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

REPORT OF THE LATIN AMERICAN REGIONAL PREPARATORY MEETING
ON THE PREVENTION OF CRIME AND THE TREATMENT OF OFFENDERS

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INTRODUCTION AND ORGANIZATION OF WORK

Place and date

1. The Latin American Regional Preparatory Meeting on the Prevention of Crime and the Treatment of Offenders was convened by the Secretary-General of the United Nations to discuss the provisional agenda of the Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders, in pursuance of General Assembly resolutions 415 (V) and 36/21 and Economic and Social Council resolution 1982/29, with the view to providing countries of the region with the opportunity to participate in the preparations for the Congress and provide their input, reflecting the concerns and priorities of the region.
2. The Meeting was held at San José, Costa Rica, from 10 to 14 October 1983 and was organized jointly by the United Nations Centre for Social Development and Humanitarian Affairs, the Economic Commission for Latin America (ECLA) and the United Nations Latin American Institute for the Prevention of Crime and the Treatment of Offenders (ILANUD).
3. To facilitate the discussion, the Meeting had before it a discussion guide prepared by the United Nations Secretariat (A/CONF.121/PM.1), which outlined the various agenda items, as well as various background papers prepared by the Secretariat and by ILANUD as regional contributions to the topics under discussion. (See annex I for a list of documents.)

Attendance

4. The Meeting was attended by representatives of 24 States members of ECLA, the United Nations Secretariat, the United Nations Social Defence Research Institute (UNSDRI), the United Nations Development Programme (UNDP), specialized agencies, intergovernmental and non-governmental organizations and ILANUD. A representative of the Committee on Crime Prevention and Control also attended the Meeting, in accordance with Economic and Social Council resolution 1982/30. A list of participants is given in annex II.

Election of officers

5. The Meeting elected the following officers by acclamation: Carlos José Gutiérrez (Costa Rica), Chairman; Miguel Angel González del Río (Peru), Pedro Gatto de Souza (Uruguay) and Ramón de La Cruz Ochoa (Cuba), Vice-Chairmen; and Hubert Williams (Trinidad and Tobago), Rapporteur.

Agenda

6. At the first plenary session the Meeting adopted the following agenda:
 1. Election of officers
 2. Adoption of the agenda
 3. New dimensions of criminality and crime prevention in the context of development: challenges for the future (topic 1)

4. Criminal justice processes and perspectives in a changing world (topic 2)
5. Victims of crime (topic 3)
6. Youth, crime and justice (topic 4)
7. Formulation and application of United Nations standards and norms in criminal justice (topic 5)
8. Consideration and adoption of the report of the Meeting

7. On the proposal of the Director of ILANUD, the Meeting decided to establish a working group to examine a draft regional plan of action in crime prevention and criminal justice, prepared by the Institute, to be considered under agenda item 3.

Opening of the meeting

8. The Director of ILANUD, Mr. Jorge Montero, welcomed the participants to the regional preparatory meeting and expressed the hope that such collaborative initiatives as the Meeting would continue in the future. He recalled that the General Assembly and the Economic and Social Council had recommended that the regional commissions take a more active role in crime prevention and criminal justice. He noted that, with the continuous support of the countries of the region and the financial assistance of UNDP, action-oriented research, training, technical assistance and collection and dissemination of information had substantially increased the activities of ILANUD in the last three years. However, since these activities were still not commensurate with the vast needs and requirements of the countries of the region, it was hoped that such financial aid would continue in the years to come.

9. The Acting Secretary of ECLA greeted those present on behalf of the Executive Secretary of the Commission. ECLA was well aware of the work being done in the field of crime prevention and, more specifically, of the role and activities of ILANUD in the region. Considering the close relationship between socio-economic problems in general and crime prevention, the Commission was well disposed to explore the possibilities of more concrete co-operation with the Institute in the future. It would be desirable, therefore, for the Meeting to provide ECLA with its conclusions and recommendations, for consideration by the Commission on its twentieth session, to be held in Lima in 1984. On that occasion, the regional strategy for development would be discussed in the context of the implementation of the International Development Strategy for the Third United Nations Development Decade.

10. The Executive Secretary of the Seventh United Nations Congress thanked ECLA and ILANUD on behalf of the Secretary-General of the United Nations and expressed the appreciation of the United Nations to the Government of Costa Rica for its continued support of ILANUD, which was promoting regional collaboration and assisting countries of the region. The regional meetings, he explained, were intended to arouse awareness of the issues to be dealt with by the Congress and to stimulate public opinion. The five topics included in

the provisional agenda of the Seventh United Nations Congress were directly relevant to the quest for a better quality of life - justice and domestic tranquility being essential conditions of socio-economic development and progress. He also emphasized that the central task of the upcoming Congress was the formulation and adoption of new guiding principles that would provide an integrated, action-oriented framework for crime prevention policy in the context of overall development planning and the establishment of a new international economic order. Since crime in its most noxious forms had acquired transnational dimensions, there was increasing world-wide concern about the most effective and humane ways of dealing with it. Regional and international co-operation in crime prevention became, therefore, all the more important, and ways and means should be found to establish and maintain truly effective co-operation between the regional commissions and the regional institutes for crime prevention, with the view of formulating and implementing a joint action-oriented programme for the benefit of the countries of the region.

11. The representative of the Committee on Crime Prevention and Control, Professor Aura Guerra de Villalaz, recalled that the Economic and Social Council, recognizing the importance of the quinquennial congresses in strengthening international co-operation in this field, had entrusted the Committee with the responsibility of preparing all future congresses and, for that purpose, had allowed the Committee, for the first time, to be represented at the regional and interregional preparatory meetings. This gave the Committee the chance to gather the information that was important for it to fulfil its functions. The attendance at the Meeting of so many countries of the region was proof that the Governments of Latin America were not only aware of and concerned about the destructive impact of criminality and its threat to life, liberty, human dignity, legal order and collective security but were also ready to devise appropriate strategies and programmes attuned to the special characteristics and problems of the region.

12. Mr. Carlos José Gutiérrez, Minister of Justice of Costa Rica, pointed out that the activities of the Centre for Social Development and Humanitarian Affairs of the Department of International Economic and Social Affairs, the Committee on Crime Prevention and Control, the regional and interregional institutes and the quinquennial United Nations congresses on the prevention of crime and treatment of offenders deserved far more recognition. The five topics of the provisional agenda of the Seventh Congress reflected the contradictions of today, as societies strove for development and higher standards of living, paying little attention to the negative side of development (urban explosion, environmental pollution, marginalization, social instability, delinquency and crime). Criminality disrupted the regular functioning of society, caused great economic losses, threatened personal security and required substantial human and material resources to cope with it. The dilemma of crime prevention was the need to protect the rights of victims and society and at the same time safeguard the rights and dignity of offenders. There was an obligation to implement policies based on the principles of democracy and respect for human rights. Only by working together on a regional basis to establish guidelines for combatting crime and safeguarding the rights of all those involved in the criminal justice process could Latin America hope to make its voice heard in the concert of nations.

13. The Vice-President of Costa Rica, His Excellency Armando Aráuz Aguilar, greeted the participants on behalf of the President of Costa Rica and expressed his country's interest in, and support of, the United Nations activities in the field of crime prevention and criminal justice, particularly in the context of development. He continued by stating that development was a legitimate aspiration of all human beings, but along with the necessary changes brought about by economic growth and social progress there appeared new forms of crime and delinquency more subtle but no less dangerous to society. This made it necessary to think about new strategies for the prevention of crime and the treatment of offenders. These were challenges that had to be faced by all Governments as well as by international organizations - challenges that underscored the value of the regional preparatory meetings as an opportunity to seriously consider the problems of the region and to co-ordinate policy and action in a concerted manner.

