

UNITED NATIONS

E/CN.15/2001/9

ECONOMIC AND SOCIAL COUNCILDistr. General
March 2001

Original: English

Commission on Crime Prevention and Criminal Justice
Tenth Session
Vienna, ..May 2001
Item 7 of the provisional agenda
United Nations standards and norms in
crime prevention and criminal justice

**Standards and Norms in the Field of Crime Prevention and Criminal Justice
Report of the Secretary-General**

Summary:

This report of the Secretary-General is being presented to the Commission on Crime Prevention and Criminal Justice at its Tenth Session in pursuance of various General Assembly and Economic and Social Council resolutions, under the standing item of the Commission's agenda. It overviews the work advanced by the Centre on International Crime Prevention to promote the use and application of United Nations standards and norms in the field of crime prevention and criminal justice. It conveys work completed and advanced in the Secretary-General's information-gathering and analysis processes, via 12 surveys on existing governing international instruments and in respect of standard-setting activities to elaborate new or emerging international instruments. It offers suggestions to the Commission regarding the Centre's ongoing and future mandated work programme regarding United Nations criminal policy, standards, norms and instrumentation.

Draft

CONTENTS

Chapter Pages Paragraphs

I. INTRODUCTION.....

II. BACKGROUND AND PERSPECTIVES.....

**III. INFORMATION-GATHERING PROCESSES ON
THE USE AND APPLICATION OF STANDARDS AND NORMS**

A. Surveys on existing international instruments.....

- 1. United Nations Declaration on Crime and Public Security
- 2. United Nations Declaration against Corruption and Bribery in International
- 3. International Code of Conduct for Public Officials
- 4. Capital Punishment
- 5. Elimination of Violence against Women
- 6. Victims of crime and abuse of power
- 7. Juvenile Justice reform
- 8. Penal reform

B. Standard-setting and continuing surveys on new or emerging-
instruments: progress report.....

- 1. Elements of Responsible Crime Prevention
- 2. Restorative justice

Draft

IV. SURVEY RESULTS ON EXISTING INSTRUMENTS.....

- A. Basic Principles on the Role of Lawyers
- B. Guidelines on the Role of Prosecutors
- C. United Nations Standard Minimum Rules for Non-custodial Measures, The Tokyo Rules
- D. Conclusions regarding the survey results of the three international instruments

V. CONCLUDING REMARKS.....**Annex: summary of legislative action on standards and norms****Annex: draft elements of responsible crime prevention**

- I. Draft elements of responsible crime prevention, Annex, A/CONF.187/7
- II. Preliminary draft elements of responsible crime prevention, Annex, Economic and Social Council resolution 1997/33
- III. Guidelines for cooperation and technical assistance in the field of urban crime, adopted by Council resolution 1995/9

ANNEX: Overview of Government participation in 12 United Nations Surveys on the use and application of standards and norms, 1999-2001, by instrument and by Government, with totals (as of March 2001)

- I. United Nations Surveys, N=12, 1999-2001, by instrument with totals
- II. United Nations Surveys, N=12, 1999-2001, by Government with totals

I. INTRODUCTION

1. This report of the Secretary-General is being presented to the Commission on Crime Prevention and Criminal Justice on its Tenth Session in pursuance of Economic and Social Council resolutions 1993/34, 1997/32 and 1998/21 regarding the use and application of United Nations standards and norms in the field of crime prevention and

criminal justice. It also has been prepared in accordance with the following resolutions: General Assembly resolution 52/86 (and Annex) and 40/34 (and Annex), and Economic and Social Council resolutions 1996/12, E/2000/14, E/2000/15, 1996/14, 1997/31, 1997/33, 1999/25.

2. It overviews the work of the Centre on International Crime Prevention in that regard. It reports on the results of the three surveys of the Secretary-General conducted under the auspices of the Centre via questionnaires which it designed to ascertain the use and application of three international instruments. These three instruments are the following: Basic Principles on the Role of Lawyers, Guidelines on the Role of Prosecutors, and United Nations Standard Minimum Rules for Non-Custodial Measures, The Tokyo Rules. The report also informs the Commission of the progress achieved and the results obtained in respect of the Secretary-General's continuing survey efforts regarding the use and application of an additional two international instruments, namely: the Model Strategies and Practical Measures in the Field of Crime Prevention and Criminal Justice for the Elimination of Violence Against Women and the United Nations Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power.

3. It brings to the attention of the Commission an indication of the survey results up to now regarding the following three international instruments about which the Secretary-General will report to the Commission in full at its Eleventh Session. These are the following: the United Nations Declaration against Corruption and Bribery in International Commercial Transactions; the International Code of Conduct for Public Officials; and the United Nations Declaration on Crime and Public Security. It further brings to the Commission progress achieved in respect of standard-setting work, i.e., toward the possible elaboration of three new international instruments, on restorative justice and on elements of responsible crime prevention.

4. Before the Commission for its consideration under Item 7 is the Sixth Quinquennial Report of the Secretary-General on Capital Punishment and Implementation of the Safeguards guaranteeing protection of the rights of those facing the death penalty, in document E/2001/#. Also before the Commission as background reports are the following: Report of the Secretary-General on elimination of violence against women (A/54/69 and Add.1-E/1999/8), the report of the expert group on Proposals for the Foundation of an International Fund for Support to Victims of Transnational Crime, E/CN.15/2000/CRP.3, and other relevant information contained in the Annex to facilitate its deliberations on various questions.

5. The Secretary-General did not present reports to the Commission on its Ninth Session regarding survey results on implementation of three instruments, governing the role of lawyers, the role of prosecutors, non-custodial measures, as a sufficient number of Government replies to the surveys had not been received at the time. The Commission on its Ninth Session decided to consider these at its Tenth Session. Three instruments, governing crime and public security, code of conduct for public officials, declaration against corruption and bribery, were deferred by the Commission to its Eleventh session. (See E/2000/30, para.37). The Commission deferred consideration of the report of the Secretary-General on juvenile justice reform (E/2000/2)--presented to it. That report constituted a policy and position paper, report on results of an inquiry of the Secretary-General on juvenile justice reform, and served as the mandated second biannual report on implementation of juvenile justice standards. It further deferred consideration of the issues of restorative justice and penal reform, the latter in the context of various governing international instruments. (E/2000/30, para. 37) A Criminal justice administration reform® will be the theme of the Eleventh Session of the Commission, in accordance with the Commission's decision to that effect.

Draft

6. Council resolution 1998/21, operative paragraph 2, dictates that reports on survey results are to be presented when 30 Government replies are received. As per strategic management decisions of the Commission, the Bureau decides as to which reports to be submitted are to be made orally in lieu of presenting written reports. Addenda to reports on survey results are to be presented when a sufficient number of (additional) countries, i.e., 30, participate. Less than thirty Governments participated in the Secretary-General's surveys on the use and application of the Model Strategies, the United Nations Declaration of Basic Principles of Justice for Victims, and the draft elements of responsible crime prevention. Therefore, completed survey results are reported briefly herein, in consolidated fashion, in accordance with the strategic management decisions of the Commission and Council resolution 1998/21.

II. BACKGROUND AND PERSPECTIVES

7. Standard-setting and implementation constitute one of the longest-standing areas of work of the Centre (and its predecessor entities) since establishment of the programme over forty years ago. A series of resolutions of legislative bodies adopted international instruments and established a significant body of United Nations instrumentation across issues. Apart from this, a series of resolutions, inter-alia, have also mandated and affirmed the important role and functions of the Secretary-General in promoting the use and application of United Nations standards and norms in the field of crime prevention and criminal justice.*

8. General Assembly resolution 46/152 on the creation of an effective United Nations crime prevention and criminal justice programme defined the general goals of the programme which included more efficient and effective justice administration involving, inter-alia, respect for human rights of all those affected and the highest standards of fairness, humanity, justice and professional conduct. Council resolution

1994/18 reaffirmed the important contribution that the use and application of United Nations standards in the field of crime prevention and criminal justice would make to justice administration across legal systems.

9. These resolutions have spelled out the Secretary-General's role and functions as the custodian and repository of standards and norms in this field, in implementing existing and in elaborating new instruments.** They requested the Secretary-General to commence a process of information-gathering and data-base establishment, to be undertaken by means of surveys, on the use and application of various international instruments, and to report to the Commission thereon. It called for inquiries on the part of the Secretary-General regarding standard-setting or elaboration of new international instruments with a typically cautious approach.

10. On the recommendation of the Commission, the Council selected certain instruments and, as well, dictated the timing, pattern and cycle of surveying and reporting survey results to the Commission, in accordance with its established priorities as to issues to be treated. The Centre focused on gathering information as to *the use and application of existing instruments and the desirability and utility of standard-setting or elaboration of new international instruments and the precepts and principles to be embodied therein.*

11. Twelve surveys have been conducted by the Secretary-General and five new methodological instruments or questionnaires were designed by the Centre, on a variety of issues relating to standards and norms, over the period 1999-2001. Ten surveys were conducted regarding the use and application of existing, governing instruments and two surveys on the elaboration of new or *emerging* instruments (elements of crime prevention, restorative justice).

Draft

12. In its ten surveys on existing instruments, the Centre focused on assessing: system profiles vis-a-vis the instruments concerned; nature and extent of application of instruments= provisions; departure of systems laws, policies, procedures and practices from the embodied provisions; obstacles to implementation/application; the role, status and impact of the international instrumentation; modalities by which to promote coordinated use and application; areas in need of technical advisory services and activity; distribution and management of information; more effective information-gathering and reporting system; and areas in need of new standard-setting activity. Most pertinent legislative actions in this regard are summarized in the Annex to the present report.

*These included General Assembly resolutions 46/152, 48/137 and Council resolutions 1975(LIV), 1990/51, 1992/22, 1993/34, 1994/18, 1995/13, 1995/41, 1996/16, 1997/32, 1997/36, 1998/210.

**They further dictated the work to be undertaken by the Secretary-General in that regard and, as well, addressed ways and means of improving coordination and other procedures with all those concerned (e.g., 1997/30, 1997/32, 1993/34).

13. United Nations criminal policy, standards and norms have been established and expressed in the form of instruments, declarations, proclamations, guidelines, plans and programmes of action, models and measures, rules. It is contained in the normative material published by the Centre. The basis is the Compendium of United Nations Standards and Norms in the Field of Crime Prevention and Criminal Justice, for which a mandate for revision has been given to the Centre. It also takes the form of manuals, handbooks, resource books, and guides to which will be added a United Nations Manual on anti-corruption policy and a United Nations Tool-kit against Corruption during 2001, to be developed by the Global Programme Against Corruption. The Tool-kit will be published in both hard copy and electronically, on the website of the Office of Drug Control and Crime Prevention ([http\www.odccp.org](http://www.odccp.org)).

Draft

14. Up to now, the United Nations has developed a composite body of international instrumentation in the field of crime prevention and criminal justice. And the envisaged new instruments, e.g, on crime prevention and on restorative justice, would be complementary in that regard should the Commission so decide and should the Secretary-General be in a position to further advance the standard-setting work. The United Nations Convention against Transnational Organized Crime and its two supplementary instruments or Protocols, against Trafficking in Persons, Especially Women and Children, and against Migrant Smuggling, has now joined the United Nations arsenal of standards in this field. A draft Protocol against manufacturing and trafficking in firearms has, in addition, been finalized and submitted for adoption by the General Assembly. Initial work on the elaboration of a legal instrument against corruption will soon commence. Thus, a newly emergent body of ›hard‹, legally-binding instruments now joins a repository of ›soft‹, non-binding, standards and norms to provide the legal, normative basis or framework for international criminal policy.

