such as transnational violence, economic criminality, human rights and drug trafficking.

(16) The need for future Congresses to keep the subject of crime and development under review in the context of changing socio-economic situations, taking into account the results of scientific research.

(17) The United Nations Trust Fund for Social Defence should be utilized in consultation with Member States. Funds available in the United Nations for crime prevention and criminal justice should be utilized to the maximum extent possible as seed money for the promotion of appropriate activities at the national level.

13/ See Report of the World Conference of the United Nations Decade for Women: Equality, Development and Peace, Copenhagen, 14-30 July 1980 (United Nations publication, Sales No. E.80.IV.3 and corrigendum), chap. I, sect. B.

(18) To reinforce and strengthen appropriately the capacities of the United Nations system, particularly that of the Crime Prevention and Criminal Justice Branch of the Centre for Social Development and Humanitarian Affairs of the Secretariat, in order to provide substantive and effective services to the Committee on Crime Prevention and Control, the United Nations Congresses and the various organizations, including the United Nations Social Defence Research Institute, the regional institutes and intergovernmental and non-governmental organizations concerned with the question.

4. Juvenile justice: before and after the onset of delinquency

At its 3rd plenary meeting, the Congress approved the report of Committee II on agenda item 4 (see chap. IV, sect. B, below), in which the Committee agreed on the following conclusions:

(1) There is a great need for an integrated approach to the planning of development programmes and services for youth, bearing in mind the need to ensure that socio-economic/industrial development and urbanization take place with minimum disruption of family units and social utilities.

(2) Child and youth education should be broadened beyond book knowledge and emphasis should be based on inner-resource development for the youth. To this end, social norms, standards of ethics and morality, civic responsibility and a knowledge of the laws of the land should be strongly incorporated into school curricula.

(3) Clinics and counselling centres for children and parents should be set up, and those in charge of them should receive the necessary training to equip them for this role.

(4) The role of the family in the prevention of juvenile delinquency and in the education of youth and the treatment of delinquents should be supported by the State and the community at large, and should be balanced with the external intervention by the State and other external institutional interventions.

(5) The family and other informal but familiar community media should be encouraged and strengthened for purposes of dealing with juvenile justice.

(6) The family should develop a preponderant role on the basis of its authority in the moral, physical and spiritual development of children and young persons because it is the family's duty to lead them towards their integral development and stimulate in the home the exercise of their rights and duties, so that the raising of their economic, cultural and social levels will achieve the objective.

(7) Juveniles in trouble with the law should be provided with the opportunity to participate actively and constructively in programmes designed to provide them with the skills and experience that will bring value and self-esteem to their lives.

(8) Juveniles in trouble with the law should be provided with carefully constructed legal protections.

(9) Pretrial detention should be used only as a last resort and no minors or juvenile offenders should be held in a gaol or other facility where they are vulnerable to the negative influences of adult offenders during this period, and account should always be taken of the needs peculiar to their age.

(10) No juvenile should be incarcerated in an institution for correctional purposes unless adjudicated of a serious act involving, above all, violence against another person or of serious persistence in committing other crimes and unless there is no other appropriate response that will protect the public safety, otherwise satisfy the ends of justice, and provide the young person with the opportunity to internalize socially acceptable attitudes.

(11) More research should be conducted with a view to gaining further insight into the causes of juvenile delinquency and eventually to enable more meaningful and more beneficial juvenile justice interventions. To this end, the United Nations should designate one of its crime prevention centres to specialize in research on juvenile delinquency, and more resources should be progressively invested by Governments, in proportion to their juvenile population, in programmes of assistance, protection and orientation for children and young persons.

(12) The evolution of the preventive methods must correspond to the socio-economic conditions of each country.

5. Crime and the abuse of power: offences and offenders beyond the reach of the law

At its 4th plenary meeting, the Congress approved the report of Committee II on agenda item 5 (see chap. IV, sect. B, below), in which the Committee agreed on the urgent need:

(1) To gather and exchange information on the various aspects of offences relating to the abuse of power and the offenders, at the global and regional levels.

(2) To reform the respective national laws, where necessary, so as to cover adequately those offences.

(3) To broaden and improve the machinery for combating illegal abuses of power; in particular to develop more imaginative processes and procedures capable of responding to the challenges posed by these "milded offences and offenders".

(4) To conduct research on the aetiology of these offences, the typology of the offenders, patterns, trends and dynamics of such acts, as well as the measures required to contain them.

(5) To strengthen international co-operation in the areas mentioned above and in policy formulation and the implementation of effective action strategies, particularly as regards economic crimes. The development of international agreements on minimum standards for international business transactions in respect of such economic crimes was considered essential, as was the further consideration of this important problem at the Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders.

6. Deinstitutionalization of corrections and its implications for the residual prisoner

At its 3rd plenary meeting, the Congress approved the report of the Sub-Committee of Committee II on agenda item 6 (see chap. IV, sect. B, below), which contained the following recommendations:

(1) The United Nations should endeavour to organize a systematic exchange of information on systems or measures of deinstitutionalization, on institutional treatment and on the implementation of the Standard Minimum Rules for the Treatment of Prisoners, with particular reference to the problems of women and children in prisons. This information on world trends in penal policies and deinstitutionalization should be provided by the United Nations on a regular basis in close and continuing co-operation with Member States and other relevant bodies, including non-governmental organizations. Further, the United Nations should commission selected experts to standardize and harmonize legal concepts and terminology in the field of correctional services, especially deinstitutionalization.

(2) The United Nations system should, in particular, encourage and facilitate empirical evaluation of programmes of deinstitutionalization, especially with regard to indigenous traditions of community adjudication based on the principles of decriminalization, depenalization and deinstitutionalization.

(3) The United Nations, in collaboration with the concerned specialized agencies and national institutes, should generate adequate attention to the role of the media in criminal justice systems with special emphasis on corrections.

(4) The Committee on Crime Prevention and Control should be invited to consider ways and means of finalizing, in the light of the present report, the procedures for the effective implementation of the Standard Minimum Rules for the Treatment of Prisoners set out in the annex to the working paper prepared by the Secretariat (A/CONF.87/11).

(5) The United Nations system should strengthen the provision of technical assistance to Member States, especially developing countries, at their request, through, *inter alia*, the establishment of interregional and regional advisory services and maintenance of a roster of experts whose services can be made available when required for planning, evaluating, co-ordinating and making improvements in prison conditions and in programmes and measures of deinstitutionalization.

(6) Member States should consider introducing or strengthening the prerequisites for a meaningful programme of deinstitutionalization. These major prerequisites could be:

- (a) Mobilization of community support through generation of a socio-ethical conviction that the sentence of imprisonment is an exceptional, rather than the standard, punishment;
- (b) Determination of levels of community involvement and support for specific deinstitutionalization programmes;

(c) Provision of adequate infrastructure support, including material and manpower resources for such programmes as part of enhancement of the quality of correctional efforts;

(d) Provision of appropriate orientation to decision makers (judges, police, prosecutors, custodial staff) in objectives and strategies of deinstitutionalization;

(e) Periodic evaluation of the impact of such programmes on the offender, correctional systems and the community.

(7) Member States should ensure full implementation of the Standard Minimum Rules in the light of these deliberations, and efforts should be made to develop appropriate commentaries at the regional and subregional levels.

(8) The principles on linking the rehabilitation of offenders to related social services, as formulated in the working paper prepared by the Secretariat (A/CONF.87/12), should be taken into account when formulating strategies for deinstitutionalization within the over-all framework of crime prevention.

Part two

BACKGROUND TO THE CONGRESS

Chapter II

ORIGINS OF AND PREPARATIONS FOR THE CONGRESS

2. The Sixth United Nations Congress on the Prevention of Crime and the Treatment of Offenders was convened in accordance with paragraph (d) of the annex to General Assembly resolution 415 (V) of 1 December 1950, which provided for the convening every five years of an international congress in this field. ^{14/}

3. The General Assembly, in its resolution 32/59 of 8 December 1977, requested the Secretary-General to take the necessary measures for the preparation of the Sixth Congress through, *inter alia*, the organization of regional preparatory meetings.

4. Regional preparatory meetings were held at Bonn, from 10 to 14 October 1977, with the Government of the Federal Republic of Germany acting as host; at Manila, from 15 to 19 May 1978, with the Government of the Philippines acting as host; at San José, from 31 July to 4 August 1978, with the Government of Costa Rica and the United Nations Latin American Institute for the Prevention of Crime and the Treatment of Offenders acting as hosts; and at Addis Ababa, from 21 to 25 August 1978, with the co-operation of the Economic Commission for Africa.

5. Interregional meetings of experts to consider the range of issues for each of the substantive items of the agenda of the Congress were convened at Ottawa, from 7 to 12 July 1978, with the Government of Canada acting as host; at Cambridge, from 7 to 12 December 1978, with the Government of the United Kingdom of Great Britain and Northern Ireland acting as host; at the Hague, from 1 to 6 September 1978, with the Government of the Netherlands acting as host; at Reno United States of America, from 26 May to 1 June 1979, with the National Judicial College and the National College of Juvenile Judges at the University of Nevada acting as host; and at United Nations Headquarters, New York, from 9 to 13 July 1979, with the co-operation of the Ford Foundation and the Yale University Law School.

^{14/} The first five Congresses were held at Geneva in 1955; in London in 1960; at Stockholm in 1965; at Kyoto in 1970; and at Geneva in 1975. The reports of those Congresses were issued as United Nations publications, Sales Nos. 56.IV.4, 61.IV.3, 67.IV.1, 71.IV.8 and 76.IV.2, respectively.

Chapter III

ATTENDANCE AND ORGANIZATION OF WORK

A. Date and venue of the Congress

6. The Sixth United Nations Congress on the Prevention of Crime and the Treatment of Offenders was held at Caracas from 25 August to 5 September 1980, in conformity with Economic and Social Council decision 1979/95 of 8 November 1979.

B. Pre-Congress consultations

7. Pre-Congress consultations, open to the participation of all States invited to the Congress, were held on 24 August 1980, at Caracas, to consider a number of procedural and organizational matters. An oral report on the consultations was submitted by the Executive Secretary to the Congress at its first plenary meeting and was used by the latter as a basis for its decisions on those matters.

C. Attendance

8. The following States were represented at the Congress: Algeria, Argentina, Australia, Austria, Bahamas, Barbados, Belgium, Brazil, Bulgaria, Burma, Byelorussian Soviet Socialist Republic, Canada, Central African Republic, Chile, China, Colombia, Costa Rica, Cuba, Czechoslovakia, Democratic Yemen, Denmark, Ecuador, Egypt, El Salvador, Ethiopia, Finland, France, Gabon, German Democratic Republic, Germany Federal Republic of, Ghana, Greece, Guatemala, Guyana, Holy See, Honduras, Hungary, India, Indonesia, Iraq, Ireland, Israel, Italy, Ivory Coast, Jamaica, Japan, Kuwait, Lebanon, Lesotho, Libyan Arab Jamahiriya, Malaysia, Malta, Mexico, Morocco, Mozambique, Nepal, Netherlands, New Zealand, Nicaragua, Nigeria, Norway, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Republic of Korea, Romania, Rwanda, San Marino, Saint Vincent and the Grenadines, Saudi Arabia, Singapore, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Switzerland, Thailand, Tonga, Trinidad and Tobago, Tunisia, Turkey, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America, Uruguay, Venezuela, Yemen, Yugoslavia, Zaire, Zambia.

9. The following organizations, that have received a standing invitation from the General Assembly to participate in the sessions and work of all international conferences convened under the auspices of the General Assembly in the capacity of observers, were represented: Palestine Liberation Organization, South West Africa People's Organization.

10. The following national liberation movements were represented by observers: African National Congress of South Africa, Pan Africanist Congress of Azania.

11. The following United Nations offices and organs were represented by observers: Division of Human Rights, Division of Narcotic Drugs, United Nations Asia and Far East Institute for the Prevention of Crime and the Treatment of Offenders, United Nations Development Programme, United Nations Institute for Namibia, United Nations Latin American Institute for the Prevention of Crime and the Treatment of Offenders, United Nations Social Defence Research Institute, United Nations Volunteers.

12. The following specialized agencies were represented by observers: International Labour Organisation, World Health Organization.

13. The following intergovernmental organizations were represented by observers: Council of Europe, International Criminal Police Organization, League of Arab States, Organization of African Unity, Organization of American States, Pan Arab Organization for Social Defence.

14. The following non-governmental organizations were represented by observers: Category I - International Council of Women, World Federation of Democratic Youth, World Federation of United Nations Associations; Category II - Amnesty International, Arab Lawyers Union, Bahá'i International Community, Caritas Internationalis, Friends World Committee for Consultation, Howard League for Penal Reform, International Association of Democratic Lawyers, International Association of Penal Law, International Association of Schools of Social Work, International Commission of Jurists, International Committee of the Red Cross, International Federation of Human Rights, International Federation of Women Lawyers, International League for Human Rights, International Prisoners Aid Association, International Social Service, International Society for Criminology, International Union for Child Welfare, International Union of Latin Notariat, the Salvation Army, Société internationale de prophylaxie criminelle, World Jewish Congress; Roster - Foundation for the Establishment of an International Criminal Court, International Society of Social Defence, International Union of Police Federations, UNDA - Catholic International Association for Radio and Television, World Alliance of Reformed Churches, World Psychiatric Association.

15. About 220 individual experts and 30 United Nations expert consultants participated in the work of the Congress.

D. Opening of the Congress and election of the President

16. The Sixth United Nations Congress on the Prevention of Crime and the Treatment of Offenders was officially opened, on behalf of the Secretary-General, by the Under-Secretary-General for International Economic and Social Affairs, who read out a message addressed by the Secretary-General to the Congress. The Secretary-General expressed his great pleasure in addressing the Congress, being held for the first time in a developing country, Venezuela, which combined a rich and varied cultural heritage with the attributes of a rapidly developing country.

17. The Secretary-General referred to the various declarations and resolutions of the General Assembly, including those relating to the establishment of a new international economic order, and emphasized the importance of the contribution of

the Congress towards improving not only the quality of life but life itself. In spite of the vigorous efforts made during the First and Second United Nations Development Decades, progress towards improving the well-being of the majority of the world's population had remained inadequate. Unplanned economic growth and socio-economic imbalances had caused in large measure, in many parts of the world, an increase in criminality with its attendant costs and dangers.

18. The Secretary-General emphasized that, in view of the multidisciplinary nature of the problem of criminality, crime prevention and criminal justice had not only to be considered from a technical point of view but also is to be consonant with the economic and social realities of Member States. He drew attention, in particular, to the need for more work on understanding the interactions between specific development issues on the one hand and the incidence and patterns of criminality on the other, including issues relating to international structures and relationships.

19. The Secretary-General added that crime had to be reduced because it meant suffering for the victims, and for society as a whole, but also because it meant suffering for the offender who was punished. In this connexion, there was general agreement that penal treatment had to be based on respect for human dignity and that action was necessary at all levels - national, regional and international - to ensure that justice became a more universal basis of penal policy and correctional reform. He also referred to the need for early and effective implementation of the various international covenants and instruments designed to promote respect for human rights.

20. Then the Secretary-General touched on the issue of capital punishment, saying that it was necessary to give serious consideration to this question, since the taking of life of human beings violates respect for the dignity of every person and right to life, as declared in the basic postulates of the United Nations.

