

Chapter I

MATTERS CALLING FOR ACTION BY THE ECONOMIC AND SOCIAL COUNCIL OR BROUGHT TO ITS ATTENTION

A . Draft resolutions to be recommended by the Economic and Social Council for adoption by the General Assembly

1. The Commission on Crime Prevention and Criminal Justice recommends to the Economic and Social Council the approval of the following draft resolutions for adoption by the General Assembly:

DRAFT RESOLUTION I

Preparations for the Tenth United Nations Congress on the Prevention of Crime and the Treatment of Offenders*

The Economic and Social Council recommends to the General Assembly the adoption of the following draft resolution:

The General Assembly,

Recalling its resolution 52/91 of 12 December 1997, on preparations for the Tenth United Nations Congress on the Prevention of Crime and the Treatment of Offenders,

Considering that, pursuant to its resolutions 415 (V) of 1 December 1950 and 46/152 of 18 December 1991, the Tenth Congress is to be convened in the year 2000,

Recalling Economic and Social Council resolution 1993/32 of 27 July 1993 and the rules of procedure for United Nations congresses on the prevention of crime and the treatment of offenders, annexed to that resolution,

Emphasizing the role of the Tenth Congress as a consultative body of the United Nations Crime Prevention and Criminal Justice Programme, in accordance with paragraph 29 of the statement of principles and programme of action of the Programme, annexed to General Assembly resolution 46/152,

Aware of the important work to be accomplished by the regional preparatory meetings for the Tenth Congress,

Stressing the importance of undertaking all the preparatory activities for the Tenth Congress in a timely and concerted manner,

*For the discussion, see chapter II Regarding financial implications, all activities envisaged in the resolutions adopted by the Commission on Crime Prevention and Criminal Justice must be implemented either within the approved budgetary appropriations of sections 14 and 21 of the programme budget for the biennium 1998-1999 or, if this is not possible, through extrabudgetary funds, including voluntary contributions (Commission resolution 7/1, section I, paragraph 16).

Having considered the report of the Secretary-General on the progress made in the preparations for the Tenth United Nations Congress on the Prevention of Crime and the Treatment of Offenders,¹

1. *Accepts with gratitude* the invitation of the Government of Austria to host the Tenth United Nations Congress on the Prevention of Crime and the Treatment of Offenders at Vienna;

2. *Decides* to hold the Tenth Congress from 10 to 17 April 2000, with pre-congress consultations to be held on 9 April 2000;

3. *Approves* the following provisional agenda for the Tenth Congress, finalized by the Commission on Crime Prevention and Criminal Justice at its seventh session:

1. Opening of the Congress
2. Organizational matters
3. Promoting the rule of law and strengthening the criminal justice system
4. International cooperation in combating transnational crime: new challenges in the twenty-first century
5. Effective crime prevention: keeping pace with new developments
6. Offenders and victims: accountability and fairness in the justice process
7. Adoption of the report of the Congress;

4. *Takes note* that the Commission, at its seventh session, reviewed a discussion guide for the regional preparatory meetings for the Tenth Congress;

5. *Endorses* the programme of work for the Tenth Congress, including the holding of four practically oriented, technical workshops on the following subjects:

- (a) Combating corruption;
- (b) Crimes related to the computer network;
- (c) Community involvement in crime prevention;
- (d) Women in the criminal justice system;

6. *Decides* that the theme of the Tenth Congress should be “Crime and justice: meeting the challenges of the twenty-first century”;

¹E/CN.15/1998/2.

7. *Emphasizes* the importance of the workshops and invites Member States, non-governmental organizations and other relevant entities to support financially, organizationally and technically the preparations for the workshops, including the preparation and circulation of relevant background material;

8. *Welcomes* the offer of the institutes of the United Nations Crime Prevention and Criminal Justice Programme network to assist in the preparations for the workshops;

9. *Invites* donor countries to cooperate with developing countries to ensure their full participation in the workshops;

10. *Encourages* Governments to undertake preparations for the Tenth Congress at an early stage by all appropriate means, including, where appropriate, the establishment of national preparatory committees, with a view to contributing to a focused and productive discussion on the topics and to actively participating in the organization and follow-up of the workshops;

11. *Decides*, without prejudice to the current preparatory arrangements for the Tenth Congress, to streamline and minimize the costs of the preparation and servicing of the regional preparatory meetings by shortening their duration and limiting their documentation, by holding them in conjunction with other regional meetings or, if they are not absolutely necessary, by not convening them at all;

12. *Also decides* that the savings achieved should be used in servicing meetings and supporting the priority programme activities of the Centre for International Crime Prevention of the Office for Drug Control and Crime Prevention of the Secretariat;

13. *Requests* the Secretary-General:

(a) To undertake the necessary logistic steps, in collaboration with Member States and the institutes of the United Nations Crime Prevention and Criminal Justice Programme network, to mobilize the participation of interested partners in the preparations for the four workshops;

(b) To ensure, in collaboration with Member States, a wide and effective programme of public information related to the preparations for the Tenth Congress, to the Congress itself and to the implementation of its conclusions;

14. *Requests* the Commission, as the preparatory body for the United Nations congresses on the prevention of crime and the treatment of offenders, to accord high priority, at its eighth session, to the finalization in good time of all the necessary organizational and substantive arrangements;

15. *Also requests* the Commission at its eighth session to prepare a draft declaration for submission to the Tenth Congress, taking into account the results of the regional preparatory meetings;

16. *Urges* the regional preparatory meetings to examine the substantive agenda items and workshop topics of the Tenth Congress and to make action-oriented recommendations to serve as a basis for the draft declaration to be considered by the Commission at its eighth session;

17. *Requests* the Tenth Congress to elaborate a single declaration containing its recommendations on the various substantive items of its agenda with a view to submitting it to the Commission for consideration at its ninth session;

18. *Decides* that the Commission, at its tenth session, should undertake a review of the role, function, periodicity and duration of the United Nations congresses on the prevention of crime and the treatment of offenders, including the issue of regional preparatory meetings;

19. *Requests* the Secretary-General to ensure proper follow-up of the present resolution and to report thereon to the General Assembly through the Commission at its eighth session.

DRAFT RESOLUTION II

Transnational organized crime*

The Economic and Social Council recommends to the General Assembly the adoption of the following draft resolution:

The General Assembly,

Recalling its resolutions 49/159 of 23 December 1994 and 52/85 of 12 December 1997,

Taking note of the Buenos Aires Declaration on Prevention and Control of Organized Transnational Crime, adopted by the Regional Ministerial Workshop on Follow-up to the Naples Political Declaration and Global Action Plan against Organized Transnational Crime, held at Buenos Aires from 27 to 30 November 1995,² the Dakar Declaration on the Prevention and Control of Organized Transnational Crime and Corruption, adopted by the African Regional Ministerial Workshop on Organized Transnational Crime and Corruption, held at Dakar from 21 to 23 July 1997,³ and the Manila Declaration on the Prevention and Control of Transnational Crime, adopted by the Asian Regional Ministerial Workshop on Organized Transnational Crime and Corruption, held at Manila from 23 to 25 March 1998,⁴

Convinced of the importance of continuous action by Member States aimed at the full implementation of the Naples Political Declaration and Global Action Plan against Organized Transnational Crime,⁵

Convinced also of the need to proceed expeditiously with the elaboration of a convention against transnational organized crime,

Mindful of the fact that, pursuant to Economic and Social Council decision 232 of 21 July 1997, the theme for the seventh session of the Commission on Crime Prevention and Criminal Justice was "Organized transnational crime",

*For the discussion, see chapter V.

²E/CN.15/1996/2/Add.1, annex.

³E/CN.15/1998/6/Add.1, chap. I.

⁴E/CN.15/1998/6/Add.2, chap. I.

⁵A/49/748, annex, chap. I, sect. A.

