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ON THE PREVENTION OF CRIME AND THE
TREATMENT OF OFFENDERS

REPORT OF THE WESTERN ASIA REGIONAL PREPARATORY MEETING
ON THE PREVENTION OF CRIME AND THE TREATMENT OF OFFENDERS

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INTRODUCTION

1. The Western Asia Regional Preparatory Meeting on the Prevention of Crime and the Treatment of Offenders was the fifth of a series of regional preparatory meetings convened to discuss the provisional agenda of the Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders, to be held in 1985, in pursuance of General Assembly resolutions 415(V) and 36/21 and Economic and Social Council resolution 1982/29 and to make appropriate recommendations concerning the preparations and documentation for the Congress. The list of five substantive topics for the provisional agenda of the Congress, recommended by the Committee on Crime Prevention and Control at its seventh session and endorsed by the Economic and Social Council, was adopted as the agenda for the Meeting. The topics were:

1. New dimensions of criminality and crime prevention in the context of development: challenges for the future
2. Criminal justice processes and perspectives in a changing world
3. Victims of crime
4. Youth, crime and justice
5. Formulation and application of United Nations standards and norms in criminal justice

To facilitate the discussion, the Meeting had before it the "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" (A/CONF.121/PM.1), prepared by the Crime Prevention and Criminal Justice Branch of the Centre for Social Development and Humanitarian Affairs, which outlined the topics to be covered. A list of documents relevant to the discussions is contained in annex I to this report.

2. The Western Asia Regional Preparatory Meeting was held at the headquarters of the Economic Commission for Western Asia (ECWA), Baghdad, from 12 to 16 December 1983. It was attended by over 50 participants, including representatives and experts from 8 States members of ECWA, intergovernmental and non-governmental organizations, the Executive Secretary and Secretariat of the Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders, the Executive Secretary and secretariat of ECWA and the Resident Representative of the United Nations Development Programme (UNDP) in Iraq. The Palestine Liberation Organization also attended in its capacity as a full member of the Commission. The Meeting was also attended by Dr. Ahmad Khalifa (Egypt), representing the Committee on Crime Prevention and Control, in accordance with Economic and Social Council resolution 1982/30. A list of participants is given in annex II.

3. The Executive Secretary of ECWA welcomed the participants and invited Mr. Mustafa Jawad Mustafa, President of the Court of Cassation of Iraq, to open the Meeting. Mr. Mustafa welcomed the participants to Iraq and stressed the importance of the five substantive topics under discussion and the need to consider them in detail with a view to recommending appropriate solutions to the new dimensions of crime problems, based on the realities and circumstances

of the Arab region. He gave specific examples of the efforts made by his Government in enacting new laws in the field of crime prevention and criminal justice in order to cope with new developments in the social and economic life of the Iraqi people. He cited the problem of juvenile delinquency and the efforts made to control it, including new legislative measures and special programmes involving mass organizations. In conclusion, he expressed his sincere wish for the success of the Meeting.

4. The Executive Secretary of ECWA stressed the relevance of the Caracas Declaration, which placed emphasis on the consideration of crime prevention and criminal justice in the context of development, political systems, social and cultural values and social change. There was a close relationship between social and economic development and security, which protected the achievements of development itself. In that connection, he called for a variety of measures to improve the quality of life, to satisfy spiritual, material and social needs and to strengthen relationships between the individual, the family and society as a whole in order to enhance public participation in the overall development process. As regards the social and economic changes taking place in the Arab region, he referred to specific socio-economic factors associated with criminality, such as rapid urbanization and technological progress, accompanied by the disruption of social and moral values, the movement of labour to oil producing countries, uncontrolled migration from rural to urban areas, foreign investment and corruption. He emphasized the importance of regional co-operation in the field of crime prevention and the treatment of offenders and expressed the hope that the Meeting would give thorough consideration to these questions and make concrete recommendations.

5. The Executive Secretary of the Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders thanked the Government and people of Iraq for their generous reception of and co-operation with the United Nations on the occasion of the Meeting and also thanked ECWA and UNDP for their consistent co-operation and support.

6. He explained the objectives of the regional meetings and outlined the five substantive topics on the agenda, pointing out that the inputs from the Meeting, reflecting the viewpoint of the Arab region on crime prevention and criminal justice, would be considered by the interregional meetings, the results of which would form the basis of the documentation for the Seventh Congress. He emphasized the new perspectives of United Nations activities in crime prevention and criminal justice in the context of development, especially their direct relevance to ensuring a better "quality of life". In particular, he referred to the formulation of new guiding principles for the future course of crime prevention and criminal justice in the broader context of development needs and the goals of the new international economic order as called for by the General Assembly. In conclusion, he stressed the need for effective and co-ordinated regional, subregional and international co-operation and that due recognition should be given to the activities and achievements of existing organizations and institutes working in the field of crime prevention and the treatment of offenders in the region.

7. The representative of the Committee on Crime Prevention and Control reviewed the activities in this field undertaken by the United Nations since the convening of the First Congress in 1955. He noted that the science of criminal justice had developed to the extent that crime was no longer viewed

as a microcosm but was now examined within the broader context of the variegated factors and complex interrelationships involved. In that regard, he referred to the role of modern scientific research in studying the phenomenon with a multi-disciplinary approach. By way of example, when the social side of developmental factors related to crime are ignored, it could lead to the eventual deterioration of the economic system as a whole. In conclusion, he pointed out the importance of reviewing existing criminal laws with a view to reflecting the new realities in criminality. In particular, corruption, transnational crime, violence and international terrorism were cited.

8. Following the opening ceremony, the Meeting elected by acclamation the following officers: Mr. Abdul Razak Mobarak (Iraq), Chairman; Mr. Hamad Bin Ali Al-Sanad (Saudi Arabia), First Vice-Chairman; Mr. Saleh Abdulla Hussain (Democratic Yemen), Second Vice-Chairman; and Col. Abdul Majid Khraibit (Kuwait), Rapporteur.