21. In conclusion, the Secretary-General stated that the world community was at the threshold of a new perception of the problem of crime: moving from prescription to prevention, recognition had to be given to the importance of law and justice, not only in terms of maintaining peace and stability but also as active instruments of economic and social change in the light of national priorities and requirements. He regarded this as a challenging task that would require the concerted efforts of the entire international community, and in which the United Nations system would undoubtedly have an important role to play in assisting Member States through studies and analysis of the problem in relation to all aspects of development, in functioning as an effective clearinghouse of information, in promoting international co-operation and in providing technical assistance.

22. At the same meeting, the Congress was addressed by Mr. Luis Herrera Campíns, President of the Republic of Venezuela, who extended a cordial welcome to the participants and touched on the main points of the agenda of the Congress.

23. In his statement, the President observed that, for the past 25 years, the United Nations Congresses on the Prevention of Crime and the Treatment of Offenders had been held every five years in different cities of the world. It was of great

significance that the Sixth Congress was the first of those Congresses to be held on the Latin American continent and in a developing country. It was a great honour for Venezuela and Caracas to have been chosen as the venue for such an important international meeting.

24. Speaking of the themes of the Congress, the President stated that criminality was foremost among the concerns, worries and anxieties of today's world. Efforts to combat criminality and to deal with the problem of the treatment of offenders had not been given due priority in political action; criminality had to be considered as one of the factors hampering development. Accordingly, it was most appropriate for the Congress to have highlighted as its theme the close connexion between crime prevention and the quality of life. Ultimately, that was the common objective.

25. The President of the Republic of Venezuela went on to declare that justice was not only an end but a means as well. As people became aware of injustice, the ideal of justice and the need for it became more clearly defined. In penal matters, however, that awareness had emerged slowly. If the concept of social justice had been successful to the point of modifying the traditional classification of law, creating social legislation and giving vigorous impulse to labour law, agrarian law and juvenile law, there was no reason to think that the life blood of a more humane, more equitable and more democratic justice could not also be injected into criminal law. The problems of criminality and criminal justice, therefore, required a global, comprehensive and integrated vision, an approach that did not discard but rather utilized exchanges of experience and of ideas, with much greater effectiveness in international co-operation in crime prevention and criminal justice. In this broader perspective, the President stated that it was imperative that a structural change be made in the United Nations leading to the strengthening of the programmes and activities in the field of crime prevention and criminal justice. In the future, such activities would have to be developed at a higher level and with greater effectiveness. Practical steps and operational machinery would reinforce the action taken by the Sixth Congress, as the advantage of dialogue did not lie merely in exchanges of ideas, opinions, theories and criteria, but in the tangible results produced. The ultimate aim should be the achievement of a better quality of life which was impaired by any form of criminality or any kind of injustice.

26. The Congress then elected by acclamation José Guillermo Andueza, Minister of Justice and Head of the delegation of Venezuela, as President of the Congress.

27. In thanking the Congress for his election, the President said that all the participants in the Congress were united in a common purpose: the struggle against crime and the quest for justice. He was confident that they would join together to contribute to practical solutions to alleviate crime in the world and foster justice. As President, he would spare no efforts in seeking consensus to find such solutions.

E. Adoption of the rules of procedure

28. At its 1st plenary meeting, on 25 August 1980, the Congress adopted as its rules of procedure the provisional rules of procedure approved by the Economic and Social Council in its decision 1979/25 of 9 May 1979, as revised by Council decision 1980/105 of 6 February 1980, with the following changes:

(a) Rule 6 was amended to read as follows:

"The Congress shall elect from among the representatives of participating States a President, 24 Vice-Presidents and a Rapporteur-General, as well as a Chairman for each of the committees provided for in rule 43. These 28 officers shall constitute the General Committee and shall be elected on the basis of ensuring its representative character".

(b) Rule 44, paragraph 1, was amended to read as follows:

"1. In addition to a Chairman elected by the Congress pursuant to rule 6, each Committee shall itself elect a Vice-Chairman and a Rapporteur from among the representatives of participating States".

F. Adoption of the agenda

29. At the same meeting, the Congress adopted as its agenda the provisional agenda approved by the Economic and Social Council in its decision 1980/106 of 6 February 1980. The agenda was the following:

1. Opening of the Congress
2. Organizational matters
 - (a) Election of the President
 - (b) Adoption of the rules of procedure
 - (c) Adoption of the agenda
 - (d) Organization of work
 - (e) Election of officers other than the President
 - (f) Credentials of representatives to the Congress
 - (i) Appointment of the members of the Credentials Committee
 - (ii) Report of the Credentials Committee

3. Crime trends and crime prevention strategies
4. Juvenile justice: before and after the onset of delinquency
5. Crime and the abuse of power: offences and offenders beyond the reach of the law
6. Deinstitutionalization of corrections and its implications for the residual prisoner
7. United Nations norms and guidelines in criminal justice: from standard-setting to implementation, and capital punishment
8. New perspectives in crime prevention and criminal justice and development: the role of international co-operation
9. Adoption of the report of the Congress

G. Organization of work

30. The Congress decided, on the recommendation of the Economic and Social Council to set up two Main Committees. It was also decided to establish a Working Group of Committee I and to set up a Sub-Committee of Committee II.

31. The substantive items of the agenda were allocated among the sessional bodies as follows:

- (a) Committee I: agenda items 3 and 7;
- (b) Working Group of Committee I: agenda item 8;
- (c) Committee II: agenda items 4 and 5;
- (d) Sub-Committee of Committee II: agenda item 6.

H. Election of officers other than the President

32. At its 1st plenary meeting, the Congress elected by acclamation Eugène Frencken (Belgium) Rapporteur-General, Vuko Gozze-Gučetić (Yugoslavia) Chairman of Committee I, Atushi Nagashima (Japan) Chairman of Committee II, Haile-Mariam Teshome (Ethiopia) First Vice-President and the following 23 States as Vice-Presidents: Algeria, Argentina, Austria, China, Colombia, Costa Rica, Cuba, Finland, Gabon, Germany, Federal Republic of, Iraq, Libyan Arab Jamahiriya, Mozambique, Nigeria, Pakistan, Panama, Papua New Guinea, Philippines, Poland, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America. These officers, together with the President, constituted the General Committee.

33. The Congress agreed that the President, the Rapporteur-General, the Chairmen of Committees I and II and the First Vice-President would constitute the Bureau of the Congress.

34. Committee I, at its 1st meeting, elected the following officers other than the Chairman: W. A. M. J. P. Delgoda (Sri Lanka), Vice-Chairman; Giuseppe di Gennaro (Italy), Rapporteur.

35. Committee II, at its 1st meeting, elected the following officers other than the Chairman: G. Hervieux-Payette (Canada), Vice-Chairman; A. A. Adeyemi (Nigeria), Rapporteur.

36. The Working Group of Committee I, at its 1st meeting, elected the following Bureau: Sergio Garcia Ramirez (Mexico), Chairman; Brunon Hoyst (Poland) and M. Kawa (Myan Arab Jamahiriya), Vice-Chairmen.

37. The Sub-Committee of Committee II, at its 1st meeting, elected the following Bureau: N. Singh (India), Chairman; Ioan Ceterchi (Romania) and Egbert Gunter (Jamaica), Vice-Chairmen.

1. Appointment of the members of the Credentials Committee

38. At its 1st plenary meeting, on 3 September 1980, the Congress, in accordance with rule 5 of its rules of procedure, appointed a Credentials Committee composed of the following States: Belgium, China, Ecuador, Ghana, Pakistan, Panama, Sudan, Syrian Arab Republic, Yugoslavia and United States of America.

2. Implementation of Congress decisions for the programme of the United Nations

39. The Congress did not in a separate vote by the Secretariat to the effect that the implementation of the programme of the United Nations might have financial implications and that the Secretariat should submit a statement of financial implications to the United Nations General Assembly. The question was considered by those States.

Chapter IV

REPORTS OF SESSIONAL BODIES AND ACTION TAKEN THEREON BY THE CONGRESS

A. Report of Committee I

Introduction

40. At its 1st plenary meeting, on 25 August 1980, the Congress allocated to Committee I and its Working Group, in accordance with Economic and Social Council decision 1980/106, agenda item 3, entitled "Crime trends and crime prevention strategies"; agenda item 7, entitled "United Nations norms and guidelines in criminal justice: from standard-setting to implementation, and capital punishment"; and agenda item 8, entitled "New perspectives in crime prevention and criminal justice and development: the role of international co-operation".

41. The Committee considered items 3 and 7 at its 1st to 17th meetings, from 25 August to 4 September 1980. The Working Group held five meetings to consider item 8, the report on which was approved by the Committee at its 17th meeting.

Agenda item 3

CRIME TRENDS AND CRIME PREVENTION STRATEGIES

42. The Committee considered agenda item 3 at its 1st to 8th and 10th meetings, from 25 August to 1 September 1980. The item was introduced by the representative of the Secretariat, assisted by a panel of expert consultants.

43. For its consideration of the item, the Committee had before it a working paper prepared by the Secretariat (A/CONF.87/4 and Corr.1) and the report of the Secretary-General on the implementation of the conclusions of the Fifth United Nations Congress on the Prevention of Crime and the Treatment of Offenders (A/35/289).

44. The Committee, on the whole, expressed appreciation and approval of the Secretariat working paper, although several delegations pointed out that some statements were not applicable to their countries. The existing interrelation between crime trends and crime prevention strategies, as presented in the working paper, was accepted as correct.

45. Many representatives gave a full account of the situation of their countries with reference both to crime trends and to prevention strategies. The descriptions were frequently very detailed and are not therefore reproduced in the present report. The more technical parts of the working paper were accepted by most delegations. Many delegations emphasized the importance of the application of science to the prevention and control of crime. It was observed by some, however, that it was not proper to attach too much importance to the scientific approach because crime problems could not be dealt with as a matter of scientific analysis only, in view of their interrelationship with religious and cultural values.

1. Crime trends

46. There was general agreement that the study of crime trends could give more relevant information than that of conventional statistics. It was observed that the use of crime trends could produce better results when considered in the broader context of basic socio-economic indicators and other relevant social dimensions. In comparison with the situation reported at the Fifth Congress, it had become more clear that the most dangerous and harmful crimes were not only those against life, the person and property but also in some countries those abuses of power which were formerly ignored or at least undetected and unpunished. Relative to this, reference was made to the different types of anti-social behaviour known as "white-collar" or "economic" crime. Such criminality, it was pointed out by some delegations, had a tendency to become organized and transnational. For the most part, that criminality was reported by some delegations as being still undetected and therefore unpunished and not appearing in criminal statistics.

47. In discussing crime trends, it appeared that experiences of different countries varied from a marked increase in at least some kinds of crime to a stability or even a decrease in the totality or in most aspects of criminality. Some of those delegations reporting either a decrease or a stable level of criminality explained this in terms of the positive influence of religion, ethics and social and cultural values. Others attributed this achievement mainly to their capacity to realize substantial social justice and to create a socio-economic environment in which opportunities for committing crimes were reduced to a minimum. Some of them stressed also the success of integrating crime prevention strategies in over-all socio-economic planning.

48. It was pointed out by several representatives that the correlation between development and increasing criminality could not be accepted as a principle. In their view, development was not criminogenic *per se*, but could become such if it was not rationally planned, disregarded cultural and moral values and did not include integrated social defence strategies.

49. Some delegations provided specific information on increasing or decreasing crime types, as well as on crime in aggregate. It was pointed out that the observations concerning the growth of female criminality contained in the working paper did not apply to some countries, where in fact the opposite had happened, and that there had been a continuous decrease in the number of female offenders, along with the process of emancipation of women. Several delegations mentioned the continual increase of drug abuse and trafficking and drug-related crimes. In a number of countries, theft of various kinds continued to be the main single crime type, and offences related to road traffic had mounted, but in many countries those were not included in the general crime statistics. Several delegations reported that the importation of foreign cultural patterns which did not harmonize with the indigenous culture had had a criminogenic effect.

50. It was pointed out in the discussion that the aetiology of criminality was so complex and intriguing that it was not easy to identify the active factors in its dynamics. However, in the last few years, several research studies had been focused on aetiological aspects of criminality, with specific reference to development, and the possible underlying patterns of the correlation among them. It was agreed that deeper knowledge was needed and that, therefore, research efforts should be stressed both at the national and international levels. The particular

reason for that suggestion was the recognition that effective crime prevention and control strategies could not be designed or implemented without a sound basis of knowledge.

51. It was also agreed that, even if each country might gain from international collaboration, crime problems were nevertheless specific to every internal context, so that a universal approach to the problem could not be advocated. The reason for combating crime was not only to be seen in the protection of victims and in social defence in general. It was generally felt that criminality strongly impinged on the quality of life and that, moreover, it could require in some countries substantial allocation of resources, which were thus diverted from other important programmes for social development.

52. With reference to the need for acquiring sufficient information as a basis for the prevention and control of crime, the discussion concentrated on the identification of the most suitable means for data collection. It was commonly agreed that apparent criminality, i.e., recorded criminality, was only a part of actual criminality, the other part being represented by the "dark number".

53. The various systems for organizing and operating statistical data collection were examined. The conventional methods of collecting information from police records or court sentencing were seen as of undeniable value, but they were also considered as offering only a limited part of the entire figure. In order to improve the knowledge of the actual facts, integrative approaches such as victimization and self-reporting surveys, which were strongly advocated by some delegations, were mentioned, as well as supplementing crime statistics with information about the damage caused by the criminal act.

54. It was also suggested that an improvement of crime data collection was needed even in those countries which seemed to be the more advanced in that field. It was noted that, for the progress of the general situation, improvement at the national level had to be accompanied by an enhancement in the quality of international collaboration. In fact, the possibility of making more sensible international comparisons could strongly advance domestic systems in finding out the best devices for preventing and combating crime.

55. The use of computers and other sophisticated tools was pointed to as a positive opportunity afforded by the progress of science and technology; but some delegations objected that to resort to those devices would be highly costly and, therefore, increase the burden that criminality put on society. A warning was also expressed that the use of computers and the unlimited extension of data collection could result, in the long term, in a reduction of human freedom.

56. Delegations from developing countries stressed the economic aspect of the introduction of data collecting systems. There should be a balance between the advancement of various social programmes and that of the collection of information on crime. It was also suggested by many representatives of those countries that there were some simple methods for collecting relevant information which might fit best into their situation. Very often there were reliable sources of information that were not sufficiently exploited by decision makers.

57. Despite the reservations expressed above, the great majority of both developed and developing countries agreed that the establishment of a quantitative data base, where possible, was of the utmost importance and should receive very high priority.

2. Crime prevention strategies

58. One basic consideration was that prevention strategies could not be limited to the criminal justice system. The most effective tools for preventing criminality were the solutions of social, economic and cultural problems affecting broad sections of the population. Police, courts and corrections were viable tools for preventing criminality. However, an effective approach required a more extended endeavour. Even within the criminal justice system, new methods had been tried to deal with criminals and delinquents. The mere repressive approach often alienated the public and made wrongdoers resistant to persuasion and change.

59. Prevention had to involve all the various sectors of society, not only public structures - centralized or decentralized - which had competence beyond the criminal justice system but also the public at large. Several delegations reported the high effectiveness of voluntary organizations in collaboration with integrated state and local agencies. Various types of voluntary organizations and modes of collaboration between them and the public organs were mentioned. The preventive role of education and of a well structured, educated and stable family was generally recognized.