1. *Takes note* of the report of the Secretary-General on the implementation of the Naples Political Declaration and Global Action Plan against Organized Transnational Crime;¹
2. *Expresses its appreciation* to the Government of Poland for acting as host to the meeting of the inter-sessional open-ended intergovernmental group of experts on the elaboration of a preliminary draft of a possible comprehensive international convention against organized transnational crime, held at Warsaw from 2 to 6 February 1998;
3. *Welcomes with appreciation* the report of the meeting of the group of experts;²
4. *Urges* Member States to continue making every possible effort to fully implement the Naples Political Declaration and Global Action Plan by taking the most appropriate legislative, regulatory and administrative measures, including those aimed at prevention;
5. *Requests* the Secretary-General to continue his work on the development and maintenance of the central repository established pursuant to Economic and Social Council resolution 1996/27 of 24 July 1996;
6. *Urges* Member States to respond promptly to the requests of the Secretary-General for data, other information and material, including legislation and pertinent regulatory texts, submitting such information and material in accordance with annex II contained in Economic and Social Council resolution 1997/22 of 21 July 1997, in order to facilitate the work of the Centre for International Crime Prevention of the Office for Drug Control and Crime Prevention of the Secretariat;
7. *Requests* the Secretary-General to continue his work on the elaboration of training manuals for law enforcement and judicial personnel on action against transnational organized crime;
8. *Also requests* the Secretary-General to intensify his efforts to identify and allocate within the overall budget of the United Nations adequate resources for strengthening the capacity of the Centre for International Crime Prevention in order to assist Member States in the full implementation of the Naples Political Declaration and Global Action Plan;
9. *Further requests* the Secretary-General to continue providing Member States with technical cooperation, advisory services and other forms of assistance on request in the field of crime prevention and criminal justice, including in the area of prevention and control of transnational organized crime;
10. *Decides* to establish an open-ended intergovernmental ad hoc committee for the purpose of elaborating a comprehensive international convention against transnational organized crime and of discussing the elaboration, as appropriate, of international instruments addressing trafficking in women and children, combating the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition, and illegal trafficking in and transporting of migrants, including by sea;
11. *Welcomes with appreciation* the offer of the Government of Argentina to host an informal preparatory meeting of the ad hoc committee at Buenos Aires from 31 August to 4 September 1998, in order to enable the continuation of the work on the elaboration of the convention without interruption;

¹E/CN.15/1998/6.

²E/CN.15/1998/5.

12. *Requests* the Secretary-General to convene a meeting of the ad hoc committee at Vienna from 18 to 29 January 1999 and to consider the possibility of convening a second meeting before the eighth session of the Commission on Crime Prevention and Criminal Justice, if this proves necessary to advance the process;

13. *Decides* to accept the recommendation of the Commission to elect Luigi Lauriola (Italy) as the Chairman of the ad hoc committee;

14. *Requests* the ad hoc committee, in carrying out its work pursuant to paragraph 10 above, to take into account the report of the inter-sessional open-ended intergovernmental group of experts established pursuant to General Assembly resolution 52/85,⁸ the report of the working group on the implementation of the Naples Political Declaration and Global Action Plan against Organized Transnational Crime, including its appendices,⁹ and Economic and Social Council resolutions [E/CN.15/1998/L.3/Rev.1], [E/CN.15/1998/L.6/Rev.1] and [E/CN.15/1998/L.7/Rev.2];

15. *Requests* the Secretary-General to provide the necessary resources to convene, support and follow up the work of the ad hoc committee;

16. *Invites* donor countries to cooperate with developing countries to ensure their full participation in the work of the ad hoc committee;

17. *Requests* the ad hoc committee to submit a progress report to the Commission at its eighth session and to hold a meeting during that session for at least three working days.

DRAFT RESOLUTION III

Mutual assistance and international cooperation in criminal matters*

The Economic and Social Council recommends to the General Assembly the adoption of the following draft resolution:

The General Assembly,

Bearing in mind that the United Nations model treaties on international cooperation in criminal matters provide important tools for the development of international cooperation,

Convinced that existing arrangements governing international cooperation in criminal justice must be regularly reviewed and revised to ensure that the specific contemporary problems of fighting crime are effectively addressed,

*For the discussion, see chapter V. Regarding financial implications all activities envisaged in the resolutions adopted by the Commission on Crime Prevention and Criminal Justice must be implemented either within the approved budgetary appropriations of sections 14 and 21 of the programme budget for the biennium 1998-1999 or, if this is not possible, through extrabudgetary funds, including voluntary contributions (Commission resolution 7/1, section I, paragraph 16).

⁸E/CN.15/1998/5.

⁹*Official Records of the Economic and Social Council, 1998, Supplement No. 8 (E/1998/28), annex III.*

Bearing in mind that developing countries and countries with economies in transition may lack the resources for developing and implementing treaties on mutual assistance in criminal matters,

Convinced that complementing and supplementing the United Nations model treaties will contribute to increased efficiency in combating criminality,

Recalling its resolution 45/117 of 14 December 1990, in which it adopted the Model Treaty on Mutual Assistance in Criminal Matters, annexed to that resolution,

Recalling also its resolution 52/88 of 12 December 1997,

Commending the work of the Intergovernmental Expert Group Meeting on Mutual Assistance in Criminal Matters, held at Arlington, Virginia, United States of America, from 23 to 26 February 1998, to implement in part General Assembly resolution 52/88 by proposing complementary provisions for the Model Treaty on Mutual Assistance in Criminal Matters, elements for model legislation on mutual assistance in criminal matters, and training and technical assistance for national officials engaged in that field,

Commending also the Government of the United States of America for hosting the Intergovernmental Expert Group Meeting on Mutual Assistance in Criminal Matters, for its substantial contribution to the organization of the Meeting and for the support given by the National Institute of Justice of the United States Department of Justice through the programme of the United Nations On-line Crime and Justice Clearing House,

1. *Welcomes* the report of the Intergovernmental Expert Group Meeting on Mutual Assistance in Criminal Matters, held at Arlington, Virginia, United States of America, from 23 to 26 February 1998;¹⁰

2. *Decides* that the Model Treaty on Mutual Assistance in Criminal Matters should be complemented by the provisions set forth in annex I to the present resolution;

3. *Encourages* Member States, within the framework of national legal systems, to enact effective legislation on mutual assistance and calls upon the international community to give all possible assistance in order to contribute to the achievement of that goal;

4. *Requests* the Secretary-General to elaborate, in consultation with Member States, for submission to the Commission on Crime Prevention and Criminal Justice, model legislation on mutual assistance in criminal matters, in order to enhance effective cooperation between States, taking into account the elements recommended by the Expert Group on Mutual Assistance in Criminal Matters for inclusion in such model legislation, which are set forth in annex II to the present resolution;

5. *Invites* Member States to take into account the Model Treaty on Mutual Assistance in Criminal Matters in negotiating treaties at the bilateral, regional or multilateral level, as appropriate;

6. *Invites* Member States to consider, where applicable and within the framework of national legal systems, the following measures in the context of the application of treaties on mutual assistance in criminal matters or other arrangements for such mutual assistance:

(a) Establishing or designating a national central authority or authorities to process requests for assistance;

¹⁰E/CN.15/1998/7, annex.

(b) Undertaking regular reviews of their treaties on mutual assistance in criminal matters or other arrangements and implementing legislation, as well as taking other necessary measures for the purpose of rendering such arrangements and legislation more efficient and effective in combating established and emerging forms of crime;

(c) Concluding asset-sharing arrangements as a means of enabling forfeited proceeds of crime to be used to strengthen the capacity of national criminal justice systems and contributing a part of such proceeds to programmes such as those aimed at enhancing national capacities for fighting crime in developing countries and in countries with economies in transition, paying due consideration to the rights of bona fide third parties;

(d) Making use of videoconferencing and other modern means of communications for, *inter alia*, transmission of requests, consultation between central authorities, taking testimony and statements, and training;

7. *Encourages* Member States to promote, on a bilateral, regional or worldwide basis, measures to improve the skills of officials in order to strengthen mutual assistance mechanisms, such as specialized training and, whenever possible, secondment and exchanges of relevant personnel, and to consider the use of videoconferencing and other modern means of communications for training purposes;

8. *Reiterates* its invitation to Member States to provide to the Secretary-General copies of relevant laws and information on practices related to international cooperation in criminal matters and, in particular, to mutual assistance in criminal matters, as well as updated information on central authorities designated to deal with requests;

9. *Requests* the Secretary-General:

(a) To regularly update and disseminate the information mentioned in paragraph 8 above and, in particular, to prepare, for use by Member States, a directory of central authorities responsible for mutual legal assistance, drawing on the information already collected during the Intergovernmental Expert Group Meeting on Mutual Assistance in Criminal Matters;

(b) To continue to provide advisory and technical cooperation services to Member States requesting assistance in drafting and implementing appropriate national legislation, developing and implementing bilateral, subregional, regional or international treaties on mutual assistance in criminal matters, drawing on the expertise of Member States as appropriate;

(c) To provide, in cooperation with interested Member States and relevant intergovernmental organizations, training on mutual assistance law and practice for personnel in appropriate governmental agencies and for central authorities of requesting Member States in an effort to develop the necessary skills and to improve communication and cooperation aimed at enhancing the effectiveness of mutual assistance mechanisms;

10. *Requests* the Secretary-General, in cooperation with interested Member States, relevant intergovernmental organizations and the institutes comprising the United Nations Crime Prevention and Criminal Justice Programme network, to develop appropriate training materials for use in providing to requesting Member States the technical assistance referred to above;

11. *Commends* the International Institute of Higher Studies in Criminal Sciences of Siracusa, Italy, for its offer to organize and host up to two training seminars for mutual assistance officials and invites interested Member States to provide voluntary contributions to offset the travel costs of officials from developing countries and from countries with economies in transition and to make substantive contributions to the seminars;

12. *Urges* Member States and funding agencies to assist the Secretary-General in implementing the present resolution through voluntary contributions to the United Nations Crime Prevention and Criminal Justice Fund;

13. *Requests* the Secretary-General to ensure the full implementation of the provisions of the present resolution.