I. DISCUSSION OF THE TOPICS

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

9. In his introductory remarks on topic 1, the Executive Secretary of the Seventh United Nations Congress explained that the topic was intended to serve as a vehicle through which regional and international co-operation in this field could be strengthened and continuity between the Sixth and the Seventh Congresses ensured. Furthermore, discussion under topic 1 would be valuable in efforts to further elaborate the new guiding principles envisaged by the Sixth Congress and specifically called for by the General Assembly.

10. The Congress Secretariat was highly commended by a number of delegations for the document that it had prepared as the discussion guide for the regional preparatory meetings. It was considered by the participants to be a comprehensive and highly technical document of excellent calibre.

11. In the course of the discussion on the implementation of the recommendations and decisions of the Sixth United Nations Congress, one delegation reported considerable success in this regard. A number of social and legal reforms had been introduced as the result of the recommendations of the Sixth Congress and the Caracas Declaration, and these were being implemented scientifically with the guidance of special bodies established for the purpose, in collaboration with all relevant agencies within the criminal justice system. As an example of one of the positive results of the Sixth Congress, one country reported that there had been a complete change in the structure set up for the prevention of youth criminality and the treatment of young offenders, especially in relation to drug abuse. It was considered that the Sixth Congress had contributed to a high level of effectiveness in dealing with many such problems at the national level.

12. A number of delegations described the situation in the Arab world with regard to crime prevention and criminal justice in the context of changing socio-economic and cultural conditions and provided an in-depth, substantive analysis of the complex interrelationships at play. What was happening in the Arab world, it was stated, could certainly not be compared to events in other

regions. The situation in the Arab world must be examined closely in view of its uniqueness when considering policy options. The economic prosperity that some countries were fortunately experiencing had led to an attempt to create the best conditions for people while emphasizing human rights, the steadfast basis of which in the Arab world was exemplified in the Islamic Shari'a.

13. The Arab world could, therefore, draw on intrinsic region-specific Islamic laws, principles and values, which had a preventive and deterrent effect in the light of their congruence with the realities of the region. There was a need to safeguard the foundation of Arab society so that, in the process of economic and social advancement, nations could continue to follow their charted courses.

14. The Arab world had witnessed a rapid development process in many fields, which had generated great resources and opportunities for prosperity and happiness and an active and fuller role in social and economic life for the individual. In the region, vast resources were being allocated to national development activities, raising the standard of living and the quality of life in many ways for the individual, the community and the society as a whole. Governments were able to make considerable progress in the economic and technological domains (e.g. industrialization, urbanization, computerization, mass media) as well as in social spheres (e.g., provision of comprehensive services). Moreover, opportunities and benefits were being extended to all sectors of the population, which enthusiastically embraced them.

15. The mass participation of society at all levels in national initiatives, in fact, was encouraged. The importance of the contributions of certain strata of the population, especially women, who had been on the fringe of national development activities, had been recognized, and they had been integrated into the mainstream of socio-economic life.

16. In the experience of the region, development had many positive aspects but many negative ones as well. The great leap forward for economic advancement and social progress and the resultant better standard of living and greater opportunities for participation in national life had spotlighted crime and had, in fact, increased some types of traditional and non-traditional criminality, especially when development was not properly planned and implemented.

17. Although the crime rates of countries of the region were relatively low, changes were occurring. Crimes against the person, property-related and morals offences were part of the criminal activity of countries of the region. Juvenile delinquency and drug abuse were mentioned as problems on the horizon in certain countries. It was noted that crimes of violence had increased in many parts of the world, creating a situation which endangered security and the quality of life for many societies.

18. Along with development came the transformation of society and changes in the conduct of daily life, social relations, values and morals. In particular, the family had been greatly affected by socio-economic and cultural change, and in many countries it was in crisis because, in fact, the family was in the process of disintegrating.

19. The family was subject to criminality, as well, in this context. The phenomenon of violence in the family (i.e., against women and children) was becoming a problem of serious proportions. Although it was not a common practice in this region, there was a need to focus on the phenomenon from the viewpoint of Arab reality and culture. The Arab world had the fortune of strong family coherence and Islamic values which served to strengthen family ties. The view was strongly held that the negative values that could contribute to the disintegration of the Arab family had to be neutralized at all costs so as to avoid the problems experienced in other parts of the world. The representative of ECWA emphasized that development in many cases lead to social dislocation and disturbances; society needed to foresee and plan for them.

20. As people were the target of development, the extent to which developmental norms responded to and were consonant with the needs of the Arab people had to be carefully examined. It was considered counter-productive to attempt to catch up with Western society by copying industrial development, along with its social ills, and blindly adopting its values as a model. While economic advancement was necessary to close the economic gap, social replication was not advisable in view of divergent cultural conditions.

21. Although some countries were free from some of the most serious forms and dimensions that crime had assumed in other parts of the world, the region could not ignore what was going on elsewhere, which, perhaps, sounded an alarm for the future. The Arab region had to guard against the potential dangers at the outset and safeguard the values of Islam which formed the basis of Arab society.

22. In view of the enormous social and material costs of crime, national crime prevention and criminal justice agencies needed to respond in a consistent, effective and humane way, based on a scientific approach to the problem and with co-ordinated efforts. The relevant institutions and competent authorities were faced with a considerable challenge in this regard.

23. The participants stressed the importance of regional co-operation. A special scenario in the region was needed for operations in this field, within the context of United Nations activities. The countries of the region wished to have maximum benefit from the relevant work and contributions of the United Nations and other organizations and institutes operating at the interregional, regional and subregional levels. They were particularly interested in research and policy options in crime prevention and the treatment of offenders, against a background of rapid economic growth and social change, as well as the training of personnel from all sectors of the criminal justice system, in order to deal effectively with the resultant problems.

24. It was the unanimous view of the countries represented at the Meeting that there was a great need in the Arab region that was not being addressed, namely that of an integrated, scientific regional framework for training, research and study in the field of crime prevention and criminal justice. Reference was made to the activities being carried out by existing Arab organizations and institutes active in the field of crime prevention and the treatment of offenders, in particular the Arab Security Studies and Training Centre at Riyadh, Saudi Arabia.