I. DISCUSSION OF THE TOPICS

A. New dimensions of criminality and crime prevention in the context of development: challenges for the future (topic 1)

14. The Executive Secretary of the Seventh Congress introduced topic 1 of the provisional agenda of the Seventh Congress, entitled "New dimensions of criminality and crime prevention in the context of development: challenges for the future", and indicated that it would focus on dynamics and patterns of crime, which had changed considerably over the years and had very dangerous facets, as well as on the various aspects of crime prevention. Furthermore, the discussion would provide a chance to identify factors associated with criminality and to consider the contributions of crime prevention policies in planning for socio-economic development.

15. The complex nature of crime called for integrated, multi-disciplinary and intersectoral approaches to crime prevention and criminal justice. If a reduction of crime was really desired, community participation and the support of the entire society had to be ensured. Moreover, crime prevention and criminal justice policies had to be co-ordinated with other national strategies and incorporated into the overall national planning process.

16. In this perspective, and in pursuance of the recommendations of the Committee on Crime Prevention and Control, topic 1 would serve as a central theme for the Seventh Congress. It would be considered in plenary meetings and would be not only a means of exchanging information on the progress achieved in the implementation of the Caracas Declaration and the various resolutions and recommendations of the Sixth Congress but also a vehicle for adopting the new guiding principles called for by the General Assembly in its resolution 36/21 of 9 November 1981. New guiding principles should ensure that justice and equity become a more universal basis for crime prevention policy and development planning in the context of a new international economic order; therefore, delegations were invited to provide specific comments and observations on draft principles prepared by a group of experts, contained in the annex to the discussion guide (A/CONF.121/PM.1).

17. Many representatives expressed their general agreement and satisfaction with the documentation prepared by the Secretariat, which was considered to be a useful basis for the further development of the various issues related to the topic.

18. The alarming increase of criminality and delinquency in the region was noted, not only with reference to traditional crimes against life, personal integrity and property but also to crimes against the State, offences related to drug trafficking and consumption and non-conventional crimes not yet specified in many legal codes, such as tax evasion, computer crimes, outflow of capital, fraudulent transactions, dumping and pollution, abuses of power, corruption and massive violations of human rights, whose consequences were extremely serious and dangerous for national economies and the population at large. New strategies had to be urgently devised and implemented for the new forms and types of crimes.

19. The relationship between criminality and socio-economic development was particularly emphasized, as was the need to deal with the new forms of crime in the context of a new international economic order based on the principles of self-determination, non-intervention and respect for the rights of others. It was pointed out that development could not be equated with growth alone but had to take into account other social factors such as health, education, housing, employment, income distribution and the satisfaction of basic human needs, as well as other dimensions, such as peace and justice. It was also stressed that the disparities between developed and developing countries were striking and in need of urgent corrective measures: developing countries comprised 70 per cent of the world's population but received only 30 per cent of world revenue; the average per capita income in Latin American countries was only one seventh of that in industrialized countries.

20. The situation in which the gap between rich and poor countries continued to increase, to the detriment of large sectors of the world's population who, at the end of the decade, would live in conditions of absolute poverty, was a source of tension and conflict in the region and had serious repercussions on the phenomena of crime and delinquency.

21. The role of the United Nations, and of the international community in general, in finding appropriate remedies and viable solutions was particularly stressed, as was the need for co-operation and assistance for those countries that lacked human and material resources because of the severe state of underdevelopment.

22. The Conference of Latin American Ministers of Justice, organized by ILANUD in December 1982, had agreed that in order to plan effective crime prevention policies it was necessary to take into account the current socio-economic conditions of the region and its future development and that the establishment of a new international economic order should be the basis for more balanced development and social justice. Integrated and concerted action by all countries of the region was essential.

23. Several representatives emphasized that crime prevention policies could be successful only if they were geared to the major factors associated with criminality as well as to the causes of underdevelopment, taking into account the social and cultural changes being experienced by each country. Sectoral and inter-sectoral planning for crime prevention had to be integrated with national strategies for socio-economic development.

24. Some representatives questioned, however, whether the development models adopted by the countries of the region were adequate and could offer sufficient satisfaction, happiness and solidarity for their people without institutionally generating disapproved behaviour and whether such models were attuned to Latin American history and the prevailing attitudes and values.

25. The problems associated with urbanization and the dislocation of millions of people in large cities were deemed to have a critical effect on crime rates, even though in some countries there were policies addressed to regulating migration to cities. It was recommended that more studies and research should be carried out in this area.

26. Some representatives emphasized the important role of television and the mass media in influencing and guiding social behaviour but also stated that, by prematurely presenting certain opinions, the media exerted pressure on the sentencing authorities and pre-judged cases, causing general discontent. Concern was expressed that this might continue in the future.

27. The gap between laws and reality was underlined by several participants, who pointed out that some codes were rather severe and many statutes were antiquated or applied to indigenous populations, to whom they were completely alien because their customs, traditions, values and group relations allowed for other means of social control.

28. Some delegations felt that the problem of crime and delinquency was essentially one of the delinquent and the offender. The importance of treating the offender as a human being was emphasized, as was the fact that crime prevention policies and practices should not be allowed to leave a permanent mark on any human being. The need to ensure the protection of basic human rights of prisoners and detainees was also stressed, and reforms in penitentiary laws were described. The importance of considering the individual as the subject of international public law on human rights was emphasized, so that individual justice at the national and international levels would be fostered along with social justice and social reforms.

29. Some delegations also pointed out that the gradual diminution of social inequalities, together with the specific strategies adopted to fight crime, had reduced criminality and raised the standards of living. Such strategies were based on the people's participation in crime prevention and on the development of an effective system of criminal justice. State modalities alone were considered insufficient to ensure truly responsive justice; popular participation, based on the principle that the people themselves should be aware of their important function in combatting crime, permitted all members of the community to participate directly in the administration of justice, as well as in planned intersectorial crime prevention activities at the local, provincial and state levels.

30. Prevention was considered the best strategy against crime and delinquency. In this regard, some delegations mentioned that a democratic system of government, ensuring the division of powers, independence of the judiciary, pluralism of political parties and access of all members of the population to the means of production, created confidence in the law and was thus the most effective measure against crime. On the other hand, other delegations asserted that, regardless of the type of political organization or the number of parties, it was necessary to guarantee popular participation in government, so as to ensure the independence of judges and the existence of policies aimed at the eradication of the socio-economic causes of criminality.

31. International co-operation, based on a candid and honest exchange of views and experiences, was considered essential in order to plan and implement humane and effective crime prevention strategies. Crime is related to the social system in the same manner that a disease is, and the struggle against crime is like the struggle against disease. Prevention, in most cases, had to constitute the basis of any successful strategy, taking into account the protection of basic human rights and the participation of the public. Furthermore, given the fact that many crimes transcended national frontiers, international co-operation was indispensable in order to effectively deal with the new bilateral and multilateral forms of criminality.

32. In considering the text of the new guiding principles annexed to the discussion guide, appreciation was expressed for the work already done and a general endorsement of the objectives and principles was given. Also, in response to a request by the Secretariat, many participants made useful observations for improving the draft. One delegation observed, with regard to section B of the text, that planning had to be a tool for democratic participation and not for additional social control. Consequently, the right to dissent should be guaranteed.