ANNEX I

Complementary provisions for the Model Treaty on Mutual Assistance in Criminal Matters

Article 1

1. In paragraph 3 (*b*), replace the words “Optional Protocol to” with the words “article 18 of”.

Article 3

2. In the title of article 3 replace the word “competent” with the word “central”.
3. Insert the word “central” before the word “authority”.
4. Add the following footnote to the end of article 3:

“Countries may wish to consider providing for direct communications between central authorities and for the central authorities to play an active role in ensuring the speedy execution of requests, controlling quality and setting priorities. Countries may also wish to agree that the central authorities are not the exclusive channel for assistance between the Parties and that the direct exchange of information should be encouraged to the extent permitted by domestic law or arrangements.”

Article 4

5. In the footnote to paragraph 1, replace the last sentence with the following:

“Countries may wish, where feasible, to render assistance, even if the act on which the request is based is not an offence in the requested State (absence of dual criminality). Countries may also consider restricting the requirement of dual criminality to certain types of assistance, such as search and seizure.”

6. In paragraph 1 (*d*) delete the words “that is subject to investigation or prosecution in the requested State or”.
7. Add the following footnote to the end of paragraph 4:

“States should consult in accordance with article 20 before assistance is refused or postponed.”

Article 5

8. Add the following footnote to the end of paragraph 2:

“Countries may wish to provide that the request may be made by modern means of communication, including in particularly urgent cases verbal requests that are confirmed in writing forthwith.”

Article 6

9. Add the following footnote to the end of article 6:

“The requested State should secure such orders, including judicial orders, as may be necessary for the execution of the request. Countries may also wish to agree, in accordance with national legislation, to represent or act on behalf or for the benefit of the requesting State in legal proceedings necessary to secure such orders.”

Article 8

10. Add the following words to the end of the footnote to article 8:

“, or restrict use of evidence only where the requested State makes an express request to that effect.”

11. Add the following words to the beginning of article 8: “Unless otherwise agreed,”

Article 11

12. Add the following footnote to the end of paragraph 2:

“Wherever possible and consistent with the fundamental principles of domestic law, the Parties should permit testimony, statements or other forms of assistance to be given via video link or other modern means of communication and should ensure that perjury committed under such circumstances is a criminal offence.”

Article 12

13. In the English version of paragraph 1, replace the word “required” with the words “called upon”.

14. Add the following footnote to the end of the article:

“Some countries may wish to provide that a witness who is testifying in the requesting State may not refuse to testify on the basis of a privilege applicable in the requested State.”

New article 18

15. Insert as new article 18, entitled “Proceeds of crime”, paragraphs 1 to 6 of the Optional Protocol to the Model Treaty on Mutual Assistance in Criminal Matters concerning the proceeds of crime and delete the remaining text of the Optional Protocol, including the footnotes.

16. Replace the word “Protocol” with the word “article” throughout the new article.

17. Add the following footnote to the end of the title of the new article:

“Assistance in forfeiting the proceeds of crime has emerged as an important instrument in international co-operation. Provisions similar to those outlined in the present article appear in many bilateral assistance treaties. Further details can be provided in bilateral arrangements. One matter that

could be considered is the need for other provisions dealing with issues related to bank secrecy. Provisions could be made for the equitable sharing of the proceeds of crime between the Contracting States or for consideration of the disposal of the proceeds on a case-by-case basis.”

18. Add the following footnote to the end of paragraph 5:

“The Parties might consider widening the scope of the present article by the inclusion of references to victims’ restitution and the recovery of fines imposed as a sentence in a criminal prosecution.”

Articles 18-21

19. Renumber the former article 18 (it should become article 19) and renumber all subsequent articles accordingly.

ANNEX II

Elements recommended for inclusion in model legislation on mutual assistance in criminal matters

A. General recommendation

1. Model legislation on mutual assistance in criminal matters should reflect in statutory terms the general provisions of the Model Treaty on Mutual Assistance in Criminal Matters, together with the recommendations contained in annex I above. To the extent possible, it should provide different options for States with different legal systems. Where relevant, it should take into account provisions of the model bill on mutual assistance in criminal matters developed in 1998 by the United Nations International Drug Control Programme.

B. Scope

2. The model legislation should provide a full range of flexible options for assuming mutual assistance obligations. When there is a treaty on mutual assistance in criminal matters, the terms of that treaty should govern the relationship. The legislation should also permit mutual assistance to be provided without a treaty, with or without reciprocity.

C. Jurisdiction

3. The model legislation could contain provisions to provide for jurisdiction, *inter alia*:
- (a) To issue judicial orders necessary for executing mutual assistance requests;
 - (b) To authorize the requested State to act on behalf or for the benefit of, or to represent the interests of, the requesting State in legal proceedings necessary for executing mutual assistance requests;
 - (c) To punish perjury committed during mutual assistance, in particular perjury committed during videoconferencing.

D. Procedure

4. The model legislation should include options for procedures dealing with both incoming and outgoing requests for assistance in criminal matters. Such procedures should be in conformity with, whenever applicable, international

and regional human rights instruments. Where no treaty provision is applicable, the legislation could also contain provisions on specific forms of mutual assistance, including testimony and other forms of cooperation carried out via video link, cooperation in asset seizure and forfeiture, and temporary transfer of witnesses in custody.

5. The model legislation could provide for the establishment of a central authority or authorities for the receipt and transmission of requests and the provision of advice and assistance to relevant authorities. The legislation could also specify the extent of the central authority's powers.

E. Communications

6. Where no treaty provision is applicable, the legislation should set forth the means of communicating between the requesting State and the requested State, allowing for use of the most modern forms of communication.

B. Draft resolutions for adoption by the Economic and Social Council

2. The Commission on Crime Prevention and Criminal Justice recommends to the Economic and Social Council the adoption of the following draft resolutions:

DRAFT RESOLUTION I

Action against corruption*****

The Economic and Social Council,

Concerned about the seriousness of problems posed by corruption, which may endanger the stability and security of societies, undermine the values of democracy and morality and jeopardize social, economic and political development,

Convinced that existing arrangements for combating corruption at the national and international levels must be periodically reviewed and modernized to ensure that the specific contemporary problems of fighting all forms of corruption are being effectively addressed at all times,

Recalling General Assembly resolution 51/59 of 12 December 1996,

Recalling its resolution 1995/14 of 24 July 1995,

Recalling General Assembly resolution 52/87 of 12 December 1997, in which the Assembly requested the Secretary-General to invite each Member State to provide a report on steps taken to implement the provisions of the United Nations Declarations against Corruption and Bribery in International Commercial Transactions,¹¹

*****For the discussion, see chapter III. Regarding financial implications, all activities envisaged in the resolution adopted by the Commission on Crime Prevention and Criminal Justice must be implemented either within the approved budgetary appropriations of sections 14 and 21 of the programme budget for the biennium 1998-1999 or, if this is not possible, through extrabudgetary funds, including voluntary contributions (Commission resolution 7/1, section I, paragraph 16).

¹¹General Assembly resolution 51/191, annex.