25. To facilitate regional co-operation between Arab countries in this field and to provide necessary training for criminal justice personnel (administrators and judges, police and corrections officials, prosecutors and social workers) and to conduct research, convene seminars and disseminate information, the United Nations, in close co-operation with the League of Arab States and its specialized bureaus, was urged to establish a United Nations Arab regional institute for the prevention of crime and treatment of offenders. In that connection, reference was made to the First Meeting of Heads of Arab Penitentiary Establishments, held at Baghdad in 1981, at which over 15 Arab countries, the United Nations Crime Prevention and Criminal Justice Branch and the Pan-Arab Organization for Social Defence were represented. At that Meeting, it was recommended unaminously that such a regional institute be established, and the United Nations and the Pan-Arab Organization for Social Defense of the League of Arab States were requested to take steps in co-operation with each other towards that end. Furthermore, a second such meeting, which was held in Morocco in 1982, reaffirmed that recommendation. An essential consideration in that recommendation was to seek means of training in order to enhance the effectiveness of personnel and to promote the exchange of information and experiences in this field so much needed within the region. As the contributions of Arab States had not been less than those of other regions, the benefits should be compatible with their needs in this field, as expressed in various fora. The guidance of the Committee on Crime Prevention and Control on questions relating thereto was sought.

26. In discussing the crime problems of the Arab region, it was stated that international crimes of violence against the Palestinian people committed through Zionism were the gravest. Genocide, torture, imprisonment and deportation for political reasons were being employed against the Palestinians. One representative stated that the fight for the legitimate rights of peoples should not be interpreted as international terrorism: some were forced to opt out of the legal system in order to defend their rights because their fundamental liberty and freedom had been suppressed.

27. The representative of the Committee on Crime Prevention and Control, at the end of the discussion on this topic, emphasized that the influence of development on crime was one of the most important subjects of the Meeting. Crime sometimes was the income tax of development, he explained, and was often a reflection of change occurring in society, a sign of progress and movement, from which society benefited. Society was in a state of transition. The values once governing the community had been shaken and, in some cases, were no longer valid; some members of society had difficulty in accepting the new situation while others welcomed it, not wanting to adhere to what had been accepted by previous generations. This was particularly true in the case of youth, who were often the first to respond with delinquency, which was viewed by society at large as maladjustment. In fact, youth values were no longer built only on those of the family but also on factors extraneous to their immediate environment (e.g., mass media, entertainment). The solution was not simply to remove the young from the influences that transformed behaviour patterns in the world of today. It was necessary to cope with them and to find ways and means of preventing alienation from and of getting closer to the young generation. Social services provided a bridge in this regard. One way to strengthen the lines of defence against youth criminality was to provide opportunities for youth to channel their energies in a direction that would not confront and be hostile to society (e.g., through education, employment

opportunities, leisure and cultural activities). This was the common front with which society could attempt to overcome juvenile delinquency. In that connection, Islamic countries had the benefit of a special unifying religion which constituted the basis of everyday life and acted as a deterrent to juvenile delinquency and to be governed by the Shari'a, which allowed flexibility to move along with concurrent development at change.

28. The representative of the Committee pointed out that, as early as 1970 when the Fourth United Nations Congress was convened at Kyoto, policies for social defence were linked with development. An evaluation component was incorporated in a number of development projects in order to examine their criminogenic side-effects. At that time, as well as at present, experts in the criminal sciences had difficulty in communicating the dangers of development and change to experts in other disciplines, resulting in an inability to link crime prevention with broader economic and social policies at the national level.

29. Attention was drawn to the fear of crime which prevailed in modern life in many societies. Crime was dangerous, regardless of its quantity, because of the heavy toll it took on the quality of life. It certainly had the potential of spreading terror comparable to the fear of nuclear war even in the most secure societies. Today crime, in its multifarious forms, had been able to penetrate all walks of life. Every society had its own characteristic crime problems. Although society had made enormous progress in the spheres of science and technology, it remained relatively backward in dealing with crime.

Guiding principles for crime prevention and criminal justice
in the context of development and a new international economic order

30. The Executive Secretary of the Seventh Congress stated that the draft guiding principles had been prepared by an expert group meeting convened earlier in 1983, pursuant to General Assembly resolution 36/21 of 9 November 1981. He further stated that, on the basis of the comments and observations made by the regional preparatory meetings, the draft principles would be improved and submitted to the Committee on Crime Prevention and Control for consideration and to a meeting of eminent persons for further elaboration. He noted that the guiding principles would constitute one of the key issues of the Seventh Congress. They sought to order the knowledge in crime prevention and criminal justice by relating the progress that could be achieved in this field to the socio-economic, cultural and political development in each country and to the new international economic order, while stressing the importance of international co-operation. The United Nations had sought to assist in ensuring a safe, secure and just society that would permit the full development of human potential. For that reason, crime had to be reduced and justice ensured. Crime meant suffering, both for the victim and for the offender, a loss of human and social values and material loss. In conclusion, the Executive Secretary stressed the importance of administering justice in a fair and equitable way in order to protect the dignity of all human beings. Action at the national, regional and international levels was needed to ensure that crime prevention, justice and equity became a more universal basis of criminal policy and development planning.

31. In considering the guiding principles annexed to the discussion guide, the Meeting endorsed the general principles contained in the draft and emphasized its value and comprehensiveness. The efforts of the Secretariat were commended in that regard. However, the principles required further elaboration, improvement and additions. The wish was expressed that the comments and views of the participants on the principles would be incorporated in the draft. An appeal was made to the United Nations to review what was happening in the world and, in that connection, to standardize the principles for world-wide applicability, reflecting also the principles of the Islamic Shari'a.

32. It was pointed out that the concept of sexual equality was missing in the draft principles. Since the principles were to ensure full protection without discrimination, special provision had to be made in the draft. It was therefore recommended that a new principle be added which guaranteed equal rights for women and the fair and equal treatment of women by criminal justice systems. This was in line with the principles of United Nations covenants and instruments and in accordance with those of the Islamic Shari'a.