60. Many delegations, in dealing with the "extra-legal system" preventive measures, stressed that the over-all organization of society should be conceived as anti-criminogenic. This aim could be more easily attained if decision makers were aware of this, both at the State and at the local levels. The structure of a society capable of preventing and controlling criminality had to include all the sectors relevant for an orderly development of community life. In comparing the experiences of developing and developed countries, it became apparent that for preventing crime the former still relied on informal procedures for resolving conflicts. Considering the efficacy of such an approach, it was suggested that developing countries maintain and reinforce such procedures while developed countries might learn from such experiences, and introduce similar cultural methods compatible with their systems.

61. Complete agreement was reached on the need for creating structured links between the various sectors for the specific purpose of involving their representatives in the fight against crime. In this regard, interministerial and other types of intersectoral bodies were mentioned, as was the need not to exclude the public from the planning process. Positive experiences on the consultative role of such bodies were also reported. The experience proved to be positive, especially when those bodies concentrated on specific prevention programmes. A necessary step in devising such structured strategies was the working out of priorities, so that the appropriate allocation of resources and decisions concerning concentration of effort could be made.

62. The criminal justice system, commonly referred to as the formal control system, could play a preventive role to the extent to which its various sectors were genuinely capable of meeting the real problem of the community at large of their clientele. There was consensus in recognizing that the efficiency of the system in that respect was regulated by conditions of recruitment and quality of training. Both those activities should lead to the development of officers highly capable not only technically but also in understanding the human problems in the daily accomplishment of their delicate tasks. It had been demonstrated that good training

could facilitate increased co-operation and mutual trust between police and the public. The public, by its attitude, affected the efficiency of the criminal justice system but, on the other hand, a well-trained police force could assist greatly in the education of the public.

63. It was noted that the efficiency of the criminal justice system as a preventive agency could not be increased simply by the recruitment of more police officers. There was need to involve the public to the point of stimulating voluntary and organized co-operation. Some representatives spoke of the positive results of community actions both integrated with and alternative to police action. Initiatives of trade unions and other types of associations and religious organizations in some countries had produced appreciable results.

64. Other approaches which had been considered very helpful in reducing opportunities for crime were often labelled "target hardening". Such techniques required a fully aware public, ready to adopt those useful devices for protection of their goods which technological development made possible. In that field also, programmes for educating the public had usually proved to be effective. In that respect, a comment was made that such a defence, when affordable only by a certain segment of society, could displace victimization on to the poor. The discussion did not overlook the fact that criminal codes and the related substantive and procedural laws provided the framework in which criminal justice operations were to be conducted. Often, lack of consistency between laws and reality was criminogenic; the farther the law was removed from the feeling and the values shared by the community, the greater was the lack of confidence and trust in the efficacy of the legal system. That attitude could reach a degree at which private citizens and organizations substituted their personal security initiatives for the formal arrangement of the State. That might be remedied by the continuous monitoring of needs and values of society in order to keep those and the criminal justice system in harmony. Thus legal norms would require revision and continuous updating.

65. It was observed that, without underestimating the value of the strengthening and improvement of formal techniques for preventing and combating crime, those techniques could not provide a comprehensive answer to the problem of crime. A necessary prerequisite for the setting up of a functional justice system was to bring about social justice, which recognized the claim of every citizen to both equal rights and equal opportunities. In undertaking that endeavour, social programmes should be designed and implemented in order to arouse and mobilize public opinion, thus stimulating general awareness that the goal of social justice could be attained if society created the necessary social conditions and all citizens felt responsible for preventing anti-social behaviour and other attacks on the interests of society.

3. Report of the Secretary-General on the implementation of the conclusions of the Fifth United Nations Congress on the Prevention of Crime and the Treatment of Offenders

66. Some delegations commented on the report prepared by the Secretary-General (A/35/289) in accordance with General Assembly resolution 32/59 of 8 December 1977.

67. A delegation objected to the phrasing of one part of the report concerning the situation in another country, which it said was unacceptable unless amended.

Another, while commending the report as a whole, asked for further clarification on that point. It was pointed out by the Chairman that the report, as was made clear in the introduction, was based on information received from the Governments of Member States between March 1979 and April 1980, and that it was not the role of the Secretariat to question the information supplied by Governments.

68. One delegation commended the work of the Secretariat, and made the following general comments:

(a) For Member States to utilize to the full the recommendations and conclusions of each Congress, concern should not be confined to the Congress itself, but thought should be given by both the Secretariat and Member States to continuity of action between Congresses, and the momentum generated by each Congress should be maintained on a systematic basis. Thus, reports on implementation could act as a guide for future action, and be especially useful as a planning tool for succeeding Congresses.

(b) If Member States had had previous notice of approximately three years, rather than several months, the responses might well have been more numerous and more informative. They would also have had more time to put into operation measures to achieve the specific objectives set by the Congress.

(c) It would be appropriate for the Congress to recommend that an identification should be made, as early as possible, by the Secretariat under the guidance of the Committee on Crime Prevention and Control of the precise matters which would be the subject of the questionnaire on the implementation of the recommendations and conclusions of the Congress.

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69. For the conclusions of the Committee concerning agenda item 3, see chapter I, section C, above.

70. For the consideration by the Committee of the draft resolutions submitted under this item, see paragraphs 129 to 134 below.

Agenda item 7

UNITED NATIONS NORMS AND GUIDELINES IN CRIMINAL JUSTICE: FROM STANDARD-SETTING TO IMPLEMENTATION, AND CAPITAL PUNISHMENT

71. The Committee considered agenda item 7 at its 9th to 15th meetings, from 1 to 4 September 1980. The topics were introduced by representatives of the Secretariat, assisted by a panel of expert consultants.

72. The representative of the Division of Human Rights of the Secretariat informed the Committee about recent developments in the programme carried out by the Division since 1975.

73. For its consideration of the topics, the Committee had before it two working papers prepared by the Secretariat (A/CONF.87/8 and 9) and a report of the

Secretary-General (E/1980/9 and Corr.1 and 2, Add.1 and Corr.1 and Add.2 and 3). The Committee also had before it a background paper prepared by the Division of Human Rights (A/CONF.87/BP.5).

74. The Committee expressed its appreciation of the working papers, the report, and the background paper.

1. Norms and guidelines in criminal justice

75. There was general consensus in recognizing that the United Nations since the beginning had made a laudable effort in helping the international community to set up basic international instruments, needed as the legal basis for an ordered and peaceful advancement of the community of nations. This effort, which started with the Universal Declaration of Human Rights, continued following two parallel approaches. From one side, legally binding instruments had been adopted and, from the other side, basic standards and guidelines had been created for inspiring the internal laws and practices of member countries.

76. The effectiveness of the modus operandi of the United Nations was particularly stressed and reference was made, as an example, to the problem of torture. The concern of the United Nations about that inhuman practice had begun to be expressed in several instances within the Organization and after extensive debate had first taken concrete shape in the form of the Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, adopted unanimously by the Fifth United Nations Congress on the Prevention of Crime and the Treatment of Offenders and subsequently adopted by the General Assembly in its resolution 3542 (XXX). The support received by the anti-torture position in the important world forum of the Fifth Congress had given the needed strength to the various organs of the United Nations concerned with the question to prepare a text that was currently nearing the acquisition of the status of an international convention.

77. Continuous reference was made, in the course of the discussions, in addition to the Universal Declaration of Human Rights, to those instruments which appeared to be the logical development of the principles contained in the Declaration and their transformation into legally binding norms. The most relevant norms and guidelines in the perspective of the prevention and control of crime and the administration of criminal justice in general were frequently mentioned by the representatives; among them were the International Covenant on Civil and Political Rights, the Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Code of Conduct for Law Enforcement Officials and the Standard Minimum Rules for the Treatment of Prisoners.

78. The compatibility of norms and guidelines produced at the international level with the different socio-economic and cultural conditions of the various countries was also considered, and it was observed that the principles embodied in those instruments should be such as to be capable of application in the various regions and countries in a way fully consonant with their legal traditions and cultures. Several alternatives or cumulative ways had been indicated for the attainment of that target. The needed flexibility could be obtained by keeping the principles at a very general level, but that could deprive them of their stringent value. One other possible approach was to have basic principles established first at the regional level, and later embody them into instruments for world-wide application.

79. Some delegations observed that the production of international norms and guidelines had been already too numerous and that the continuing production of those instruments could result in a diminution of their international value. In that connexion, the most important commitment was seen in the advancement of the implementation of the already existing instruments: the wider they were implemented the more the endeavour of the United Nations would gain authority and credibility.

80. With regard to the scope of the fields in which United Nations norms and guidelines had been produced, it was observed that there was a danger of dispersion. It was suggested for the future that particular aspects of the administration of criminal justice should be concentrated on.

81. As far as possible new initiatives in this field were concerned, the proposals put forward by the Committee on Crime Prevention and Control were considered. Several representatives expressed strong support for guidelines to facilitate the return of persons convicted of crimes abroad to their domicile to serve their sentence.

82. It was observed that the model for United Nations guidelines for the transfer of prisoners, contained in paragraph 69 of the working paper prepared by the Secretariat (A/CONF.87/8), appeared to be interesting. Some delegations suggested that the model should be supplemented in such a way as to provide for an option between voluntary and mandatory transfers.

83. While appreciation was expressed for the Standard Minimum Rules for the Treatment of Prisoners, which had played a major role in humanizing the conditions of prisoners, the observation was also made that progress in social conditions and penal practices could go beyond the principles contained in the Standard Minimum Rules. That could suggest that the rules should be kept under review. However, some countries did not feel that a complete revision should be a priority in view of limited United Nations resources.

84. One field in which the existing rules for the treatment of prisoners could advance was that of strengthening procedures for grievances of detainees allowing them to lay down claims to national and possibly, in the opinion of some representatives, to international authorities. The independence and therefore the impartiality of those bodies was stressed.

85. Some representatives pointed out that the introduction of new United Nations guidelines might be needed most with respect to the treatment of offenders in the community, an area which was becoming increasingly important in many nations, as an alternative to imprisonment. New guidelines might include such matters as different forms of community treatment which could make extensive use of the participation of private citizens and organizations and of existing community resources. The guidelines for the treatment of offenders in the community should contain provisions for proper training of staff, regulations in the use of residential facilities, prohibition of undue restrictions of freedom, and protection of rights in revocation procedures. It was also observed that the task of preparing such rules was complex, owing to the wide diversity of measures applicable in community treatment, their strict relations with the national systems and cultures and, particularly, as far as some developing countries are concerned, their difficult economic conditions.

86. It was observed that proper recruitment and adequate training of judges and prosecutors were elements that concurred in creating a real capability of independence and impartiality. Therefore the United Nations was invited to take the initiative in supporting national and regional programmes for training the justice operators. It was also observed that training courses for judges should include matters such as the psychology of the witness, criminology and criminalistics. It was stressed that the standards should also refer to the function of public defenders and that there should be specific provisions for preventing the judge from having recourse to mass media before the sentencing for influencing the public.

87. One delegation mentioned the experiment made in its country where standards for the administration of criminal justice and for prison administrators had been developed at the federal level and disseminated at state and local levels with the positive results of wide acceptance and implementation.

88. One delegation pointed out that the concern of the United Nations should also be addressed to supporting reform of the laws governing the criminal justice system, considering that without reform of the legal system the other needed reforms would lack a proper basis.

89. One delegation proposed that the United Nations should establish university chairs on international criminal law in order to facilitate the training of criminal justice operators.

90. Another supported the idea that it was necessary to strengthen and make more detailed the standards for scope, use and control of police powers.

91. It was also observed that criminal justice standards should give more attention to the position of the victims of crime.

92. Considering that there was in some countries a trend towards the extension of criminal jurisdiction beyond the strict territorial boundaries, it was suggested that there was a need for international standards which could prevent and settle possible jurisdiction conflicts.

93. As far as implementation was concerned, it was observed that the nature of the related problems varied according to their reference to legally binding instruments and other types of norms and guidelines. In relation to the former, the real problem was that of stimulating a larger adherence to them of the member countries, the aim being that all should become parties to the already existing covenants. Those instruments contained in themselves implementing mechanisms, so that the means to their full implementation was already satisfactorily identified. As far as the latter instruments were concerned, the implementation posed delicate problems. It was stressed that respect of the principles contained in those guidelines remained primarily within the responsibility of each country. Many delegations expressed the view that the best approach to implementation would be found on a national level with thorough enactment of United Nations standards or through other means. Some delegations discussed the possibility of international approaches, but in that regard the preoccupation was expressed that such an approach could impinge on the sovereignty of the concerned countries. It was also thought by some delegations that voluntary participation in international supervision could be an appropriate remedy for avoiding the problem. Self-reporting

and continuous collection of information provided to the United Nations by individual countries were also indicated as useful measures. One country insisted on the need for annual reporting by individual countries to the United Nations on the implementation of standards and guidelines. Such reporting if done on a regular basis, could result in an important means for more effective implementation.

94. Several delegations, particularly from developing countries, while expressing their strong willingness to have United Nations norms and guidelines fully implemented in their countries, reported that sometimes they were not completely successful in that regard because of the lack or short-comings of the needed means. In fact, funds were not always available for an effective and co-ordinated action.

95. It was reported by one delegation that satisfactory results in implementation had been achieved by the establishment of a human rights bureau having jurisdiction on all related matters.

96. Some delegations thought that it was highly advisable that the United Nations should take the responsibility for collecting and publishing in a single volume all the existing international covenants and the guidelines and standards produced within the Organization. That volume should be widely distributed and, according to one representative, also briefly commented upon. That endeavour was seen as a major contribution to the widest possible dissemination of knowledge. In fact, it was observed that sometimes the lack of knowledge was the real obstacle to the acceptance and implementation of international instruments.

2. Capital punishment

97. Many aspects of the problem of the death penalty were discussed in depth. The various delegations, while frequently reporting about the situation in their countries from both the legal point of view and the judicial practice, also expressed their opinion in terms of principles.

98. Many delegations representing countries which still retained capital punishment in some cases nevertheless expressed their interest in the attainment of its abolition as a possible final goal. Among them, some observed that such retention was to be seen only as provisional, as there was in progress in their countries a continuous process of advancement towards abolition.

99. The justifications given by those countries which still retained death penalty provisions in their legal systems and applied them were various. One delegation affirmed that capital punishment was deeply rooted in the culture of the nation, so that it could not accept that those who intentionally deprived their fellow men of life would continue to benefit from the protection of their own life.

100. Another delegation affirmed that the death penalty was a necessary prerequisite for maintaining law and order. It was observed that the criminal law had not only to provide for guarantees for the offenders, but that it was a duty of the legislator to protect the victims against those who attacked their life. In that regard the preventive value of capital punishment was mentioned.

101. Most of the delegations representing countries which still retained capital punishment made clear that the penalty was considered a last resort for the protection of the individual and society against the most heinous crimes.

102. In that regard, intentional homicide, robbery, rape of a minor, drug trafficking, high treason, genocide and terrorist actions were mentioned. The limitations referred not only to types of crimes, but also to types of perpetrators: mentally unsound persons, pregnant women, and persons under a certain age were mentioned as frequently excluded.

103. Some delegations affirmed that in their countries the provision of capital punishment by the law was only a matter of principle because in practice the punishment had not been applied for a long time.

104. Others observed that the courts very rarely made recourse to that ultimate measure.

105. Several delegations, referring to the maintenance in their system of capital punishment, observed that the same legal system contained very advanced guarantees in order to assure a fair trial, right of appeal and revision of the sentence. Moreover, some delegations reported that capital punishment could not be executed because of a supervening pardon or commutation of sentence.