Taking note of the report of the Secretary-General on action against corruption and bribery,¹

Recalling the manual prepared by the Secretariat on practical measures against corruption,²

Aware of recent multilateral initiatives to combat corruption, including the United Nations Declaration against Corruption and Bribery in International Commercial Transactions,³ the International Code of Conduct for Public Officials,⁴ the Inter-American Convention against Corruption, the Organisation for Economic Cooperation and Development Convention on Combating Bribery of Foreign Public Officials in International Business Transactions, done at Paris on 17 December 1997, the Convention on the protection of the European Communities' financial interests and the Protocol and Second Protocol to that Convention, drawn up by the Council of the European Union on the basis of article K.3 of the Treaty on European Union, the Convention on the fight against corruption involving officials of the European Communities or officials of member States of the European Union, the ongoing work of the Council of Europe to elaborate a criminal law convention against corruption, the programmes of the Council of Europe targeting that form of criminality, and recommendation 32 of the recommendations elaborated and endorsed by the Senior Experts Group on Transnational Organized Crime, which met at Lyon, France, from 27 to 29 June 1996,

Convinced that updating the manual on practical measures against corruption by incorporating into the manual a section describing recent developments will contribute to increased efficiency in combating that form of criminality,

Determined to ensure that United Nations materials to assist States in their efforts to combat corruption remain as useful and up to date as possible,

1. *Requests* the Secretary-General, in his efforts to update the manual prepared by the Secretariat on practical measures against corruption,¹⁶ to include in the text a section describing recent developments in combating corruption, in particular the practical impact of recent multilateral initiatives in this area, such as the above-described activities of the United Nations, the Organization of American States, the Organisation for Economic Cooperation and Development, the European Community, the Council of Europe and the Senior Experts Group on Transnational Organized Crime;

2. *Decides* to convene an open-ended meeting of governmental experts, using extrabudgetary resources offered by the Government of France for that purpose, to explore means of ensuring that the initiatives described in paragraph 1 above are effective and that an appropriate international strategy against corruption, including the proceeds thereof, is formulated in consultation with other intergovernmental organizations active in this area;

3. *Requests* the Secretary-General, to submit a report on the implementation of the present resolution, including on the work of the intergovernmental experts, to the Commission on Crime Prevention and Criminal Justice at its ninth session.

DRAFT RESOLUTION II

¹E/CN.15/1998/3.

²*International Review of Criminal Policy*, Nos. 41 and 42 (United Nations publication, Sales No. E.93.IV.4).

³General Assembly resolution 51/191, annex.

⁴General Assembly resolution 51/59, annex.

**Regulation of explosives for the purpose of crime prevention
and public health and safety*******

The Economic and Social Council,

Recalling resolution 9 of the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders,¹⁷

Recalling section IV.A of its resolution 1995/27 of 24 July 1995 and its resolutions 1996/28 of 24 July 1996 and 1997/28 of 21 July 1997,

Recalling General Assembly resolution 52/38 J of 9 December 1997, in which the Assembly requested the Secretary-General to initiate a study on the problems of ammunition and explosives in all their aspects, in cooperation with appropriate international and regional organizations where necessary,

Bearing in mind General Assembly resolution 51/60 of 12 December 1996 and the United Nations Declaration on Crime and Public Security annexed to that resolution,

Also bearing in mind Commission on Narcotic Drugs resolution 9 (XXXVI) of 7 April 1993,¹⁸ on the relationship between the illicit traffic in arms and explosives and illicit drug trafficking, in which the Commission recommended that States should consider establishing or improving appropriate controls on transfers of explosives, munitions and armaments,

Taking note with appreciation of the Inter-American Convention against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives, and Other Related Materials, adopted by the Organization of American States on 13 November 1997,

Deeply concerned that effective action against manifestations of transnational organized crime is hampered by the easy access of criminals and organized criminal groups to firearms, munitions, explosives and their components and parts,

Concerned that rapid globalization of crime will have a negative effect on the continued capacity of Governments to assess and effectively counteract threats to public security and weaken international efforts aimed at enhancing cooperation between police, intelligence, customs and border control agencies,

Taking note of the interest shown by the Member States in receiving United Nations technical assistance in the area of prevention and control of illicit trafficking in and use of firearms, explosives and their components and parts,

*****For the discussion, see chapter IV. Regarding financial implications, all activities envisaged in the resolutions adopted by the Commission on Crime Prevention and Criminal Justice must be implemented either within the approved budgetary appropriations of sections 14 and 21 of the programme budget for the biennium 1998-1999 or, if this is not possible, through extrabudgetary funds, including voluntary contributions (Commission resolution 7/1, section I, paragraph 16).

¹⁶*International Review of Criminal Policy*, Nos. 41 and 42 (United Nations publication, Sales No. E.93.IV.4).

¹⁷*Report of the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Cairo*, 29 April-8 May 1995 (A/CONF.169/16/Rev.1), chap. I.

¹⁸*Official Records of the Economic and Social Council, 1993, Supplement No. 9* (E/1993/29/Rev.1), chap. XI.

Recognizing that, with the increasing dimensions and scale of international transport and the growing sophistication of transnational illicit trafficking in explosives, States that have not already done so may consider reviewing their legislation and administrative regulations concerning explosives and their components and parts, to make those instruments more effective in combating that crime,

Determined, therefore, to initiate measures to promote international cooperation for the prevention of criminal misuse of and illicit trafficking in explosives and their components and parts,

1. *Decides*, for purposes of crime prevention and public safety, that a study should be initiated on illicit manufacturing of and trafficking in explosives by criminals and on the abuse and misuse of explosives for criminal purposes;

2. *Requests* the Secretary-General to prepare, as early as possible, in cooperation with relevant international and regional organizations where necessary, an action plan for collecting, reviewing and exchanging statistics, other information and policy proposals which may deal with, *inter alia*, the following issues:

(a) Criminal incidents in which explosive substances were involved, including the number of such incidents, the number of victims involved, the nature and extent of harm caused, the extent of damage to property and the type of explosives used;

(b) The diversion for criminal use of explosives;

(c) The status of national legislation and regulations on explosives in individual countries;

(d) Relevant initiatives for the regulation of explosives at the regional and international levels;

3. *Also requests* the Secretary-General to examine the possibility of convening a meeting of a group of experts to consider the question of preparation of the action plan;¹⁹

4. *Invites* the International Criminal Police Organization to provide the Secretary-General with its views, suggestions and expertise regarding the development and implementation of the action plan with a view to making it an effective instrument to combat the criminal misuse of and illicit trafficking in explosives.

DRAFT RESOLUTION III

Measures to regulate firearms for the purpose of combating illicit trafficking in firearms*

The Economic and Social Council,

Recalling resolution 9 of the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, on firearms regulation for purposes of crime prevention and public safety,²⁰

Recalling section IV.A of its resolution 1995/27 of 24 July 1995 and its resolutions 1996/28 of 24 July 1996 and 1997/28 of 21 July 1997,

Bearing in mind that freedom from the fear of crime is fundamental to international cooperation and to the sustainable development of States and that international illicit trafficking in and criminal misuse of firearms have

a harmful effect on the security of each State and endanger the well-being of peoples and their social and economic development,

*For the discussion, see chapter IV. Regarding financial implications, all activities envisaged in the resolutions adopted by the Commission on Crime Prevention and Criminal Justice must be implemented either within the approved budgetary appropriations of sections 14 and 21 of the programme budget for the biennium 1998-1999 or, if this is not possible, through extrabudgetary funds, including voluntary contributions (Commission resolution 7/1, section I, paragraph 16).

¹⁹For this purpose, the group of experts may consider that the word “explosives” would mean any substance or article that is made, manufactured or used to produce an explosion, detonation or propulsive or pyrotechnic effect.

²⁰*Report of the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Cairo , 29 April-8 May 1995 (A/CONF.169/16/Rev.1), chap. I.*

Aware of the need for improved cooperation and exchange of data and other information for law enforcement purposes as well as for cooperative action to combat illicit trafficking in firearms,

Mindful that the suppression and prevention of international illicit trafficking in firearms can best be accomplished by the adoption of effective methods of identifying and tracing firearms and by the establishment of an import and export and in-transit licensing or similar authorization regime for the international transfer of firearms,

Aware of the importance of bilateral and multilateral instruments and arrangements in the furtherance of international cooperation, including guidelines and model regulations,

Taking note with appreciation of the work of regional organizations such as the Organization of American States, which completed in November 1997 the Inter-American Convention against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives, and Other Related Materials, the Inter-American Drug Abuse Control Commission, which developed the Model Regulations for the Control of the International Movement of Firearms, Their Parts and Components, and Ammunition, and the Council of the European Communities directive on firearm regulation,²¹

Taking note of the relevant recommendations contained in the report of the United Nations Panel of Governmental Experts on Small Arms, in particular those related to achieving effective control of firearms in the peace-building process in order to prevent their entry into the illicit market,

Noting the results of the United Nations International Study on Firearm Regulation,²²

Recognizing that States will benefit from sharing technical expertise and training that will enhance the capability of law enforcement and criminal justice officials to develop crime prevention policies and solutions to prevent and combat illicit trafficking in and criminal misuse of firearms,

Recalling General Assembly resolution 52/85 of 12 December 1997,

1. *Welcomes the results of the United Nations International Study on Firearm Regulation and expresses its appreciation to the Member States that participated in that initiative;*

²¹Directive 91/477/EEC of 18 June 1991.