33. Within the framework of the above general observations, the following specific points were made on a number of principles:

Principle 17. An integrated approach to overall development planning should be based on short-, medium- and long-term objectives

Principle 20. Human aspects should be reflected in crime prevention and criminal justice planning

Principle 21. Encouragement of local research potentials should also be included to increase capacity for crime prevention and control

Principle 22. Due attention should be given to the avoidance of negative consequences resulting from rapid social, economic and cultural change, including criminality

Principle 36. Mention should be made of the importance of abolishing discriminatory practices also based on sex or race

Principle 38. There was a need to clarify the role of the United Nations in codifying international criminal law

Principle 39. The idea of accepting a universal criminal jurisdiction should be clarified in order to find a correct interpretation of the term

Principle 44. Co-operation should be strengthened to combat criminality at the international level

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

34. The Executive Secretary of the Seventh Congress, in introducing topic 2, pointed out that it was concerned primarily with criminal justice as a system and the evaluation of its performance as such, taking fully into account the need to ensure the protection of human rights. Emphasis was placed on a systematic approach to the administration of justice that would satisfy the need for more effective co-ordination of the activities of the various sectors and ensure greater consistency, while maximizing the potential for its adaptation to changing external circumstances. In the process of socio-economic change in which various factors interacted, the agencies of the criminal justice system and their respective personnel might not be equipped or prepared to respond in an effective way. In that context, the importance of personnel training, further scientific research from a more comprehensive viewpoint and the exchange of information was stressed. In conclusion, it was emphasized that the Meeting could make a significant contribution to a sound assessment of the activities of the criminal justice systems in the Arab region and of the successes thus far achieved - as well as the failures experienced - with a view towards improving strategies for effective crime prevention and an efficient, fair, equitable and humane criminal justice response.

35. It was pointed out that this topic had attracted considerable attention of countries of the region, as evidenced by the representation of authorities from the different sectors of criminal justice systems in the official delegations to the Meeting. It was recommended that delegations to future regional meetings and to the Seventh Congress itself might comprise experts from all sectors operating in crime prevention and criminal justice.

36. The use of Arabic in interregional preparatory meetings was considered essential to ensure the effective contribution of the Arab States. Furthermore, reference was made to the importance of inviting Arab experts to participate in those meetings.

37. A number of countries reported that most legislative reforms in the region had kept abreast of developmental change, both in economic and social terms, especially in the area of juvenile delinquency.

38. The fair and equitable treatment of certain segments of the population, in particular, women, youth and minorities, should be ensured at all stages of criminal and juvenile justice administration. Also, particular attention had to be given to special problems encountered in that regard. In the Arab world, all citizens were equal and therefore were entitled to equal protection under the law, in accordance with the Islamic Shari'a. However, this legal principle was not being applied in other parts of the world. Females and the young were being exploited, both as victims and as offenders. Special programmes and policies should be employed to provide a means solving this situation.

39. The criminal justice system was unique in every society. While major studies had been made in many fields, effective alternatives had thus far not been found to prevent and control crime. It was imperative that scientific studies be carried out in the Arab world in order to shed light on the interrelationship between crime and socio-economic, demographic and cultural changes (e.g., standard of education, income, social situation). The role of the United Nations in this regard was considered an important one.

40. Some of the participants emphasized that the role of the citizen in preventing crime was important. Community participation, especially with the full involvement of women and youth, should be encouraged in attempts to prevent crime and ensure social justice. There were some difficulties, however, in ensuring effective public participation in crime prevention and criminal justice, especially as practitioners. This was particularly relevant in the case of the police, who, in the performance of their functions, were affected by such factors as public image, status and salary level. Such issues needed to be highlighted and better understood and studies should be carried out at the national and international level so as to eliminate some of the barriers separating the police from the public.

41. The relationship between law education and culture was discussed. It was suggested that further development of law education and increased public awareness about the law might reduce conflict with it. The representative of ECWA stated that law consciousness was a useful tool for the participation and enlightenment of all sectors of society and should be an integral part of general cultural education.

42. The role and responsibilities of criminal justice personnel, as well as the requisite preparation and understanding for the performance of tasks, had drastically changed over the last decade, along with socio-economic development. Thus, greater attention had to be given to the qualifications, training and selection of criminal justice personnel. In addition, the emergence of human rights considerations necessitated a special kind of action. The task of criminal justice personnel, especially the police as the gatekeepers of the flow of criminality, was a difficult one and should not be overlooked. To meet the challenges required in the performance of their increasingly multifarious duties, they had to be professionally equipped and well-grounded in their work. It was agreed that comprehensive, global, scientific study was needed in this field. It was further agreed that there should be greater use of statistics as an indicator and tool for crime prevention and control strategies and the extensive research should be conducted on possible interrelationships between crime and socio-economic and cultural realities in order to contribute to more effective performance of criminal justice operations.

43. Some participants recommended that professional female personnel be employed in all sectors of the criminal justice system, especially to deal with juvenile delinquents. Discriminatory practices on the basis of sex in the selection, appointment and advancement of criminal justice personnel should be avoided. An assessment of the situation relating to discriminatory practices within the criminal justice system should be made by the United Nations at the international level.

44. The approach to the treatment of offenders in correctional institutions had to be based on scientific measures and humanitarian principles. In that connection, the use of force and corporal punishment should be limited. Modern technology, expertise and research should be at the disposal of correctional institutions. In addition, these institutions had to be in consonance with the social and cultural environment, and foreign models should not be adopted blindly.

45. The recommendation was made that the United Nations should increase technical assistance activities and strengthen its capacity to provide advisory services in the region to assist Member States on aspects related to the effective functioning of criminal justice systems and the performance of their personnel in relation to development issues. Countries expressed their intention of including aspects of crime prevention and criminal justice policies in their overall development planning, especially with respect to the training of personnel.

46. The United Nations interregional adviser in the area of crime prevention and criminal justice, who had already rendered advisory services to countries of the region, was called upon to provide information on the nature of services provided to Member States at their request. The interregional adviser reported that, in 1982, over 40 countries of the world had requested services, and some advisory missions were completed. As a result of problems in this field, a number of Member States had incorporated in their national development plans a chapter on crime prevention and criminal justice. In fact, some had insisted on giving this sector a priority role in formulation of national development policies. In many countries, a special agency was established at the national level for intersectoral co-ordination. The interregional adviser pointed out that the four previous regional preparatory meetings had recommended strengthening the capacity of respective national development programmes in the area of crime prevention.