33. With reference to the specific principles, the following comments were made:

(a) Principle 2. General support was expressed for the content of principle 2. In view of the conditions prevailing in many developing countries, efforts should be made to upgrade national economies in order to enable them to take positive action towards improving policies and practices in the prevention of crime and the treatment of offenders;

(b) Principle 5. One delegation commented very favourably on the importance of this principle and suggested that its wording be strengthened to stress its mandatory nature for all countries, a proposal which was supported by several delegations. The proposal also recommended that the scope of principle 5 be enlarged so as to include drug trafficking and terrorism. It was observed, however, that this matter was already covered by the Charter of Economic Rights and Duties of States and elsewhere. On the other hand, it was noted that, as reference was made to the purposes of the United Nations, such purposes being very clear in underlying the obligation to respect State sovereignty, the principle should be amended. By a vote of 13 to 6, with 2 abstentions, the Meeting decided to recommend that principle 5 be amended as follows: "In conformity with the purposes of the United Nations, Member States should refrain, in their relations with other States, from ...";

(c) Principle 6. Discussion centered on the lack of clarity underlying the concept of non-conventional crimes. Some delegations observed that both the title and the content of the principle should be limited to international crimes such as terrorism, hijacking and drug trafficking, while others emphasized the importance of extending its scope to new forms of crimes dangerous to the development process. By a vote of 10 to 6 the Meeting decided not to recommend any changes to the text or title;

(d) Principle 9. A proposal was made to recommend the deletion of the second paragraph because judges could not be expected to become technicians and because the establishment of special courts could be contrary to the constitutional principles of many countries. Ten delegations were in favour of the proposal, none objected to motion;

(e) Principle 10. Several delegations objected to the attribution of criminal responsibility to institutions or corporations, as the concept of criminal responsibility implied the intention to cause damage on the part of the actor. Furthermore, it was indicated that in many countries there was legislation that punished the representatives of corporations, and this was an adequate procedure, since only persons were punishable. Some delegations also pointed out that their opposition to the paragraph did not imply opposition to the attribution of other kinds of responsibility, e.g., civil, administrative or economic. At the request of one delegation, the deletion of principle 10 was submitted to a vote. Nine delegations voted to recommend the deletion, six voted to recommend its retention and four abstained;

(f) Principle 11. It was suggested that more severe penalties be considered when children or young people were used to commit offences such as drug trafficking;

(g) Principle 29. It was observed by some delegations that community tribunals did not adequately permit the application of all required human rights safeguards. It was recommended, therefore, that the principle be deleted or that the phrase "paying full attention to the protection of human rights" should be added at the end of the second sentence;

(h) Principle 38. It was noted by one delegation that proposals for codifying international law needed to clarify whether such codification would be normative or recapitulative. If it were normative, such a principle might be premature and it might be more appropriate to recommend that States accede to and ratify all existing international instruments before considering the codification of international law. Furthermore, the principle aut Dedere aut Judicare already existed in several conventions, but it would be difficult to gain support for its general application unless it was for extremely serious crimes;

(i) Principle 39. It was also noted that the principle of universal jurisdiction could be universally accepted and applied only when all existing international instruments were ratified and implemented. Some delegations expressed reservations on the principle of universal jurisdiction;

(j) Principles 45 and 46. Joint action and research projects undertaken by the United Nations Social Defence Research Institute with the assistance of the regional institutes were cited as instances of inter-institute co-operation, and it was emphasized that such co-operation should be strengthened.

34. In connection with the regional plan of action, the working group that considered the draft presented to the Meeting reported that, in its opinion, the document should more clearly focus on the causes and origin of the increase of crime in the region. Crime sometimes originated outside the region, as in the case of terrorism and drug traffic.

35. The working group, therefore, recommended: (a) shortening the document; (b) re-examination and rationalization of the ideas contained therein; (c) circulation of the revised document to all countries; (d) a time limit for study of the new version; (e) forwarding of comments and recommendations to ILANUD; (f) revision of the document on the basis of the comments received; and (g) convening of a regional meeting before the Seventh Congress to consider the final document and its adoption. The Meeting endorsed the recommendations.

B. Criminal justice processes and perspectives
in a changing world (topic 2)

36. The Executive Secretary of the Seventh Congress introduced topic 2, entitled "Criminal justice processes and perspectives in a changing world", which stressed the need for an integrated approach to criminal justice, to be viewed as a coherent and dynamic system functioning in a changing context. Such a systemic perspective to the entire criminal justice process was still mostly theoretical; in practice, the activities and operations of the various sectors of the criminal justice system, including the police, courts and correctional authorities, were usually carried out in isolation and frequently with a lack of consistent policies that would be truly responsive to current economic, social and cultural trends, the changing needs of society and the increasing expectations on the part of criminal justice personnel. Exchanges of information and cross-national experiences in this area would permit a fruitful dialogue on questions of common concern - such as de-criminalization and depenalization, the concept and practice of diversion from the penal system and popular and community participation - and would also help in identifying viable policy options. The utilization of scientific contributions also deserved consideration, as the study by ILANUD on presos sin condena demonstrated. 1/

37. Several delegations indicated that their countries had modernized or were in the process of modernizing their criminal justice systems, which included amendments to codes of substantive and procedural penal law to make them more consonant with the prevailing socio-economic realities and human rights principles.

38. In one country, the embryonic nature of many institutions, which had been created after a recent revolution, led to interesting experiences. An inter-institutional body - the co-ordinating judicial and legal centre - had been established, with the involvement of the Ministries of Justice and of the Interior, the Supreme Court of Justice, the State Council and mass organizations and with the aim of developing policies for restructuring an economically depleted country and improving the quality of life. New measures were also being adopted in the criminal justice system, including the establishment of a voluntary police corps consisting of city and rural workers; the development of speedier and more flexible criminal proceedings, organization of training programmes, information courses and seminars by the Supreme Court of Justice; the development of a new filing and data processing system by the Supreme Court to unify the criminal statistics systems; and changes in the work of the police, where traditional methods, based on confession, were replaced by technological procedures and scientific research.

39. In another country, where the penal system was in constant change so as to be responsive to the social environment, judges were appointed by the popular assembly and participated in all stages of the criminal process, ensuring that alien actions did not interfere with the dispensation of justice. The Attorney General's office was independent and had the duty to protect the citizens; its decisions were submitted to the Assembly. Moreover, free legal care was granted to the poor, pre-trial detention was limited and alternatives to imprisonment were being applied.

40. In other countries, national commissions had been established to draft new penal codes. The following measures were singled out as deserving particular attention: arrests should be made only with a written warrant, the period of arrest or detention should be limited to 24 hours, 48 hours of incomunicado, and recourse should be granted for all offenders to all the possibilities of law. It was stressed that trials should be held within two months time and that the principles that the accused is innocent until proven guilty and that there be no double jeopardy should be applied. Moreover, no one should be subject to inhuman treatment; habeas corpus and amparo should be guaranteed, as should the right of appeal to the Supreme Court and of review or annulment when matters of procedure had been violated. Some of those principles were also recognized in many constitutions.

