

Seventh Congress on the topic "Formulation and application of United Nations standards and norms in criminal justice", held at Varenna, Italy, in 1984,

*Bearing in mind* its resolution 1986/10, section IX, of 21 May 1986, in which it requested the Committee on Crime Prevention and Control, at its tenth session, to consider measures for the more effective implementation of the Code, in the light of the guidance provided by the Seventh Congress,

*Having considered* the report of the Committee on Crime Prevention and Control on its tenth session,<sup>96</sup>

*Guided by* the desire to promote the implementation of the Code,

1. *Adopts* the Guidelines for the Effective Implementation of the Code of Conduct for Law Enforcement Officials, recommended by the Committee on Crime Prevention and Control and annexed to the present resolution;

2. *Invites* the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders and its preparatory meetings to explore ways and means of stimulating adherence to the Guidelines.

*15th plenary meeting  
24 May 1989*

#### ANNEX

##### Guidelines for the Effective Implementation of the Code of Conduct for Law Enforcement Officials

###### I. APPLICATION OF THE CODE

###### A. General principles

1. The principles embodied in the Code shall be reflected in national legislation and practice.

2. In order to achieve the aims and objectives set out in article 1 of the Code and its Commentary, the definition of "law enforcement officials" shall be given the widest possible interpretation.

3. The Code shall be made applicable to all law enforcement officials, regardless of their jurisdiction.

4. Governments shall adopt the necessary measures to instruct, in basic training and all subsequent training and refresher courses, law enforcement officials in the provisions of national legislation connected with the Code as well as other basic texts on the issue of human rights.

###### B. Specific issues

1. *Selection, education and training.* The selection, education and training of law enforcement officials shall be given prime importance. Governments shall also promote education and training through a fruitful exchange of ideas at the regional and interregional levels.

2. *Salary and working conditions.* All law enforcement officials shall be adequately remunerated and shall be provided with appropriate working conditions.

3. *Discipline and supervision.* Effective mechanisms shall be established to ensure the internal discipline and external control as well as the supervision of law enforcement officials.

4. *Complaints by members of the public.* Particular provisions shall be made, within the mechanisms mentioned under paragraph 3 above, for the receipt and processing of complaints against law enforcement officials made by members of the public, and the existence of these provisions shall be made known to the public.

###### II. IMPLEMENTATION OF THE CODE

###### A. At the national level

1. The Code shall be made available to all law enforcement officials and competent authorities in their own language.

2. Governments shall disseminate the Code and all domestic laws giving effect to it so as to ensure that the principles and rights contained therein become known to the public in general.

3. In considering measures to promote the application of the Code, Governments shall organize symposia on the role and functions of law enforcement officials in the protection of human rights and the prevention of crime.

###### B. At the international level

1. Governments shall inform the Secretary-General at appropriate intervals of at least five years on the extent of the implementation of the Code.

2. The Secretary-General shall prepare periodic reports on progress made with respect to the implementation of the Code, drawing also on observations and on the co-operation of specialized agencies and relevant intergovernmental organizations and non-governmental organizations in consultative status with the Economic and Social Council.

3. As part of the reports mentioned above, Governments shall provide to the Secretary-General copies of abstracts of laws, regulations and administrative measures concerning the application of the Code, any other relevant information on its implementation, as well as information on possible difficulties in its application.

4. The Secretary-General shall submit the above-mentioned reports to the Committee on Crime Prevention and Control for consideration and further action, as appropriate.

5. The Secretary-General shall make available the Code and the present guidelines to all States and intergovernmental and non-governmental organizations concerned, in all official languages of the United Nations.

6. The United Nations, as part of its advisory services and technical co-operation and development programmes, shall:

(a) Make available to Governments requesting them the services of experts and regional and interregional advisers to assist in implementing the provisions of the Code;

(b) Promote national and regional training seminars and other meetings on the Code and on the role and functions of law enforcement officials in the protection of human rights and the prevention of crime.

7. The United Nations regional institutes shall be encouraged to organize seminars and training courses on the Code and to carry out research on the extent to which the Code is implemented in the countries of the region as well as the difficulties encountered.

##### **1989/62. Concerted international action against the forms of crime identified in the Milan Plan of Action**

###### *The Economic and Social Council.*

*Recalling* the Milan Plan of Action, unanimously adopted by the Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders,<sup>91</sup> and resolutions 1 on organized crime, 2 on the struggle against illicit drug trafficking, 22 on crime prevention in the context of development, and 23 on criminal acts of a terrorist character, also unanimously adopted by the Seventh Congress,<sup>90</sup>

*Recalling also* its resolution 1986/10, section I, of 21 May 1986, in which the Secretary-General was urged to accord priority to the development of specific proposals for concerted international action against the forms of crime identified in the Milan Plan of Action,

*Recalling further* General Assembly resolutions 41/107 of 4 December 1986 and 42/59 of 30 November 1987, in which the Assembly called for priority attention to be accorded to the forms of crime identified in the Milan Plan of Action,

*Alarmed* by the marked increase in the transnational dimensions of grave forms of crime and by the comparative impunity enjoyed by the perpetrators of such forms of crime,

*Noting with dismay* the shortcomings of existing international co-operation arrangements and instru-

ments for the prevention of transnational forms of crime,

*Gravely concerned* at the growing tendency of some Governments and transnational corporations to facilitate the dumping of toxic nuclear and industrial waste in developing countries,