106. Representatives of abolitionist countries expressed various points of view in support of their position. It was observed by one delegation that the death penalty did not contribute to the prevention of crime and therefore could not be justified as a means of effective social control. Another affirmed that there was no evidence that capital punishment was of any utility and that the burden of proof should therefore fall on those who supported its retention. In addition, it was observed that the same principle of death penalty conflicted with the values of a civilized humanity. A number of delegations stated that they were opposed to the death penalty because of fundamental consideration of human rights.

107. Among those delegations which were in favour of encouraging the movement towards abolition some made a suggestion to proceed step by step, and in this perspective a moratorium was indicated as desirable.

108. One delegation referred to the establishment in its country of a special committee, assisted by a research team, for the study of the possible effects of complete abolition of the death penalty.

109. Some delegations expressed great interest for in-depth studies and research on the matter, but one delegation claimed that its country had not sufficient available means for that.

110. It was also pointed out that while considering the problem of the death penalty, the need for removing the social conditions which could be conducive to the accomplishment of those heinous crimes liable to capital punishment should not be disregarded.

111. A draft resolution entitled "Death penalty" (A/CONF.87/C.1/L.1) was submitted, which was the subject of informal consultations during the Congress. Taking account of observations made by a number of delegations in the course of the consultations, a revised text of the draft resolution (A/CONF.87/C.1/L.1/Rev.1) was submitted,

which was supported by several delegations. Other delegations, however, made observations about the revised text, including possible amendments of different paragraphs, as they would have difficulties in accepting the draft. One delegation also proposed specific amendments to the draft resolution (A/CONF.87/C.1/L.9). Realizing that there was inadequate time for the completion of work on the question, the sponsors withdrew the revised draft resolution. The Committee agreed, however, to recommend to the Congress to take note of the revised draft resolution and the amendments thereto, as submitted by the sponsors, and to annex the texts to its report for further consideration and discussion by the legislative bodies of the United Nations (see p. 70 below).

112. The Committee also agreed to annex to its report a draft resolution entitled "Towards a new international order for the prevention of crime and the treatment of offenders" (A/CONF.87/C.1/L.11), withdrawn by the sponsor on the understanding that it would be submitted to the Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders (see p. 74 below).

* * *

113. For the consideration by the Committee of the other draft resolutions submitted under this item, see paragraphs 129 to 134 below.

Agenda item 8

NEW PERSPECTIVES IN CRIME PREVENTION AND CRIMINAL JUSTICE AND DEVELOPMENT: THE ROLE OF INTERNATIONAL CO-OPERATION

114. The Working Group of Committee I held five meetings to consider agenda item 8.

115. In view of the importance of crime prevention and criminal justice in the context of economic growth and social progress and the need to strengthen international co-operation in this field, the Economic and Social Council, in its decision 1980/106, decided to include this additional item in the provisional agenda of the Sixth Congress. A working paper prepared by the Secretariat on the subject (A/CONF.87/10 and Corr. 1) was considered by the Working Group. It was the general view of the Working Group that the working paper provided a constructive framework for its discussions and contained several useful recommendations. In their discussions, representatives based themselves on the fact that co-operation in the struggle against crime could be promoted only under conditions which ensured the main goals of the United Nations, including the maintenance of over-all international co-operation.

116. The attention of the Working Group was invited to resolution 43 adopted by the World Conference of the United Nations Decade for Women: Equality, Development and Peace entitled "Exploitation of the prostitution of others and traffic in persons", in which the Conference, *inter alia*, invited the Sixth United Nations Congress on the Prevention of Crime and the Treatment of Offenders to make concrete recommendations in regard to the relationship between development and exploitation and traffic in persons.

117. It was observed that the prevention of crime and criminal justice were integral to efforts to promote development. The resolutions of the General Assembly on the establishment of a new international economic order and on the new international development strategy emphasized that the ultimate aim of development was the constant increase in the well-being of the entire population through its full participation in the development process and in ensuring a life worthy of human dignity. Efforts to minimize, if not eliminate, crime and promote criminal justice could contribute to securing those objectives. Several representatives observed that crime prevention and criminal justice should therefore be viewed within a developmental context and in their interrelationships with economic growth and social change. Furthermore, the significance of existing international conventions was underscored, to which attention was drawn in a working paper which was before the Committee under agenda item 7 (A/CONF.87/8, para. 26). It was suggested that there was a need for as many States as possible to accede to those conventions.

118. It was recognized that crime was a complex phenomenon which resulted from the action of a broad range of social, economic, cultural, historical and political factors. The development process was even more complex both at the conceptual and at the operational level. The interplay between crime and development was readily perceived but difficult to define with precision. At both the national and the international levels, some progress had been made in understanding the interaction between certain aspects of development in fields such as urbanization, industrialization, employment and migration, and the incidence and types of criminality. The fact that assessing the impact and interrelationship of crime

and development was complicated and difficult should not diminish the need to make those assessments objectively and systematically. It was recalled that the Fifth Congress had identified the costs associated with criminal activity in four broad categories. It was suggested that they should be constantly reviewed and updated.

119. It was recognized that much more work was necessary to comprehend better the interactions between crime and development with a view to evolving appropriate options for development strategy. It was felt that development per se was not responsible for the increase in crime. Crime, with its attendant costs to society, was seen not only as a hindrance to development but also, in some cases, as a consequence of the latter, particularly of unplanned or inadequately planned economic growth and social imbalances. Caution was also expressed to the effect that it was difficult, if not impossible, to establish universally applicable definitions and policies in regard to crime and development. Both factors were inseparably related to the economic, social, political and cultural conditions of each country. Each country had the right and responsibility to deal with those problems in the light of its own priorities and requirements. The view was expressed that policies, norms and guidelines for international co-operation in crime prevention and criminal justice and development should take into account the economic and social realities of developing countries, and that indigenous capacities and capabilities should be strengthened. At the same time, however, there was considerable need and scope to promote co-operation among countries through, in particular, assistance in judicial matters, exchange of information, experiences, knowledge and skills in dealing with those problems. That was even more so at the regional and subregional levels, given the comparability of problems and potential solutions of the member countries.

120. It was emphasized that the participation of the public and individuals in crime prevention and criminal justice was essential. Considerable emphasis was placed on the importance of crime prevention in the context of development and demographic conditions. References were made to the close linkages between prevention of crime and social justice. The view was expressed that crime prevention and criminal justice had to be viewed from the perspective of human rights, which included the right to development, considered a human right by the General Assembly.

121. It was the view of the Working Group that there was a need to involve all relevant disciplines in dealing with the problem of criminality, which was a multidisciplinary subject. Crime prevention should be viewed as a component - but not necessarily a dominant one - in intersectoral strategies, given the wide spectrum of priorities needed for development. However, it was emphasized that systematic efforts had to be made to incorporate crime prevention and control in national development strategies and to ensure a more comprehensive and multisectoral approach to the reduction, if not elimination, of crime.

122. The view was expressed that criminality and development should not be considered only within a national context. The impact of international economic relations on the problem was considerable. There was need to give attention to a variety of international issues, including those relating to the functioning of transnational corporations and to co-operation among countries in investigating and prosecuting transnational organizations that had engaged in criminal offences. Such efforts might, while adding a further dimension to the understanding of the phenomenon of criminality and facilitating international efforts to meet such

criminality, also suggest the need for improvements in international economic relations which would help to reduce crime.

123. While the need for more research and analysis of various issues relating to crime and development was recognized, it was generally felt that they should be accompanied by action-oriented measures, particularly in the provision of technical assistance to member countries, as required, and the strengthening of operational activities. The need was noted for not only intensifying scientific research but also for applying the results in the practice of organs of criminal justice. In particular, it was proposed that the problem be considered in a comprehensive manner at the meetings of the Committee on Crime Prevention and Control and the Congresses. Several representatives emphasized the need to strengthen appropriately the activities of the United Nations system in the field of crime prevention and criminal justice, particularly those of the Crime Prevention and Criminal Justice Branch. The pivotal role and work of the Committee on Crime Prevention and Control was recognized and it was generally felt that they should be further reinforced and adequate arrangements made for preparations of important issues between sessions of the Committee.

124. It was recognized that, in dealing with the phenomenon of criminality, adequate attention should be given to the treatment of offenders. With the acceptance of the principle that the ultimate object of a correctional system was the reformation and rehabilitation of offenders, institutional methods were undergoing basic changes. In that area also there was considerable scope for exchange of experience and information between countries. The view was expressed that attention should also be given to the problems of the victims of crime and the need for them and their next of kin to be adequately compensated and, in that connexion, for work in the area of victimology and victim-oriented research.

125. References were made to the important role of the United Nations in the advancement of international co-operation for crime prevention and criminal justice, including that of the Congresses, the Committee on Crime Prevention and Control, the Crime Prevention and Criminal Justice Branch, the United Nations Social Defence Research Institute, regional research and training institutes, the network of national correspondents, intergovernmental and non-governmental organizations and scientific institutions and other mechanisms and bodies. In that connexion, the potential role of the regional commissions was also fully recognized. The need to strengthen support to the United Nations Trust Fund for Social Defence was also pointed out. Speakers also stressed the importance of having regard to the availability of resources in setting United Nations priorities in the crime field.

126. Finally, a number of statements emphasized the importance of the consideration by United Nations organs of only the most important issues relating to international co-operation in the struggle against criminality. Concern was also expressed at the fact that the agenda for the sessions of the Committee on Crime Prevention and Control and the agenda of the United Nations Congresses were overloaded in a number of instances, which did not promote thorough and in-depth consideration of the items.

127. For the recommendations of the Working Group concerning agenda item 8, see chapter I, section C, above.

128. For the consideration by the Committee of the draft resolution submitted under this item, see paragraphs 129 to 134 below.

Consideration of draft resolutions

129. In the course of its deliberations on agenda item 3, Committee I considered the following draft resolutions:

(a) Draft resolution entitled "Crime trends and crime prevention strategies" (A/CONF.87/C.1/L.2), sponsored by Bulgaria, Cuba, Czechoslovakia, Ethiopia, the German Democratic Republic, Ghana, Hungary, Mozambique, Poland, Romania, the Union of Soviet Socialist Republics, Yugoslavia and Zambia;

(b) Draft resolution entitled "Development of crime and justice statistics" (A/CONF.87/C.1/L.3), sponsored by Australia, Canada, Colombia, Finland, the Federal Republic of Germany, Italy, Japan, Panama, Peru, Thailand, the United Kingdom of Great Britain and Northern Ireland and the United States of America;

(c) Draft resolution entitled "Effective measures to prevent crime" (A/CONF.87/C.1/L.7), sponsored by Egypt.

130. In the course of its deliberations on agenda item 7, the Committee considered the following draft proposals:

(a) Draft resolution and revised draft resolution entitled "Death penalty" (A/CONF.87/C.1/L.1 and Rev.1), sponsored by Austria, Ecuador, the Federal Republic of Germany and Sweden;

(b) Draft resolution entitled "Prevention of torture and other forms of cruel, inhuman or degrading treatment" (A/CONF.87/C.1/L.4), sponsored by Barbados, Colombia, Costa Rica, Gabon, Ghana, Malta, Norway, Panama, Sri Lanka, Spain and Venezuela;

(c) Draft resolution entitled "Code of Conduct for Law Enforcement Officials" (A/CONF.87/C.1/L.5 and Corr.1), sponsored by Austria, Colombia, Finland, Greece, the Netherlands, Nicaragua, Nigeria, Panama and Sweden;

(d) Draft resolution entitled "Transfer of offenders" (A/CONF.87/C.1/L.8), sponsored by Australia, Brazil, Canada, Colombia, France, Ghana, Greece, Italy, Mexico, New Zealand, Nigeria, the Philippines, Singapore, Sri Lanka, Tonga, Turkey, the United States of America, Venezuela and Yugoslavia;

(e) Amendments (A/CONF.87/C.1/L.9) proposed by Egypt to the draft resolution contained in document A/CONF.87/C.1/L.1/Rev.1:

(f) Draft resolution entitled "Towards a new international order for the prevention of crime and the treatment of offenders" (A/CONF.87/C.1/L.11), sponsored by Egypt;

(g) Draft resolution entitled "Human rights instruments and their implementation for prisoners" (A/CONF.87/C.1/L.12), sponsored by Norway;

(h) Draft resolution entitled "Legal information and the dissemination of legal knowledge" (A/CONF.87/C.1/L.13), sponsored by the Byelorussian Soviet Socialist Republic, Cuba, Czechoslovakia, the German Democratic Republic, Hungary, Poland, Romania, the Ukrainian Soviet Socialist Republic and the Union of Soviet Socialist Republics;

(i) Draft resolution entitled "Guidelines to ensure the independence of judges and to improve the selection and training of judges and prosecutors" (A/CONF.87/C.1/L.14), sponsored by Finland, France, the Federal Republic of Germany, Greece, Italy, Portugal, Tunisia and Turkey;

(j) Draft resolution entitled "Implementation of the conclusions of the Sixth United Nations Congress on the Prevention of Crime and the Treatment of Offenders" (A/CONF.87/C.1/L.17), sponsored by Australia, India, Japan, New Zealand, Papua New Guinea, the United States of America and Venezuela.

131. In the course of its deliberations on agenda item 8, the Committee considered a draft resolution entitled "Support for the United Nations Latin American Institute for the Prevention of Crime and the Treatment of Offenders" (A/CONF.87/C.1/L.15), sponsored by Brazil, Colombia, Costa Rica, Guatemala, Honduras, Mexico, Panama, Paraguay, Peru and Uruguay.

132. The Committee adopted without a vote, and recommended to the Congress for adoption, all the draft resolutions listed above, as orally revised and amended, with the exception of draft resolutions A/CONF.87/C.1/L.7, A/CONF.87/C.1/L.1/Rev.1 and the amendments thereto (A/CONF.87/C.1/L.9), and A/CONF.87/C.1/L.11.

133. Draft resolution A/CONF.87/C.1/L.7, as orally amended, was adopted by 49 votes to none, with 17 abstentions.

134. It was agreed that the texts of draft resolution A/CONF.87/C.1/L.1/Rev.1 and the amendments thereto (A/CONF.87/C.1/L.9), as well as the text of draft resolution A/CONF.87/C.1/L.11, would be annexed to the report of the Committee (see also paras. 111 and 112 above).

Action taken by the Congress

135. At its 3rd and 4th plenary meetings, on 5 September 1980, the Congress approved the report of Committee I and adopted the draft resolutions recommended by the Committee, as orally amended. (For the texts of the resolutions, see chap. I, sect. B, above, resolutions 1 to 3 and 11 to 18.)