41. Speedy trials were of particular importance in safeguarding the human rights of the accused. The problem of presos sin condena was particularly serious in most countries of the region since such prisoners constituted a large percentage of the total prison population. In some cases, detainees had spent years in prison before being brought to trial. The negative consequences of this situation included the criminogenic influence and effect of "prisonization" on persons unnecessarily detained for long periods of time, the extension of the sentence and punishment to the families of the detailed persons and the enormous material and social costs of detaining individuals who were finally acquitted.

42. The Director of ILANUD noted the continuous efforts of the Institute aimed at improving criminal justice systems in the countries of the region, in spite of the financial difficulties that constantly jeopardized the Institute's activities. He emphasized the desirability of establishing a judicial career as a corollary to the principle of independence of the judiciary. Other elements required to ensure the effectiveness of the criminal justice system were the existence of an organism for criminal investigation, attached to the judiciary so as to permit co-ordination and avoid undue influences, and the availability of criminological information. The Institute could co-ordinate a network of regional and subregional information centres. There was, moreover, a need to co-ordinate all crime prevention efforts by means of a body where all relevant ministries, the judiciary and the community at large were represented for more effective policy planning, implementation and evaluation.

43. Discussion on the interplay between the different agencies of the criminal justice system centered on the police, the courts and corrections. The need to modernize the police - the front-line unit of any crime prevention and detection activity - was particularly stressed, as was the need for forensic laboratories and adequate criminalistic techniques. In some countries of the region the police had established public relations branches and crime prevention units to educate the public. The reorganization of the courts on a modern basis, as well as the necessity of ensuring the independence of the judiciary, was stressed by several participants as a task deserving high priority. Such independence required a strong economic basis, not only by offering better salaries and stimuli but also by devoting a substantial portion of the national budget to the judiciary as an incentive to judicial independence. Finally, the urgent need to develop suitable alternatives to imprisonment, with the involvement of the community, the family, schools and labour organizations, was acknowledged.

44. The importance of training and education was underlined by several delegations. In this connection, the selection and training of judges and other criminal justice personnel was considered to be extremely important, as was the establishment of judiciary, police and penitentiary schools and educational programmes for the public at large (using, for example, the mass media, especially television). However, the financial difficulties that impeded the proper planning and implementation of criminal justice reforms were noted with regret. The need for assistance and technical co-operation was stressed.

45. The term "administration of justice" had different implications, according to the political structure of the different countries, and changes in the administration of justice were said to involve major changes in the political structure. It was noted that in order to respect the principles of legality and certainty of the law, reforms in penal legislation and criminal justice had to proceed very slowly.

46. Some delegations noted that changes in the administration of justice depended also upon the enactment of profound socio-economic and political reforms aimed at the eradication of privileges and injustice. When such reforms took place, radical changes in penal legislation were absolutely essential and inevitable. Therefore, defending in abstract existing legal orders and social structure was defending the rights of those in power.

47. According to some representatives, the participation of the people in the administration of justice should be studied, accepted, encouraged and, if necessary, guided. In other words, the population at large had to be involved in the task of administering justice. Popular participation could involve voluntary auxiliary police, neighbourhood committees and labour unions, as well as participation of lay judges in the work of the courts. Such involvement would permit, inter alia, an assessment of the performance of all criminal justice agencies, including the judiciary.

48. With reference to the external factors conditioning criminal justice, the situation of one country of the region was considered representative of the growing insecurity among citizens, which affected daily life styles as well as the administration of justice. The reasons were not only the rapid changes taking place in society, socio-economic gaps and unemployment but also such phenomena as hijacking, widespread robberies and theft, kidnapping and corruption, which undermined public confidence and led to a general breaking of the rules. The State, therefore, had to develop norms to ensure collective well-being, strengthen the security of property and morals in government and preserve public peace and human rights. This could be achieved through amnesties and broad reforms of political parties. Though not all crime was due to poverty, it frequently resulted from the lack of controls and the existence of an organized criminal substructure related to drug trade and smuggling of precious stones. Other major factors that led to burgeoning crime were the uncontrolled growth of cities, lack of housing and overcrowded conditions, low incomes and other social ills. Youth were the major sufferers from unemployment, and crimes were basically an urban phenomenon and were committed by youth. As the lack of educational and other opportunities generated subcultures of violence and crime, social services had to be extended to urban areas and collective solidarity mobilized.

49. A representative mentioned the deleterious effect of rural-urban migration caused by a poorly planned and implemented land reform programme which had provided peasants with plots of land that were too small and insufficient to earn a livelihood. The situation had provoked a massive exodus of peasants to urban areas, where they had become the inhabitants of squatter settlements and suffered from high unemployment and high delinquency rates.

50. Drug traffic had, in some cases, reached such proportions as to constitute a threat to the established authorities, since the profits of such activity were so high that criminals corrupted the police and even the judiciary through substantial bribes. Even where the law was applied impartially, judges tended to impose lenient measures because prisons did not have the capacity to house additional offenders. Foreigners were often implicated in the drug traffic, as were young females, who were usually involved in prostitution and exploited by international organized crime as well.

51. Crime in the region had acquired such vast international dimensions that preventive strategies, to be successful, required extended and strengthened regional and interregional co-operation. A regional and international awareness of the need for co-operation had to be created. Where new forms of criminality occurred, new forms of legal co-operation were essential, including bilateral and multilateral treaties and conventions, for the collection of information and evidence that might be required from outside the country.

C. Victims of crime (topic 3)

52. In introducing topic 3, "Victims of crime", the Executive Secretary of the Seventh Congress indicated that the item had grown out of the recommendations of the Sixth Congress, where one topic had dealt with crime involving abuses of economic and public power. The fate of victims had been largely ignored by criminologists, penologists and reformers, since their main interest had centered on offenders and the processes of social control. Although innovative techniques for compensation and assistance to individual victims were being introduced in many countries, the victims of large-scale criminal activities and abuses of power had not yet received sufficient attention. Special emphasis had to be given, therefore, to the ability of victims to establish their status as victims, to their right of redress and to the concept of reparation or restitution for the harm caused.

53. The representative of ILANUD presented the results of a symposium on victims that it had recently sponsored, where five basic categories of victims had been identified: (a) victims of the violation of human rights in the criminal justice system; (b) victims of the abuse of public power; (c) victims of the abuse of economic power; (d) victims of the socio-economic marginality of Latin American society, especially children and youth; and (e) victims of conventional crimes. The concept of victims was a broad one and included several categories, such as individuals, communities and institutions. In fact, criminal justice systems have often left negative marks on those they dealt with, i.e. in the detention of innocent people and in abuses of public power producing disappearances of opponents. Victims of economic abuses often did not perceive themselves as victims, although they were the target of

injustices such as graft, corruption, tax evasion, misuse of public funds, consumer fraud, the import and export of dangerous goods and of outdated drugs and other questionable practices of transnational corporations, damage from pilferage, destruction of the environment etc. In the case of children and youth, the victims were the future generations; the most vulnerable victims of both traditional and non-traditional crimes were usually the poorest groups.

54. Consumers and minors were identified by one participant as two groups of particular concern. A crisis situation owing to the economic blockade tended to aggravate the victimization of consumers, since those interested exclusively in high profits were prone to speculate with the most essential products. The second group, abandoned or exploited children, were exposed to abuse from adults who took advantage of them in different ways. In both cases, preventive and punitive policies were needed.

55. The abuses committed by transnational enterprises were mentioned by some delegations as an example of the victimization of entire countries; such abuses tended to increase the dependency of the victimized countries. Developing countries required urgent action in this matter. Of the 40 million people who died of hunger every year, half were children; some 100 million children under five years of age were suffering from malnutrition. To remedy this situation a total revision of the economic relations between developed and developing countries was necessary.