15. The policy precepts of existing ›soft‹ instruments, indeed, have paved the way for United Nations proscription and States' implementation, in already upgraded law, policy and practice. They can already help identify, and, possibly overcome, obstacles to implementation of the ›hard‹ instrumentation (Convention(s) and Protocols). The information-gathered and system profiling which has been accomplished by the Centre to date has to some extent helped shed light on departures from international standards and norms. This is the case in terms of distinctions between adult and juvenile operations, in terms of sanctioning and prison administration, treatment and support for victims (emphasized by the Convention), bribery of public officials, codes of conduct for public officials, and, in terms of criminal justice sector performance, e.g., prosecutors, lawyers, and the judiciary. Although the legal status of soft and hard tools at the disposal of the United Nations in this field is fundamentally different, the set of tools (individually and jointly) facilitate reform. The Centre has set out to

examine ways of mutual reinforcement of the arsenal of instruments at its disposal in this regard.

17. The Centre has established a new conceptual approach, the so-called Aclustered@ approach, to standards and norms. The approach aims at Areform@ in the administration of justice. It fosters upgrading, strengthening professional performance and system capacity to effect crime deterrence and prevention while, at the same time, integrate the safeguarding of human rights, reaching the yardstick (instruments) and benchmarks (precepts) of desirable universal practice below which Governments should not fall. The approach distinguishes several aspects of the instruments such as substantive criminological issues (e.g., Afair treatment@, gender main streaming, human rights, childrens rights, bribery and corruption, Apublic security@); areas (e.g., women, victims, juvenile justice), processes (e.g., sanctioning, law enforcement, prevention), sector (e.g, courts, prison administration), and professionals (e.g., prosecutors, lawyers, police, the judiciary). This conceptual approach will facilitate priority-setting for follow-up activities which can be focused on cross-cutting aspects rather than on individual instruments as such.

18. The Centre continued to set and advance United Nations criminal policy. At the same time, from its own unique programme perspective, the Centre made significant contributions to develop and advance United Nations policy and action, particularly in areas of system-wide activity and priority concern to the Organization (e.g., human rights, gender affairs, childrens rights, refugees). The Centre continued its close association and collaborative ties with the Office of the High Commissioner of Human Rights, the Division for the Advancement of Women, UNICEF, and the High Commissioner for Refugees. It maintained its outreach approach with other relevant IGOs, and a wide constituency of NGOs. It continued mobilizing and promoting

Draft

intergovernmental, regional and sub-regional cooperation with entities, structures and networks at those levels, including through its Programme Network of Institutes.

19. Important policy and field-level work will be undertaken by the Centre as it moves toward implementation of the Declaration on Crime and Justice: meeting the Challenges of the Twenty-first Century adopted by the Tenth United Nations Congress on the Prevention of Crime and the Treatment of Offenders (A/CONF.187/15). It does so in the context of its own plans of action. It bears in mind the expressed approach of the Declaration to crime prevention in respect of standards and norms, reflected in a number of articles.*. A revised United Nations Compendium on standards and norms will also be important new material for work in this area.

III. INFORMATION-GATHERING PROCESSES ON USE AND APPLICATION OF STANDARDS AND NORMS

20. In pursuance of resolutions 1998/21, 1997/32, and 1993/34, the Secretary-General conducted 12 global surveys that had to do with the use and application of United Nations standards and norms in the field of crime prevention and criminal justice, during the period 1999-2000. Seven of the 12 surveys involved its design of elaborate methodological approaches and tools (questionnaires) on respective instruments so as to determine system profiles and impact thereon. The remaining three surveys involved Note verbals to Governments and circular letters to all relevant institutions (intergovernmental Organizations, non-governmental organizations, the Crime Prevention and Criminal Justice Programme Network, United Nations entities). The questionnaire designed for the Secretary-General's sixth quinquennial survey on the death penalty was an innovative one, for the first time incorporating, in addition to age and gender, incorporating factors of race, ethnicity and religion. It also advanced the

Draft

classification schemes established for the quinquennial surveys and reports and supplementary reports on the death penalty.

21. Nine of the surveys concerned the use and application of existing United Nations instruments. Those international instruments were the following: Basic Principles on the Role of Lawyers; Guidelines on the Role of Prosecutors; United Nations Standard Minimum Rules for Non- Custodial Measures, The Tokyo Rules; International Code of Conduct for Public Officials; United Nations Declaration against Corruption and Bribery in International Commercial Transactions, United Nations Declaration on Crime and Public Security; Declaration on Basic Principles of Justice for Victims of Crime and Abuse of Power; and the Model Strategies and Measures in the Field of Crime Prevention and Criminal Justice for the Elimination of Violence against Women; Juvenile justice@ instrumentation (The Beijing Rules, The Riyadh Guidelines, the JDLs)

22. Two surveys had to do with the possible elaboration of new international instruments, on restorative justice and on elements of responsible crime prevention. One survey was the Sixth Quinquennial Survey of the Secretary-General on Capital Punishment and Implementation of the Safeguards Guaranteeing the Rights of Those Facing the Death Penalty.

23. Survey results regarding the instruments governing the role of lawyers, the role of prosecutors, and the Tokyo Rules are being reported to the Commission in the present report of the Secretary-General. Survey results concerning the use and application of the Model Strategies and Practical Measures, the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, and elaboration of a new international instrument on effective elements of crime prevention did not meet the criteria for the preparation of updated reports and are also reported upon in the present

report. The Secretary-General's Report on the Sixth Quinquennial Survey on capital punishment is before the Commission on Crime Prevention and Criminal Justice, in document E/2001/#, after having gone before the Commission on Human Rights.

24. Survey results regarding the Code of Conduct for Public Officials, the United Nations Declaration on Crime and Public Security and the Code of Conduct on Financial Transactions will be reported to the Commission on its next, Eleventh Session. Survey

* Article 22 ((more) effective implementation of United Nations standards and norms); Articles 11-12 (gender main streaming); 20-21 (racism and related forms of intolerance); 24 (juvenile justice reform); 26 (prison reform); 27 (victims); 28 (restorative justice).

results regarding the possible elaboration of a new international instrument on restorative justice will be reported to the Commission at its Eleventh Session as well, in addition to a report on further progress toward elaboration of a new instrument on elements of effective crime prevention should that be the decision of the Commission. Juvenile justice reform in line with instrumentation governing A juvenile justice@ will be considered by the Commission on its Eleventh Session along with the question of penal reform and restorative justice, having to do with justice administration reform.

A. Surveys of existing international instruments: progress report

I. United Nations Declaration on Crime and Public Security

25. Thirty-seven Governments thus far participated in the survey of the Secretary-General's survey on implementation of the United Nations Declaration on Crime and Public Security, carried out in accordance with General Assembly resolution 51/60, which adopted the Declaration, and Council resolution 1997/34 calling for its implementation and the survey.

Draft

26. Respondent Governments were the following: Algeria, Angola, Australia, Austria, Belarus, Bulgaria, Croatia, Czech Republic, Estonia, Finland, Germany, Greece, Iceland, Iraq, Ireland, Japan, Jordan, Korea, Kuwait, Madagascar, Mongolia, Morocco, New Zealand, Norway, Philippines, Poland, Portugal, Qatar, Slovak Republic, South Africa, Swaziland, Sweden, Syria, Tajikistan, United Arab Emirates, United Kingdom, United States of America. The following United Nations Organizations thus far responded to the circular letter of the Director-General: United Nations High Commissioner for Refugees, the United Nations University, United Nations Environmental Protection, United Nations Office of the High Commissioner for Human Rights, United Nations office of Legal Affairs, International Labor Organization. Other entities that responded to the inquiry are the following: UNAFEI, the International Red Cross/Red Crescent, and EUROPOL.

27. Analysis of the survey results is being undertaken by the Centre in cooperation with one of the institutes of the United Nations Crime Prevention and Criminal Justice Programme Network, i.e., the National Institute of Justice, International Division at Washington, D.C. In accordance with the decision of the Commission on its Ninth Session (See E/2000/30, para.49), survey results will be reported to the Commission on its Eleventh Session. The comprehensive nature of the responses received thus far by the Secretary-General is such that a separate report would be warranted.

2. United Nations Declaration against Corruption and Bribery in International Commercial Transactions

28. Forty-five Governments thus far participated in the survey of the Secretary General on the United Nations Declaration against Corruption and Bribery in International Commercial Transactions, conducted pursuant to Economic and Social Council resolution 1998/21. The respondent Governments were the following: Algeria, Argentina, Austria,

Belarus, Brazil, Brunei Darussalam, Bulgaria, Cameroon, Canada, Colombia, Costa Rica, Croatia, Czech Republic, Germany, Greece, Guatemala, Guyana, Iraq, Italy, Japan, Kazakhstan, Lebanon, Lithuania, Luxembourg, Mali, Malta, Mauritius, Myanmar, New Zealand, Niger, Nigeria, Norway, Panama, Peru, Poland, Saudi Arabia, Singapore, Slovenia, South Africa, Sweden, Switzerland, The Former Yugoslav Republic of Macedonia, United Arab Emirates, United Kingdom, Yemen. In accordance with the decision of the Commission on its Ninth Session (See E/2000/30, para.49), survey results will be presented by the Secretary-General in a consolidated report to the Commission on its Eleventh Session.

3. International Code of Conduct for Public Officials

29. Fifty-three Governments thus far participated in the survey of the Secretary-General on the International Code of Conduct for Public Officials, conducted pursuant to Economic and Social Council resolution 1998/21. The respondent Governments were the following: Algeria, Angola, Antigua & Barbuda, Argentina, Bangladesh, Belarus, Belgium, Bolivia, Brunei Darussalam, Canada, Central African Republic, Chile, Colombia, Congo, Costa Rica, Cuba, Cyprus, Czech Republic, Dominican Republic, Ecuador, Egypt, El Salvador, Finland, Germany, Greece, Guatemala, Guyana, Haiti, Hungary, Iraq, Italy, Japan, Lebanon, Lithuania, Malaysia, Mali, Malta, Mexico, Myanmar, New Zealand, Norway, Panama, Peru, Poland, Qatar, Korea, Saudi Arabia, Slovenia, South Africa, Sweden, Switzerland, Thailand and Uruguay. In accordance with the decision of the Commission on its Ninth Session (See E/2000/30, para.49), survey results will be presented by the Secretary-General in a consolidated report to the Commission on its Eleventh Session.

4. Capital punishment

Draft

30. The Secretary-General presents to the Commission on its Tenth Session the Sixth Report of the Secretary-General on capital punishment and Implementation of the Safeguards guaranteeing the rights of those facing the death penalty, 1994-1998, in document E/2000/rev. The report has been prepared in accordance with Council resolutions 1745(LIV), 1995/57 and Commission on Human Rights resolution 1999/61

31. The Secretary-General conducted his sixth quinquennial survey on capital punishment and Implementation of the Safeguards via a new questionnaire designed and dispatched by the Centre during 1999. It is an updated, revised version of the report submitted to the Commission on its Ninth Session, E/2000/3/Rev. At its Ninth Session, the Commission deferred the report of the Secretary-General at which consideration of the matter was deferred to the current, Tenth Session so as to enable States which had not yet done so to participate in the Secretary-General's survey and have this information reflected in a revised report. The revised report, E/2000/3/rev., before the Commission presents survey results based on information received from 63 respondent Governments and additional 18 Government replies and research-based, supplementary data. It covers the quinquennial period 1994-1998 and, as well, extends to the period 1999-2000.

5. Elimination of violence against women

32. General Assembly resolution 52/86 adopted the Model Strategies and Practical Measures in the Field of Crime Prevention and Criminal Justice on the Elimination of Violence against Women (Annex). Council resolution 1996/12 called also for effective implementation measures to be taken. A series of reports of the Secretary-General has thus far been presented to the Commission on the elimination of violence against women, having to do with both the elaboration * and implementation ** of this international instrument.