²²United Nations publication, Sales No. E.98.IV.2.

2. *Expresses its appreciation* to the Governments of Australia, Canada and Japan, to intergovernmental organizations and to institutes of the United Nations Crime Prevention and Criminal Justice Programme network for contributing financially or in kind to the development and implementation of the United Nations International Study on Firearm Regulation;

3. *Expresses its appreciation* to the Government of Slovenia for acting as host to the regional workshop on firearm regulation in Europe, held at Ljubljana from 22 to 26 September 1997, to the Government of the United Republic of Tanzania for acting as host to the regional workshop on firearm regulation in Africa, held at Arusha from 3 to 7 November 1997, to the Government of Brazil for acting as host to the regional workshop on firearm regulation in the Americas, held at São Paulo from 8 to 12 December 1997, and to the Government of India for acting as host to the regional workshop on firearm regulation in Asia, held at New Delhi from 27 to 31 January 1998;

4. *Recommends* that States, in the light of the above-mentioned considerations, work towards the elaboration of an international instrument to combat the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition within the context of a United Nations convention against transnational organized crime;

5. *Invites* States, when discussing the elaboration of the international instrument referred to in paragraph 4 above, to take into account, as appropriate, the views of interested non-governmental organizations and other interested parties;

6. *Recommends* that States, in discussing the elaboration of the international instrument, take into account, where relevant and appropriate, the Inter-American Convention against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives, and Other Related Materials, as well as other existing international instruments and ongoing initiatives;

7. *Decides* that the ad hoc committee on the elaboration of a comprehensive international convention against transnational organized crime, to be established by the General Assembly, should hold discussions on the elaboration of an international instrument to combat the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition, including, *inter alia*, effective methods of identifying and tracing firearms, as well as on the establishment or maintenance of an import and export and in-transit licensing or similar authorization regime for the international commercial transfer of firearms, their parts and components and ammunition, to prevent their diversion for criminal misuse;

8. *Invites* the International Criminal Police Organization and other intergovernmental organizations to provide the Secretary-General with views and proposals regarding their possible contributions towards the development and implementation of technical cooperation to strengthen the ability of law enforcement officials to combat illicit trafficking in and criminal misuse of firearms and requests the Secretary-General to report thereon to the Commission on Crime Prevention and Criminal Justice at its ninth session.

DRAFT RESOLUTION IV

Action against illegal trafficking in migrants, including by sea*

The Economic and Social Council,

*For the discussion, see chapter V.

Considering that illegal trafficking in and transporting of migrants are normally carried out by organizations as part of their transnational criminal operations and ordinarily take place under inhuman conditions that result in a great number of accidents and casualties,

Stressing the need to combat all criminal practices connected with illegal trafficking in and transporting of migrants, having due regard to universally recognized human rights,

Stressing also that it is important that the States concerned establish bilateral, regional and multilateral coordinating mechanisms to fight activities related to illegal trafficking in and transporting of migrants,

Recalling General Assembly resolution 51/62 of 12 December 1996, in which the Assembly, *inter alia*, requested the Commission on Crime Prevention and Criminal Justice to consider giving attention to the question of the smuggling of aliens,

Recalling also its resolutions 1994/14 of 25 July 1994 and 1995/10 of 24 July 1995,

Recalling further the report of the meeting of the inter-sessional open-ended intergovernmental group of experts on the elaboration of a preliminary draft of a possible comprehensive international convention against organized transnational crime, held at Warsaw from 2 to 6 February 1998,²³ as well as the text of such a draft convention submitted by the Government of Poland,

Taking note of the existing proposals for a convention and a protocol on the subject of illegal trafficking in and transporting of migrants, including by sea, submitted to it by the Governments of Austria and Italy,

Taking note of the proposal considered by the group of experts that the draft of an international convention against organized transnational crime could consist of a main convention and additional protocols covering specific offences,²⁴

Stressing the importance for any legal instruments against illegal trafficking in and transporting of migrants, including by sea, to be legally and substantively consistent with the draft of an international convention against transnational organized crime,

Emphasizing that women and children are particularly vulnerable to becoming victims of the crime of illegal trafficking in and transporting of migrants,

1. *Recognizes* the importance of elaborating an efficient legal instrument combating all aspects of transnational organized crime, for example illegal trafficking in and transporting of migrants, including by sea, having due regard to universally recognized human rights;

2. *Decides* that the ad hoc committee on the elaboration of a comprehensive international convention against transnational organized crime, to be established by the General Assembly, should hold discussions on the elaboration of an international instrument against illegal trafficking in and transporting of migrants, including by sea, taking into

²³E/CN.15/1998/5.

²⁴E/CN.15/1998/5, para. 13.

account the existing proposals for legal instruments against illegal trafficking in and transporting of migrants, including by sea.²⁵

²⁵*Official Records of the Economic and Social Council, 1998, Supplement No. 8 (E/1998/28), annex V.*

DRAFT RESOLUTION V

Action to combat international trafficking in women and children*

The Economic and Social Council,

Gravely concerned by the significant and continuing increase in the activities of transnational criminal organizations and others that profit from international trafficking in women and children,

Declaring that the attention and resources of law enforcement authorities, particularly in the countries of destination for the women and children being trafficked, must be directed towards preventing and punishing the activities of all those involved in organizing and facilitating such international trafficking, including criminal groups, individual traffickers, employers and consumers, who often force women and children into forms of debt bondage, servitude or sexual exploitation, involving criminal activities, in order to pay for their passage,

Recognizing that organized international criminal groups are becoming increasingly dangerous and active in international trafficking in women and children, without regard to dangerous and inhumane conditions and in flagrant violation of domestic laws and international standards,

Recalling the report of the meeting of the inter-sessional open-ended intergovernmental group of experts on the elaboration of a preliminary draft of a possible comprehensive international convention against organized transnational crime, held at Warsaw from 2 to 6 February 1998,²⁶ as well as the text of such a draft convention submitted by the Government of Poland,

Recalling its resolution 1996/26 of 24 July 1996, on measures to prevent illicit international trafficking in children and to establish penalties appropriate to such offences,

Recalling General Assembly resolution 52/86 of 12 December 1997, on crime prevention and criminal justice measures to eliminate violence against women,

Convinced of the need for all States to protect fully the universally recognized human rights of women and children, regardless of their legal status, and to provide humane treatment, particularly with regard to assistance, and protection,

Recognizing that international trafficking in women and children has high social and economic costs, often contributing to official corruption and burdening law enforcement agencies in all States where women and children subjected to such trafficking depart, transit or are found,

Reaffirming respect for the sovereignty and territorial integrity of all States, including their right to control immigration flows,

Concerned that trafficking in women and children undermines public confidence in laws, policies and procedures relating to immigration and to ensuring the protection of genuine refugees,

*For the discussion, see chapter V.

²⁶E/CN.15/1998/5.

Commending those States that have enacted effective domestic legislation permitting seizure and forfeiture of property, both real and personal, that is knowingly used in organized criminal activities that involve trafficking in women and children, as well as all property used in or derived from such trafficking,

Encouraging Member States that have not yet done so to enact domestic criminal legislation to combat international trafficking in women and children,

Concerned that, in the absence of a universal instrument on these matters, women and children will not be sufficiently protected against this type of crime, which is increasingly transcending national borders,

Declaring that effective action to combat international trafficking in women and children requires a comprehensive approach in the countries of origin, transit and destination that includes preventive measures to educate potential victims and their families, as well as to frustrate traffickers, enforcement measures against traffickers and all those who assist them and protective measures to aid victims of trafficking, including protection for those victims who would assist in the prosecution of the traffickers,

1. *Decides* that the ad hoc committee on the elaboration of a comprehensive international convention against transnational organized crime, to be established by the General Assembly, should hold discussions on the elaboration, as appropriate, of an international instrument addressing trafficking in women and children;

2. *Stresses* the relevance of the following issues in connection with trafficking in women and children:

(a) The need for States to take effective and expeditious measures, particularly the enactment or amendment, if necessary, of domestic legislation, to provide appropriate penalties, such as substantial imprisonment, fines and forfeiture, in order to combat all aspects of organized criminal activities related to trafficking at the international level in women and children;

(b) The importance of sharing information, coordination of law enforcement activities and otherwise cooperating, if their laws permit, in order to locate and arrest those who organize trafficking in women and children, as well as those who exploit those trafficked;

(c) The need for States to provide specialized training for law enforcement, immigration and other concerned officers, as well as to initiate public information campaigns to make both potential victims and the general public aware of the terrible exploitation and possible loss of life inherent in trafficking in women and children;

(d) The need for countries of origin, transit and destination to observe fully international obligations and national laws, including those concerning the humane treatment and strict observance of all human rights of women and children, regardless of whether they were trafficked voluntarily or involuntarily;

(e) The goal that international efforts to prevent international trafficking in women and children should not inhibit immigration or freedom of travel consistent with laws or undercut the protection provided to refugees by international law;

(f) The need for strengthened international cooperation and technical assistance for the benefit of developing countries.