56. According to some delegations, strategies to combat victimization would comprise: victimization surveys, to be included in national censuses; the implementation of international standards; more public attention to such harmful acts with demands for public accountability; establishment of the offices of an ombudsman; and consumer defence agencies or the other pressure groups that could help to protect victims.

57. The need to extend the possibility of financial redress to the relatives or other dependents of the victim in cases where the victim died as a result of the crime was underlined. If victims disappeared, the concept had to be extended to those damaged by the disappearance, who became the victims. Since the State had the obligation to protect its citizens, it acquired the obligation to compensate the victims when it failed to do so.

58. In one country victims and their families received compensation, but damages could only be paid after the criminal had been sentenced. The sentence would state that relatives were to be compensated, as set out in the civil code. Moreover, families and victims did not need to enter into a lawsuit separate from the criminal one. As soon as the criminal came to trial, the compensation suit was included in it. However, the family remained unprotected as long as the case was being tried.

59. Regarding the victims of large-scale abuses of power, such as human rights violations, it was observed by some representatives that compensation depended on the outcome of the criminal trial of the violator or the victimizer. The practice of granting broad amnesties to government officials who were responsible for human rights violations affected the many victims involved, depriving them of compensation. The practice affected tens of thousands of victims of the most serious human rights violations, including torture, arbitrary deprivation of liberty, disappearances and extra-legal executions. Whatever the legal status of decrees granting amnesty for human

rights violations in domestic law - and it should be recalled that they often emanated from de facto governments and not elected legislatures - they were illegal in international human rights law as a violation of the victim's right to compensation, a right whose importance had often been emphasized by the United Nations Human Rights Committee.

60. When military courts had exclusive jurisdiction over human rights violations, there had rarely been any ruling against the police or other government officials. Thus victims were denied not only the right to compensation but also the right of access to an independent and impartial tribunal. This situation was particularly serious since, in these cases, the victims had no right to restitution or redress because the victimizers were not found guilty. Steps had to be taken to correct this situation, and world public opinion expected them. The hope was expressed that the Seventh Congress would pay due attention to the two specific obstacles to compensation of victims of abuses of power, namely, decrees of amnesty for human rights violators and de facto immunity for such violators by giving exclusive jurisdiction to military courts.

61. The representative of Canada stressed his country's interest in the question of victims of crime and expressed the wish that the interregional meeting on that subject next year could be hosted by Canada. He suggested approaching the problem by focusing on victims of traditional crime, victims of crime in the family and victims of abuses of power. For family violence, including wife battering, there was a multi-party parliamentary group in Canada, which could be used as a model elsewhere. Hearings of the public led to an examination of the problem by governmental groups which, in turn, led to legislative measures. Child abuse caused great concern in Canada, especially because in many cases there was no real way to repair the damage, which extended beyond material compensation.

62. The representative of the Committee on Crime Prevention and Control emphasized the particular vulnerability of women as victims and the fact that Latin America suffered especially from consumer and juvenile victimization. Abuses of power were not described by the laws of several countries of the region, and thus many de facto victims were not victims from the legal point of view. Victims were often not attended to when the offenders lacked the means for providing compensation. Not only were defenseless minors victimized by the adult population in general, it was often the parents who were the violators. Therefore, efforts in the area of victimization and victimology, which had not been sufficiently developed, should be intensified, and the work of ILANUD in this area should be encouraged.

D. Youth, crime and justice (topic 4)

63. The Executive Secretary of the Seventh Congress, in presenting topic 4, noted the alarming increases in juvenile delinquency and crime in many parts of the world, as well as the need for fair and humane ways of coping with the resultant problems. The designation of 1985 as the International Youth Year gave added significance to this agenda item. The rising proportion of young persons in the population, particularly in developing countries, combined with decreasing employment prospects for newcomers to the labour force had contributed to the criminogenic dangers of marginalization and increased vulnerability of youth. Susceptibility to drug abuse, the influence of the

mass media, peer pressures etc. could exacerbate difficulties. Yet, the participation of youth in national life and development efforts was crucial, and the provision of suitable opportunities for youth should have high priority in planning for national and international development.

64. Topic 4 would deal with both preventive and treatment approach to youth crime; with regard to treatment, special attention was to be given, in accordance with the recommendation of the Sixth Congress, to the formulation of standard minimum rules for juvenile justice. ILANUD was to be congratulated for the draft rules that had been prepared for the Meeting; representatives were invited to make comments and recommendations on the draft. The initiatives of the United Nations institutes in this regard would significantly help to advance the formulation of a generally acceptable set of rules.

65. In addition to the draft standard minimum rules for the administration of juvenile justice for the Latin American region, ILANUD presented a preliminary survey on the situation of crime and juvenile delinquency in the region, which stressed the need for a comprehensive evaluation of the existing systems, including an outline of a broad research project for further follow up.

66. The representative of the United Nations Social Defence Research Institute reported briefly on the project on juvenile social maladjustment and human rights in the context of urbanization being carried out in three regions: Africa, Asia and Latin America. The Latin American countries involved in the study were Colombia and Costa Rica. In keeping with the policy of the Institute, the project was action-oriented and its results would be discussed with the relevant policy-makers of the countries concerned. Furthermore, he stressed the role of ILANUD in overseeing the study in the region to illustrate the close relationship between ILANUD and the United Nations Social Defence Research Institute and also the interregional dimension of the study.

67. All representatives agreed on the importance of topic 4. The difficult position of youth in the contemporary world was underlined, as was the need to fully integrate young people in useful socio-economic activities geared towards development. It was noted that youth were frustrated and questioned the validity of the prevailing order, which had been created by adults with whom there was a "communication gap". Frustration could lead youth to antisocial activities, including drug and alcohol abuse as an escape mechanism or at the instigation of adults, and a possible resort to violence. Social inequality, racial discrimination and illiteracy, as well as unfulfilled expectations and the lack of meaningful opportunities to contribute to the national development as respected members of society, were among the factors that contributed to juvenile deviance and were apt to lead to delinquency and crime. Problems of juvenile and youth crime were a symptom of unfavourable social conditions; integrated preventive strategies at various levels needed to be given the highest priority. It was necessary to find ways of overcoming the "generation gap" between parents and children, utilizing the family as a positive force for delinquency prevention.

68. Other ways had to be sought to offset: the lag between the attainment of biological and social maturity; the lack of economic and social opportunities for youth; uneven rates of change; explosive urbanization; the decline of traditional social controls; and the lack of leisure time, recreational and

sports opportunities. New ways of channelling youthful energies constructively had to be devised. Instead of being used to propagate violence, pornography and other questionable practices, the mass media could be used positively to foster adherence to positive values and mores, a sense of responsibility, the integration of youth in shared enterprises and the full participation of youth in the development process. The involvement of youth in social changes and reforms aimed at national growth and the elimination of injustice and inequality such as literacy campaigns and volunteer projects could have a preventive impact. Suitable rural employment opportunities and amenities and increased industrialization combined with balanced urbanization could prevent some of the problems linked to the "rural push and urban pull".

69. However, when preventive measures had not proved successful and delinquency occurred, legal protection for juveniles should be provided. In the treatment needs of juvenile offenders, it was necessary to avoid the stigmatization which could result from handling youth as if they were adults or applying to them certain negative terminology. It was important for juvenile courts to go beyond the merely juridical scope and to make wider use of interdisciplinary scientific knowledge to assess the circumstances and requirements of particular cases.