Draft

33. The Commission on its Ninth Session included a separate report of the Secretary-General in its documentation for the Tenth Session. In pursuance of Assembly resolution 52/86 and Council resolution 1996/12, the Secretary-General conducted a second inquiry of States and relevant Organizations regarding the application of the provisions of the Model Strategies and more effective, coordinated ways to eliminate violence against women. It focuses on implementation measures additional to those reflected in the Report of the Secretary-General on elimination of violence against women, contained in document A/54/69 and Add.I-E/1999/8, before the Commission as a background report.

34. The Secretary-General received communication in response to his second inquiry on elimination of violence against women from the following Governments, as follows: Argentina, Azerbaijan, Belarus, Cameroon, Costa Rica, Czech Republic, France, Germany, Japan, Malta, Peru, Philippines, Qatar, Spain, Sweden, the United States of America. The Secretary-General also received responses to his inquiry from the following Organizations: Asian Peoples= Solidarity Organization, the Australian Institute of Criminology, the European Commission, the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International humanitarian Law Committed in the Territory of the Former Yugoslavia and the International Criminal Tribunal for Rwanda (Office of the Prosecutor), International Council of Women, National Institute of Justice, Pax Romana, Soroptimist International, and UNICRI.

35. The number of responses to the Secretary-General-s second inquiry is admittedly low. But the nature of the responses was such that strong support continued to be expressed for the elimination of violence against women in all its forms.

Draft

*Report of the Secretary-General on the multi-disciplinary consultations on the draft plan of action on elimination of violence against women, E/CN.15/1996/11; Report of the Secretary-General on the draft plan of action on elimination of violence against women, E/CN.15/1997/12.

**Report of the Secretary-General on elimination of violence against women, contained in document A/54/69 and Add.1-E/1999/8

36. Respondents reported making strenuous efforts, across the board, to eliminate violence against women, guided by both the Model Strategies and Practical Measures and the Beijing Platform for Action. The expressed views of respondents were indicative of a continued wave of reform to eliminate violence against women, invited by the Beijing Platform and the Model Measures and reflected in the 1999 report of the Secretary-General (A/54/69). Overall, Governments continued initiating and strengthening a host of legislative and other measures and Organizations were carrying out variegated established and new activities having to do with violence against women.

37. Governments continually renewed their commitment to the goals and objectives set forth by the Beijing Conference, in particular, as expressed via its Declaration and Platform for Action, a substantial part of which has to do with eliminating gender-directed criminal violence which, by definition, included abuse and exploitation of and trafficking in women and the girl child and calling for a fresh, and broad, response thereto. It also appeared that financial support for measures to combat violence against women was increasing, although developing countries continued to report shortages of facilities, services and personnel to deal with criminal justice issues. For the most part, they expressed the view that more systematic, coordinated efforts of a consistent policy and practical nature should be made within, system-wide, and outside the United Nations, to eliminate this form of gender- and age-directed criminality. It was agreed that as many organizations as possible should join together in their efforts at institutional capacity-building to combat violence against women, while, at the same time, advancing the rights and status of women and introducing gender main streaming across fields.

Draft

38. The Model Strategies built upon the measures included in the Platform for Action adopted by the Fourth World Conference on Women and derives its broad definition of violence against women from the Declaration on the Elimination of Violence against Women (General Assembly resolution 48/104). The Model Strategies is an instrument aimed, in the first instance, at the deterrence and prevention of all types of criminal violence perpetrated against women and girls. Toward that end it provides guidance to States as to the upgrading of the response on the part of respective justice systems to gender- and age-directed violence in all its forms. It is also an instrument that promotes the fair treatment and rights of women, gender equality, equal access to justice, and, as well, gender mainstreaming and integrating a perspective of gender fairness within justice administration across legal systems.

39. Indeed, the Model Strategies has proven its capacity as a new international instrument to effect those aims. There is sufficient evidence of this world-wide extraneous to the replies received to this effect from Governments and various organizations. This might point to the attributes of the instrument, being both policy-oriented and practical. The momentum generated by the Fourth World Conference gave added impetus for application of the instrument's provisions. It has been accepted and to large extent applied by a good number of States. It provided a useful guide to pursuing system modifications around deterrence of and the criminalization of violence against women. The Model became widely known in a relatively short time. The work undertaken by various entities within and outside of the United Nations is also evident of the interest and involvement of Governments in the subject matter in the wake of the Fourth Conference on Women. The Model Strategies has served as the basis of this work. However, there still remains a good number of States that lack sufficient means to move toward the proscriptive provisions of the Model Strategies. In fact, much work remains to be done in providing technical advisory support in this regard.

Draft

40. The Protocols against human trafficking and against migrant smuggling provided an important new normative framework for action against violence against women. It also provides an orientation for the Centre's Global Programme. Insofar as the Protocol calls for the criminalization of trafficking in human beings and emphasizes victim support and witness protection important new ways have been universally agreed upon to combat violence against women. More resources would be needed, however, in order to enable the to render the advisory and operational services required of Governments in this area. While the Global Programme has now started to build a capacity to render assistance to Governments in its own respective area of competence, it nevertheless requires far more funding to meet the needs of States in terms of trafficking in women and children.

41. The Commission may wish to consider the progress achieved in respect of the use and application of the instrument and what types of legislative action would invite further application of its provisions, particularly in the most needed areas around deterrence, criminalization and sanctioning of violence against women in all its forms so as to make a discernible impact on this form of gender- and age-directed criminality.

6. Victims of crime and abuse of power

42. On the recommendation of the Commission on its Ninth Session, the Council adopted resolution E/2000/15, entitled *Implementation of the Basic Principles of Justice for Victims of Crime and Abuse of Power*, which requests the Secretary-General to prepare a report on possible ways and means of providing adequate assistance to initiatives in the area of victim care. Pursuance to this resolution, Council resolution E/2000/14, as well as to Council resolutions 1996/14, 1997/31 and 1998/21 and Assembly resolution 40/35 (and Annex), the Secretary-General conducted a survey of Governments and relevant organizations on action taken to give effect to the Basic Principles of Justice for Victims of Crime and Abuse of Power. The survey also addressed possible ways and means of

providing adequate assistance to initiatives in the area of victim care, taking into account, existing mechanisms providing such assistance and the report of the working group of experts on the matter, before the Commission in document E/CN.15/2000/CRP.3.

43. Survey results would appear to be indicative that significant momentum, and, reform, has been generated in respect of the role, status, and care of victims, in recent years. They point to the need to review not only the legislative history, but also the work, progress, and achievements accomplished against standards and norms--on behalf of victims, their role, status, care and protection, world-wide and across legal systems. It would appear that a considerable amount of work remains in implementing the mandates existing thus far before moving to legislate and generate new, additional, tasks on the basis of new ones. By way of example, the Plan of Action adopted by Council resolution 1998/21, Annex, has a number of components on which much needs to be done, having to do with: (I) capacity-building; (II) information-gathering, -exchange and research; and (III) prevention of victimization. The Plan of Action further spells out a number of steps indicative of the road ahead: (IV) action at the regional and international levels; and (V) coordination of relevant initiatives.

44. The newly-adopted Convention and its Protocols against human trafficking and migrant smuggling are important new legally-binding means by which the status of victims will become more prominent internationally. They have brought forth international standards and norms additional to those that are embodied in the Declaration that, in fact, will strengthen the essential elements of the Declaration regarding the role, status, rights of and support for victims of crime. The practical work of the Centre that now will be generated with the birth of these additional standards applicable to crime victims is likely to exemplify the manner in which laws, policies, procedures and practices might be pursued by Governments. The Global Programme Against Trafficking in Human Beings, launched by the Centre in March

1999, deals with the victims of trafficking in human beings in line with the Declaration and the two new Protocols.

45. The Secretary-General received communication in response to his inquiry on implementation of the Declaration from: Belarus, Denmark, Germany, Ireland, Malta, Mexico, Peru, Qatar, Sweden, Turkey, the Australian Institute of Criminology at Canberra, International Centre for Criminal Law Reform and Criminal Justice Policy, the European Commission, the European Forum, the Economic Commission for Africa (ECA), the International Institute of Higher Studies in Criminal Sciences, the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia Since 1991 and International Criminal Tribunal for Rwanda (Office of the Prosecutor), National Institute of Justice, Pax Romana, UNICRI, and the World Moslem Congress.

46. The issue of the creation of an international fund for victims of crime and abuse of power was raised by Council resolution 1998/21 the annex of which contained the Plan of Action for the Implementation of the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power. This resolution requested the Secretary-General to

* See reports of the Secretary-General on elimination of violence against women, E/CN.15/1996/12; E/CN.15/1997/12.

**Report of the Secretary-General on elimination of violence against women, A/54/69 and Add.1-E/1999/8.

seek the views of States on the desirability and feasibility of establishing such a fund and to convene a working group of experts on this matter. The fund was to support the following: (i) technical assistance to develop and/or strengthen victims support services and organizations; (ii) specific projects and activities; (iii) awareness campaigns on victim rights and crime prevention; (iv) eligible victim claims resulting from international

Draft

and transnational crime, where national avenues of recourse and /or redress are unavailable or insufficient.

47. The Expert Group Meeting met 27-28 January 2000, at The Hague (E/CN.15/2000/CRP.3). The report of the working group of experts regarding possible establishment of a fund for victims of crime and abuse of power is also before the Commission, in document E/CN.15/2000/CRP.3.

48. One of the findings of the experts was that there was a need to provide adequate assistance to initiatives in the area of victim care. The Working Group endorsed creation of an international fund and, further, advanced a specific Proposal for the Foundation of an International Fund for Support to Victims of Transnational Crime.

49. Experts were of the view that creation of such a Fund would give a clear signal to Governments and victims, in particular, the most vulnerable like victims of trafficking in human beings and of sex tourism. The Working Group made a number of suggestions along the lines of that which was elaborated as some of the goals for the Fund in Council resolution 1998/21. It suggested that an international fund be established to support the following goals: (i) development and/or strengthening of victim support services via through technical assistance; (ii) elaboration of measures for special victim-types or groups, in particular as regards transnational crime; and (iii) design of international awareness-raising campaigns targeted at promotion of victims rights and effecting crime prevention.

50. It proposed some essential elements for the proposed Fund: establishment of a governing Board with due representation of developing countries, donors (public and private), victim support groups or expertise and CICP. Regarding operational modalities, the Working Group felt that the Fund should be established within a

relatively short period of time, as a sub-account of the United Nations Crime Prevention and Criminal Justice Fund. This would be one way of lending United Nations affiliation and status to the Fund. It is suggested that United Nations field-based offices, especially the ODCCP Field Offices, operate as intermediaries between the administration of the Fund and the applicants.

51. Both public and private funding for the Fund should be possible. The responsibility for and decision about project funding should rest with the governing Board. While the Fund would initially require financial support sufficient to grant USD 250,000. for at least five projects per year, it should increase incrementally over subsequent years. The board should also formulate criteria and priorities for an objective assessment and allotment of grants. The Fund should operate at low cost in order to be of maximum benefit to victim support. Criteria governing application and applicants and basic criteria for the assessment of grants considered by the Board were suggested by the Working Group.

52. The proposed Fund would be another step in the direction of United Nations action in support for victims. It would also help Governments in their efforts at preventing victimization and caring and assisting victims of crime. Assistance in this regard on the part of the United Nations and involving expertise and advocates of victim rights could be given via a project modus operandi, supported by contributions of interested parties. With such a mechanism in place, also, supportive action at the field-level as described above might be effected.