**United Nations standards and norms in crime prevention
and criminal justice***

The Economic and Social Council,

Bearing in mind General Assembly resolution 46/152 of 18 December 1991, on the creation of an effective United Nations Crime Prevention and Criminal Justice Programme,

Reaffirming the importance of United Nations standards, norms and guidelines in crime prevention and criminal justice and the need to maintain a balance between the current main priority issue of combating transnational organized crime and the other priority issues of the Programme,

I

**USE AND APPLICATION OF UNITED NATIONS STANDARDS AND NORMS IN CRIME PREVENTION
AND CRIMINAL JUSTICE**

Recalling its resolution 1993/34 of 27 July 1993, in section III of which it requested the Secretary-General to commence without delay a process of information-gathering to be undertaken by means of surveys,

Recalling also its resolution 1996/16 of 23 July 1996, in which it requested the Secretary-General to continue to promote the use and application of United Nations standards and norms in crime prevention and criminal justice,

1. *Recommends* that the relevant national authorities promote the use and application of United Nations standards and norms in crime prevention and criminal justice;

2. *Requests* the Secretary-General to continue the information-gathering and to submit to the Commission on Crime Prevention and Criminal Justice at its ninth session a report on the use and application of the United Nations Standard Minimum Rules for Non-custodial Measures (the Tokyo Rules),²⁷ the Guidelines on the Role of Prosecutors²⁸ and the Basic Principles on the Role of Lawyers²⁹ and to prepare updated reports where at least thirty additional States have replied in respect of a standard or norm on which a report has already been submitted;

*For the discussion, see chapter VI. Regarding financial implications, all activities envisaged in the resolutions adopted by the Commission on Crime Prevention and Criminal Justice must be implemented either within the approved budgetary appropriations of sections 14 and 21 of the programme budget for the biennium 1998-1999 or, if this is not possible, through extrabudgetary funds, including voluntary contributions (Commission resolution 7/1, section I, paragraph 16).

²⁷General Assembly resolution 45/110, annex.

²⁸*Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Havana, 27 August-7 September 1990: report prepared by the Secretariat* (United Nations publication, Sales No. E.91.IV.2), chap. I, sect. C.26, annex.

²⁹*Ibid.*, chap. I, sect. B.3, annex.

3. *Also requests* the Secretary-General to prepare survey instruments on the United Nations Declaration against Corruption and Bribery in International Commercial Transactions,³⁰ the United Nations Declaration on Crime and Public Security³¹ and the International Code of Conduct for Public Officials;³²

4. *Invites* States to provide resources to the Secretariat with a view to making the information provided on the use and application of United Nations standards and norms in crime prevention and criminal justice accessible through the United Nations Crime and Justice Information Network via the World Wide Web;

5. *Invites* States and research institutes to make use of the information gathered regarding the use and application of United Nations standards and norms in crime prevention and criminal justice;

6. *Requests* the Secretary-General to include in his budget proposals on the United Nations Crime Prevention and Criminal Justice Programme the resources appropriate for the Centre for International Crime Prevention of the Office for Drug Control and Crime Prevention of the Secretariat, in order to enable the Centre to fulfil its mandates.

II

ADMINISTRATION OF JUVENILE JUSTICE

Recalling its resolution 1997/30 of 21 July 1997, on the administration of juvenile justice, and the Guidelines for Action on Children in the Criminal Justice System, annexed to that resolution,

Welcoming the fact that the Committee on the Rights of the Child places considerable emphasis on juvenile justice during the review of State party reports and noting that its concluding observations often include recommendations to seek technical assistance in juvenile justice from the Office of the United Nations High Commissioner for Human Rights, the Centre for International Crime Prevention and the United Nations Children's Fund, in accordance with article 45 of the Convention on the Rights of the Child,³³

Emphasizing the important preventive character of the effective use and application of existing United Nations standards and norms in juvenile justice,

Concerned about the situation of children in conflict with the law and their treatment by the criminal justice system in a number of States,

Concerned also about the fact that, in the view of the Committee on the Rights of the Child, juvenile justice reform is needed in almost all States whose country reports have been considered,

³⁰General Assembly resolution 51/191, annex.

³¹General Assembly resolution 51/60, annex.

³²General Assembly resolution 51/59, annex.

³³General Assembly resolution 44/25, annex.

1. *Takes note* of the report of the Secretary-General on the use and application of United Nations standards and norms in juvenile justice,³⁴ in which the Secretary-General highlighted difficulties and deficiencies in the use and application of United Nations standards and norms in juvenile justice by Member States;
2. *Welcomes* the fact that the Centre for International Crime Prevention of the Office for Drug Control and Crime Prevention of the Secretariat has enhanced its cooperation with other United Nations entities, and with other partners involved in assisting Member States in setting up separate juvenile justice systems or in improving existing juvenile justice systems by adapting them to the United Nations standards and norms in juvenile justice;
3. *Welcomes* the increased number of technical assistance projects in the field of juvenile justice, reflecting also an increased awareness of Member States of the importance of juvenile justice reform to establishing and maintaining stable societies and the rule of law;
4. *Welcomes* the establishment of a coordination panel on technical advice and assistance in juvenile justice to coordinate activities in the field of juvenile justice, subject to the conditions set out in Economic and Social Council resolution 1997/30, and calls on the partners involved to increase their cooperation, share information and pool their capacities and interests in order to increase the effectiveness of programme implementation;
5. *Urges* States to include, where necessary, provisions for juvenile justice in their national development plans, calls upon States to include the administration of juvenile justice in their funding policies for development cooperation and invites them to respond favourably to requests from other States, seeking assistance from the Centre for International Crime Prevention, the Office of the United Nations High Commissioner for Human Rights or the United Nations Children's Fund in developing and improving juvenile justice systems;
6. *Urges* States parties to the Convention on the Rights of the Child to step up their efforts to ensure full implementation of their obligations under the Convention and to pursue the goals set forth in the Convention with regard to the treatment of children in the administration of juvenile justice and urges States to use and apply the United Nations standards and norms in juvenile justice and related instruments;
7. *Reaffirms* that juvenile justice remains a high priority in the work of the Centre for International Crime Prevention, in particular as juveniles, both those in conflict with the law and those in difficult circumstances who may be potential future criminals, are easy prey for criminal organizations closely linked with activities of transnational organized crime;
8. *Requests* the Centre for International Crime Prevention to continue providing technical assistance in the field of juvenile justice and calls on Member States to provide the necessary resources;
9. *Underlines* the need for mainstreaming a gender perspective into all policies and programmes relating to children in the criminal justice system;
10. *Requests* the Secretary-General to report on the administration of juvenile justice, as well as on the activities of the coordination panel on technical advice and assistance in juvenile justice, to the Commission on Crime Prevention and Criminal Justice at its eighth session.

III

VICTIMS OF CRIME AND ABUSE OF POWER

³⁴E/CN.15/1998/8 and Add.1.