Annex

DRAFT PROPOSALS FOR FURTHER CONSIDERATION BY THE LEGISLATIVE
BODIES OF THE UNITED NATIONS

A. Draft resolution submitted by Austria, Ecuador,
the Federal Republic of Germany and Sweden

Death penalty

The Sixth United Nations Congress on the Prevention of Crime and the Treatment
of Offenders,

Having regard to article 3 of the Universal Declaration of Human Rights and article 6 of the International Covenant on Civil and Political Rights which protect everyone's right to life,

Having regard further to article 5 of the Universal Declaration of Human Rights and article 7 of the International Covenant on Civil and Political Rights which prohibit torture and cruel, inhuman or degrading treatment or punishment,

Recalling General Assembly resolutions 1396 (XIV) of 20 November 1959, 1918 (XVIII) of 5 December 1963, 2393 (XXIII) of 26 November 1968, 2857 (XXVI) of 20 December 1971, 3011 (XXVII) of 18 December 1972 and 32/61 of 8 December 1977, as well as Economic and Social Council resolutions 934 (XXV) of 9 April 1963, 1337 (XLIV) of 31 May 1968, 1574 (L) of 20 May 1971, 1656 (LII) of 1 June 1972, 1745 (LIV) of 16 May 1973, 1930 (LVIII) of 6 May 1975 and 1979/22 of 9 May 1979 which confirm the continuing interest of the United Nations in the question of capital punishment with a view to restricting and eventually abolishing that punishment,

Noting in particular that in its resolution 2857 (XXVI) the General Assembly affirmed that, in order fully to guarantee the right to life, provided for in article 3 of the Universal Declaration of Human Rights, the main objective to be pursued is that of progressively restricting the number of offences for which capital punishment may be imposed, with a view to the desirability of abolishing this punishment in all countries,

Being aware that the evidence on the deterrent effect of capital punishment is inconclusive,

Noting that it has not been established that the total abolition of the death penalty has led to negative consequences in the field of criminal policy,

Considering that there are important humanitarian considerations which speak in favour of a restrictive use and the eventual abolition of capital punishment,

Having regard to the second five-year report of the Secretary-General on capital punishment 15/ and his report on practices and statutory rules which may govern the right of a person sentenced to capital punishment to petition for pardon, commutation of sentence or reprieve, 16/

Noting that there has been within a number of Member States in recent years a trend, de jure and de facto, towards final abolition of the death penalty,

Having discussed, in compliance with General Assembly resolution 32/61, the various aspects of the use of capital punishment and the possible restriction thereof, including, as a first step, a more generous application of rules relating to pardon, commutation or reprieve,

1. Declares that further restriction in the application of capital punishment and its eventual abolition would be a significant contribution to the strengthening of human rights, in particular the right to life;

2. Reiterates that the ultimate objective is the total abolition of capital punishment throughout the world and that, with a view to achieving this objective, the use of capital punishment should be gradually restricted;

3. Expresses the hope that all States which have not abolished capital punishment will work towards that end, taking into account the particular circumstances prevailing in each State;

4. Further expresses the hope, while recognizing the sovereign right of each State to determine its own criminal policy, that capital punishment will not be re-established in States which have abolished it and that, in States which have not abolished capital punishment, its application will not be extended to new categories of offences;

5. Recommends to States which have not abolished capital punishment to consider establishing a moratorium in its application, or creating other conditions under which capital punishment is not imposed or is not executed, so as to permit those States to study the effects of abolition on a provisional basis;

6. Urges those States which have not abolished capital punishment to review their rules and practices regarding judicial appeal, pardon, commutation and reprieve so as to provide for a more generous application of such rules and practices in regard to persons who have been sentenced to death;

7. Invites those States which have not abolished capital punishment to apply, inter alia, the following generally accepted international human rights standards:

(a) Capital punishment may be imposed only for the most serious crimes;

(b) Capital punishment may be imposed only in accordance with the law in force at the time of the commission of the crime;

15/ E/1980/9 and Corr.1 and 2, Add.1 and Corr.1, and Add.2 and 3.

16/ E/1980/9 and Corr.1, paras. 49-66.

(c) Sentence of death shall not be imposed for crimes committed by persons below 18 years of age and shall not be carried out on pregnant women;

(d) Capital punishment shall not be carried out pending any appeal proceedings or other proceedings relating to pardon or commutation of sentence;

(e) Capital punishment may only be carried out pursuant to a final judgement rendered by a competent court after legal process which gives all possible safeguards to ensure a fair trial, including the right of anyone suspected of or charged with a crime for which death sentence may be imposed to adequate legal assistance at all stages of the proceedings;

(f) Anyone sentenced to death shall have the right to appeal to a court of higher jurisdiction;

(g) Anyone sentenced to death shall have the right to seek pardon or commutation of sentence;

(h) Amnesty, pardon or commutation of sentence may be granted in all cases of death sentences;

8. Invites the Economic and Social Council:

(a) To request the Secretary-General to obtain from Member States and from other available sources information about death sentences imposed or carried out in different countries;

(b) To request the Secretary-General to monitor, on the basis of such information, world-wide development relating to the legal provisions as well as the actual imposition and execution of the death penalty;

(c) To request the Sub-Commission on Prevention of Discrimination and Protection of Minorities to include the problem of capital punishment in its work programme;

(d) To review regularly the question of capital punishment and the measures taken by States for its restriction and eventual abolition.

B. Amendments proposed by Egypt to the draft resolution submitted by Austria, Ecuador, the Federal Republic of Germany and Sweden

1. Add the following preambular paragraphs:

"Considering the importance of general deterrence in legislative texts providing for penalties, including capital punishment,

"Considering also the importance of providing for capital punishment in order to instil the necessary fear in the hearts of people to prevent them from committing certain serious crimes, especially crimes against human life,

"Considering further that the application of capital punishment should be accompanied by adequate guarantees to limit such application and ensure respect for human rights,".

2. Delete operative paragraphs 1 to 6 of the draft resolution.

3. Renumber operative paragraphs 7 and 8 of the draft resolution accordingly.

C. Draft resolution submitted by Egypt

Towards a new international order for the prevention of crime and the treatment of offenders

The Sixth United Nations Congress on the Prevention of Crime and the Treatment of Offenders,

Considering that the new international economic order has been established by the United Nations to achieve development and guarantee a decent life for man,

Noting that the social and cultural changes accompanying the development process may be a factor contributing to criminality,

Noting that efforts to prevent crime require an approach that is integrated with development strategies,

Taking into account that success in the prevention of crime and the treatment of offenders can be achieved only through deep respect for human rights and for the values upheld by society in the framework of its own cultural identity,

Noting that international co-operation, including the systematic exchange of information and experiences, constitutes a major factor in the prevention of crime and the treatment of offenders,

Noting that the United Nations programme to combat crime, in its present form and with the resources currently available to the Branch entrusted with its implementation, is not adequate for the achievement of its goals,

1. Decides that there is a need for a new international order governing relations between States in the field of crime prevention and the treatment of offenders, complementary to and integrated with the new international economic order for the purpose of achieving the welfare of society and guaranteeing a safe and decent life for man;

2. Invites the Economic and Social Council, in co-operation with Member States and intergovernmental and non-governmental organizations, to undertake a comprehensive, in-depth analytical study leading to the elaboration of the principles on which the international order for the prevention of crime and the treatment of offenders should be based and to the preparation, as appropriate, of draft international instruments in the fields of international criminal law and international co-operation in combating criminality: such a study should be submitted to a special international Congress to be convened promptly for the purpose of laying the foundations for the new international order;

3. Invites the Secretary-General, in co-operation with national agencies, regional institutes and non-governmental international organizations, to reinforce the crime prevention programme and provide the resources necessary to ensure its effectiveness in achieving its goals.

B. Report of Committee II

Introduction

136. At its 1st plenary meeting, on 25 August 1980, the Congress allocated to Committee II and its Sub-Committee, in accordance with Economic and Social Council decision 1980/106, agenda item 4, entitled "Juvenile justice: before and after the onset of delinquency"; agenda item 5, entitled "Crime and the abuse of power: offences and offenders beyond the reach of the law"; and agenda item 6 entitled "Deinstitutionalization of corrections and its implications for the residual prisoner".

137. The Committee considered items 4 and 5 at its 1st to 16th meetings, from 25 August to 5 September 1980. The Sub-Committee held six meetings to consider item 6. The Committee agreed to submit the report of the Sub-Committee directly to the Congress.

Agenda item 4

JUVENILE JUSTICE: BEFORE AND AFTER THE ONSET OF DELINQUENCY

138. The Committee considered agenda item 4 as its 1st to 6th, 8th and 10th meetings, from 25 to 29 August 1980. For its consideration of the item, the Committee had before it a working paper prepared by the Secretariat (A/CONF.87/5). The item was introduced by the representative of the Secretariat and by a panel of expert consultants.

139. The problems that were highlighted in this regard were the following:

(a) Definition of:

(i) Justice;

(ii) Social justice;

(iii) Juvenile delinquency;

(iv) Responsibility;

(b) Reconciliation of the socio-psychological needs of the child with the legal protection of his rights, both as a child and as a citizen;

(c) The actual appreciation of the needs of children and young persons by the adult society, in view of the value differences implicit in the generation gap;

(d) Balancing the role of the family, which implies some restriction on external intervention, with the role which the State and other institutions (including schools and religious bodies) should play in the process of socialization;

(e) Activating community support as a complement to the family's supportive role without forgetting the complementary role of the State;

(f) Harmonizing impersonal State intervention with personal, family, community and other institutional interventions;

(g) Evolution of acceptable preventive and interventionist methods within the normal constraints of the socio-economic, socio-cultural and socio-political realities of society.

140. The importance of this question was underscored by the observation of a general increase in youth population in most countries of the world, which makes their well-being, socialized behaviour and otherwise a significant point of focus. In fact, the critical age period for delinquency appears to be 12 to 18 years. The issues were generally grouped into two categories: pre-delinquency juvenile justice, and post-delinquency juvenile justice. It is to be observed that there is a third stage, that between pre-delinquency and post-delinquency, namely, the period contemporaneous with delinquency. This will be treated under the post-delinquency stage. Discussions, however, cut across these categorizations on the ground that the problem is an integrated whole and the State and other activities in these areas should be so viewed.

1. Pre-delinquency juvenile justice

141. The concept of justice at this stage hardly ever has a legal connotation. It is essentially the notion of social and ethical justice. This involves the devolution and, even, imposition of social responsibilities on the child while at the same time demonstrating to him societal concern for him.

142. Several socialization media were discussed, namely, the family, the school, communal institutions and labour institutions. Essentially, they are geared towards educational and supportive roles.

143. The family was universally regarded as the most effective medium of social control normally having the strongest influence on the lives of young people. The normal family provided physical and emotional security for the child, the necessary tools for his maturation and developmental needs, as well as emotional and personality stability. Socio-economic transitions occurring in consequence of the rapid developments taking place in the developing countries had generally been observed as resulting in the decrease in the role of the family in socialization and value transmission, mainly because increased urbanization, migration and industrialization created conditions conducive to a weakening of family ties, while poverty weakened family authority and autonomy. Experiences of some countries, however, demonstrated that urbanization, industrialization, and migration/population growth per se were not precursors to delinquency. It was observed that efficient management, proper orientation and careful vigilance, coupled with comprehensive family assistance welfare programmes, side by side with educational programmes, would ensure, as it had indeed ensured for some Member States, socio-economic changes without concomitant growth in juvenile delinquency. The maintenance of the family as a stable supportive unit, irrespective of developmental changes, was generally exhorted.

144. Education is a machinery which must commence in the home. The formal educational system must of necessity build on the home foundation, if education is

viewed from its eventual perspective of socialization. In this regard, book knowledge needs to be complemented with normative/legal, moral/religious, and civil education. Several delegations confirmed the adoption of some or all of these types of education - formally and informally. There was general agreement on the need for such a wide supportive educational outlook in the socialization programmes for youths. Further, the need for the educational system to adjust and adapt to changing social and other circumstances was stressed, while the educationalists were enjoined to be more than mere transmitters of book knowledge. To that end, it would be necessary for them to acquire much broader and deeper skills than mere subject skills. Thus, the teacher must possess the ability to recognize signs of stress, frustration and discouragement, and be able to respond to them correctly. In more serious cases, he should recognize the need for immediate referral to more specialized personnel. Some countries reported their national programmes along these lines.

145. Quite apart from the family and the educational institutions, the communities also have a prominent role to play in moulding the social adjustments of young people. As such, integrated systems of community service were considered desirable. Many delegations described the types of such services which existed in their countries, noting areas of shortcomings and needed improvements. It was stressed that those systems should strengthen their efforts in the preventive services in order to minimize the need for curative/palliative services designed for the post-delinquency stage.

146. The ultimate role of the State was also examined. It was pointed out that the attitude of the State was invariably conditioned by two fundamentals: the first was the legal or constitutional provision which extended a general protection of citizens to children. Some States had extended this protection specifically to increase youth protection: for example, some countries were obliged by law to provide free education, free medical services and other welfare services to children; some other countries had so far not succeeded in adopting enabling legislations to implement those constitutional provisions; and some other States had neither constitutional nor other lesser legal provisions enjoining such rights for children within their jurisdictions. The second fundamental was the administrative/political recognition and decisions to provide for the welfare of children. Thus, educational, medical and other social welfare facilities and agencies were established by the respective Governments for catering for children's needs.

147. It was noted that many Governments' programmes emphasized post-delinquency interventions, while many others reported well-established pre-delinquency prevention programmes. While some countries wanted an elaborate enlargement of the rights of the child (including the unborn child) along the lines of the Declaration of the Rights of the Child, the International Year of the Child, and article 10 of the International Covenant on Economic, Social and Cultural Rights, others cautioned that over-expansion of the child's rights could become so illusory as to result in lack of will to enforce them. Such countries suggested the recognition and enforcement of basic minimum rights for the child, such as the right to food and clothing, right to education and right against abuse. It was doubtful if rights to happiness, affection and emotional security could be enforced by any State. None the less, encouragement of those virtues was desirable. The adult society was enjoined to recognize the helplessness of the youth in view of his exclusion from the decision-making processes, even in matters affecting him, which could leave his welfare at the grudging mercy of the adult world. The society was then asked to bear in mind whether it really had the mandate of the youth to act for them, and

whether it really understood the aspirations and the needs of the youth, bearing in mind the generation and consequential value gap. Furthermore, society had also to ask itself whether it was its own situational definition which was desirable - as distinct from legally legitimate - or that of the young people.

148. There was general agreement on the need to view delinquency problems and prevention as an integrated problem deserving of a comprehensive approach to its solution. Hence, the need for a comprehensive planning of development programmes as well as programmes and services for children and young persons was confirmed. The importance of early identification programmes and pre-delinquency intervention services and treatment measures was also emphasized.

2. Post-delinquency juvenile justice

149. The concept of juvenile justice at this stage is formally interventionist. It involves elements of protective intervention both in the sense of the child and in the sense of the society. This has always resulted in a conflict of goals, the resolution of which was stressed. Fears were expressed that so-called child protection oriented intervention, ostensibly with a view to maintaining the child's welfare, might be a superficial disguise for retribution, aiming principally at protecting the society against the child. It is here that the child's exclusion from the decision-making processes leaves him most helpless. Thus, the decision to make and the criteria for making a child responsible are entirely within the exclusive preserve of the adult society based on adult value judgement. The validity of this process and situation were seriously called into question, bearing in mind that there was a greater proportion of youths in the population of most countries of the world today. It might then, perhaps, be suggested that normative normalcy could be viewed with reference to the statistical mean, a situation which would call for a corresponding realistic normative or legal adjustment. The question, therefore, arises: how legitimate is it for the minority adult to legislate for, decide for and judge the majority youth with reference only to minority adult norms and culture (or subculture)? The view was, however, seriously canvassed that ways should be found to evolve greater youth participation and involvement in the formulation and execution of juvenile justice policy or, at least, to take greater cognizance of their views and culture. In any event, it was generally emphasized that there was a greater need to balance the interests of the child against its protected rights and those of the society at large in order to avoid the protection becoming an obstacle to effective beneficial intervention.

150. Many countries discussed their respective ages of criminal or social responsibility, and it was discernible from the various discussions that such ages, by and large, represented the point(s) when the youth was regarded as socially responsible in the sense of legal liability for the consequences of his actions, although there were intermediate age-shades between absolute non-responsibility and responsibility. Some problems were noted on this issue, prominent among which was that of the criteria for the age(s) of responsibility: should such age be chronological or mental? Again, having regard to the now generally accepted welfare aims of juvenile justice, ought society to continue to base juvenile justice on age of responsibility or on stages and types of welfare programmes? The legalistic demarcation, with its attendant attraction of constitutional rights, in particular due process, is known to result in a blockage of the applicability of the much needed welfare programmes beneficial to the youth involved.