47. The Meeting unanimously recommended that the United Nations establish a post of regional adviser in the area of crime prevention and criminal justice to service the Arab region.

48. At the end of discussion of the topic, the Representative of the Committee on Crime Prevention and Control stated that there was a need to improve the quality of criminal statistics, as a prerequisite for the formulation of sound juvenile and criminal justice policies. In that connection, co-operation among the research-oriented institutes active in this field should be strengthened. He gave an account of the relationship between advanced technology and crime and criminal justice. For personnel, especially the police, there was a need to develop a high level of capability to cope with sophisticated forms of crime which made use of modern technology (e.g. computers).

C. Victims of crime (topic 3)

49. The Executive Secretary of the Seventh Congress, in his introduction to topic 3, pointed out that the subject was related to the recommendations made by the Sixth Congress concerning crime and the abuse of power as well as, to some extent, the various measures aimed at compensation for incurred damages or injuries. He stressed the fact that the United Nations approach in dealing with the status of victims of crime emphasized the implications for preventive and remedial action. Victimization was a widespread problem encompassing many aspects of economic and social life. There could be victimization by individuals, organizations, transnational and national companies and official institutions, including criminal justice systems. He added that it was sometimes difficult to identify victims and assess the degree of harm incurred, particularly when groups of victims were involved. He concluded by

stating that the countries of the ECWA region were in a unique position to share their experiences on the provision of assistance to victims and that countries from other regions might benefit greatly from the results of their deliberations on the topic.

50. The discussion began with a review of the many different types of victims within the context of the modern concept of victimology. Collective victimization, it was stated, reflected one of the largest and gravest dangers, to the extent that it included the destruction of whole segments of the population on political grounds. It included internationally recognized crimes that were currently being discussed in international forums including the United Nations, such as the criminal victimization of Africans under apartheid and of Palestinians in occupied territories. The view was expressed that the United Nations should take more effective measures than mere verbal condemnation of such practices and should accord greater attention to these issues at the international level.

51. Another category that was discussed at length was the victimization of populations groups, namely, women, the young and the aged, all of whom were corner-stones of society. These groups were most exposed to crime by virtue of their vulnerability and lack of full rights and protection in many societies. Violence against women and children, especially within the family, was viewed as a serious problem. Comprehensive studies were required to show the real status and situation at the international level, as well as ways and means of adopting special approaches for prevention, care, services and protection. The United Nations was called on to conduct extensive scientific research, from a criminological perspective and a multidisciplinary approach, on violence against women and children. Furthermore, the prevalence of exploitation of and trafficking in women in many countries was recognized as a serious problem that required concerted regional action. It was noted that the mass media played a contributing important role in giving prominence to violence against and abuse and exploitation of women, which tended to promote such undesirable practices. It was recommended that this aspect of the problem should also be explored in depth by the United Nations.

52. Many persons suffered great material, physical and psychological loss as the result of victimization by criminal justice systems, particularly in the form of arbitrary detention, long or indeterminate periods of detention without trial, torture and execution. The view was expressed that the State should be held responsible for compensating victims of the arbitrary abuse of power by public authorities, although it was extremely difficult to determine the type or degree of compensation to victims or their families. Compensation need not be viewed in the strict financial sense but in the context of provision of necessary services (e.g., psychological, medical).

53. In most legislation, the greatest possible number of guarantees were provided for the victimizer (e.g., the appointment of a defence lawyer etc.), while the victim enjoyed the least possible provision for protection by law. It was necessary to designate someone to represent the rights of the victims and, on their behalf, explain the suffering that they had undergone. One of the well-established principles of the Islamic Shari's provided for the compensation of victims or their families by the State for the loss incurred or the harm arising out of the loss.

54. The special, intricate relationship between the victim and the victimizer was discussed. It was noted that the victim did not always play a passive role in the commission of crime but, sometimes, played an active or provocative role. In some legal systems this was taken into account as a mitigating factor. In that connection, the need for global studies by the United Nations in the area of victimology was stressed.

D. Youth, crime and justice (topic 4)

55. The Executive Secretary pointed out that the subject had been of concern to the United Nations ever since its founding. States Members of the United Nations, however, had viewed the question as a matter of international priority for some time. The Sixth Congress had recognized the intimate relationship between the socio-economic development of nations, the participation of youth in the mainstream of national life and the problems of youth criminality, justice and humane measures for the treatment and handling of youth in conflict with the law. The fact that the Seventh Congress would coincide with the International Youth Year gave considerable weight to the importance of this topic in the international arena. The discussion of topic 4 at the Seventh Congress and the resultant recommendations and resolutions, therefore, would likely make a crucial contribution, not only to the International Youth Year but also to the creation of a more humane, just and peaceful future for future generations.

56. All nations faced the problem of preparing youth to become adults responsible for the process of building and preserving national development, although some societies had been more successful than others in that respect. The United Nations Secretariat invited information on the experiences of countries in the Western Asia region.

57. Although at the global level, youth crime had not reached crisis proportions, the situation was critical in several parts of the world. While not a major problem in some countries, youth crime was a matter of considerable concern in others. There were both divergences and common features of the phenomenon. As regards divergences, youth were resorting to crime for a variety of reasons. In many countries, the young were experiencing a sense of alienation and inability to participate in the mainstream of national life. This was aggravated further by the inability to engage in meaningful, productive activity. In some countries with highly regulated life-styles, youth criminality might be regarded as a response to a system that deprived youth of excitement and adventure and of the genuine opportunity for self-expression. In many countries, youth crime might be traced to expectations that education, the mass media, entertainment and leisure appeared to offer but that proved to be unattainable.

58. In recent decades, the world has witnessed an enormous increase in its youth population, which in many third world countries already amounted to more than half of the population. Simultaneously, the opportunities for gainful employment have sharply decreased, in particular for young newcomers to the labour market. That alarming fact, coupled with a certain degree of vulnerability to criminogenic influences, which was characteristic of youth, had increased the risk of their marginalization from the mainstream of socio-economic and cultural life. Without the participation of the young, there was no possibility of development and progress and therefore no future

for humankind. Meaningful and comprehensive policies aimed at providing economic and educational opportunities, services and programmes for the young therefore deserved high priority in national, regional and international planning initiatives.