Recognizing the importance of the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, which was adopted by the General Assembly in its resolution 40/34 of 29 November 1985 and is considered a landmark in the treatment of victims,

Deeply concerned about the continuing victimization by crime, especially organized crime, violence, terrorism and abuses of power, particularly of vulnerable groups and individuals, which exacts a vast human cost and impairs the quality of life in many parts of the world,

Recalling the recommendations of the Expert Group Meeting on Victims of Crime and Abuse of Power in the International Setting, held at Vienna from 18 to 22 December 1995,³⁵ as well as the expert group meetings on the same subject held at Tulsa, Oklahoma, United States of America, from 10 to 12 August 1996, at The Hague from 5 to 7 March 1997 and at Washington, D.C., from 26 to 27 February 1998, which highlighted the needs of victims of crime and abuse of power and the necessity of concerted action to protect and assist such victims,

Underlining that victims of crime and abuse of power will be one of the four main topics of the Tenth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, to be held at Vienna in April 2000,

1. *Welcomes* the guide for policy makers on the implementation of the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power and the handbook on justice for victims concerning the use and application of the Declaration;

2. *Takes note* of the consideration that the Preparatory Committee on the Establishment of an International Criminal Court has given to provisions related to victims, particularly with regard to the proposed creation of a victims and witnesses unit;

3. *Urges* the Secretary-General to translate the guide for policy makers and the handbook on justice for victims into the other official languages of the United Nations and to disseminate them widely, using also electronic means of dissemination;

4. *Recommends* the continued development of a database on practical national experiences, relevant case law and legislation and on the use and application of the Declaration, taking into account different systems and traditions, including indigenous and customary justice practices, and welcomes the initiative of the Government of the Netherlands to establish such a database and to maintain it for an initial duration of three years;

5. *Requests* the Secretary-General:

(a) To seek the views of Member States regarding the desirability and feasibility of establishing an international fund for victims of crime and abuse of power in order to support, *inter alia*, the following:

- (i) Technical assistance to develop and/or strengthen victim support services and organizations;
- (ii) Specific projects and activities;
- (iii) Awareness campaigns on victim rights and crime prevention;
- (iv) Eligible victim claims resulting from international and transnational crime, where national avenues of recourse and/or redress are unavailable or insufficient;

³⁵E/CN.15/1996/16/Add.5.

(b) To convene a working group on this matter, consisting of Member States that express an interest in such a fund, and welcomes the offer of the Government of the Netherlands to host the working group;

6. *Invites* the Secretary-General, Member States and intergovernmental and non-governmental organizations active in victim assistance and redress, using where appropriate a multi-partner approach, to incorporate victim assistance modules in technical cooperation projects and to assist Member States on request in applying the guide for policy makers on the implementation of the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power and the handbook on justice for victims concerning the use and application of the Declaration, through training courses, seminars, study tours, fellowships and advisory services, in order to help resolve problems in the implementation of the Declaration, and welcomes the initiative of the Government of the United States of America to establish a training programme to that end;

7. *Invites* the Secretary-General, with the assistance of interested States and relevant organizations, to make use of the database referred to in paragraph 4 above, in order to provide guidelines for drafting appropriate laws on victims and, at the request of Member States, to assist in the elaboration of new legislation;

8. *Also invites* the Secretary-General, Member States and intergovernmental and non-governmental organizations:

(a) To promote, where necessary, demonstration or pilot projects for the establishment and the further development of victim services, and other operational activities;

(b) To develop measures, where necessary, for special victim groups, such as victims of terrorism, victims and witnesses of organized crime, victims of hate or bias crimes, female and child victims of violence and sexual abuse and disabled victims;

9. *Invites* the Secretary-General to seek the views of Member States on the establishment of a coordination panel or other mechanism to ensure concerted action, with an appropriate division of responsibilities, among United Nations entities and other entities concerned in order to promote the implementation of the Declaration;

10. *Requests* the Secretary-General to seek the views of Member States on the plan of action for the implementation of the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, annexed to the present resolution, with a view to reporting on it to the Commission on Crime Prevention and Criminal Justice at its eighth session;

11. *Also requests* the Secretary-General to report to the Commission on Crime Prevention and Criminal Justice at its eighth session on the implementation of the present resolution.

ANNEX

Plan of action for the implementation of the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power

I. CAPACITY-BUILDING

1. The Secretary-General,* Member States and intergovernmental and non-governmental organizations active in victim assistance and redress are requested** to further incorporate victim assistance modules in technical cooperation projects and to assist interested Member States in applying the guide for policy makers on the implementation of the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power and the handbook on justice for victims concerning the use and application of the Declaration, through training courses, seminars, study tours, fellowships and advisory services, in order to help resolve problems in the implementation of the Declaration.
2. The Secretary-General is requested to develop in collaboration with relevant intergovernmental and non-governmental organizations criteria for the selection of technical cooperation projects for the establishment or further development of victim services.
3. Member States, intergovernmental and non-governmental organizations and the institutes of the United Nations Crime Prevention and Criminal Justice Programme network are invited to assist the Secretary-General in updating, with an appropriate interval, the guide for policy makers and the handbook on justice for victims, giving special attention to practical national experiences, legislative information and case law concerning special victim groups such as victims and witnesses of organized crime, terrorism, economic and environmental crime, bias or hate crimes and victims of violence against women and children.
4. The Secretary-General, together with intergovernmental and non-governmental organizations and the institutes of the United Nations Crime Prevention and Criminal Justice Programme network, is requested to assist interested Member States in the development of reparation and restorative policies for victims of violations of human rights and humanitarian law, as part of national reconstruction and reconciliation, and in the promotion of justice and the rule of law.

II. INFORMATION-GATHERING, INFORMATION EXCHANGE AND RESEARCH

5. The Secretary-General, in cooperation with interested Member States and non-governmental organizations, is requested to support the international database on practical national and regional experiences in providing technical assistance in this field and on bibliographical and legislative information, including case law relevant to this field.
6. Member States and non-governmental organizations are invited to provide information for the database on projects, new programmes, case law and legislation and other relevant guidelines that have been found to be effective

*In the present plan of action, references to the Secretary-General are understood as referring primarily to the Centre for International Crime Prevention of the Office for Drug Control and Crime Prevention of the Secretariat and the institutes of the United Nations Crime Prevention and Criminal Justice Programme network.

**When the Secretary-General is requested to carry out activities it should be done within existing resources or extrabudgetary funding.

and could serve as models for such developments elsewhere and to assist in identifying experts who could assist Member States, on request, in implementing those projects, programmes and legislation.

7. Member States and intergovernmental and non-governmental organizations are invited to give consideration to the further development and use of methods of gathering data on victimization, such as standardized victimization surveys, including their extension to cover groups of victims such as victims and witnesses of organized crime, terrorism, economic and environmental crime, bias or hate crimes and victims of violence against women, children and migrants.

8. Member States and intergovernmental and non-governmental organizations are invited to promote the evaluation of the efficacy of different forms of providing assistance to victims, the evaluation of the extent to which the criminal justice process takes into consideration the legitimate needs and concerns of victims and the evaluation of different forms of ensuring compensation and restitution to victims.

III. PREVENTION OF VICTIMIZATION

9. The Secretary-General, together with cooperating institutes and organizations, is invited to study ways in which to provide technical assistance to Member States, on request, in responding to cases of large-scale victimization, terrorism and man-made catastrophes that are the result of criminal negligence, ensuring that the necessary emergency assistance is provided, using where necessary interdisciplinary and international crisis response teams to help to deal with the situation and to respond to the needs and rights of the victims.

10. Member States are encouraged to consider the introduction, where necessary, and the strengthening of the work of ombudsmen and civilian review bodies or other complaint mechanisms and means of preventing and investigating possible abuse of power.

11. Member States and non-governmental organizations are encouraged to conduct public information and education campaigns designed to prevent and curtail victimization and re-victimization. Such campaigns should include both general campaigns directed at broad sectors of the population and special campaigns targeting select groups known to be at high risk of such victimization and re-victimization.

12. Member States, in close cooperation with representatives of the mass media, are encouraged to elaborate and effectively implement guidelines for the media on the protection of victims and in order to curtail re-victimization.

IV. ACTION AT THE REGIONAL AND INTERNATIONAL LEVELS

13. The Secretary-General, in cooperation with Member States and regional commissions, is requested to explore the possibility of developing regional mechanisms for monitoring victimization and providing recourse and/or redress for victims.

14. The Secretary-General, in cooperation with the international professional and academic community, is requested to help Member States in identifying lacunae in international criminal law and humanitarian and human rights law concerning the protection and rights of victims and witnesses, with a view to addressing them.

V. COORDINATION OF RELEVANT INITIATIVES

15. The Secretary-General is requested to assist Member States in strengthening coordination arrangements and procedures to foster joint planning and implementation of victim-related activities.
16. The Secretary-General is requested to ensure concerted action, with an appropriate division of responsibilities, among United Nations entities and other entities concerned to promote the implementation of the Declaration.
17. The Secretary-General is requested to assist Member States on request in the elaboration of joint strategies and the mobilization of support for providing assistance to victims, including wider citizen participation and the promotion of the principles of restorative justice.