70. Several delegations stressed the need for adequate legal defence and judicial guarantees to safeguard the rights of juveniles at various stages of the proceedings. In the opinion of some representatives, juveniles should never be kept in prison pending trial, except under exceptional circumstances, for example if they were suspected of having committed capital offences. Arrest and detention systems should be re-examined to further broader goals and help to minimize recidivism and psycho-social conflicts. The application of suspended sentences and alternatives to imprisonment, such as socially useful community work, was mentioned as a constructive way of dealing with juvenile offenders. Work as an alternative sanction could be fruitful providing it conformed to the guidelines of the International Labour Organisation (ILO) against forced labour and was assigned with the individual's consent; in some countries it had been used productively in a number of ways, serving national objectives and improvements and reducing recidivism rates.

71. In describing their national experience in the handling of juvenile offenders, a number of representatives stressed the need for specialized personnel and services to deal with delinquents and help reintegrate them into the community. Representatives mentioned, as co-ordinates of comprehensive action on behalf of the young, the following measures: educational and training opportunities in institutions; adequate psychological, social, health and social welfare services integrated in the facilities serving the population at large; counselling and assistance for families of offenders as well as the young offenders themselves; and a range of institutional and non-institutional efforts.

72. It was stressed by several participants that the treatment of juvenile delinquency had to be taken out of the criminal justice system and the realm of penal law and transformed into a re-educational endeavour involving the whole community. The aim should be to incorporate the maladjusted juvenile, who could be said to be in an irregular situation, into the mainstream of national life. The establishment of guardianship centres and the transformation of juvenile courts into administrative bodies were cited as instances of methods adopted in some countries to foster readaptation. Experiments, such as those for treating young offenders in small communities where they were actively accepted, were also cited as viable alternatives to institutionalization.

73. The modalities for the treatment of juveniles and the activities of the respective services should be co-ordinated at the governmental, intersectoral level, and provisions should be made in national plans, as they have been in some countries, for assistance to youth and their families as part of concerted social action. The juvenile justice system could be extended so that it would not deal solely with the perpetrators of offences. The provision of real justice also meant equal and fair treatment, which now was often lacking, especially for the disadvantaged segments of society.

74. Measures for the implementation of standard minimum rules for juvenile justice should also be devised and mechanisms of control established. Careful monitoring of progress was required, since juveniles were still to be found in adult institutions in countries of the region. Alternatives to institutionalization had to be much more widely applied using innovative approaches; a number of examples were given at the Meeting. The use of suspended sentences, review boards and other means was necessary to diminish the incidence of possible abuses and excessive rigidity in the handling of juvenile cases. Treatment programmes should involve all sectors of society, volunteer organizations, municipalities and various associations, as well as official bodies concerned with both the treatment and prevention of youthful delinquency and crime.

75. Many representatives recommended that ILANUD should intensify its activities relating to juveniles, inter alia by carrying out studies on youth in irregular situations. There should be close co-operation with the bodies concerned, taking into account the advances made with respect to prevention and treatment. The stigmatization of juveniles by the use of labels such as "abandoned", "delinquents" or "offenders" should be avoided, and national laws should be modified so that juveniles in irregular situations could not be held criminally responsible. It was also suggested that the treatment of juveniles might serve as a prototype for the treatment of adults.

E. Formulation and application of United Nations standards and norms in criminal justice (topic 5)

76. Topic 5, "Formulation and application of United Nations standards and norms in criminal justice", was introduced by the Executive Secretary of the Seventh Congress. He noted that the topic reflected the long-standing concern of the United Nations with the humanization of criminal justice, a concern that had found expression in the previous United Nations congresses, derived from mandates of United Nations policy-making bodies and was evidenced in the resolutions of the Sixth Congress, including those on alternatives to imprisonment, development of measures for the social settlement of prisoners, the transfer of offenders and the Code of Conduct for Law Enforcement Officials, and human rights instruments and their implementation for prisoners. Thus, in accordance with the recommendations made by the Committee on Crime Prevention and Control, the discussion of the item could focus on the review of existing standards and norms, an assessment of the impact as well as the difficulties encountered, the need for additional standards and norms and the question of death penalties that did not meet the acknowledged minimum legal guarantees and safeguards. Also of particular importance was the development of mechanisms for the transfer of foreign prisoners to their countries of origin, as it was generally recognized that the aims of rehabilitation and social reintegration could be more easily achieved if the offenders served sentences in their home countries.

77. Many delegations stressed that in their countries human rights principles had been incorporated in their constitutions and that, accordingly, their policies were already in full consonance with those principles, both in theory and practice. Mechanisms and procedures for the implementation of human rights principles, such as the full independence of the judiciary, the provision of free legal advice when needed and the presumption of innocence until guilt was proven were described in considerable detail by several representatives. The efforts of the United Nations in this area were recognized and praised by many representatives.

78. In connection with the transfer of foreign prisoners to their home countries, some delegations noted that the idea would need considerable expansion to include ethnic and cultural minorities who, owing to specific characteristics such as language, religion, race etc., were in a sense foreigners in their own country. Special problems, such as the age or condition of the prisoner, had to be taken into account. Discussion of this matter could also deal with the transfer of illegal migratory workers, especially those seeking political asylum, who had been placed under preventive arrest and jailed - an unacceptable solution. There were, moreover, difficulties stemming from the implementation of existing agreements, particularly since the sentencing country would lose control over the administration of the sentence. One representative felt it unacceptable that the home country could reduce the sentence imposed by the country where the offence had been committed. This could be a major difficulty in reaching agreement leading to bilateral or multilateral treaties, since the principle of sovereignty seemed to be threatened. Finally, the consent of the prisoner to the transfer had to be a conditio sine qua non for the implementation of the transfer.

79. The abolition of capital punishment, absolute prohibition of torture, limitation of the length of detention before trial, abolition of pre-trial detention for less serious offences, introduction of alternatives to imprisonment and use of probation, parole, suspended and reduced sentences were mentioned as important reforms that had been enacted in response to United Nations recommendations.

80. It was stressed that the fundamental aim of the criminal justice system was the full restoration of the individual to a meaningful and productive position in the society. In this connection, education and vocational training in prison, as well as productive work, were essential in helping the inmate to earn an income during and after imprisonment and to support dependents in spite of the loss of freedom. Moreover, the maintenance of close contacts with the outside world by means of guaranteed family visiting rights was important for the purpose of helping the inmate to retain an identification with the outside community.

81. The financial difficulties implicit in the implementation of some of the existing international standards and norms were noted. This was true not only for the penal infrastructure, i.e., the physical planning of prison buildings and their organizational structure, but also with respect to the training and adequate remuneration of personnel of penal institutions.

82. It was also stressed that rehabilitation should occupy a prominent role in future congresses. It should be conceived as an integrated effort involving several disciplines, such as psychology, psychiatry, social work, sociology etc. and dealing with many different activities, from therapy in a narrow sense to treatment through arts and crafts and television programmes.

Profound social changes aimed at eradicating misery, inequity, exploitation, injustice and oppression and at creating optimal conditions for individual and social development should also be part of an overall rehabilitative and preventive policy. Humiliating treatment and the dehumanization and exploitation of prisoners should be totally eliminated.