*Deeply preoccupied* with the devastating damage to the environment which is the direct outcome of harmful and illicit practices, such as the dumping of toxic waste, the thoughtless depletion of non-renewable resources, the extermination of animal species, the massive use of herbicides and defoliants and the release into the atmosphere of harmful gases and radioactive substances,

*Concerned* about the sustained pillage of archeological sites and the illicit international trade in objects belonging to the cultural heritage of nations, and the ensuing damage to the national identity of peoples,

*Aware* of the necessity of revising existing international instruments so as to make them more responsive to the new realities of transnational forms of crime,

*Conscious* of the indispensability of international co-operation and concerted action for the effective control of transnational forms of crime,

1. *Takes note with appreciation* of the report of the Secretary-General on proposals for concerted international action against the forms of crime identified in the Milan Plan of Action;<sup>97</sup>

2. *Invites* Governments, international organizations, concerned non-governmental organizations in consultative status with the Economic and Social Council and other decision-making bodies to examine favourably the recommendations contained in that report, with a view to implementing them, taking into account the social, political and economic characteristics of each country;

3. *Urges* Governments to examine existing domestic legislation with a view to enacting provisions, including penal provisions, to protect the natural environment, in cases where such legislation is non-existent or insufficiently developed, and to establish adequate compensation for the victims of such practices;

4. *Reiterates* the need for the international community to make a concerted effort to prevent, combat and monitor all actions leading to the dumping of toxic nuclear and industrial waste in developing countries, in close co-operation with the United Nations Environment Programme and the International Atomic Energy Agency;

5. *Invites* Governments to exercise stricter and more effective control over the industrial sector or other sectors that could be involved in such conduct;

6. *Decides* that the topics of transnational crimes against the environment and against the cultural patrimony of countries should be considered under item 3 of the provisional agenda for the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders,<sup>98</sup> in order to explore the possibilities of formulating comprehensive policies of international co-operation for the prevention of such offences, including the imposition of sanctions;

7. *Requests* the Secretary-General, in the light of the present resolution, to expand his report on

<sup>97</sup>E/AC.57/1988/16.

<sup>98</sup>See resolution 1987/49.

proposals for concerted international action against the forms of crime identified in the Milan Plan of Action, for submission to the Eighth Congress.

*15th plenary meeting  
24 May 1989*

### **1989/63. Implementation of United Nations standards and norms in crime prevention and criminal justice**

*The Economic and Social Council.*

*Calling attention* to the Milan Plan of Action and the Guiding Principles for Crime Prevention and Criminal Justice in the Context of Development and a New International Economic Order, adopted by the Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders,<sup>99</sup>

*Recalling* the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power,<sup>100</sup> the Safeguards guaranteeing protection of the rights of those facing the death penalty,<sup>101</sup> the Code of Conduct for Law Enforcement Officials,<sup>102</sup> the Basic Principles on the Independence of the Judiciary,<sup>95</sup> the Standard Minimum Rules for the Treatment of Prisoners,<sup>103</sup> the United Nations Standard Minimum Rules for the Treatment of Juvenile Justice (The Beijing Rules)<sup>104</sup> and the Model Agreement on the Transfer of Foreign Prisoners,<sup>105</sup>

*Recognizing* the important role the United Nations has played in the development of those standards and norms in crime prevention and criminal justice through its quinquennial congresses on the prevention of crime and the treatment of offenders and the Committee on Crime Prevention and Control,

*Acknowledging* the valuable contribution the United Nations has made to those endeavours through its activities in the field of human rights, based on the Universal Declaration of Human Rights,<sup>106</sup> the International Covenant on Economic, Social and Cultural Rights,<sup>107</sup> the International Covenant on Civil and Political Rights<sup>107</sup> and other instruments,

*Recalling* General Assembly resolutions 40/146 of 13 December 1985, 41/149 of 4 December 1986 and 42/143 of 7 December 1987 on human rights in the administration of justice,

*Recalling also* its resolution 1987/53 of 28 May 1987 on the review of the functioning and programme of work of the United Nations in crime prevention and criminal justice,

*Commending* the steps initiated by the Crime Prevention and Criminal Justice Branch of the Centre for Social Development and Humanitarian Affairs and the Centre for Human Rights of the Secretariat to ensure even closer co-operation, in-

<sup>99</sup> *Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Milan, 26 August-6 September 1985: report prepared by the Secretariat* (United Nations publication, Sales No. E.86.IV.1), chap. I, sects. A and B.

<sup>100</sup>General Assembly resolution 40/34, annex.

<sup>101</sup>Resolution 1984/50, annex.

<sup>102</sup>General Assembly resolution 34/169, annex.

<sup>103</sup>See *Human Rights: A Compilation of International Instruments* (United Nations publication, Sales No. E.88.XIV.1).

<sup>104</sup>General Assembly resolution 40/33, annex.

<sup>105</sup> *Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Milan, 26 August-6 September 1985: report prepared by the Secretariat* (United Nations publication, Sales No. E.86.IV.1), chap. I, sect. D.1, annex I.

<sup>106</sup>General Assembly resolution 217 A (III).

<sup>107</sup>See General Assembly resolution 2200 A (XXI), annex.