7. Juvenile justice reform

53. The Secretary-General presented to the Commission on Crime Prevention and Criminal Justice on its Ninth Session his report on juvenile justice reform, in document

E/2000/4. This was done in accordance with Council resolutions 1998/21, 1997/30, 1999/28, 1998/21, and, as well, General Assembly resolutions 40/33 (and Annex), 40/34 (and Annex) and 42/35 (and Annex). The report brought to the attention of the Commission the results of an inquiry of the Secretary-General regarding implementation of the above-mentioned resolutions, including ways by which all concerned entities might together work more effectively and coordinate their efforts to effect a juvenile justice reform. The Commission on its Ninth Session decided to defer consideration of the matter and the report to its Eleventh Session at which time it would devote its action to the theme of criminal justice reform (See report of the Commission, Ninth Session, E/2000/30, para. 49).

8. Penal reform

54. A series of resolutions speak to the issue of a penal reform. Council resolutions 1997/27, 1998/23, 1997/36, 1999/25, 1997/33, and 1998/21. The international instruments relevant in this regard are the Standard Minimum Rules for the Treatment of Prisoners; Procedures for the Effective implementation of the Standard Minimum Rules for the Treatment of Prisoners (Council resolution 1994/47); Model Agreement on the Transfer of Foreign Prisoners and recommendations on the treatment of Foreign Prisoners; Basic Principles for the Treatment of Prisoners (General Assembly resolution 45/III); United Nations Standard Minimum Rules for Non-custodial Measures, The Tokyo Rules (General Assembly resolution 45/II0); Model Treaty on the Transfer of Supervision of Offenders Conditionally Sentenced or Conditionally released (General Assembly resolution 45/II9); United Nations Standard Rules for the Protection of Juveniles Deprived of their Liberty (General Assembly resolution 42/34); United Nations Standard Minimum Rules for the Administration of Juvenile Justice (General Assembly resolution 40/33); Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (General Assembly resolution 39/46); and Body of Principles

for the Protection of All Persons under any Form of Detention or Imprisonment (General Assembly resolution 43/173).

55. Other instruments relevant to prison reform are the following: Kampala Declaration on Prison Conditions in Africa (Council resolution 1997/36, Annex); the Kordoma Declaration (Council resolution 1997/23); and the Arusha Declaration (Council resolution 1998/34).²³ It was the decision of the Commission on its Ninth Session to defer consideration of the issue of penal reform to its Eleventh Session which will be devoted to criminal justice administration (See E/2000/30, para. 49). A new survey would have to be devoted for that purpose should the Commission so decide.

B. Standard-setting and continuing surveys on elaboration of new or emerging international instruments: Progress report

1. Elements of responsible crime prevention

56. The Commission on Crime Prevention and Criminal Justice at its Ninth Session included a report of the Secretary-General on elements of responsible crime prevention in the documentation of the Commission on its Tenth Session. Council. In pursuance of Council resolutions 1997/33 and 1999/25, also, the Secretary-General conducted a second inquiry regarding the possible elaboration of a new international instrument on elements of responsible crime prevention. It invited review of and proposals on the most recent text of the draft elements, contained in A/CONF.187/7, the text annexed to Council resolution 1997/33, and, the Guidelines for cooperation and technical assistance in the field of urban crime, adopted by Council resolution 1995/9. It invited suggestions as to the desirability and utility of elaborating such new international instrument.

Draft

57. The Secretary-General's inquiry also invited suggestions as to ways by which provisions of the new United Nations Convention Against Transnational Organized Crime and its two supplementary instruments or Protocols, against trafficking in human beings and smuggling of migrants,* might be seen as relevant in this process. This related to ways by which these new instruments might be given effect in the provisions of the newly emerging instrument on crime prevention, in terms of the prevention of organized crime. Particular reference in this regard is made to Article 31 of the Convention, specially on A prevention@, and to Convention Articles 5-18 and 26-29 in the context of the overall framework and scope set out in Articles 1-4.

*accessed through <http://www.odccp.org/palermo/convmain.html> and <http://www.uncjin.org>.

58. Of particular relevance in this regard were the following reports to which their attention was drawn and which also have been made available to the Commission:**(i) working paper prepared by the Secretariat on effective crime prevention; keeping pace with new developments (Tenth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, A/CONF.187/7); (ii) Report of the Secretary-General on crime prevention (Commission on Crime Prevention and Criminal Justice at its Eighth Session, E/CN.15/1993/3; Report of the Expert Group Meeting on Community Involvement in Crime Prevention, held in Buenos Aires from 8 to 10 February 1999 (Commission on Crime Prevention and Criminal Justice at its Eighth session, E/CN.15/1999/CRP.1). The Annex of this report contains the following texts which are relevant to deliberations and decisions on this matter: (I) Draft elements of responsible crime prevention, A/CONF.187/7; Annex; (II) Preliminary draft elements of responsible crime prevention, Council resolution 1997/33, Annex; and (III) Guidelines for cooperation and technical assistance in the field of urban crime, adopted by Council resolution 1995/9.

Draft

59. Crime prevention was an issue of relevance across substantive items of the agenda of the Tenth United Nations Congress on the Prevention of Crime and the Treatment of Offenders (See A/CONF.187/15). It was specifically dealt with under the item on *Effective crime prevention: keeping pace with new developments*. Crime prevention issues were raised in the Discussion Guide for the Tenth Congress (A/CONF.187/PM.1), and given prominence in respective reports of its regional preparatory meetings. (See A/CONF.187/RPM.1-5). It was also of considerable relevance across its four research workshops, on corruption, computer crime, community involvement in crime prevention and women in the criminal justice system. It was a focus of attention in the discussion guide (A/CONF.187/PM.1/Add.1), background papers, and reports of the workshops (See A/CONF.187/15). It figured prominently in the Declaration on Crime and Justice: meeting the Challenges of the Twenty-first Century. Although crime prevention is one of the overriding theme of the Declaration, in particular, specific Articles speak to the issue. It is likewise addressed in the implementation plan of the Centre. One of the expressed concerns of the Tenth Congress was that crime prevention be balanced with human rights (See discussion in A/CONF.187/15).

60. The Centre's Global Programmes against Corruption, Transnational Organized Crime, and Trafficking in Human Beings constitute important new programmatic tools by which to effect crime prevention in specific areas. The various programmes which have now been established within the Centre can now use the set of policy tools the United Nations has to offer to effect change at the local, field level. Indeed, the Global Programmes, guided by the normative framework of the instruments, can bring to bear and help demonstrate their added, functional value in crime prevention across the areas covered. Its combination of policy-oriented, legal advisory, and field-level projects and other activities can prove useful in the fight to prevent crime in all its forms under various legal systems.

Draft

61. The following Governments responded to the second inquiry of the Secretary-General on elements of crime prevention: Canada, Czech Republic, Finland, Sweden, and Turkey, The following Organizations responded to the Secretary-General's inquiry: African Peace Network, Afro-Asian People's Solidarity Organization, Australian Institute of Criminology, the Economic Commission for Europe, Friends World Committee for Consultation, National Institute of Justice, Office of the High Commissioner for Human Rights, Organization for Economic Co-operation and Development, European Commission and European Union, International Institute of Higher Studies in Criminal Sciences, International Maritime Organization, International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law in the Territory of the Former Yugoslavia and International Criminal Tribunal for Rwanda ,United Nations University, Universal Postal Union, World Customs Organization.

62. The comments received by the Secretary-General in 1999 from 26 States and five organizations, albeit representing a relatively low response rate, overall, indicated support for the elaboration of a new international instrument on crime prevention. (See E/CN.15/1999/3, Chapter IV, paras. 39-57). Some of the comments received via the first inquiry of the Secretary-General on the matter were confirmed in the second inquiry. Overall the draft elements annexed to Council resolution 1997/33 were seen as a good start, but, as *Apreliminary@*. That which was meant by *Aprevention@* suffered the same lack of clarity in the draft as functionally in its application across systems. The nature and extent of involvement and the role of various agencies in a *Aprevention@* effort needed to be specified. The particular vulnerability of certain population groups like women and children had to be frontally addressed.

63. Four years has passed since adoption by the Council of its resolution in 1997 calling for the possible elaboration of a new instrument on crime prevention. In the meantime, the Secretary-General has conducted two inquiries to ascertain the views of States and

Organizations as to the desirability and utility of such an instrument and the possible principles to be codified therein. Both inquiries have not yielded high response rates and have not lead to conclusions on these matters. The Secretary-General has also convened the expert group meeting on the matter called for by the Council. It is incumbent upon the Commission to take stock of the progress reported by the Secretary-General in this report up to now and, as well, to decide whether the mandates and tasks remain relevant.

64. The Commission may wish to consider either abandoning existing mandates or, rather, to renew the mandates and provide concomitant resources with which to realistically fulfill them. The Commission may also wish to establish an ad hoc inter-sessional working group to consider the draft elements as they stand and to build consensus on the elaboration of the provisions of the new instrument. Should the Commission so decide, the new international instrument can be shepherded through elaboration and adoption by the Commission itself.

2. Restorative justice and mediation

65. In accordance with Council resolutions 2000/14, 1996/26 and 1998/21 the Secretary-General surveyed the views of Governments via note verbal and relevant entities via circular regarding elaboration of a new international instrument on restorative justice and mediation. In particular, the Secretary-General invited views as to the desirability and feasibility of such instrument, the principles to be codified therein, comments on the APreliminary draft elements of a declaration of basic principles on the use of restorative justice programmes in criminal matters[@], annexed to Council resolution 23000/14, and any relevant information on the subject matter.

66. Thus far the Secretary-General has received responses from the following Governments: Argentina, Australia, Belgium, Bolivia, Bulgaria, Canada, Costa Rica,

Croatia, Denmark, Fiji, Germany, Ireland, Italy, Japan, Malaysia, Norway, New Zealand, Pakistan, Peru, Philippines, Norway, Qatar, Sierra Leone, South Africa, Turkey, (Kingdom of) Saudi Arabia. He has received responses from the following organizations: Friends World Services Committee for Consultation, International Center for Criminal Law Reform and Criminal Justice Policy, Andean Commission of Jurists, Prison Fellowship International, and UNAFEI, Defence for Children International, DAW, International Crime Tribunals for the Former Yugoslavia and Rwanda (Office of the Prosecutor).

67. In accordance with Council resolution 2000/14, survey results will be analyzed by the Secretary-General and brought to the attention of an expert group meeting, should financial support be placed at the disposal of the Secretary-General for this purpose. The report of the expert group meeting would then be presented to the Commission on its Eleventh Session. Rutgers University has offered its collaboration and has been in consultation with the Centre regarding elaboration of the instrument. The Government of Canada has expressed to the Secretary-General its interest in sponsoring/hosting an expert group meeting for that purpose. The meeting would be comprised of experts from various regions of the world and representative of different legal systems. The proposed meeting might take place in Canada in October 2000, conditions permitting.

68. The Commission may wish to consider formal proposals for the hosting and convening of the said expert group meeting without which the Secretary-General may not be able to proceed in this standard-setting activity as envisaged by the Council's mandate thereon.

III. SURVEY RESULTS ON EXISTING INSTRUMENTS

Draft

69. This chapter presents the survey results regarding three international instruments: Basic Principles on the Role of Lawyers (Council resolutions 1993/34, 1997/32, 1998/21) the Guidelines on the Role of Prosecutors (Council resolution 1998/21); and the Tokyo Rules (Council resolution 1998/21), derived from Government replies to the Secretary-General's respective questionnaires.