59. The United Nations was undoubtedly concerned about the dangers of youth involvement in drug abuse, a particularly damaging phenomenon, especially during their formative years, and about the very great influence of the mass media on the young.

60. It was agreed that the topic was of great importance to the region and that any issue related to youth should be accorded greater attention than others. There was no doubt of the paramount role of youth in the socio-economic, cultural and political development of societies, which relied heavily on their contributions to national life.

61. Reports by various delegations indicated regional similarities in the role of youth, the approach to child rearing, policies for the care and protection of the young, programmes and services provided and institutional and other reforms in this regard, as well as the difficulties and obstacles encountered in responding to their needs. The family was the first school where children learned the necessary principles and values for their social, moral and educational upbringing, as derived from the Islamic Shari'a in the Arab region.

62. It was a national duty to provide the young with means for their proper development, including a wide range of opportunities for their participation in society and nation building in order to lay a sound foundation for the future. Religion provided necessary values for this. Other regions might benefit from the fruits and achievements of the comprehensive and unique approach of the Arab world to character-building. It was noted that the mass media were utilized in the region as an educational instrument for strengthening moral standards, in accordance with social principles.

63. The young in many societies failed to make proper use of their leisure time and energy and, in many instances, turned to the mass media for entertainment and inspiration. Violence in some of its forms was given some prominence in the media. This seemed a contributing factor to the adoption of deviant behaviour patterns among the young. Some delegations noted that the mass media were often profit-oriented and exacted a tremendous social cost at the expense of the moral values of the young. One appropriate response of society to the problem was to re-emphasize traditional religious values that were strong in the region.

64. Crime among the young had thus far not been a serious problem in the region, females representing a minority of offenders, though the situation was changing in both respects. In recognition of the experiences of other regions and the implications for the Arab world, measures to prevent and control youth crime and delinquency at the national, regional and international levels needed to be explored in depth. The United Nations was called upon to co-operate with countries of the region to prevent juvenile delinquency before it became a serious problem.

65. The use of drugs by youth, was regarded as one of the grave problems facing modern society. Youth were increasingly taking drugs at an early age, at a time when they should be developing themselves morally and psychologically and shouldering responsibility. Many young people were using drugs as a defence mechanism or as an escape from various constraints in their environment. Although some countries did not have drug problems, they were beginning to emerge in others. Drugs in their many different and dangerous forms were expanding everywhere. The prevalence of serious forms of drugs such as heroin was a matter of particular concern for the future of the young generation. A major contemporary development was the production of different forms of purely synthetic substances which had expanded the scope of the international drug market.

66. Special legislation had been adopted to deal with the problem of drugs in some countries, and an attempt had been made to take a treatment rather than a purely penal approach to drug abuse by the young. However, a heavy penalty, even execution, for trafficking in drugs was being imposed in some countries.

67. The participants discussed the relationship between youth and extremist activities in the modern world. Youth were often misled by blind fanaticism, rejected those who held different opinions and engaged in violence even to the extent of shedding blood under the guise of religion. It was stated that, in reality, such outbreaks of violence might have had nothing to do with religion but were the result of psychological or economic problems which had compelled youth to resort to violence, refusing to accept the principles of society, law and justice.

68. The relationship between youth and the police was an aspect that had not been given sufficient attention. More in-depth study of the question was called for, and it was pointed out that in many societies the police were making attempts to improve their image among the young.

69. It was agreed that youth in conflict with the law had to be dealt with in a special manner, with a particular approach and philosophy. Attempts to adopt a treatment- and prevention-oriented policy in order to avoid penal sanction and punishment should be made. In the case of extreme penalties, such as capital punishment, diminished criminal responsibility was recommended in certain circumstances. Furthermore, criminal justice personnel should be specially trained in dealing with juvenile delinquents.

70. The different forms of exploitation of children and the need to ensure the protection and security of children were discussed. In that connection, one representative drew the attention of the participants to the seriousness of sending children to war. He reported that a large number of children under the age of 14 had been captured in the armed conflict in which his country was involved at that time. The Red Cross was requested to intervene in order to obtain the unconditional return of those children to their families. An appeal was made to the Meeting to condemn such practices in order to protect children from the negative repercussions of war.

71. The need for regional and interregional co-operation was emphasized, and it was agreed that the United Nations had an important role to play in assisting Governments of the region in the formulation of policies relating to social justice for youth, especially in the context of the International Youth Year. It was agreed that the United Nations had played a crucial role in

emphasizing the importance of special care and protection for the young and the need for the humane treatment of those in conflict with the law, so as to ensure their proper development, especially at an early age, and eventual positive contribution to society. It was stated that tolerance on the part of society in dealing with youth depended to a considerable degree on what countries could invest in terms of expertise and finance.

72. In that connection, the representatives of ECWA made reference to the report of the regional preparatory meeting on the International Youth Year (E/ECWA.SDP/CONF.1/4/Rev.1), convened by ECWA in October 1983, in co-operation with the secretariat for the International Youth Year of the Centre for Social Development and Humanitarian Affairs and highlighted the efforts made in the field of youth in the ECWA region. Furthermore, he elaborated on the plan of action for the International Youth Year at the national, regional and international levels, the implementation of which might help alleviate some of the problems of youth crime experienced in the region.

Standard minimum rules for the administration of juvenile justice

73. The Executive Secretary of the Seventh Congress invited the participants to examine the question of United Nations standard minimum rules for the administration of juvenile justice, which were important in protecting the fundamental human rights of juveniles. It was recalled that the Sixth Congress, in its resolution 4, had requested the Committee on Crime Prevention and Control to develop such rules for consideration by the Seventh Congress, with a view toward possible adoption.^{1/} These rules had to be sufficiently flexible in order to be applicable in widely different social, political and cultural systems throughout the world, so as to serve as a useful model for interested Member States. The participants were invited to provide the United Nations with comments and recommendations on the draft proposed by the United Nations Asia and Far East Institute for the Prevention of Crime and the Treatment of Offenders (UNAFEI), in accordance with the regional approach, philosophy, law and practice relating to juvenile justice.