151. Discussion further turned on the agencies for intervention. Notwithstanding the ostensible attempt to insulate the juvenile from the criminal process, except in cases of non-criminal delinquency, he is initiated into his contact with official intervention through the police. Several delegations described the efforts made at specializing a branch of their respective police forces to equip them with the necessary ability and competence to deal with children as necessary although some scepticism was expressed with regard to the general police culture.

152. Several delegations described their decision-making machineries for prescribing the best intervention programme of juvenile justice at this stage. Many delegations expressed their preferences for the avoidance of judicial intervention, even though there was hardly any system which did not have the court as its ultimate resort. But many countries had developed alternatives to judicial intervention, such as community agencies or administrative bodies (akin to tribunals and otherwise); yet some other countries encouraged greater police discretion to avoid judicial intervention, while the developing countries, in particular, had striven to maintain their emphasis on family and informal communal interventions, and some countries had encouraged school intervention. These divergencies were consistent with socio-cultural and socio-political differences. Many delegations also described the juvenile correctional institutions in their respective countries, but the need for resorting to them only when profitable was stressed as well. Generally, the need for human and progressive juvenile justice pervaded the discussions throughout, and mutual advantage will attend mutual learning from one another's method of approach.

153. Finally, the inability, so far, of the international community to address itself directly to the problems of juvenile delinquency was noted.

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154. For the conclusions of the Committee concerning agenda item 4, see chapter I, section C, above.

155. For the consideration by the Committee of the draft resolution submitted under this item, see paragraphs 202 to 212 below.

Agenda item 5

CRIME AND THE ABUSE OF POWER: OFFENCES AND OFFENDERS BEYOND THE REACH OF THE LAW

156. The Committee considered agenda item 5 at its 7th, 9th and 11th to 16th meetings, on 28 and 29 August and 1, 2, 4 and 5 September 1980. The item was introduced by the representative of the Secretariat, assisted by a panel of expert consultants.

157. In taking up this item the Committee noted that the Fifth Congress had pointed out that, in addition to ordinary criminals who escaped detection, there were a substantial number of powerful perpetrators of harmful acts who wielded their power and influence with impunity to the detriment of the community as a whole. Though the harm to the individual victim was not always discernible, such acts were deemed to have more serious effects on citizens and national economies than conventional crimes on which criminological attention had focused in the past. The selection of this topic for discussion by the Congress was welcomed and the urgent need stressed for practical and effective measures to cope with problems of this kind which many countries faced. The working paper prepared by the Secretariat (A/CONF/84/G) and the reports of preparatory meetings such as the Inter-Association Colloquium at Bellagio were considered by many delegations to be useful bases for the discussion of this agenda item.

158. The need to clarify the concept of abuse of power was suggested as a prerequisite for its further consideration. It was pointed out that the concept involved a moral and ethical evaluation. While the scope of abuses of power varied within and between countries, there was a tendency for such abuses to be self-perpetuating since those with power did not easily relinquish it. Furthermore, abuses of political, economic and social power usually did not operate in isolation but tended to be interlinked. For example, economic crime served as a causal and aggravating factor in the corruption of the governmental process and of public officials. There was thus a need for comprehensive, integrated policies and measures at the national, regional and global levels if inroads were to be made in combating recalcitrant problems related to abuses of power. Some delegations, however, explained that their political and economic systems, which had instituted broad structural reforms and preventive policies, left no room for individuals to acquire socio-political power on the basis of their economic power.

159. The Committee distinguished between two main types of offences beyond the reach of the law. These were (a) offences which, strictly speaking, were not crimes but were, nevertheless, harmful to societies, and (b) those which were legally defined as crimes but with respect to which the law enforcement agencies were relatively powerless because of the high economic or political status of their perpetrators, or because the circumstances under which they had been committed were such as to decrease the likelihood of their being reported and prosecuted. There could also be various interfaces between them. Examples of such offences included bribery and corruption, organized crime, economic abuses, such as tax evasion, credit and customs fraud, embezzlement and misappropriation of public funds, violations of currency regulations, speculation and swindling in land transactions, smuggling, environmental offences, over-pricing, over-invoicing, restrictive business practices, labour exploitation (especially of migrant labour), consumer fraud, and export and import of substandard and even dangerously unsafe products, as well as offences involving abuses of public power, frequently constituting

violations of human rights, such as apartheid and other forms of oppression and discrimination.

160. The lack of data revealing the incidence, patterns, perpetrators, distribution, repercussions and trends of offences involving abuse of power was pointed out, as was the need for such data and other relevant information to permit a proper understanding of the problems they posed and the development of more adequate means of combating them. Such information was difficult to obtain because of the secrecy surrounding the commission of many such acts and the resistance of those abusing power to scrutiny; the difficulty was often compounded by transnational aspects of those offences, particularly where the machinery for international collaboration was deficient or non-existent.

161. A more accurate information and research base in this area was needed, however, as a prerequisite for more effective action, especially since it appeared that offences related to abuse of power in many areas had increased in their dimensions and virulence, and new, sophisticated and dangerous forms of such criminality had appeared, such as computer fraud and various forms of tax evasion and violations of currency regulations.

162. Representatives commented upon the different positions of the law in respect of abuses of power: some delegations reported systems of law which proscribed most, if not all, of the offences under consideration, with corresponding enforcement measures, while others reported varying degrees of legal coverage, with different degrees of criminalization. A number of delegations called for further criminalization in this area, while others wondered about the desirability of criminalization in the face of decriminalization efforts in other areas. Furthermore, the differential approach of common law systems, which had extended the concept of criminal responsibility to corporate persons, and civil law systems, which did not recognize such an extension, was noted, and a modification of the latter approach suggested so as to permit it a wider reach.

1. Abuse of economic power

163. Many representatives felt that the existing criminal justice systems in their respective countries were not capable of dealing effectively with abuses of power, particularly economic criminality, and suggested additional machinery at the national level to deal with the problems posed. These should include a new body of doctrines in this field, geared to changed and changing needs, and appropriate institutions and measures for the prevention and control of abuses of power. Some countries had found it advisable to create special courts with appropriate procedures and to develop cadres of judges, prosecutors and police with particular training and authority to deal with such anti-social behaviour. Other countries have created administrative and quasi-judicial bodies as alternatives to the judicial system in dealing with the matter. Moreover, it was advisable to have law review commissions and special bodies of inquiry to give attention, as a matter of priority, to bringing the criminal justice system into a position to deal adequately with economic criminality and the abuse of power. However, some other delegations reported that the criminal justice systems, within their respective political and socio-economic systems, adequately prevented such problems, and that no offender was beyond the reach of the law, since everyone was equal before it. An overview of existing or proposed measures to contain and prevent abuses of power in their respective countries was provided by a number of representatives, who focused especially on recent initiatives taken in this regard. The use of imprisonment, increased fines, civil and administrative measures, was suggested in this connexion.

164. Corporate crime was deemed to be a particularly difficult, invidious and costly problem, which impaired human well-being and called for concerted measures at various levels. Various representatives emphasized the problems posed by transnational corporations in the abuse of economic power, often because of the inability of the victimized countries to deal with them effectively, especially developing countries. A number of representatives called for international co-operation to combat corporate crime on a global basis, utilizing the experiences of the various Member States in this respect. Emphasizing the plight of developing countries in this connexion, some delegations described the negative impact on the economy and impoverishment of the quality of life attributable to increases in this kind of criminality. There was an urgent need for action on restructuring the international economic order and for strengthened international co-operation to check the damaging effects of the activities of the transnational corporations, as well as other abuses of transnational economic and public power. Indeed, the matter was of such weight that it should be considered further at the Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders.

165. The relationship of offences involving abuses of economic power to prevailing socio-economic and political systems was discussed. Several possibilities of confronting them were raised, with a consensus that international co-operation was, again, indispensable in this area, especially as regarded the exchange of information, policy formulation and mutual assistance in law enforcement and in judicial proceedings. Individual countries were not always in a position to fight corporate abuses which transcended national borders. An international strategy was needed to combat, deter and prevent corporate crime world-wide, beginning with an immediate compilation, study and analysis of all current national and international laws in the area of corporate crime, especially that having transnational implications.

166. Many speakers drew attention to the fact that abuses of economic power very often harmed consumers. They referred to the adulteration of food, sale of harmful or obsolete drugs and false advertising, in this connexion. A number of measures such as special consumer legislation, consumer councils, appointment of ombudsmen, confiscation and import restrictions, were being taken to counter such consumer offences in the respective countries. It was pointed out that consumer apathy and lack of awareness of their exploitation were factors conducive to a climate of abuse. Governments and the mass media should mobilize their resources to enlighten consumers so that they could develop the necessary awareness, as a prerequisite for remedial action.

167. Several delegations pointed out the interlocking of abuses of public power and those of economic power. However, some other delegations explained that their political and economic systems left no room for individuals to acquire socio-political power on the basis of their economic power. None the less, the possibility of abuses in these spheres was recognized. The Committee noted that such abuses often involved corruption, with its destructive effects, and stressed the need for combined national and international efforts to combat corruption in all its forms. Some delegations mentioned the inadequacy of their justice systems to cope with the problem of corruption, while others expressed satisfaction with the adequacy of their systems. It was none the less generally agreed that further efforts were needed to improve the present systems by, inter alia, creating new institutions where necessary.

2. Abuse of public and political power

168. Abuses of public power, if pervasive, could seriously impede the quality of life and well-being of citizens. Some delegations suggested that abuse of public power could be discouraged by the promotion of ethical and professional norms (through such means as the Code of Ethics for the Public Service and the Code of Conduct for Law Enforcement Officials) and appropriate training programmes. These could be instrumental in lessening instances of abuse by public officials, including police brutality, and prison abuse which posed a problem in certain areas, and in raising the over-all quality of the public service. The need for observing the norms contained in such codes was stressed, bearing in mind instances of non-observance of some existing codes of conduct.

169. Views reflecting concern were expressed over abuses of power in the persistence of policies of colonialism, neo-colonialism, occupation, and discrimination against and oppression of the weak and disadvantaged. Further instances were adduced of abuses of public and administrative power involving infringements of fundamental human rights, such as torture, political murder, abduction and "disappearance" which were examples par excellence of the abuse of political power where the offence and the offender were beyond the effective reach of law. The need to uphold the principles of the sanctity of life, human freedom and dignity was generally accepted. Appropriate action at the national, regional and global levels was called for to cope with abuses in these sensitive areas. The Committee also noted the need for reparations and compensation to victims in appropriate circumstances.

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170. For the agreed conclusions of the Committee concerning agenda item 5, see chapter I, section C, above.

171. For the consideration by the committee of the draft resolutions submitted under this item, see paragraphs 202 to 212 below.

Agenda item 6

DEINSTITUTIONALIZATION OF CORRECTIONS AND ITS IMPLICATIONS
FOR THE RESIDUAL PRISONER

172. The Sub-Committee of Committee II considered agenda item 6 from 28 August to 3 September 1980. The question was introduced by a representative of the Secretariat and the expert consultants.

173. For its consideration of the item, the Sub-Committee had before it a working paper prepared by the Secretariat on the deinstitutionalization of corrections and its implications for the residual prisoner (A/CONF.87/7), supplemented by two additional working papers on the implementation of the Standard Minimum Rules for the Treatment of Prisoners (A/CONF.87/11 and Add.1) and on principles on linking the rehabilitation of offenders to related social services (A/CONF.87/12).

174. The Sub-Committee, on the whole, expressed appreciation and support for the Secretariat working papers, which provided a constructive framework for discussion and were consistent with the concepts of humanism, dignity and protection of every

human being, including offenders and prisoners, as well as the efforts to reduce the repressive elements in the criminal justice system, as far as possible. Although some delegations pointed out that certain statements in the working papers were not applicable to their countries, the interrelation between the process of deinstitutionalization and its implications for prisoners, within the broader context of the history of corrections and the continuum of the progress in penal policy, as presented in the working papers, was accepted as broadly valid. Some representatives, especially from socialist countries, stressed that their experience showed that imprisonment could be looked upon as an adequate means of treatment for certain offenders. There was also general agreement on the necessity to understand the correctional measures as part of the activities for the prevention and control of criminality, and on the important function and role of the public and the community in these efforts.

175. Many representatives gave detailed reports on the situation in their own countries with reference to correctional programmes not involving the deprivation of liberty (deinstitutionalization), institutional régimes for residual prisoners and the implementation of the Standard Minimum Rules. Efforts directed at decriminalization and depenalization were described, including, for example, community adjudication, neighbourhood courts, people courts and related community-based forums. Many of these descriptions were highly detailed and therefore no attempt was made to recapitulate them. What follows is the salient points and summary of conclusions on the basis of the comments and observations made by members of delegations, in accordance with a thematic approach with emphasis on (a) deinstitutionalization of corrections and the implications for the residual prisoner, (b) the implementation of the Standard Minimum Rules and (c) the principles on linking the rehabilitation of offenders to related social services.

1. Deinstitutionalization of corrections and its implications for the residual prisoners

176. There was general agreement with deinstitutionalization programmes and policies were consistent both with the requirements of rehabilitation of offenders and the prevention of crime; and that measures of deinstitutionalization assumed their character and scope in accordance with the social, cultural, political and legal milieu in each society. Despite the divergencies thus arising, it was acknowledged by all that the growing recourse to measures of deinstitutionalization testified to a universal trend.

177. The rationale of deinstitutionalization was stated in diverse terms. The goals of a humane system of criminal justice, and therefore also of a humane society, were best served if the bulk of the offenders were to be resocialized, integrated and rehabilitated by means other than incarceration. Deinstitutionalization also entailed a greater degree of community support and participation in the administration of corrections; this aspect of public participation in the system of justice was highlighted by many speakers as a most enduring contribution of deinstitutionalization. It was also stressed that to the extent that viable measures of deinstitutionalization reduced the load on prisons and ensured economies, they also facilitated individualization of treatment of offenders and created a correctional environment more congenial to a greater solicitude for the basic human rights of prisoners. There was unanimity, also, on the fact that, while deinstitutionalization programmes were costly to operate and called for an adequate infrastructure, the eventual cumulative social and economic costs involved were in all probability substantially lower than those involved in

maintaining prisoners and prisons. From all those standpoints, there was agreement that imprisonment should be a sentence of last resort, and not a standard practice.

178. It was universally acknowledged that, even with the fullest measure of success in deinstitutionalization programmes, some people would continue to engage in behaviour requiring incarceration. Such incarceration, however, should be as short as possible, and consistent with the goals of the social resettlement of offenders and protection of the public. Special attention must be given in this process to recidivists, habitual offenders, mentally disturbed prisoners and "dangerous" offenders. It was also mentioned that deinstitutionalization focused more attention upon prisoners.

179. It was generally acknowledged that decriminalization could play a part in reducing the use of imprisonment. Although policies and programmes of decriminalization would vary according to the development of experience of each society, commitment to a policy of decriminalization, as far as possible, was stressed as an important corollary of meaningful deinstitutionalization programmes.

180. Depenalization was perceived to be as important as decriminalization. Many speakers stressed that certain types of behaviour ought never to be penalized. In some countries, discretion to charge and to prosecute was meaningfully used as an aspect of depenalization. Some speakers highlighted the fact that policies of depenalization should, *inter alia*, have a significant bearing on the length of pretrial detention, which often reached a point in some countries where more time was spent by people charged with an offence than was prescribed upon due conviction.