A. Basic Principles on the Role of Lawyers

70. Thirty-eight Governments participated in the survey of the Secretary-General and completed the questionnaire on the use and application of the Basic Principles on the Role of Lawyers, conducted pursuant to Council resolutions 1993/34, 1997/32 and 1998/21. The respondent Governments are the following: Algeria, Antigua & Barbuda, Australia, Austria, Bahrain, Belarus, Cameroon, Chad, Czech Republic, Cyprus, Dominican Republic, Egypt, El Salvador, Estonia, Guatemala, Japan, Kazakhstan, Korea, Latvia, Lithuania, Malaysia, Malta, Mexico, Morocco, Myanmar, Norway, Peru, Poland, Portugal, Qatar, Senegal, Singapore, Slovakia, Slovenia, Spain, Sweden, Switzerland, and the United States of America.

71. Most Governments indicated that accused persons were entitled to call upon the assistance of a lawyer of their choice to protect and establish their rights and defend them in all stages of criminal proceedings. Most reported having established efficient procedures and responsive mechanisms for the effective and equal access to lawyers and legal services, on a non-discriminatory basis. With some exception (Antigua & Barbuda, Dominican Republic, Qatar, Sweden, Switzerland), respondents indicated that information on the important role of lawyers in protecting the fundamental freedoms of citizens was provided to the public whether by governments or professional associations of lawyers. Such information was provided only in some parts of the country in a number of States.

Draft

72. Nearly all respondents reported that persons were informed of their rights, including the right to legal assistance upon arrest or upon detention. Some replied additionally that information was provided upon apprehension, at a later stage, or, at the request of the individuals concerned.

73. The time within which an arrested or detained person (with or without criminal charges) had access to a lawyer varied, between half an hour (Slovakia) and 48 hours. Australia reported that this information was provided as soon as practicable. And the United States of America reported that the precise statutory period varied across States yet, generally, was provided upon arrest, detention or upon first court appearance immediately following arrest. No time limit in this regard was reportedly in place in several States (Chad, El Salvador, Korea, Singapore, Spain, Sweden).

74. Most respondents indicated that they ensured the provision of sufficient funding and other resources for legal services to indigenous and otherwise disadvantaged persons, as required. For some Governments, funding for such purposes was available to certain extent. Two respondent Governments (Cameroon, Chad) reported that the provision of legal services could not be ensured for lack of resources. Circumstances under which persons were entitled to the services of a lawyer without charge were regulated differently across respondent States. With several exceptions (Algeria, Dominican Republic, Estonia, Myanmar, Slovakia) respondents indicated provision of such service(s). Completion of law school, college and bar or state exam and practical training, to gain acceptance/recognition as a lawyer were required in most respondent States. The reported duties of lawyers towards clients included: advising/informing on legal rights, obligations, procedures, etc., insofar as relevant to legal rights. Respondents indicated that these duties were included in all or in some cases some cases.

Draft

75. Most reported taking measures to ensure that lawyers were not under threat of sanction for action taken in the course of their professional duties, standards and ethics. One Government (El Salvador) indicated that it does not ensure the above- mentioned. Two Governments (Poland, Qatar) reported that lawyers assisting a client were identified with the cause of clients as a result of their functions as a lawyer. Some Governments (Chad, El Salvador, Guatemala, Latvia, Spain, United States of America) reported that a lawyer would be identified as such only in some cases.

76. With exception (Latvia) respondents mentioned that there were no courts where the right to counsel was not recognized. Most respondents reported that lawyers enjoyed civil and penal immunity for relevant statements made in good faith in written or oral pleadings or in their professional appearances before a court, tribunal or other legal administrative authority. Most respondents reported that lawyers had access to all appropriate information, files and documents to enable them to provide effective legal assistance to their clients. Some indicated that, in practice, lawyers might not have access to all information, files and documents required for respective cases.

77. Most reported that lawyers had the right to participate in public discussion of matters concerning law, justice administration, and the promotion and protection of human rights. This could be done without professional restriction by reason of lawful action and without limitation. Several respondents (Norway, Singapore, Qatar) indicated that lawyers had this right in their respective countries but with certain limitation, as prescribed by law or other regulation. Some respondents (Australia, Austria, Myanmar, Slovakia) reported such limitations to be prescribed by a code of conduct or ethics as well.

78. All respondents reported that lawyers were free to form and join self-governing professional associations to represent their interests, promote their continuing education and training and protect their professional integrity although some States had certain

limitation, prescribed by law or other regulation (Cameroon, Estonia, Korea, Latvia, Qatar, Slovakia), by a practical code of conduct (Myanmar) or by a code of conduct or ethics (Algeria, United States of America). Respondents indicated that the executive body of such professional associations were elected by the membership, with the exception (Myanmar) being where the executive body is elected by the government authority. With some exception (Cameroon, El Salvador), responding States noted that those professional associations of lawyers cooperated with the Government to ensure that all persons had effective and equal access to legal services. Furthermore, lawyers were able, without improper interference, to counsel and assist their clients in accordance with the law and recognized professional standards and ethics.

79. Nearly all States reported the establishment of a code of professional conduct for lawyers in respective countries. They stressed that lawyers, who in their professional capacity were charged or had a complaint made against them, had the right to a fair hearing and the right to be assisted by another lawyer of choice. Those charges or complaints were reportedly processed expeditiously and fairly.

B. Basic Principles on the Role of Prosecutors

80. Forty-eight Governments participated in the survey of the Secretary-General and completed the questionnaire on the use and application of the Basic Principles on the Role of Prosecutors, conducted pursuant to Council resolutions 1993/34 and 1997/32. The respondent Governments were the following: Algeria, Antigua & Barbuda, Argentina, Armenia, Australia, Belarus, Belgium, Brunei Darussalam, Cyprus, Czech Republic, Dominican Republic, El Salvador, Estonia, Greece, Guinea, Honduras, Iceland, Japan, Kazakhstan, Kyrgyz Republic, Lebanon, Lesotho, Lithuania, Malaysia, Malta, Mauritius, Mexico, Myanmar, New Zealand, Nigeria, Pakistan, Peru, Poland, Portugal, Qatar,

Draft

Singapore, Slovakia, Slovenia, Spain, South Africa, Sweden, Switzerland, Syria, Thailand, Trinidad & Tobago, United States of America, Venezuela and Zambia.

81. Most respondents reported that completion of law school, college and a bar or state exam, as well as practical training, for acceptance/recognition as a prosecutor were required. One respondent (Dominican Republic) reported that completion of law school or a college was the basic legal qualification for a prosecutor. One respondent (Australia), additionally, reported the requirement of admission as barrister of supreme courts. Another respondent (Lithuania) required a master of law or bachelor's professional qualification degree in that regard. Most reported that there were separate training institutions or schools entrusted with the education and training of prosecutors. In some States (Guinea, Honduras, Mexico, Spain, South Africa, Zambia) bodies existed that were in charge of other training for government officials.

82. With exception (Belarus, Belgium, Dominican Republic, Honduras, Lithuania, Qatar, Switzerland) all respondents indicated that prosecutors could perform their professional functions without exposure to civil, penal or other liability. Others (Portugal, Thailand, Venezuela) stressed that this was only in exceptional cases. Some respondents indicated that prosecutors had the right to participate in public discussions on matters of law, justice administration and human rights without limitation and without suffering professional disadvantage by reason of lawful actions. The majority reported limitations prescribed by law, code of conduct or ethics. In one State (Singapore), approval of the Attorney-General was required, in another (Venezuela), supervisor's authorization was required. In yet another State (Mauritius) no such right for the prosecutor existed. The same applied to the freedom of a prosecutor to form and join local, national or international organizations and to attend the meetings of those organizations without suffering professional disadvantage by reason of their membership in those organizations. One respondent (Mauritius) reported that no such right was given.

Draft

83. Nearly all respondents indicated that authorities offered physical protection to prosecutors when safety was threatened as a result of the discharge of prosecutorial functions. Some respondent States (the Czech Republic, Japan, Lesotho, Qatar) indicated that such protection was not provided. Most respondents reported that measures were also taken to ensure the personal safety and security of not only prosecutors but also of their families. Most reported on bodies, e.g., internal personal management committee, a body independent of the prosecutors office or others like, a Higher Council of Justice, Special Tribunal, to ensure that the promotions were based on objective criteria.

84. With some exception (Algeria, Lebanon, Thailand) respondents stressed that the prosecutor's office was strictly separated from judicial functions. All respondents reported that the prosecutors perform their duties expeditiously, thus helping to ensure the smooth functioning of the criminal justice system and that, with one reported exception (Pakistan), the prosecutors kept matters in their possession confidential, unless the performance of duty or the needs of justice required otherwise. Codes of conduct, ethical guidelines, and, as well, discretion governed this across States. The majority reported that, as prescribed by law, prosecutors protected the public interest, acted with objectivity and took proper account of the suspect and of the victim.

85. Nearly all respondents reported they required prosecutors to refrain from initiating or continuing prosecution if an impartial investigation showed that the charge is unfounded. Respondents reported some exception to this (Algeria, Belgium, Estonia, Guinea, Honduras, Malta, Mauritius, Sweden) indicating that it depended on the decision of the individual prosecutor. No respondent reported that prosecutors were allowed to use evidence against suspects that they knew or believed on reasonable grounds was obtained through recourse to unlawful methods, constituting a grave violation of a suspects human rights. One respondent (Nigeria) indicated relevant evidence as a strong point for

admissibility, although evidence obtained through human rights violations like torture were excluded.

86. Most indicated that prosecutors were vested with discretionary functions including institution or waiver of prosecution. Some respondents reported that discretionary prosecutorial functions were not of a permanent, long-standing, nature, but, rather, existed on a case-by-case basis (Algeria, Mauritius, Myanmar, Qatar). A number of respondents (Argentina, Belarus, Czech Republic, El Salvador, Estonia, Poland, Portugal, Syria) reported that prosecutors were not vested with discretionary power or authority at all. Most respondent States indicated that prosecutorial discretionary functions were checked or controlled by an internal supervisory system. Some States (Mexico, Peru, Sweden, Switzerland, United States of America) additionally had process of review via individual claims. One respondent (Guinea) reported no such control mechanisms existed.

87. Several respondents (Algeria, Estonia, Greece, Malta, Portugal, Sweden, Thailand) reported prosecutors could not waive prosecution; others reported they may waive prosecution if alternatives to conflict -resolution were successful (e.g., no strong public interest to prosecute; the victim or the victim-s family did not elect to prosecute). With some exceptions (Algeria, Belgium, Estonia, Greece, Kazakhstan, Malta, Pakistan, Spain, Sweden, Syria, Thailand), the same applied to the question of whether prosecutors could discontinue proceedings conditionally or unconditionally. All respondents reported that prosecutors and the police shared information about cases whether in all cases, with certain exceptions or only in exceptional cases.

C. United Nations Standard Minimum Rules for Non-custodial Measures,

The Tokyo Rules

88. Thirty-eight Governments participated in the Secretary-General-s survey and completed the questionnaire on the use and application of the United Nations Standard

Minimum Rules for Non-custodial Measures, The Tokyo Rules, conducted pursuant to Council resolutions 1993/34, 1997/32, and 1998/21. These were the following: Algeria, Antigua & Barbuda, Australia, Austria, Bahrain, Belarus, Belgium, Bolivia, Canada, Cuba, Cyprus, Estonia, Greece, Iceland, Italy, Japan, Republic of Korea, Kuwait, Latvia, Malta, Mauritius, Mexico, Morocco, Myanmar, Niger, Norway, Peru, Poland, Portugal, Qatar, Rwanda, Kingdom of Saudi Arabia, Senegal, Slovakia, Slovenia, Sweden, Thailand, Turkey, United Arab Emirates, United Kingdom, and United States of America provided the Secretary-General with information.