83. Some delegations considered it desirable to establish institutions, such as that of an ombudsman, where both prisoners and citizens could find redress for official or semi-official abuses of power. The autonomy of the police from the executive and its attachment to an independent judiciary were mentioned as a possible way of keeping the police from becoming an instrument of political power.

84. Referring to resolution 16 of the Sixth Congress, the representative of a non-government organization noted that the existing international norms for the independence of judges were rudimentary and that the need for the independence of lawyers was not expressly recognized in any international human rights instrument. Lawyers and lawyers' associations had often been the victims of governmental persecution when their activities had displeased the public authorities. Without independent lawyers and judges, legally recognized rights became a dead letter, or worse, a façade for the systematic denial of justice. By 1985 the United Nations special rapporteur on the independence of judges and lawyers would have made his recommendations regarding a comprehensive set of international norms in this area. It would be important to fully review this matter at the Seventh Congress. Turning to the effects of states of emergency on the criminal justice system, he observed that human rights norms pertaining to criminal justice were presently classified by the relevant United Nations instruments as derogable or suspendable, even though derogation of most of them could never be considered justified under the principle of proportionality and strict necessity, and that many of these same norms were included in the 1949 Geneva Conventions and therefore had to be respected even in time of war. He suggested that the question of reclassifying international norms pertaining to criminal justice as non-derogable and non-suspendable should be considered by the Seventh Congress. Finally, he stated that the impetus given by the Sixth Congress to the formulation of a convention against torture was one of the most useful and far-reaching contributions made by that Congress and hoped that the progress made in reaching agreement on the adoption of such an instrument would be given due attention at the Seventh Congress.

85. The representative of the Committee on Crime Prevention and Control congratulated those countries which had fully implemented or were in the process of implementing the Standard Minimum Rules for the Treatment of Prisoners. She noted, however, that many of the countries of the region had failed to answer the questionnaire on the implementation of the Standard Minimum Rules and urged them to do so at their earliest convenience. She also noted that there was a considerable gap between declared principles and actual practice in some countries in the region. It was suggested that countries report to the Seventh Congress on the ways in which countries were complying with United Nations standards and norms, particularly in view of resolution 14 of the Sixth Congress entitled "Human rights instruments and their implementation for prisoners". Careful consideration and observance of the United Nations resolutions on arbitrary, summary and extra-legal executions was also urged, in view of the flagrant violation of human rights caused by such acts, together with further study of the possible abolition and

restriction of the application of the death penalty. In connection with a regional project of the Interamerican Institute of Human Rights, countries of the region should also be asked to report on the extent to which they had established mechanisms for implementing the Universal Declaration of Human Rights and the degree of actual effectiveness of these mechanisms.

86. Some delegations suggested that time be allocated at the Seventh Congress to the discussion of the application of human rights instruments to prisoners, in accordance with resolution 14 of the Sixth Congress.

87. Other delegations also recommended that capital punishment should be abolished, and that the United Nations should take the initiative in this regard.

II. ADOPTION OF THE REPORT AND CLOSING OF THE MEETING

88. The report was considered and approved by the Meeting on 14 October 1983. On the same occasion a draft resolution proposed by the delegations of Colombia, Jamaica, Suriname and Trinidad and Tobago entitled "Regional co-operation in crime prevention in the context of development", was unanimously adopted. The text of the resolution is contained in annex III of the present report. The Meeting also decided to send a telex to the Administrator of UNDP to encourage the continuance of financial support for ILANUD. Mr. Carlos José Gutiérrez, President of the Meeting and Minister of Justice of Costa Rica, Professor Aura Guerra de Villalaz, Representative of the Committee on Crime Prevention and Control, and the Executive Secretary of the Seventh Congress made closing statements.

Note

1/ E. Carranza and others, El preso sin condena en America Latina y el Caribe (San Jose, Costa Rica, ILANUD, 1983).

Annex I

LIST OF DOCUMENTS

A. Basic document

A/CONF.121/PM.1

Discussion guide for the regional and interregional preparatory meetings for the Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders

B. Background documents

A/35/289

Implementation of the conclusions of the Fifth United Nations Congress on the Prevention of Crime and the Treatment of Offenders

A/36/442

Crime prevention and criminal justice and development: report of the Secretary-General

A/CONF.87/5

Juvenile justice: before and after the onset of delinquency - working paper prepared by the Secretariat

A/CONF.87/6

Crime and the abuse of power: offences and offenders beyond the reach of the law: working paper prepared by the Secretariat

A/CONF.87/8

United Nations norms and guidelines in criminal justice: from standard-setting to implementation - working paper prepared by the Secretariat

A/CONF.87/9

Capital punishment: working paper by the Secretariat

A/CONF.87/10 and Corr.1

New perspectives in crime prevention and criminal justice and development: the role of international co-operation - working paper prepared by the Secretariat

A/CONF.87/11 and Add.1

The implementation of the United Nations Standard Minimum Rules for the Treatment of Prisoners: working paper prepared by the Secretariat

A/CONF.87/14/Rev.1

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

E/1980/9

Human rights questions: capital punishment - report of the Secretary-General

E/AC/57/1982/4 and Corr.1
and Add.1

Implementation of General Assembly resolution 35/172 on arbitrary and summary executions: report of the Secretary-General

E/CN.5/1983/2

Report of the Committee on Crime Prevention and Control on its seventh session

Annex II

LIST OF PARTICIPANTS

A. States members of the Economic Commission for Latin America

ARGENTINA

Representative

Francisco P. Laplaza, Professor emeritus

Members of delegation

Antonio Regueira, Héctor Zanzero

BOLIVIA

Representative

Fernando Calderón, Chargé d'Affaires ad interim
to Costa Rica

BRAZIL

Representative

Ligia Maria Scherer, Second Secretary, Ministry
of Foreign Affairs

Alternate representative

João Benedicto Azevedo Marques, Co-ordinator for
Penal Institutions in São Paulo

CANADA

Representative

Georges Paquet, Deputy Director, Division of
Social Policies and Programmes, Department of
External Affairs, Ottawa

CHILE

Representative

Pedro Palacios Camerón, Ambassador to Costa Rica

Members of delegation

Manuel Gebert Moreno, Ricardo Ortíz Vidal

COLOMBIA

Representative

Jorge A. Charry Rodríguez, staff member, Office
of the Director-General of Prisons

COSTA RICA

Representative

Carlos José Gutiérrez, Minister of Justice

Alternate representative

Marino Sagot, Director General, Social
Adaptation, Ministry of Justice

Members of delegation

Jorge A. Brenes Ruiz, Cecilia Córdoba E., Jorge
Delgado S., Mario A. Víquez J.

CUBA

Representative

Ramón de la Cruz, Deputy Minister of Justice

Members of delegation

Jorge Bodes T., Matías Dorta, Julio Heredia P.,
Pedro Rodríguez T.