74. Upon careful examination of the proposed rules, the participants noted that they did not contain a provision for the fair treatment of female offenders at all stages of the juvenile justice process. As the rules should be a comprehensive model and should provide minimum standards of protection, in accordance with the mandate of the Sixth Congress as endorsed by the General Assembly, they must attempt to preclude discriminatory practices against females, in line with the principles embodied in a number of universal instruments. In that connection and in accordance also with the legal doctrine of the region, it was proposed that the rules clearly enunciate the requirements of fair treatment and handling of female juveniles in conflict with the law and the provision of specific services and facilities for them. Thus, a separate rule covering this important aspect was recommended.

75. It was also considered necessary that a rule be explicitly incorporated on the use of female personnel throughout the juvenile justice system, whenever possible. In particular, female personnel would be the appropriate choice for the handling of female juveniles in conflict with the law, especially in the police force, as the point of first contact.

76. The view was expressed that a rule might be added to provide for the establishment of expert committees to decide on policies relating to the treatment and handling of juveniles in conflict with the law.

77. The attention of the participants then focused on other principles they felt needed to be amended, revised or elaborated upon in the proposed rules. In particular, the participants expressed considerable interest in the rule governing the death penalty as a sanction for juvenile offenders. There was full agreement that the question in general and the relevant rule in particular required further examination. It was pointed out that countries of the region had made considerable efforts and progress towards adopting a more humane approach to the treatment and punishment of juvenile offenders, particularly in the case of females, and, in fact, many countries had completely abolished the use of capital punishment for juvenile offenders. Thus, it was recommended that definitive abolition of the sanction and not merely restriction of its use in the case of juvenile offenders should be clearly spelled out in the rules.

78. The rule that recommended as a principle that criminal responsibility should not be fixed at too low an age aroused considerable discussion. The view was expressed that a definite age limit should be set; however, agreement on a specific "age" limit appeared quite difficult owing to differences in the legislation of various countries. Further study of this question and the relevant principle relating to it was recommended.

79. The use of the term "youth crime" was discussed. As the term "youth", as defined in the context of the International Youth Year proclaimed by the United Nations, was meant to encompass persons up to the age of 24, application of the rules should not be extended to that age category.

80. The necessity of a thorough examination of personality factors prior to adjudication was emphasized.

81. At the end of the discussion and in light of the views expressed by the participants, the proposed UNAFEI draft rules were unanimously endorsed in principle by the Meeting. It was stated that, although some of them were already being implemented by the countries of the region, efforts would be made to implement the remainder of the rules if adopted by the Seventh Congress.

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

82. The Executive Secretary of the Seventh Congress, in his introduction of topic 5, noted that it reflected the long-standing concern of the United Nations with the humanization of criminal justice, with a view to securing and preserving the dignity of all those who came into contact with the criminal justice system. It derived directly from the recommendations and resolutions of the Sixth Congress, including those on alternatives to imprisonment, the development of measures for the social settlement of the prisoners, the transfer of foreign prisoners, a code of conduct for law enforcement officials and human rights instruments and their implementation for prisoners. In accordance with the recommendations made by the Committee on Crime Prevention and Control at its seventh session, the discussion of this item could include:

(a) A review of existing standards;

(b) An assessment of the impact achieved and of the difficulties encountered;

(c) The need for the formulation of additional standards;

(d) Further study of the question of death penalties that did not meet the acknowledged minimum legal guarantees and safeguards.

83. Concerning the question of foreign prisoners, efforts were under way to prepare a model agreement for the transfer of offenders, with a view to submitting it to the General Assembly as soon as possible. A draft model agreement had been formulated by the Vienna Alliance of Non-governmental Organizations on Crime Prevention and Criminal Justice in 1983 and was further elaborated at a meeting of experts held at Siracusa, Italy, in January 1984.

84. It was reported that new laws had been enacted, taking into account social, economic and cultural circumstances, in order to apply the principles contained in the Standard Minimum Rules for the Treatment of Prisoners to juveniles. In certain areas, however, certain principles of the laws enacted were considered to be more advanced than those in the rules themselves. In one case, a supervisory committee was established to oversee all rehabilitation programmes and services within correctional facilities, taking into consideration the availability of resources and expertise. Religious education and training were emphasized in that context.

85. A variety of alternatives to imprisonment was being used and explored in a number of countries, in line with the position of the United Nations in this area and, in particular, in accordance with the recommendations of the Sixth Congress. Countries of the region were making genuine attempts to find substitutes for prisons in general, as far as could be provided for under the law. Where prisons were needed, however, they were equipped where possible with extensive modern facilities, technology, services and programmes, with a view to improving the human condition in prison. Emphasis was placed, in this context, on ensuring human rights and the dignity of the individual as well as on providing opportunities for rehabilitation and reform.

86. It was noted that females in prison had special problems and were in need of particular services. Thus, special provision had to be made for them in order to satisfy the requirements of humane treatment. Furthermore, great attention was needed to guard against the possibility of their victimization while in official custody. The study of preventive measures was recommended.

87. With reference to the model agreement on the transfer of foreign prisoners, it was noted that further studies were needed for reaching common agreement on general principles that could be applied at the regional level.

88. Several delegations favoured the idea of solving some of the problems involved in the imprisonment of foreign offenders by entering into bilateral agreements for return to their country of origin. However, certain conditions for reciprocal treatment had to be met. Others expressed the view that the concept itself contravened basic precepts of the sovereignty of the State and would be unfair in many cases since the definition of crime was not universal.

89. In discussing the use of capital punishment, several delegations stated that it was necessary to maintain the death penalty in accordance with the Islamic Shari'a. However, the penalty should be imposed only after a fair trial with complete legal safeguards and guarantees. It was noted that the Shari'a was the reference point in the Arab world for dealing with the offender, from the time of commission of the act to the imposition of the punishment, which varied with the type and circumstances of the offence.

90. It was recommended that there should be a wider dissemination of United Nations standards and guidelines, in Arabic and other languages, so that all regions of the world could fully benefit from this information. It was also recommended that the United Nations and its regional institutes should arrange seminars and courses in order to enhance awareness and understanding of human rights principles. Member States needed some flexibility in the implementation of United Nations standards and norms, in light of economic and other constraints; in that connection, the United Nations should explore ways and means of providing assistance.