89. The Tokyo Rules were recognized as important in their respective administrations of justice by most respondent Governments. Most respondents reported the wide distribution of the Rules to officials across sectors. There were indications, however, that still many practitioners concerned with criminal justice administration were not aware of the Tokyo Rules. A number of respondents reported that they translated the Tokyo Rules into local languages, while more than ten countries have not had it translated when their official languages are not one of the United Nations official languages.

90. Most respondents indicated that the aim of application of non-custodial measures as to reduce the use of imprisonment and rationalize criminal justice policies. Reduction of the length of imprisonment through the application of non-custodial measures was indicated by about half of the respondents. Many respondents took non-custodial measure to promote offender reintegration into society. Other aims indicated by respondents included: imposition of an appropriate punishment to offenders (Antigua and Barbuda); reduction of the harm of incarceration (Italy); avoidance of mixing first-time offenders with recidivist offenders in prison (Kuwait). All respondents reported their taking into account the observance of human rights, requirements of social justice, and offender rehabilitation in their respective usages of non-custodial measures.

Draft

91. As to the stages when non-custodial measures are imposed, most indicated that many of the measures operated are imposed by the sentencing authorities. In addition to the measures enumerated in the Questionnaire, two respondents (Poland, Slovenia) raised prohibition of approaching a specific place or person as other measures used. In the use of non-custodial measures, most respondents took into account the following factors: nature and the gravity of the offence; age; offender personality and background; societal protection of society; and victim rights and well-being. About half of the respondents considered also the gender of the offender. Two-thirds considered the principle of minimum intervention. One country (the United States of America) raised community ties.

92. Most respondents prescribed introduction and use of non-custodial measures by law or other regulation. But not all respondents reported having provision for breach of non-custodial measures. Generally, the offender had the right to have the decision reviewed by judicial or other competent independent authority at the time of imposition of a non-custodial measure or on post-sentencing disposition. Two respondent Governments (Kuwait, Thailand) reported the offender not to be granted such right. With regard to the accessibility to the personal records, many respondents reported permitting offenders access to records with restriction. When restriction was imposed, several respondents (Malta, Sweden, United Kingdom) cited the case when victims or other third parties could be endangered with offender access. At the pre-trial stage, half of the respondents granted powers to the police to discharge the offender. Remaining respondents indicated that the police have a discretion that they do not file a report. As to prosecutors, more respondent Governments empowered them to discharge the offender. Most indicated that detention pending trial was used as a measure of last resort. In cases where pre-trial detention was used, suspects had the right to appeal to a judicial or other competent independent authority in all respondent States.

Draft

93. The judicial authority made use of a social inquiry report or a pre-sentence report prepared by a competent, authorized official or agency in many respondent States. Yet nearly half of the respondent Governments indicated that such report was available only in exceptional cases. In several States (Bolivia, Italy, Latvia), the report was not available to judicial authorities. In respect of when judicial authorities obliged to request such a report, many respondent Governments raised the case of juveniles. Others indicated the case of serious offences (Algeria, Cyprus, Niger, the United States of America); offender mental capacity (Republic of Korea, United States of America); offence committed within the family (Saudi Arabia); and environmental offences (Peru). Two respondents (Cuba, Iceland) indicated that the judicial authority was obliged to request the report in all cases. The report prepared was available to the accused in many respondent States.

94. Most respondents reported having a system of periodic or non-periodic review of the supervision. Two respondents (Niger, Rwanda) indicated that such review system had not been established. More than half of the respondents afforded offenders the possibility of expressing individual views regarding revision of supervision at the time of review. A number of respondents indicated that offenders did not have such opportunity at that time. During supervision, most provided offenders concerned with psychological, social and material assistance as well as the opportunities to establish or strengthen communal ties. With one exception (Bahrain) all respondents indicated that competent authorities could determine conditions to be observed by the concerned offenders and considered it necessary that those conditions take into account societal needs, offender and victim rights. Conditions imposed on offenders were explained either orally or in writing at the beginning of the application of non-custodial measures. About half of the respondents indicated that breach of the condition result in either a modification or a revocation of the non-custodial measures. But some respondents indicated that breach of conditions automatically resulted in imposition of a term of imprisonment.

Draft

95. As to the treatment schemes provided to the offender, many considered casework as effective in all or almost all cases. Other schemes such as residential programme, specialized treatment and group therapy were considered effective in few cases. With regard to staff who apply non-custodial measures, although many indicated that they provided professional training all or almost all cases, some indicated they provided such training either in exceptional cases or in no case. In many, community played some part in the application of non-custodial measures. Most respondents indicated that community involvement need to be enhanced. Many respondents indicated receipt of support from public sectors and voluntary organizations when they carry out non-custodial measures, and about half of the Governments also invited private sectors for supports. Where the Government involved volunteers, they were carefully screened and volunteers recruited and trained to provide support and counseling. Many respondents reported on research initiatives and outcomes with regard to the application of non-custodial measures. Evaluation of existing systems of non-custodial measures was being carried out in half of the respondent countries. All respondents, however, recognized its value in that regard.

D. Conclusions on the survey results of the three instruments

96. The three instruments were fairly well recognized in most respondent States and the majority of the measures embodied therein were reported to have been already incorporated into law, rules or other regulations in respective jurisdictions. At the same time there was a number of measures that still needed to be taken by States to more fully align national systems across instruments. Greater distribution on the part of States to relevant professions in respective countries seem to be called for. A majority of the survey respondents indicated a need for technical assistance in various areas covered by the instruments (e.g., training, inter-agency coordination, reviewing the systems vis-a-vis departure from instruments= provisions).

Draft

97. Respondents across the three surveys mentioned the lack of trained personnel, appropriate support structures and adequate funds. Generally, the problems of lack of appropriate personnel and support structure were raised by developing countries. Technical assistance should be effective for these cases. The problem of lack of adequate funds was raised not only by developing and developed countries. The reasons of this might be different in each country, but by promoting the application of the Tokyo Rules, prison overcrowding would be decreased and the financial burdens of keeping inmates in prisons would be reduced. It is recommended that each Government review the allocation of funds for alternatives in the criminal justice systems.

98. With respect to the Tokyo Rules, a large number of respondents expressed an interest in reducing the incidence of prison-related problems like prison overcrowding and in enhancing community-based approaches forwarded in the Rules. Regarding the role of lawyers, a number of Governments admitted that they sought improvement in areas having to do with the protection of lawyers from the repercussions of defending and being associated with a client's cause in the discharge of official functions. Another problematic aspect seemed to have been where lawyers did not have proper or full access to all information needed for cases. A serious problem seemed to have been the lack on the part of many States a special institute, training school or training section for the education or training of prosecutors. A number of States lacked a body to ensure that the promotion of prosecutors was based on objectivity.

IV. CONCLUDING REMARKS

99. The Secretary-General is of the view that the Commission might wish to reconsider its approach and take stock of that which has been accomplished until now with respect to information-gathering processes. With as many as 12 mandated surveys conducted by the Secretary-General over a two-year period alone (1999-2000), a virtual proliferation of

surveys might be the case. The number of responses for each survey has been relatively adequate, with some surveys (e.g., crime and public security, code of conduct for public officials, declaration against bribery and corruption), in particular, (already) yielding comparatively higher response results (see Annex for an overview). The amount of information gathered has certainly been substantial. However, the methodological instrument design and mandated report-writing activity on the part of the Secretary-General over three sessions alone (8th-10th), as well as the efforts of responding to questionnaires on the part of Member States, might be seen as disproportional.

100. It might be the case to weigh the cost-beneficial value of the resources, time and energy expended in these exercises against the output. It might appear opportune to consider whether the current system has exceeded its utility. As it stands now, all mandated surveys have come full circle, are coming to completion and will have been reported on by the Eleventh Session. There remains only one instrument or questionnaire and survey to be conducted, i.e., that on penal reform. Discontinuation of the current information-gathering system would be to the favor of devoting time and resources to promoting interfaces between the body of standards and norms, »soft« instrumentation, and the newly established and emerging, »hard« instrumentation (conventions and protocols), as outlined above. Interfacing and mutual reinforcement between the body of »soft« and »hard« instrumentation in the field of crime prevention and criminal justice and across to other relevant fields of United Nations competence and activity (e.g., human rights, childrens rights, womens rights, refugees, labor) are now the crux of enhancing the impact of United Nations work. This has to do not only with the development and advancement of integrated United Nations criminal policy, but also with the use, application and impact of United Nations instrumentation, and the consistent carrying and expression of United Nations international policy and standards to the field.

Draft

101. Indeed, «soft» instrumentation has invited reform and brought about sweeping changes over the year, across legal systems, so as to upgrade and strengthen the capacity of criminal justice systems and their professionals, across sectors, to deter crime in accordance with United Nations standards. This process has created a normative support system and framework within which to sustain and facilitate implementation of «hard» instrumentation in this field, in particular, the new Convention Against Transnational Organized Crime and its Protocols and the emerging convention against corruption. In this connection, the Commission may wish to identify new priorities, e.g., for data-gathering and analysis, with a view to also preparing for implementation of the «hard» instruments.

102. The Commission might wish to assess the mandated approach and modus operandi for standard-setting and monitoring processes, as well as the outcome and impact of those processes up to now. The Commission might wish in particular to consider the number of reports required under the standing item on standards and norms.

103. In this regard, the focus of attention might be given, in the first instance, to consolidation of mandated work, and reporting obligations, inclusive of surveys and to keep them to a strict minimum. One possible option would be to request consolidated reporting obligations on the part of the Secretary-General, in terms of selecting the «clusters» of standards and norms (outlined above) deemed most in need of special attention. In that scenario, follow-up activities would be focused on «cross-cutting issues, areas, sectors or professions rather than on individual instruments. Such approach would also allow scope for more comprehensive data-gathering, on both soft and hard instrumentations. The Secretariat might be requested to gather information on the use and application of norms and standards, including relevant provisions in the Convention against Transnational Organized Crime and its Protocols, concerning, for example, «victims» or concerning «prosecution» or «sanctioning».

Annex: summary of legislative action on standards and norms

-Council resolutions 1993/34, 1997/32, and 1998/21 called for surveys on: The United Nations Standard Minimum Rules for Non-custodial Measures, The Tokyo Rules, the Guidelines on the Role of Prosecutors, the Basic Principles on the Role of Lawyers; United Nations Declaration against Corruption and Bribery in International Commercial Transactions, United Nations Declaration on Crime and Public Security; and International Code of Conduct for Public Officials.

-Council resolution 1997/34 called for the survey on implementation of the United Nations Declaration on Crime and Public Security.

-Council resolution 1997/30, 1998/28 and 1998/21 called for a report on juvenile justice reform in line with the governing instruments to be prepared every two years (the last report was prepared in 2000, E/2000/4.)

-Council resolution 1993/34, requested the Secretary-General to commence, without delay, a process of information-gathering to be undertaken by means of surveys, such as reporting systems, and contributions from other sources, initially paying attention to the following instruments: Standard Minimum Rules for the Treatment of Offenders, the Code of Conduct for Law Enforcement Officials, together with the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials; Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power; and the Basic Principles on the Independence of the Judiciary.

-Council resolution 2000/14 requested the Secretary-General to survey implementation of the United Nations Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power and, as well, views on possible establishment of a fund.

-Council resolution 1997/36 requested the Secretary-General to survey the extent to which alternatives to imprisonment had been established in the context of the Kampala Declaration on Prison Conditions in Africa.

-Council resolution 1975(LIV), Council resolutions 1989/64, 1990/51 and 1995/41, are standing mandates for the Secretary-General to survey the use and application and trends in the penalty of death world-wide and application of the Safeguards guaranteeing the rights of those facing the death penalty.