181. Some speakers pointed out that in many developing societies there existed already rich indigenous traditions of community adjudication, which stressed the elements of decriminalization, depenalization and deinstitutionalization. These forms of community-based justice emphasized restitutive rather than repressive sanctions and relied on public participation, rather than professionalism and formal process, in meting out justice. The need for empirical exploration of these models in devising programmes of alternatives to prison was highlighted.

182. In this context, the key emphasis placed on public participation in criminal justice, and the diversion to institutions such as neighbourhood courts, apartment house committees, and citizens' courts in many socialist countries was highlighted as a vital aspect of meaningful deinstitutionalization. So was the effort in some other countries through conflict resolution and mediation centres.

183. There was consensus on the need to foster community support for programmes of deinstitutionalization as indispensable to their success. Some speakers pointed out that it was important to promote public awareness that programmes of deinstitutionalization also entailed the use of criminal sanctions resulting in some deprivation of liberty. While incarceration involved a major deprivation of personal liberty for a specified duration, alternatives to prison entailed lesser (but still substantial) deprivations of liberty. Community opinion should be sensitized to the value of imprisonment as a severe punishment to be used sparingly.

184. It was recognized that the media played a vital role in developing public awareness of the enduring potential of programmes of deinstitutionalization. There was general agreement that there should be a continuing dialogue between the media on the one hand and the correctional administration on the other, to ensure adequate communication of appropriate perspectives necessary to evaluate the success or failure of specific deinstitutionalization programmes.

185. It was also acknowledged that other specific sectors of the community needed to be effectively involved in the formulation and implementation of certain programmes of deinstitutionalization. For example, work order schemes often required prior and continuing consultation with the trade unions in some countries. Similarly, individual or group beneficiaries of correctional labour, under deinstitutionalization programmes, had to share an understanding of their specific short-term and long-term goals. The experience of socialist countries, which highlighted the continual constructive participation by groups and subgroups with whom the offender continued to live and function, testified to a high degree of mobilization of community support for deinstitutionalization. Some representatives were convinced that alternatives to imprisonment, as well as correctional programmes, should focus particularly on moral and religious education and the precepts of religious traditions which form its population and way of life.

186. Many speakers stressed the fact that a holistic approach to one system of administration of justice was essential if the objectives of a humane criminal justice system, including deinstitutionalization programmes, were to succeed fully. The managerial, financial and ameliorative resources were scarce in any society relative to the challenges faced by crime prevention and the treatment of offenders. In the circumstances, it was imperative to ensure that diverse sectors of criminal justice operations (courts, police, prosecution and correctional institutions), instead of rivalling each other in their demands, should be co-ordinated at subnational, national, regional and global levels. Such an endeavour would also more effectively ensure the appreciation of the fact that deinstitutionalization programmes are a part of a continuum of efforts directed at the prevention of crime and the treatment of offenders.

187. It was obvious that mere recourse and refinement of non-custodial alternatives did not by itself achieve all the desired results for any system of administration of justice. Periodic empirical evaluation of alternative programmes was essential. Some speakers stressed that in the long run alternatives might increase the range of population "serviced" by the system; that while the alternatives might produce ameliorative short-term impacts they might also have problematic long-term consequences (such as an ultimate increase in the prison population); and that the range of alternative programmes would tend to be somewhat limited, despite human and social creativity and inventiveness. It was suggested by many that programmes of deinstitutionalization should be accompanied by endeavours to transform the style, patterns and milieu of sentencing, consistent with the principles of impartial judicial decisional procedures for the determination of guilt.

188. Some speakers suggested that, unless there was continuum of options ranging from community alternatives to various degrees of incarceration, incarcerated offenders would be additionally stigmatized and find it even harder than at present to participate in free society upon release.

189. The relative success of deinstitutionalization brought in its wake the problem of residual prisoners. Many speakers emphasized that alternative programmes did not always and necessarily result in any drastic decline in the aggregate numbers of prisoners or in their over-all profile, though such reduction was the desired objective of such programmes. Many speakers warned that the expression "residual prisoners" might, in this context, lead to the impression, contrary to facts, that residuality meant homogeneity among prisoners and that all residual prisoners are necessarily hardened or dangerous offenders. Anxiety was expressed that any unequivocal definition of residual prisoners identifying them as "dangerous" might

entail a separate régime of confinement and treatment, which might be harsher, more repressive, and less amenable to public accountability or scrutiny; a régime which thus might prove subversive of the objectives of humane and civilized treatment of offenders. In recognition of the fact that residual offenders may be incarcerated for long periods, attention was drawn to the need to ensure that the basic rights of those offenders were upheld with the least possible constraint, that grievance procedures were strengthened through the right of recourse to independent review bodies, and that strong community links and services were available.

190. At the same time, it was recognized that a careful differentiation of penal institutions was required for different types of dangerous offenders. The criteria of classification of "dangerousness" would vary with the state of public sentiment, the nature and mode of commission of the crime, and the prevalent perceptions of decision makers in the administration of criminal justice. But a clear identification of dangerousness had, it was suggested, to be based on the collective efforts of many specialists, notably legal specialists, psychologists, psychiatrists and social workers.

191. The symptoms of "dangerousness" would include the degree of belligerence or aggressiveness, the state of mental health or disorders, the propensity for escape and, above all, the risks created by the offender to the prison administration and society at large. Appropriate institutional and correctional measures would also depend on relative powers of prognostication, so often proven fallible. In this connexion, many speakers identified terrorists, drug addicts, and leaders of organized crime, among others, as dangerous offenders.

192. There was a general awareness of the fact that long-term imprisonment, especially life imprisonment, did not serve the desired purposes unless adequate measures were provided to bring such prisoners back to the main stream of social life at an appropriate stage. Furthermore, all such prisoners should be given the opportunity to maintain social contacts by liberal use of furloughs, family visits, work and education release, etc. A progressive use of semi-open and open institutions was identified as an important measure for mitigating the deprivations inherent in long-term imprisonment.

193. Finally, as noted by some participants, the prison is part of the criminal justice system which is itself a function of the social order. A restructuring of, or fundamental change in, the latter usually brings a change in the former. Choice from a wide range of available policy options would undoubtedly be influenced by these considerations.

2. Implementation of the Standard Minimum Rules for the Treatment of Prisoners

194. Various delegations commented on the value of the Standard Minimum Rules for the Treatment of Prisoners which, in some countries, were invoked by superior courts to transform the profile of correctional policies and practices.

195. Information was also given on current initiatives in the Council of Europe to revise the Council's Rules in order to ensure that they were relevant to contemporary philosophy and practice and probable future developments, and to make them compatible with regional needs. They envisaged a more logical sequence, technical improvements and more definition in a new text as well as an explanatory memorandum that would place the Rules in a philosophical framework. It was stressed that the status of prisoners as human beings would be safeguarded in the

revision. The Council of Europe had also decided to establish a permanent committee to encourage co-operation between Member States on matters of prison practice and policy and the implementation of the Rules in that wider context.

196. Dissatisfaction was expressed with the differential levels of the observance and implementation of some of the Standard Minimum Rules, especially with regard to basic needs, instruments of restraint and the treatment of prisoners placed in maximum security conditions. It was suggested that further research by appropriate United Nations and other expert bodies into various forms of maximum security practices, including prolonged solitary confinement and programmes of behaviour modification, would be desirable.

197. The low rate of response to the periodic United Nations survey on the implementation of the Standard Minimum Rules was noted with regret and a firm hope was expressed that there would be fuller co-operation in this regard in the future.

198. Representatives emphasized the need for further consideration of the procedures for the effective implementation of the Standard Minimum Rules, and specific suggestions for the amelioration of the text of those procedures were made.

3. Principles on linking the rehabilitation of offenders to related social services

199. In view of the time constraints, a comprehensive discussion on this aspect could not take place. But some delegations emphatically endorsed the views expressed in the working paper. It was specially emphasized that in the developing countries there was a pressing need and ample scope for stimulating an active interaction between social welfare and social defence. The principle was generally endorsed, and the hope was expressed by some delegations, that these principles would be accepted by the policy-making bodies of the United Nations so as to find due application at the national level.

* * *

200. For the recommendations of the Sub-Committee concerning agenda item 6, see chapter I, section C, above.

201. For the consideration by the Sub-Committee of the draft resolutions submitted under this item, see paragraphs 202 to 212 below.

Consideration of draft resolutions

202. In the course of its deliberations on agenda item 4, Committee II considered a draft resolution and a revised draft resolution entitled "Development of minimum standards of juvenile justice" (A/CONF.87/C.2/L.1 and Rev.1), sponsored by Australia, Finland, the Federal Republic of Germany, Greece, Israel, Nigeria, the Sudan, the United Kingdom of Great Britain and Northern Ireland, the United States of America and Venezuela.

203. In the course of its deliberations on agenda item 5, the Committee considered the following draft resolutions:

(a) Draft resolution entitled "Extra-legal executions" (A/CONF.87/C.2/L.4), sponsored by Austria, Denmark, Finland, the Netherlands, Norway, Sweden and Venezuela;

(b) Draft resolution entitled "Torture and inhuman treatment: measures to put an end to torture and ill-treatment" (A/CONF.87/C.2/L.5), sponsored by Democratic Yemen, Gabon, Iraq, Lesotho, the Libyan Arab Jamahiriya, Nigeria, Rwanda, Tunisia, the United Arab Emirates, the United Republic of Tanzania and Zambia;

(c) Draft resolution entitled "Prevention of the abuse of power" (A/CONF.87/C.2/L.6), sponsored by Canada, Spain, Sweden, Switzerland, the United States of America and Venezuela.

204. In the course of its deliberations on agenda item 6, the Sub-Committee considered the following draft resolutions:

(a) Draft resolution entitled "Alternatives to imprisonment" (A/CONF.87/C.2/SC/L.1), sponsored by Australia, Brazil, Canada, Colombia, Ghana, Greece, India, Italy, Jamaica, Mexico, New Zealand, Nigeria, the Philippines, Romania, Sri Lanka, Turkey, Venezuela and Yugoslavia;

(b) Draft resolution entitled "Specific needs of women prisoners" (A/CONF.87/C.2/SC/L.2), sponsored by Norway and Venezuela;

(c) Draft resolution entitled "Development of measures for the social resettlement of the imprisoned" (A/CONF.87/C.2/SC/L.3), sponsored by Denmark, the Netherlands, Nigeria, Norway, Sweden and the United Kingdom of Great Britain and Northern Ireland.

205. The Committee and the Sub-Committee adopted without a vote, and recommended to the Congress for adoption, all the draft resolutions listed above, as orally revised and amended, with the exception of draft resolutions A/CONF.87/C.2/L.4, L.5 and L.6.

206. Draft resolution A/CONF.87/C.2/L.4 was adopted, as amended, by 46 votes to none, with 6 abstentions.

207. Regarding draft resolution A/CONF.87/C.2/L.5, one delegation proposed that the Committee should decide, under rule 30 of the rules of procedure of the Congress, that it was not competent to consider the draft resolution. The Committee rejected the proposal by a roll-call vote of 26 to 18, with 8 abstentions. The voting was as follows:

In favour: Australia, Canada, Denmark, Finland, France, Germany, Federal Republic of, Ireland, Israel, Italy, Netherlands, New Zealand, Norway, Paraguay, Portugal, Sweden, Trinidad and Tobago, United Kingdom of Great Britain and Northern Ireland, United States of America.

Against: Algeria, Austria, Bahamas, Brazil, Byelorussian Soviet Socialist Republic, China, Cuba, Czechoslovakia, Democratic Yemen, Ethiopia, Gabon, German Democratic Republic, Libyan Arab Jamahiriya, Morocco, Mozambique, Nigeria, Oman, Rwanda, Sudan, Tunisia, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, Venezuela, Yemen, Yugoslavia.

Abstaining: Chad, India, Indonesia, Japan, Saint Vincent and the Grenadines, Singapore, Suriname, Uruguay.

208. Subsequently, an oral amendment to the operative paragraph, introduced by Austria, was adopted by a roll-call vote of 30 to 25, with 6 abstentions. The voting was as follows:

In favour: Argentina, Australia, Austria, Bahamas, Barbados, Belgium, Brazil, Bulgaria, Canada, Costa Rica, Denmark, France, Germany, Federal Republic of, India, Ireland, Israel, Italy, Japan, Netherlands, New Zealand, Norway, Philippines, Portugal, Saint Vincent and the Grenadines, Singapore, Spain, Suriname, United Kingdom of Great Britain and Northern Ireland, United States of America, Venezuela.

Against: Algeria, Byelorussian Soviet Socialist Republic, Cuba, Czechoslovakia, Democratic Yemen, Ethiopia, Gabon, German Democratic Republic, Hungary, Libyan Arab Jamahiriya, Morocco, Mozambique, Nigeria, Oman, Rwanda, Sudan, Trinidad and Tobago, Tunisia, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, United Republic of Tanzania, Yemen, Yugoslavia, Zambia.

Abstaining: Central African Republic, Finland, Lesotho, Mexico, Sri Lanka, Sweden.

209. A further amendment, to the third preambular paragraph, introduced by the United States of America, was adopted by a roll-call vote of 27 to 26, with 7 abstentions. The voting was as follows:

In favour: Argentina, Australia, Austria, Bahamas, Barbados, Belgium, Brazil, Canada, Costa Rica, Denmark, France, Germany, Federal Republic of, Ireland, Israel, Italy, Japan, Netherlands, New Zealand, Norway, Philippines, Portugal, Saint Vincent and the Grenadines, Singapore, Spain, United Kingdom of Great Britain and Northern Ireland, United States of America, Venezuela.

Against: Algeria, Byelorussian Soviet Socialist Republic, Cuba, Czechoslovakia, Democratic Yemen, Ethiopia, Gabon, German Democratic Republic, Hungary, Libyan Arab Jamahiriya, Morocco, Mozambique, Nigeria, Oman, Rwanda, Sri Lanka, Sudan, Trinidad and Tobago, Tunisia, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, United Republic of Tanzania, Yemen, Yugoslavia, Zambia.

Abstaining: Central African Republic, Finland, India, Lesotho, Nepal, Sweden, Switzerland.

210. Finally, the Committee adopted the draft resolution as a whole, as amended, by 34 votes to 6, with 6 abstentions.

211. Regarding draft resolution A/CONF.87/C.2/L.6, a proposal by Nigeria to insert a new second preambular paragraph was adopted by a roll-call vote of 27 to 23, with 4 abstentions. The voting was as follows:

In favour: Algeria, Bulgaria, Byelorussian Soviet Socialist Republic, Costa Rica, Cuba, Czechoslovakia, Democratic Yemen, Ethiopia, German Democratic Republic, Ghana, Hungary, India, Lesotho, Libyan Arab Jamahiriya, Morocco, Mozambique, Nigeria, Panama, Philippines, Rwanda, Sudan, Tunisia, Ukrainian Soviet Socialist

Republic, Union of Soviet Socialist Republics, United Republic of Tanzania, Yugoslavia, Zambia.

Against: Argentina, Australia, Belgium, Canada, Chile, Denmark, Finland, France, Germany, Federal Republic of, Ireland, Israel, Italy, Japan, Netherlands, Norway, Portugal, Spain, Suriname, Sweden, Switzerland, United Kingdom of Great Britain and Northern Ireland, United States of America, Venezuela.

Abstaining: China, Gabon, Saint Vincent and the Grenadines, Singapore.