DOMINICAN REPUBLIC

Representative

Cecilia García Bidó, Director-General of Penal
Institutions and Head of the Judicial and Penal
Department, Office of the Attorney-General

Member of delegation

Norvo Antonio Pérez

ECUADOR

Representative

Hugo Amir Guerrero M., Minister of the Supreme
Court

Member of delegation

David Ernesto Ortiz Cajas

EL SALVADOR

Representative

Salvador Ríos Alvarado, Counsellor, Embassy of El
Salvador to Costa Rica

FRANCE

Representative

Régis de Gouttes, Judge in the Ministry of Justice

GUATEMALA

Representative

Rodrigo Herrera Moya, Judge of the Appeals Court

HAITI

Representative

Charles Desgrottes, Judge of the Appeals Court

HONDURAS

Representative

Herminio Pineda Bautista, Ambassador to Costa Rica

JAMAICA

Representative

Ira de Cordoba Rowe, Judge, Court of Appeal

MEXICO

Representative

Francisco H. Castellanos de la Garza, Director General and Governor of the Federal Penal Colony in the Archipiélago de las Marías

Member of delegation

Ma. Nancy Garza de la Garza

NICARAGUA

Representative

Vilma Núñez de Escorcia, Vice-President, Supreme Court of Justice

Members of delegation

Alba Luz Ramos Vanegos, José Andrés Rufé Castillo

PANAMA

Representative

Roberto Jované S., Second Secretary, Ministry of Foreign Affairs

PARAGUAY

Representative

Clotildo Jiménez B., State Attorney-General

PERU

Representative

Miguel Angel González del Río, Director-General of Penal Institutions and Social Readaptation

SURINAME

Representative

Paul R. Sjak-Shie, Solicitor-General

Member of delegation

Lucien John Naarden

TRINIDAD AND TOBAGO

Representative

Hubert Williams, Acting Superintendent of Police

URUGUAY

Representative

José Pedro Gatto de Souza, President of the
Supreme Court of Justice

B. United Nations Secretariat and bodies

Centre for Social Development and Humanitarian Affairs

Department of Public Information

Economic Commission for Latin America (ECLA)

United Nations Industrial Development Organization (UNIDO)

United Nations Social Defence Research Institute

United Nations University for Peace

C. United Nations Committee

Committee on Crime Prevention and Control Aura Guerra de Villalaz

D. Specialized agencies

World Health Organization (WHO), Cuauhtémoc Pineda, Medical
Panamerican Health Organization (WHO/PAHO) Officer

E. Other intergovernmental organizations

International Criminal Police Johan F. Oldenboom, Chief
Organization (INTERPOL) Commissioner of Police

F. Non-governmental organizations in consultative status
with the Economic and Social Council

Category II

Bahá'í International Community Rachell I. Constante
Jean François

Friends World Committee for Consultation Richard Broughton, Delegate,
Quaker Committee on Jail and
Justice

International Commission of Jurists Daniel O'Donnell

International Council of Jewish Women Ofelia de Rubinstein

International Prisoners Aid Association	William D. Roberts S., Board representative Luis Javier Bustamante R., Regional Director for South America
International Society for Criminology	Lola Aniyar de Castro, Director, Criminology Department, Zulia University
Lions International - The International Association of Lions Clubs)	Clarence J. Márquez
The Salvation Army	Bernard M. Smith Johnson, Divisional Commander
World Federation for Mental Health	Alvaro Gallegos Chacón, Vice-President for Latin America

Roster

Friedrich Ebert Foundation, Latin American Centre of Democratic Studies (CEDAL)	Helmut Kurth, Director
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G. Regional institute

United Nations Latin American Institute for the Prevention of Crime and the Treatment of Offenders (ILANUD)	Jorge Arturo Montero Castro, Director Elfas Carranza, Deputy Director Lourdes Flores Ana I. Garita V. Emilia González Sonia Navarro Ricardo Ulate Juan Pegoraro Taiana, Associate Expert Cristián Tattembach Yglesias, Associate Expert
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H. Other organizations

Asociación Costarricense de Asistencia a presos (ACAP) (Costa Rican Prisoners' Aid Association)	Susana Roberts Strachan, member of the Governing Board
Instituto Nacional de Criminología (Costa Rican Criminology Institute)	Manuel A. Molina B Ma. Amparo Quirós Emilia Vargas B.
Centro Interamericano de Investigación sobre Juventud (CINTJUVE) (Inter-American Centre for Youth Research)	Joaquin A. Fernández A., Director Julio E. Fernández A.

Annex III

RESOLUTION ON REGIONAL CO-OPERATION FOR CRIME PREVENTION IN THE
CONTEXT OF DEVELOPMENT

The Latin American Regional Preparatory Meeting for the Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders,

Alarmed at the escalation of violence and crime in various parts in the region,

Considering that crime prevention and criminal justice should be dealt with in the context of development and the new international economic order;

Mindful of the need for intensified, concerted national and international action in this field, including particularly strengthened regional and subregional co-operation,

Recalling General Assembly resolutions 35/171 and 36/21 and Economic and Social resolution 1979/21 urging such strengthened regional collaboration,

1. Recommends that in the consideration of all items on the agenda of the Seventh Congress due attention be given to measures to be taken at various levels, particularly the regional and subregional ones,
2. Welcomes the initiatives taken by the United Nations Latin American Institute for the Prevention of Crime and the Treatment of Offenders in fostering regional co-operation in the training of personnel, action-oriented research, information sharing and advisory services as an outstanding example of technical co-operation among developing countries;
3. Stresses the importance of the decisions taken by the Conference of Ministers of Justice of countries of the region in December 1982, at which priorities for action at the regional and subregional levels were determined,
4. Underlines the need for intensified technical co-operation and assistance through the United Nations Latin American Institute for the Prevention of Crime and the Treatment of Offenders, for the services of the interregional adviser in crime prevention and for the appointment of regional and technical advisers,
5. Expresses its appreciation to the United Nations Latin American Institute for the Prevention of Crime and the Treatment of Offenders and the Government of Costa Rica for their assistance in promoting the achievement of regional objectives in the field of crime prevention and their generous hospitality in hosting this preparatory meeting,
6. Requests the United Nations and the United Nations Development Programme to urgently intensify support of the regional programme of activities carried out by the Institute in pursuance of the resolutions of the General Assembly and the Economic and Social Council and of the Sixth United Nations Congress on the Prevention of Crime and the Treatment of Offenders,

7. Calls on the countries of the region to contribute in cash or in kind, according to their abilities, to the regional activities and technical aid provided to Governments by the Institute, directly or as earmarked contributions to the United Nations Social Defence Trust Fund, in support of the valuable work it is carrying out, including cost-sharing, provision of host facilities for meetings, secondment of experts, allotment of fellowships (including a component in the indicative planning figures for fellowships) and study tours for United Nations Latin American Institute for the Prevention of Crime and the Treatment of Offenders-sponsored-activities,

8. Recommends that the Economic Commission for Latin America include this critical aspect of socio-economic development as part of the activities of its twentieth session and consider the present report with the view to establishing close links with the United Nations Latin American Institute for the Prevention of Crime and the Treatment of Offenders, in order to permit joint regional action in crime prevention, including data collection and exchange of information, policy-oriented research, upgrading of personnel and direct aid to Governments, as well as the organization of joint seminars and meetings to promote joint regional aims for crime prevention in the context of socio-economic development and a new international economic order,

9. Invites the United Nations system, including the specialized agencies and regional bodies such as the Organization of American States, the Centro Latinoamericano de Demografía (CELADE), the Inter-American Institute of Human Rights, the Instituto Latinoamericano de Planificación Económica y Social (ILPES), the Organization of American States and non-government organizations to strength their collaborative arrangements with the United Nations Latin American Institute for the Prevention of Crime and the Treatment of Offenders for the pursuance of common objectives.

This archiving project is a collaborative effort between United Nations Office on Drugs and Crime and American Society of Criminology, Division of International Criminology. Any comments or questions should be directed to Cindy J. Smith at CJSmithphd@comcast.net or Emil Wandzilak at emil.wandzilak@unodc.org.