Draft

-Council resolution 1998/21 requested the Secretary-General to survey the instruments on: the Plan of Action for the Implementation of Basic Principles of Justice for Victims of Crime and Abuse of Power, the role of lawyers, role of prosecutors, the Tokyo Rules.

-Council resolutions 1995/13 and 1996/16 called for surveys on the use and application of the United Nations Standard Minimum Rules for the Administration of Juvenile Justice, The Beijing Rules, the United Nations Guidelines for the Prevention of Juvenile Delinquency, the Riyadh Guidelines, and the United Nations Rules for the Protection of Juveniles Deprived of their Liberty, the so-called JDLs.

-Council resolution 1998/21 called for the information provided to be made accessible through the United Nations Crime and Justice Information Network via the World-wide Web.

-Council resolution 1997/32 invited governments to promote and disseminate the Compendium of United Nations Standards and Norms in Crime Prevention and Criminal Justice (New York, 1992, ST/CSDHA/16).

Annex: draft elements of responsible crime prevention

I. Draft elements of responsible crime prevention, Annex, A/CONF.187/7

II. Preliminary draft elements of responsible crime prevention, Annex, Economic and Social Council resolution 1997/33

III. Guidelines for cooperation and technical assistance in the field of urban crime, adopted by Council resolution 1995/9

ANNEX: Overview of Government participation in 12 United Nations Surveys on the use and application of standards and norms, 1999-2001 (as of March 2001)

Draft

UN Surveys, 1999-2001, by Instrument

N=12

Questionnaire	Governments	Total
Crime and Public Security	Algeria, Angola, Australia, Austria, Belarus, Bulgaria, Croatia, Czech Republic, Estonia, Finland, Germany, Greece, Iceland, Iraq, Ireland, Japan, Jordan, Korea, Kuwait, Madagascar, Mongolia, Morocco, New Zealand, Norway, Philippines, Poland, Portugal, Qatar, Slovak Republic, South Africa, Swaziland, Sweden, Syria, Tajikistan, United Arab Emirates, United Kingdom, United States of America.	37
Corruption and Bribery in International Commercial Transactions	Algeria, Argentina, Austria, Belarus, Brazil, Brunei Darussalam, Bulgaria, Cameroon, Canada, Colombia, Costa Rica, Croatia, Czech Republic, Germany, Greece, Guatemala, Guyana, Iraq, Italy, Japan, Kazakhstan, Lebanon, Lithuania, Luxembourg, Mali, Malta, Mauritius, Myanmar, New Zealand, Niger, Nigeria, Norway, Panama, Peru, Poland, Saudi Arabia, Singapore, Slovenia,	46

	South Africa, Sweden, Switzerland, The Former Yugoslav Republic of Macedonia, United Arab Emirates, United Kingdom, Yemen.	
International Code of Conduct for Public Officials	Algeria, Angola, Antigua & Barbuda, Argentina, Bangladesh, Belarus, Belgium, Bolivia, Brunei Darussalam, Canada, Central African Republic, Chile, Colombia, Congo, Costa Rica, Cuba, Cyprus, Czech Republic, Dominican Republic, Ecuador, Egypt, El Salvador, Finland, Germany, Greece, Guatemala, Guyana, Haiti, Hungary, Iraq, Italy, Japan, Lebanon, Lithuania, Malaysia, Mali, Malta, Mexico, Myanmar, New Zealand, Norway, Panama, Peru, Poland, Qatar, Korea, Saudi Arabia, Slovenia, South Africa, Sweden, Switzerland, Thailand and Uruguay.	54
Capital Punishment	Antigua & Barbuda, Argentina, Armenia, Australia, Austria, Bahrain, Barbados, Belarus, Belgium, Brazil, Bulgaria, Canada, Cameroon, Chile, Colombia, the Comoros, Croatia, Cyprus, Czech Republic, Denmark, Djibouti, Ecuador, El Salvador, Eritrea, Estonia, Fiji, Finland, Germany, Greece, Hungary, Iceland, Indonesia, Iraq, Ireland, Italy, Japan, Kazakhstan, Lebanon, Liechtenstein, Lithuania, Macedonia, Malta, Mexico, Morocco, Mozambique, Myanmar, New Zealand, Niger, Norway, Peru, Poland, Rwanda, Slovak Republic, Slovenia, Spain, Sweden, Switzerland, Thailand, Togo, Turkey, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay.	63
Basic Principles on the Role of Lawyers	Algeria, Antigua & Barbuda, Australia, Austria, Bahrain, Belarus, Cameroon, Chad, Czech Republic, Cyprus, Dominican Republic, Egypt, El Salvador, Estonia, Guatemala, Japan, Kazakhstan, Korea, Latvia, Lithuania, Malaysia, Malta, Mexico, Morocco, Myanmar, Norway,	38

	Peru, Poland, Portugal, Qatar, Senegal, Singapore, Slovakia, Slovenia, Spain, Sweden, Switzerland, and the United States of America.	
Basic Principals on the Role of Prosecutors	Algeria, Antigua & Barbuda, Argentina, Armenia, Australia, Belarus, Belgium, Brunei Darussalam, Cyprus, Czech Republic, Dominican Republic, El Salvador, Estonia, Greece, Guinea, Honduras, Iceland, Japan, Kazakhstan, Kyrgyz Republic, Lebanon, Lesotho, Lithuania, Malaysia, Malta, Mauritius, Mexico, Myanmar, New Zealand, Nigeria, Pakistan, Peru, Poland, Portugal, Qatar, Singapore, Slovakia, Slovenia, Spain, South Africa, Sweden, Switzerland, Syria, Thailand, Trinidad & Tobago, United States of America, Venezuela and Zambia.	48
Non-custodial Measures (Tokyo Rules)	Algeria, Antigua & Barbuda, Australia, Austria, Bahrain, Belarus, Belgium, Bolivia, Canada, Cuba, Cyprus, Estonia, Greece, Iceland, Italy, Japan, Republic of Korea, Kuwait, Latvia, Malta, Mauritius, Mexico, Morocco, Myanmar, Niger, Norway, Peru, Poland, Portugal, Qatar, Rwanda, Kingdom of Saudi Arabia, Senegal, Slovakia, Slovenia, Sweden, Thailand, Turkey, United Arab Emirates, United Kingdom, and United States of America.	41

Inquiry	Governments	Total 1
----------------	--------------------	-------------------

Elimination of Violence against Women	Argentina, Azerbaijan, Belarus, Cameroon, Costa Rica, Czech Republic, France, Germany, Japan, Malta, Peru, Philippines, Qatar, Spain, Sweden, the United States of America.	16
Victims of Crime and Abuse of Power	Belarus, Denmark, Germany, Ireland, Malta, Mexico, Peru, Qatar, Sweden, Turkey.	10
Elements of responsible Crime Prevention	Canada, Czech Republic, Finland, Sweden, and Turkey.	5
Restorative Justice and Mediation	Argentina, Australia, Belgium, Bolivia, Bulgaria, Canada, Costa Rica, Croatia, Denmark, Fiji, Germany, Ireland, Italy, Japan, Malaysia, Norway, New Zealand, Pakistan, Peru, Philippines, Qatar, Sierra Leone, South Africa, Turkey, Saudi Arabia.	25
Juvenile Justice Reform	Organizations only	----

Draft

UN Surveys, 1999-2001, by Governments

N=12

Governments	Surveys	Total
Algeria	Crime and Public Security, Corruption and Bribery in International Commercial Transactions, International Code of Conduct for Public Officials, Basic Principles on the Role of Prosecutors, Basic Principles on the Role of Lawyers, Non-custodial Measures (Tokyo Rules)	6
Armenia	Capital Punishment	1
Angola	Crime and Public Security, International Code of Conduct for Public Officials	2

Draft

Antigua & Barbuda	International Code of Conduct for Public Officials, Capital Punishment, Basic Principals on the Role of Prosecutors, Basic Principles on the Role of Lawyers, Non-custodial Measures (Tokyo Rules)	5
Argentina	Corruption and Bribery in International Commercial Transactions, International Code of Conduct for Public Officials, Capital Punishment, Basic Principals on the Role of Prosecutors, Elimination of violence against women, Restorative Justice and Mediation	6
Australia	Crime and Public Security, Capital Punishment, Basic Principals on the Role of Prosecutors, Basic Principles on the Role of Lawyers, Non-custodial Measures (Tokyo Rules), Restorative Justice and Mediation	6
Austria	Crime and Public Security, Corruption and Bribery in International Commercial Transactions, Capital Punishment, Basic Principles on the Role of Lawyers, Non-custodial Measures (Tokyo Rules)	5
Azerbaijan	Elimination of violence against women	1
	Capital Punishment, Basic Principles on the Role of Lawyers, Non-	

Draft

Bahrain	custodial Measures (Tokyo Rules)	3
Bangladesh	International Code of Conduct for Public Officials	1
Barbados	Capital Punishment	1
Belarus	Crime and Public Security, Corruption and Bribery in International Commercial Transactions, International Code of Conduct for Public Officials, Capital Punishment, Basic Principles on the Role of Prosecutors, Basic Principles on the Role of Lawyers, Non-custodial Measures (Tokyo Rules), Elimination of violence against women, Victims of Crime and Abuse of Power	9
Belgium	International Code of Conduct for Public Officials, Capital Punishment, Basic Principles on the Role of Prosecutors, Non-custodial Measures (Tokyo Rules), Restorative Justice and Mediation	5
Bolivia	International Code of Conduct for Public Officials, Non-custodial Measures (Tokyo Rules), Restorative Justice and Mediation	3
Brazil	Corruption and Bribery in International Commercial Transactions,	2

Draft

	Capital Punishment	
Brunei Darussalam	Corruption and Bribery in International Commercial Transactions, International Code of Conduct for Public Officials, Basic Principles on the Role of Prosecutors	3
Bulgaria	Crime and Public Security, Corruption and Bribery in International Commercial Transactions, Capital Punishment, Restorative Justice and Mediation	4
Canada	Corruption and Bribery in International Commercial Transactions, International Code of Conduct for Public Officials, Capital Punishment, Non-custodial Measures (Tokyo Rules), Elements of responsible Crime Prevention, Restorative Justice and Mediation	6
Cameroon	Corruption and Bribery in International Commercial Transactions, Capital Punishment, Basic Principles on the Role of Lawyers, Elimination of violence against women	4
Central African Republic	International Code of Conduct for Public Officials	1

Draft

Chad	Basic Principles on the Role of Lawyers	1
Chile	International Code of Conduct for Public Officials, Capital Punishment	2
Colombia	Corruption and Bribery in International Commercial Transactions, International Code of Conduct for Public Officials, Capital Punishment	3
Comoros	Capital Punishment	1
Congo	International Code of Conduct for Public Officials	1
Costa Rica	Corruption and Bribery in International Commercial Transactions, International Code of Conduct for Public Officials, Elimination of violence against women, Restorative Justice and Mediation	4
Croatia	Crime and Public Security, Corruption and Bribery in International Commercial Transactions, Capital Punishment, Restorative Justice and Mediation	4

Draft

Cuba	International Code of Conduct for Public Officials, Non-custodial Measures (Tokyo Rules)	2
Cyprus	International Code of Conduct for Public Officials, Capital Punishment, Basic Principals on the Role of Prosecutors, Basic Principles on the Role of Lawyers, Non-custodial Measures (Tokyo Rules)	5
Czech Republic	Crime and Public Security, Corruption and Bribery in International Commercial Transactions, International Code of Conduct for Public Officials, Capital Punishment, Basic Principals on the Role of Prosecutors, Basic Principles on the Role of Lawyers, Elimination of violence against women, Elements of responsible Crime Prevention	8
Denmark	Capital Punishment, Victims of Crime and Abuse of Power, Restorative Justice and Mediation	3
Djibouti	Capital Punishment	1
Dominican Republic	International Code of Conduct for Public Officials, Basic Principals on the Role of Prosecutors, Basic Principles on the Role of Lawyers	3