212. The Committee then adopted the draft resolution as a whole, as amended, by a roll-call vote of 28 to 18, with 6 abstentions. The voting was as follows:

In favour: Algeria, Brazil, Bulgaria, Byelorussian Soviet Socialist Republic, China, Costa Rica, Cuba, Czechoslovakia, Democratic Yemen, Gabon, German Democratic Republic, Ghana, Hungary, India, Lesotho, Libyan Arab Jamahiriya, Mozambique, New Zealand, Nigeria, Philippines, Rwanda, Tunisia, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Republic of Tanzania, Venezuela, Yugoslavia, Zaire.

Against: Argentina, Chile, Denmark, France, Germany, Federal Republic of, Ireland, Israel, Italy, Japan, Netherlands, Norway, Portugal, Spain, Suriname, Sweden, Switzerland, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Australia, Bahamas, Canada, Republic of Korea, Saint Vincent and the Grenadines, Singapore.

Action taken by the Congress

213. At its 3rd and 4th plenary meetings, on 5 September 1980, the Congress approved the reports of Committee II and its Sub-Committee. It also adopted without a vote the draft resolutions recommended by the Committee and its Sub-Committee, as orally amended, with the exception of the draft resolutions entitled "Extra-legal executions" and "Prevention of the abuse of power" (For the texts of the resolutions adopted without a vote, see chap. I, sect. B, above, resolutions 4, 6 and 8 to 10.)

214. The draft resolution entitled "Extra-legal executions" was adopted by a roll-call vote of 74 to none, with 7 abstentions. (For the text, see chap. I, sect. B, above, resolution 5.) The voting was as follows:

In favour: Algeria, Australia, Austria, Barbados, Belgium, Brazil, Bulgaria, Canada, Central African Republic, China, Colombia, Costa Rica, Cuba, Czechoslovakia, Democratic Yemen, Denmark, Ecuador, El Salvador, Finland, France, Gabon, German Democratic Republic, Germany, Federal Republic of, Ghana, Greece, Guatemala, Holy See, Hungary, India, Iraq, Ireland, Israel, Italy, Jamaica, Japan, Lesotho, Libyan Arab Jamahiriya, Malta, Morocco, Mozambique, Nepal, Netherlands, Nigeria, Norway, Oman, Panama, Papua New Guinea, Peru, Poland, Portugal, Rwanda, Saint Vincent and the Grenadines, San Marino, Singapore, Spain, Sri Lanka, Sudan, Suriname, Sweden, Switzerland, Thailand, Tonga, Trinidad and Tobago, Tunisia,

Turkey, Union of Soviet Socialist Republics, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America, Venezuela, Yemen, Yugoslavia, Zambia.

Against: None.

Abstaining: Argentina, Chile, Egypt, Ethiopia, Indonesia, Philippines, Uruguay.

215. With regard to the draft resolution entitled "Prevention of the abuse of power", the representative of Cuba proposed that the Congress should decide under rule 33 of its rules of procedure that its adoption would require a simple majority, instead of the two-thirds majority normally required. After discussion, the Congress adopted this proposal by 49 votes to 25, with 9 abstentions. The voting was as follows:

In favour: Algeria, Barbados, Brazil, Bulgaria, Burma, Central African Republic, China, Colombia, Cuba, Czechoslovakia, Democratic Yemen, Ecuador, Egypt, Ethiopia, Gabon, German Democratic Republic, Ghana, Hungary, India, Indonesia, Iraq, Jamaica, Lesotho, Libyan Arab Jamahiriya, Malta, Morocco, Mozambique, Nepal, Nigeria, Oman, Panama, Papua New Guinea, Peru, Philippines, Poland, Rwanda, Saint Vincent and the Grenadines, Sudan, Thailand, Tonga, Trinidad and Tobago, Tunisia, Union of Soviet Socialist Republics, United Arab Emirates, United Republic of Tanzania, Venezuela, Yemen, Yugoslavia, Zambia.

Against: Argentina, Australia, Belgium, Canada, Chile, Denmark, Finland, France, Germany, Federal Republic of, Guatemala, Ireland, Israel, Italy, Japan, Netherlands, Norway, Paraguay, Portugal, Spain, Suriname, Sweden, Switzerland, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay.

Abstaining: Austria, Costa Rica, El Salvador, Greece, Holy See, San Marino, Singapore, Sri Lanka, Turkey.

216. The Congress then adopted the draft resolution by a roll-call vote of 45 to 20, with 16 abstentions. (For the text, see chap. I, sect. B, above, resolution 7.) The voting was as follows:

In favour: Algeria, Brazil, Bulgaria, Burma, Central African Republic, China, Colombia, Cuba, Czechoslovakia, Democratic Yemen, Ecuador, Egypt, El Salvador, Ethiopia, Gabon, German Democratic Republic, Ghana, Hungary, India, Iraq, Lesotho, Libyan Arab Jamahiriya, Morocco, Mozambique, Nepal, Nigeria, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Rwanda, Sri Lanka, Sudan, Suriname, Tonga, Trinidad and Tobago, Tunisia, Union of Soviet Socialist Republics, United Republic of Tanzania, Venezuela, Yemen, Yugoslavia, Zambia.

Against: Argentina, Belgium, Chile, Denmark, Finland, France, Germany, Federal Republic of, Ireland, Israel, Italy, Japan, Netherlands, Norway, Portugal, San Marino, Spain, Sweden, Switzerland, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Australia, Austria, Barbados, Canada, Costa Rica, Greece, Guatemala, Holy See, Indonesia, Jamaica, Malta, Saint Vincent and the Grenadines, Singapore, Thailand, Turkey, Uruguay.

C. Report of the Credentials Committee

217. The Credentials Committee held one meeting on 4 September 1980. Mr. Juliaan de Ridder (Belgium) was unanimously elected Chairman.

218. The Committee noted from a memorandum submitted to it by the Executive Secretary of the Congress that, as at 4 September 1980:

(a) There were 101 States participating in the Congress;

(b) Credentials issued by the Head of State or Government, or the Minister for Foreign Affairs, had been submitted, as provided for in rule 3 of the rules of procedure of the Congress, by representatives of 76 States;

(c) The credentials of representatives of four States were communicated to the Executive Secretary of the Congress in the form of cables from their respective Ministers for Foreign Affairs;

(d) The representatives of 15 States were designated in letters or notes verbales from their respective Permanent Missions in New York, or other diplomatic missions of the States concerned;

(e) The names of the representatives of four States were communicated to the Executive Secretary of the Congress by other authorities, different from those specified in rule 3;

(f) In respect of two States participating in the Congress the Secretariat had not received any communication regarding the designation of their representatives, but the Executive Secretary of the Congress had been informed by those representatives that proper credentials for them had been dispatched.

219. On the proposal of the Chairman, the Committee agreed to accept the credentials of the representatives of the 76 States referred to in paragraph 218 (b) above. The Committee further agreed that, in the light of past practice and in view of the short duration of the Congress, the communications referred to in paragraph 218 (c), (d) and (e) should be accepted provisionally, pending the receipt of the formal credentials of the representatives concerned. The Committee noted that in the latter instances assurances had been given that proper credentials would be transmitted as soon as possible. Furthermore, with respect to the representatives referred to in paragraph 218 (f), the Committee agreed that they should be entitled to continue to participate provisionally in the Conference, in accordance with rule 5 of the rules of procedure, it being understood that their credentials had already been issued and were being transmitted to the Executive Secretary of the Congress. The Committee also authorized its Chairman to report directly to the Congress in the event that, in the time intervening between the meeting of the Committee and the consideration of its report by the Congress, further credentials should be received.

Action taken by the Congress

220. At its 3rd plenary meeting, on 5 September 1980, the Congress unanimously approved the report of the Credentials Committee (see chap. I, sect. B, above, decision).

D. Action taken by the Congress on draft resolutions considered without reference to a Committee

221. At its 4th plenary meeting, on 5 September 1980, the Congress considered a draft resolution entitled "Establishment in Africa of a regional institute for social defence" (A/CONF.87/L.4), sponsored by Algeria, Ethiopia, Gabon, Lesotho, the Libyan Arab Jamahiriya, Nigeria, Rwanda, Tunisia, the United Republic of Tanzania and Zambia. The draft resolution was adopted without a vote. (For the text, see chap. I, sect. B, above, resolution 19.)

222. At the same meeting, the Congress considered a draft resolution concerning the Caracas Declaration (A/CONF.87/L.10), sponsored by Australia, Barbados, Colombia, Czechoslovakia, Denmark, Gabon, India, the Philippines, Spain, the Union of Soviet Socialist Republics and the United Republic of Tanzania. The Congress adopted the draft resolution unanimously. (For the text, see chap. I, sect. A, above.)

223. After the adoption of the Caracas Declaration, statements were made by the representatives of Gabon for the group of African States, India for the group of Asian States, France for the group of Western European and other States, Norway for the States members of the European Economic Community, and Romania for the socialist States of Eastern Europe.

Chapter V

ADOPTION OF THE REPORT OF THE CONGRESS

224. The Rapporteur-General, after an introductory statement in which he summarized the achievements of the Congress, introduced the draft report of the Congress, comprising the draft report on organizational matters (A/CONF.87/L.2) and the Committee reports (A/CONF.87/L.3, A/CONF.87/L.5-9, A/CONF.87/L.11), at the 3rd and 4th plenary meetings, on 5 September 1980. The Congress adopted the draft report, as orally amended, at its 4th (closing) meeting, having authorized the Rapporteur-General to complete the text in the light of the action taken in plenary, and to make the necessary editorial changes in conformity with accepted United Nations practice.

225. After the adoption of the report, statements were made by the Assistant Secretary-General for Social Development and Humanitarian Affairs and by the Executive Secretary of the Sixth Congress. The President of the Congress made a statement and declared the Congress closed.

Annex

LIST OF DOCUMENTS

<u>Document number</u>	<u>Agenda item</u>	<u>Title and description</u>
A. Conference documents		
A/CONF.87/1	2	Provisional agenda
A/CONF.87/2	2	Provisional rules of procedure
A/CONF.87/3	2	Note by the Secretariat
A/CONF.87/4 and Corr.1	3	Working paper prepared by the Secretariat
A/CONF.87/5	4	Ditto
A/CONF.87/6	5	Ditto
A/CONF.87/7	6	Ditto
A/CONF.87/8	7	United Nations norms and guidelines in criminal justice: from standard-setting to implementation - working paper prepared by the Secretariat
A/CONF.87/9	7	Capital punishment: working paper prepared by the Secretariat
A/CONF.87/10 and Corr.1	8	Working paper prepared by the Secretariat
A/CONF.87/11 and Add.1	6	Implementation of the Standard Minimum Rules for the Treatment of Prisoners: working paper prepared by the Secretariat
A/CONF.87/12	6	Principles on linking the rehabilitation of offenders to related social services: working paper prepared by the Secretariat
A/CONF.87/13	8	Letter dated 18 June 1980 from the representative of Italy to the Secretary-General
A/CONF.87/14 and Add.1	-	Provisional report of the Congress
A/CONF.87/BP/1	-	Report on the European Regional Preparatory Meeting on the Prevention of Crime and the Treatment of Offenders: note by the Secretary-General

<u>Document number</u>	<u>Agenda item</u>	<u>Title and description</u>
A/CONF.87/BP/2	-	Report on the Asia and Pacific Regional Preparatory Meeting on the Prevention of Crime and the Treatment of Offenders: note by the Secretary-General
A/CONF.87/BP/3	-	Report on the Latin American Regional Preparatory Meeting on the Prevention of Crime and the Treatment of Offenders: note by the Secretary-General
A/CONF.87/BP/4	-	Report on the African Regional Preparatory Meeting on the Prevention of Crime and the Treatment of Offenders: note by the Secretary-General
A/CONF.87/BP/5	7	Human rights and criminal justice: recent developments in the programmes carried out by the Division of Human Rights (1975-1980) - background paper prepared by the Division of Human Rights
A/CONF.87/BP/6	-	Establishment of a regional institute for the prevention of crime and the treatment of offenders for Africa south of the Sahara: note by the Secretariat
A/CONF.87/BP/7	-	Final report of the Working Group of Experts from Latin America and the Caribbean on Criminal Policy and Development
A/CONF.87/C.1/L.1	7	Draft resolution
A/CONF.87/C.1/L.1/Rev.1	7	Revised draft resolution
A/CONF.87/C.1/L.2	3	Draft resolution
A/CONF.87/C.1/L.3	3	Ditto
A/CONF.87/C.1/L.4	7	Ditto
A/CONF.87/C.1/L.5 and Corr.1	7	Ditto
A/CONF.87/C.1/L.6	3	Draft report of Committee I
A/CONF.87/C.1/L.7	3	Draft resolution
A/CONF.87/C.1/L.8	7	Ditto
A/CONF.87/C.1/L.9	7	Amendments to the draft resolution contained in document A/CONF.87/C.1/L.1/Rev.1
A/CONF.87/C.1/L.10	8	Draft report of the Working Group of Committee I
A/CONF.87/C.1/L.11	7	Draft resolution

<u>Document number description</u>		<u>Agenda item</u>	<u>Title and</u>
A/CONF.87/C.1/L.12	7	Ditto	
A/CONF.87/C.1/L.13	7	Ditto	
A/CONF.87/C.1/L.14	7	Ditto	
A/CONF.87/C.1/L.15	8	Ditto	
A/CONF.87/C.1/L.16	7	Draft report of Committee I	
A/CONF.87/C.1/L.17	7	Draft resolution	
A/CONF.87/C.2/L.1	4	Ditto	
A/CONF.87/C.2/L.1/Rev.1	4	Revised draft resolution	
A/CONF.87/C.2/L.2	4	Draft report of Committee II	
A/CONF.87/C.2/L.3	5	Ditto	
A/CONF.87/C.2/L.4	5	Draft resolution	
A/CONF.87/C.2/L.5	5	Ditto	
A/CONF.87/C.2/L.6	5	Ditto	
A/CONF.87/C.2/SC/L.1	6	Ditto	
A/CONF.87/C.2/SC/L.2	6	Ditto	
A/CONF.87/C.2/SC/L.3	6	Ditto	
A/CONF.87/C.2/SC/L.4	6	Draft report of the Sub-Committee of Committee II	
A/CONF.87/INF.1	-	Information for participants	
A/CONF.87/INF.2	-	Ditto	
A/CONF.87/INF.3	-	Provisional list of participants	
A/CONF.87/L.1	8	Note by the Secretariat reproducing the text of resolution 43 adopted by the World Conference of the United Nations Decade for Women	
A/CONF.87/L.2	2	Draft report of the Congress	
A/CONF.87/L.3	4	Report of Committee II	
A/CONF.87/L.4	-	Draft resolution entitled "Establishment in Africa of a regional institute for social defence"	
A/CONF.87/L.5	3	Report of Committee I	
A/CONF.87/L.6	6	Report of the Sub-Committee of Committee II	
A/CONF.87/L.7	2	Report of the Credentials Committee	
A/CONF.87/L.8	7	Report of Committee I	
A/CONF.87/L.9	8	Ditto	

<u>Document number</u>	<u>Agenda item</u>	<u>Title and description</u>
A/CONF.87/L.10	-	Draft resolution concerning the Caracas Declaration
A/CONF.87/L.11	5	Report of Committee II
A/CONF.87/RM.1	-	Discussion guide for regional preparatory meetings
B. Other documents		
A/35/289	3	Implementation of the conclusions of the Fifth United Nations Congress on the Prevention of Crime and the Treatment of Offenders: report of the Secretary-General
E/1980/9 and Corr.1 and 2, Add.1 and Corr.1 and Add.2 and 3	7	Capital punishment: report of the Secretary-General

END