II. REGIONAL CO-OPERATION

91. The participants discussed modalities for truly effective regional co-operation, based on the recommendations of the Sixth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, particularly its Caracas Declaration, which emphasized the importance of strengthening regional co-operation in the field of crime prevention and the treatment of offenders, "taking into account the specific needs of each region, including the establishment of institutes for research, training and technical assistance in those regions which lack such bodies", in order to facilitate international co-operation in this field (General Assembly resolution 35/171, annex, para. 9).

92. The activities and achievements of existing institutes in the field of crime prevention and the treatment of offenders, those of the League of Arab States and of the United Nations, were considered particularly important in this regard. However, it was the view of the participants that the region was in need of a scientific framework at the regional level, which would facilitate the exchange of information and experiences and assist the countries of the Arab World in this field.

93. Thus, at the conclusion of its deliberations, the Meeting unanimously adopted a draft resolution, sponsored by the representatives of Bahrain, Democratic Yemen, Kuwait, Iraq and Yemen, which called for the establishment of a United Nations Arab regional institute for the prevention of crime and the treatment of offenders, in co-operation with the League of Arab States. The text of the resolution is presented below.

Resolution on the establishment of a United Nations Arab regional institute for the prevention of crime and the treatment of offenders

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

Considering that Arab countries are experiencing a rapid economic and social change,

Aware that, as a result of these changes, many Arab countries have been affected by an increase in certain types of criminality,

Conscious of the fact that attempts are being made in the Arab region to encourage regional co-operation in the field of crime prevention and criminal justice,

Recalling the Caracas Declaration, adopted at the Sixth United Nations Congress on the Prevention of Crime and the Treatment of Offenders and endorsed by the General Assembly in its resolution 35/171 of 15 December 1980, in which the need for strengthening efforts and activities at the regional and subregional levels in crime prevention and criminal justice was emphasized,

Recalling also Economic and Social Council resolution 1979/20 of 9 May 1979 on technical co-operation in crime prevention and control, in which the Council stressed the importance of promoting further collaboration in the field of crime prevention and the treatment of offenders at the regional and interregional levels,

Recalling further the recommendation made by the First Meeting of the Heads of Arab Penitentiary Establishments held at Baghdad, Iraq, from 9 to 13 November 1981, concerning the possibility of establishing an Arab institute specializing in training and in the improvement of the work of penitentiary establishments,

Aware that the United Nations has established regional institutes for the prevention of crime and the treatment of offenders in other regions of the world,

Conscious of the need for the immediate establishment of a United Nations Arab institute for the prevention of crime and the treatment of offenders,

1. Requests the Secretary-General of the United Nations to take appropriate measures, in co-operation with the League of Arab States and its specialized bureaux, to establish a United Nations Arab regional institute for the prevention of crime and the treatment of offenders,

2. Recommends that the institute perform, inter alia, the following functions:

(a) Train criminal justice personnel, including policy-makers, judges, prosecutors, lawyers, police and corrections officers and social workers, with a view towards raising the level of efficiency and enhancing the effectiveness of their performance, placing particular emphasis on a system-wide, integrated approach;

(b) Assist Member States of the region to develop and strengthen their capacity, at the national level, in the area of crime and criminal justice data bases;

(c) Provide technical assistance and technical advisory services to Member States of the region in the field of crime prevention and criminal justice;

(d) Conduct research and to organize seminars, symposia and training courses on priority issues in the region, particularly in relation to crime in the context of overall social and economic development;

(e) Serve as a "clearing house" for the collection, analysis and dissemination of data and facilitate the exchange of information in this field, at the subregional, regional and international levels.

III. ADOPTION OF THE REPORT AND CLOSING OF THE MEETING

94. At the final session, the draft report was introduced by the Rapporteur and, after consideration by the participants, was adopted unanimously by the Meeting.

95. Closing statements were made by the Chairman, the Rapporteur, the Representative of ECWA and the Executive Secretary of the Seventh Congress. On behalf of all the participants, appreciation was expressed to the Government of Iraq for its efforts, co-operation and hospitality, to ECWA for its efficient services and substantive contributions and to the representative of the Committee on Crime Prevention and Control for his valuable comments.

96. On behalf of the delegations represented at the regional meeting, the United Nations Secretariat was commended for its efforts at the Meeting and the excellent quality of the documentation submitted to the Meeting and for its work in the field of crime prevention and criminal justice in general.

Note

1/ Sixth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Caracas, Venezuela, 25 August - 5 September 1980, Report Prepared by the Secretariat (United Nations publication, Sales No. E.81.IV.4), pp. 7-8.

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: report of the Secretary-General

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:87/7

Deinstitutionalization of corrections and its implications for the residual prisoner: 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 prepared by the Secretariat

A/CONF.87/10 and Corr.1

New perspectives in crime prevention and criminal justice: working paper prepared by the Secretariat

A/CONF.87/11 and Add.1

Implementation of the Standard Minimum Rules for the Treatment of Prisoners: working paper prepared by the Secretariat

A/CONF.87/12

Principles on linking the rehabilitation of offenders to related social services: 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

A/CONF.121/RPM/1 and Corr.1 Report of the European Regional Preparatory Meeting on the Prevention of Crime and the Treatment of Offenders

A/CONF.121/RPM/2 and Corr.2 Report of the Asia and Pacific Regional Preparatory Meeting on the Prevention of Crime and the Treatment of Offenders

E/CN.5/1983/2 Report of the Committee on Crime Prevention and Control on its Seventh Session

Annex II

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Dr. Ali Hussein Al-Khalaf, Vice-President of State Legal Council

Abdul Sattar Al-Bazerkan, Member, Court of Cassation

Ghassan Al-Weswasi, General Director, Legal System, Reform Department and
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Saeed Abdallah Al-Kahtani, General Secretary

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PALESTINE LIBERATION ORGANIZATION IN ITS CAPACITY AS A FULL MEMBER OF THE
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UNITED NATIONS BODIES

United Nations Development Programme

UNITED NATIONS COMMITTEE

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