Draft

Ecuador	International Code of Conduct for Public Officials, Capital Punishment	2
Egypt	International Code of Conduct for Public Officials, Basic Principles on the Role of Lawyers	2
El Salvador	International Code of Conduct for Public Officials, Capital Punishment, Basic Principles on the Role of Prosecutors, Basic Principles on the Role of Lawyers	4
Eritrea	Capital Punishment	1
Estonia	Crime and Public Security, Capital Punishment, Basic Principles on the Role of Prosecutors, Basic Principles on the Role of Lawyers, Non-custodial Measures (Tokyo Rules)	5
Fiji	Capital Punishment, Restorative Justice and Mediation	2
Finland	Crime and Public Security, International Code of Conduct for Public Officials, Capital Punishment, Elements of responsible Crime	4

Draft

	Prevention	
France	Elimination of violence against women	1
Germany	Crime and Public Security, Corruption and Bribery in International Commercial Transactions, International Code of Conduct for Public Officials, Capital Punishment, Restorative Justice and Mediation	5
Greece	Crime and Public Security, Corruption and Bribery in International Commercial Transactions, International Code of Conduct for Public Officials, Capital Punishment, Basic Principles on the Role of Prosecutors, Non-custodial Measures (Tokyo Rules), Model Strategies, Declaration of Basic Principles	8
Guatemala	Corruption and Bribery in International Commercial Transactions, International Code of Conduct for Public Officials, Basic Principles on the Role of Lawyers	3
Guinea	Basic Principles on the Role of Prosecutors	1
Guyana	Corruption and Bribery in International Commercial Transactions,	2

Draft

	International Code of Conduct for Public Officials	
Haiti	International Code of Conduct for Public Official,	1
Honduras	Basic Principals on the Role of Prosecutors	1
Hungary	International Code of Conduct for Public Officials, Capital Punishment	2
Iceland	Crime and Public Security, Capital Punishment, Non-custodial Measures (Tokyo Rules), Basic Principles on the Role of Prosecutors	4
Indonesia	Capital Punishment	1
Iraq	Crime and Public Security, Corruption and Bribery in International Commercial Transactions, International Code of Conduct for Public Officials, Capital Punishment	4
Ireland	Crime and Public Security, Capital Punishment, Victims of Crime and Abuse of Power, Restorative Justice and Mediation	4

Draft

Italy	Corruption and Bribery in International Commercial Transactions, International Code of Conduct for Public Officials, Capital Punishment, Non-custodial Measures (Tokyo Rules), Restorative Justice and Mediation	5
Japan	Crime and Public Security, Corruption and Bribery in International Commercial Transactions, International Code of Conduct for Public Officials, Capital Punishment, Basic Principles on the Role of Prosecutors, Basic Principles on the Role of Lawyers, Non-custodial Measures (Tokyo Rules), Elimination of violence against women, Restorative Justice and Mediation	9
Jordan	Crime and Public Security	1
Kazakhstan	Corruption and Bribery in International Commercial Transactions, Capital Punishment, Basic Principles on the Role of Prosecutors, Basic Principles on the Role of Lawyers	4
Korea	Crime and Public Security, International Code of Conduct for Public Officials, Basic Principles on the Role of Lawyers, Non-custodial Measures (Tokyo Rules)	4

Draft

Kuwait	Crime and Public Security, Non-custodial Measures (Tokyo Rules)	2
Kyrgyz Republic	Basic Principals on the Role of Prosecutors	1
Latvia	Basic Principles on the Role of Lawyers, Non-custodial Measures (Tokyo Rules)	2
Lebanon	Corruption and Bribery in International Commercial Transactions, International Code of Conduct for Public Officials, Capital Punishment, Basic Principals on the Role of Prosecutors	4
Lesotho	Basic Principals on the Role of Prosecutors	1
Liechtenstein	Capital Punishment	1
Lithuania	Corruption and Bribery in International Commercial Transactions, International Code of Conduct for Public Officials, Capital Punishment, Basic Principals on the Role of Prosecutors, Basic Principles on the Role of Lawyers	5
Luxembourg	Corruption and Bribery in International Commercial Transactions	1

Draft

Macedonia (Republic of)	Corruption and Bribery in International Commercial Transactions, Capital Punishment	2
Madagascar	Crime and Public Security	1
Malaysia	International Code of Conduct for Public Officials, Basic Principals on the Role of Prosecutors, Basic Principles on the Role of Lawyers, Restorative Justice and Mediation	4
Mali	Corruption and Bribery in International Commercial Transactions, International Code of Conduct for Public Officials	2
Malta	Corruption and Bribery in International Commercial Transactions, International Code of Conduct for Public Officials, Capital Punishment, Basic Principals on the Role of Prosecutors, Basic Principles on the Role of Lawyers, Non-custodial Measures (Tokyo Rules), Elimination of violence against women, Victims of Crime and Abuse of Power	8
Mauritius	Corruption and Bribery in International Commercial Transactions, Basic Principals on the Role of Prosecutors, Non-custodial Measures	3

Draft

	(Tokyo Rules)	
Mexico	International Code of Conduct for Public Officials, Capital Punishment, Basic Principles on the Role of Prosecutors, Basic Principles on the Role of Lawyers, Non-custodial Measures (Tokyo Rules), Victims of Crime and Abuse of Power	6
Mongolia	Crime and Public Security	1
Morocco	Crime and Public Security, Capital Punishment, Basic Principles on the Role of Lawyers, Non-custodial Measures (Tokyo Rules)	4
Mozambique	Capital Punishment	1
Myanmar	Corruption and Bribery in International Commercial Transactions, International Code of Conduct for Public Officials, Capital Punishment, Basic Principles on the Role of Prosecutors, Basic Principles on the Role of Lawyers, Non-custodial Measures (Tokyo Rules)	6
New Zealand	Crime and Public Security, Corruption and Bribery in International	6

Draft

	Commercial Transactions, International Code of Conduct for Public Officials, Capital Punishment, Basic Principles on the Role of Prosecutors, Restorative Justice and Mediation	
Niger	Corruption and Bribery in International Commercial Transactions, Capital Punishment, Non-custodial Measures (Tokyo Rules)	3
Nigeria	Corruption and Bribery in International Commercial Transactions, Basic Principles on the Role of Prosecutors	2
Norway	Crime and Public Security, Corruption and Bribery in International Commercial Transactions, International Code of Conduct for Public Officials, Capital Punishment, Basic Principles on the Role of Lawyers, Non-custodial Measures (Tokyo Rules), Restorative Justice and Mediation	7
Pakistan	Basic Principles on the Role of Prosecutors, Restorative Justice and Mediation	2
Panama	Corruption and Bribery in International Commercial Transactions, International Code of Conduct for Public Officials	2

Draft

Peru	Corruption and Bribery in International Commercial Transactions, International Code of Conduct for Public Officials, Capital Punishment, Basic Principles on the Role of Prosecutors, Basic Principles on the Role of Lawyers, Non-custodial Measures (Tokyo Rules), Elimination of violence against women, Victims of Crime and Abuse of Power, Restorative Justice and Mediation	9
Philippines	Crime and Public Security, Elimination of violence against women, Restorative Justice and Mediation	3
Poland	Crime and Public Security, Corruption and Bribery in International Commercial Transactions, International Code of Conduct for Public Officials, Capital Punishment, Basic Principles on the Role of Prosecutors, Basic Principles on the Role of Lawyers, Non-custodial Measures (Tokyo Rules)	7
Portugal	Crime and Public Security, Basic Principles on the Role of Prosecutors, Basic Principles on the Role of Lawyers, Non-custodial Measures (Tokyo Rules)	4
Qatar	Crime and Public Security, International Code of Conduct for Public	8

Draft

	Officials, Basic Principals on the Role of Prosecutors, Basic Principles on the Role of Lawyers, Non-custodial Measures (Tokyo Rules), Elimination of violence against women, Victims of Crime and Abuse of Power, Restorative Justice and Mediation	
Rwanda	Capital Punishment, Non-custodial Measures (Tokyo Rules)	2
Saudi Arabia	Corruption and Bribery in International Commercial Transactions, International Code of Conduct for Public Officials, Non-custodial Measures (Tokyo Rules), Restorative Justice and Mediation	4
Senegal	Basic Principles on the Role of Lawyers, Non-custodial Measures (Tokyo Rules)	2
Sierra Leone	Restorative Justice and Mediation	1
Singapore	Corruption and Bribery in International Commercial Transactions, Basic Principals on the Role of Prosecutors, Basic Principles on the Role of Lawyers	3
Slovakia	Crime and Public Security, Capital Punishment, Basic Principals on	5

Draft

	the Role of Prosecutors, Basic Principles on the Role of Lawyers, Non-custodial Measures (Tokyo Rules)	
Slovenia	Corruption and Bribery in International Commercial Transactions, International Code of Conduct for Public Officials, Capital Punishment, Basic Principals on the Role of Prosecutors, Basic Principles on the Role of Lawyers, Non-custodial Measures (Tokyo Rules)	6
South Africa	Crime and Public Security, Corruption and Bribery in International Commercial Transactions, International Code of Conduct for Public Officials, Basic Principals on the Role of Prosecutors, Restorative Justice and Mediation	5
Spain	Capital Punishment, Basic Principals on the Role of Prosecutors, Basic Principles on the Role of Lawyers, Elimination of violence against women	4
Swaziland	Crime and Public Security	1
Sweden	Corruption and Bribery in International Commercial Transactions, International Code of Conduct for Public Officials, Capital	9

Draft

	Punishment, Basic Principals on the Role of Prosecutors, Basic Principles on the Role of Lawyers, Non-custodial Measures (Tokyo Rules), Elimination of violence against women, Victims of Crime and Abuse of Power, Elements of responsible Crime Prevention	
Switzerland	Corruption and Bribery in International Commercial Transactions, International Code of Conduct for Public Officials, Capital Punishment, Basic Principals on the Role of Prosecutors, Basic Principles on the Role of Lawyers	5
Syria	Crime and Public Security, Basic Principals on the Role of Prosecutors	2
Tajikistan	Crime and Public Security	1
Thailand	International Code of Conduct for Public Officials, Capital Punishment, Basic Principals on the Role of Prosecutors, Non-custodial Measures (Tokyo Rules)	4
Togo	Capital Punishment	1

Draft

Trinidad & Tobago	Basic Principals on the Role of Prosecutors	1
Turkey	Capital Punishment, Non-custodial Measures (Tokyo Rules), Victims of Crime and Abuse of Power, Elements of responsible Crime Prevention	4
United Arab Emirates	Crime and Public Security, Corruption and Bribery in International Commercial Transactions, Non-custodial Measures (Tokyo Rules)	3
United Kingdom of Great Britain and Northern Ireland	Crime and Public Security, Corruption and Bribery in International Commercial Transactions, Capital Punishment, Non-custodial Measures (Tokyo Rules)	4
United States of America	Crime and Public Security, Capital Punishment, Basic Principals on the Role of Prosecutors, Basic Principles on the Role of Lawyers, Non-custodial Measures (Tokyo Rules), Elimination of violence against women	6
Uruguay	International Code of Conduct for Public Officials, Capital Punishment	2

Draft

Venezuela	Basic Principals on the Role of Prosecutors	1
Yemen	Corruption and Bribery in International Commercial Transactions	1
Zambia	Basic Principals on the Role of Prosecutors	1

Draft