DRAFT RESOLUTION VII

Status of foreign citizens in criminal proceedings*

The Economic and Social Council,

Guided by the Universal Declaration of Human Rights, adopted and proclaimed by the General Assembly in its resolution 217 A (III) of 10 December 1948,

Bearing in mind the relevant international legal instruments in the field of human rights,

Bearing also in mind the Standard Minimum Rules for the Treatment of Prisoners, adopted by the First United Nations Congress on the Prevention of Crime and the Treatment of Offenders, held at Geneva from 22 August to 3 September 1955³⁶ and approved by the Economic and Social Council in its resolution 663 C (XXIV) of 31 July 1957, and the procedures for the effective implementation of the Standard Minimum Rules for the Treatment of Prisoners, approved by the Council in its resolution 1984/47 of 25 May 1984,

Recalling General Assembly resolution 49/159 of 23 December 1994, in which the Assembly approved the Naples Political Declaration and Global Action Plan against Organized Transnational Crime,³⁷

Conscious of the need to respect human dignity and the recognized rights of persons undergoing criminal proceedings,³⁸

Urges Member States that have not yet done so to consider adopting the following measures:

- (a) Carefully examine whether foreign citizens under criminal prosecution are guaranteed universally recognized rights with regard to criminal prosecution at all stages of proceedings;
- (b) Ensure that individuals are not subjected to more severe custodial penalties or inferior prison conditions in a State solely because they are not nationals of that State;

*For the discussion, see chapter VI.

³⁶United Nations publication, Sales No. E.56.IV.4, annex I.A.

³⁷A/49/748, annex, chap. I, sect. A.

³⁸General Assembly resolution 2200 A (XXI).

(c) Undertake the necessary arrangements to ensure that any foreign citizen subject to criminal proceedings whose native language is not that of the State conducting the proceedings against him or her and who for that reason is unable to understand the nature of such proceedings has access throughout his or her trial to the services of a suitable interpreter in his or her native language, to the extent possible;

(d) Whenever permitted by its internal law or practice, make available to foreign citizens as well as to nationals, provided that they fulfil the relevant legal requirements, alternative penal sentences or administrative penalties provided for under the legislation of the State conducting proceedings;

(e) Intensify efforts to implement applicable international instruments, such as the Vienna Convention on Consular Relations,³⁹ concerning, *inter alia*, notification to consular authorities of the detention of their citizens.

DRAFT RESOLUTION VIII

International cooperation aimed at the reduction of prison overcrowding and the promotion of alternative sentencing*

The Economic and Social Council,

Deeply concerned by the serious problem confronting many Member States as a result of prison overcrowding,

Convinced that conditions in overcrowded prisons may affect the human rights of prisoners,

Mindful of the fact that the physical and social conditions associated with prison overcrowding may result in outbreaks of violence in prisons, a development that could pose a grave threat to law and order,

Recalling the United Nations Standard Minimum Rules for Non-custodial Measures (the Tokyo Rules)⁴⁰ and convinced of the necessity of their further implementation,

*For the discussion, see chapter VII. Regarding financial implications, all activities envisaged in the resolutions adopted by the Commission on Crime Prevention and Criminal Justice must be implemented either within the approved budgetary appropriations of sections 14 and 21 of the programme budget for the biennium 1998-1999 or, if this is not possible, through extrabudgetary funds, including voluntary contributions (Commission resolution 7/1, section I, paragraph 16).

³⁹United Nations, *Treaty Series*, vol. 596, No. 8638.

⁴⁰General Assembly resolution 45/110, annex.

Recalling the resolutions on the conditions of prisoners adopted by United Nations congresses on the prevention of crime and the treatment of offenders, in particular resolution 16, on reduction of the prison population, alternatives to imprisonment, and social integration of offenders, and resolution 17, on the human rights of prisoners, adopted by the Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders,⁴¹

⁴¹*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. E.

Noting that the International Conference on Community Service Orders in Africa, held at Kadoma, Zimbabwe, from 24 to 28 November 1997, adopted the Kadoma Declaration on Community Service, contained in annex I to the present resolution,

Noting the recommendations of the seminar entitled “Criminal justice: the challenge of prison overcrowding”, held jointly by the Latin American Institute for the Prevention of Crime and the Treatment of Offenders and the European Commission at San José, Costa Rica, from 3 to 7 February 1997, contained in annex II to the present resolution,

Mindful that many Member States lack the necessary resources to resolve the problem of prison overcrowding and conscious that the inadequate facilities and cell accommodations in prisons are a product of the difficult socio-economic conditions prevailing in developing countries and in countries with economies in transition,

Noting that, in an attempt to reduce prison overcrowding, some Member States have been trying to find a solution by granting amnesties or pardons or by building new prisons,

Recognizing the need for Member States to establish economic and technical cooperation for the purpose of improving prison conditions and allocating resources to that end,

Considering that prison overcrowding causes a variety of problems, including difficulties for overworked staff,

Taking into account the limited effectiveness of imprisonment, especially for prisoners serving short sentences, and the cost of imprisonment to society as a whole,

Considering the growing interest in many Member States in measures to replace custodial sentences, especially taking into account the principles of human rights,

Considering that community service and other non-custodial measures are innovative alternatives to imprisonment and that there have been promising developments in that area,

Considering that compensation for damage done is an important element of non-custodial sentences,

Considering that legislation can be introduced to ensure that community service and other non-custodial measures will be imposed as alternatives to imprisonment,

1. *Urges* Member States, if they have not yet done so, to consider introducing appropriate alternatives to imprisonment in their criminal justice systems;⁴²
2. *Recommends* to Member States that have not yet done so to consider the adoption of effective measures to reduce pre-trial detention;
3. *Recommends* Member States, subject to national law, to consider the following:

⁴²See the United Nations Standard Minimum Rules for Non-custodial Measures (the Tokyo Rules) (General Assembly resolution 45/110, annex) and *Human Rights and Pre-trial Detention: A Handbook of International Standards relating to Pre-trial Detention* (United Nations publication, Sales No. E.94.XIV.6).

(a) Dealing with petty offences according to customary practice where such practice exists, provided that doing so meets human rights requirements and that those involved so agree;

(b) If possible, using amicable means of settlement to deal with petty offences and resolving those offences among the parties, for example by using mediation, acceptance of civil reparation, or agreement to compensation through part of the income of the offender or through the work done by the offender to recompense the victim;

(c) If possible, preferring community service and other non-custodial measures to imprisonment;

(d) Conducting a study on the feasibility of adapting successful models of non-custodial measures and applying them in States where they are not yet being applied;

(e) Educating the public about the objectives of the above-mentioned alternatives to imprisonment and about how those alternatives work;

4. *Invites* international and regional financial institutions such as the World Bank and the International Monetary Fund to incorporate in their technical assistance programmes measures to reduce prison overcrowding, including the establishment of adequate infrastructure and the development of alternatives to imprisonment in their criminal justice systems;

5. *Requests* the Secretary-General to report to the Commission on Crime Prevention and Criminal Justice not later than at its tenth session on the implementation of the present resolution.

ANNEX I

Kadoma Declaration on Community Service

Recalling the 1996 Kampala Declaration on Prison Conditions in Africa, which takes into account the limited effectiveness of imprisonment, especially for those serving short sentences, and the cost of imprisonment to the whole of society,

Noting the growing interest in many countries in measures which replace custodial sentences and the promising developments across the world in this regard,

Further noting with appreciation that the importance of the Kampala Declaration was recognized when it was noted in, and annexed to, a draft resolution on international cooperation for the improvement of prison conditions by the Commission on Crime Prevention and Criminal Justice at its sixth session, held in Vienna, Austria, from 28 April to 9 May 1997, and subsequently adopted by the Economic and Social Council in its resolution 1997/36 of 21 July 1997,

Bearing in mind the 1990 United Nations Standard Minimum Rules for Non-custodial Measures (the Tokyo Rules) and the 1985 United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules),⁴³

Considering that, in many countries in Africa, the level of overcrowding is inhuman,

⁴³General Assembly resolution 40/33, annex.

Recalling that the African Charter on Human and Peoples' Rights reaffirms the dignity inherent in a human being and the prohibition of degrading punishment and treatment,

Welcoming the success of the Zimbabwe Community Service scheme and its adoption by the Government of Zimbabwe following a three-year trial period,

Also noting with appreciation that other African countries, including francophone and lusophone countries, are interested in introducing community service as a penal sanction in their criminal justice systems,

The participants at the International Conference on Community Service Orders in Africa, held in Kadoma, Zimbabwe, from 24 to 28 November 1997, make the following Declaration:

1. The use of prison should be strictly limited as a measure of last resort. Prisons represent a waste of scarce resources and human potential. The majority of prisoners who occupy them pose no actual threat to society.
2. The overcrowding in our prisons requires positive action through, *inter alia*, the introduction of community service.
3. Community service is in conformity with African traditions of dealing with offenders and with healing the damage caused by crime within the community. Furthermore, it is a positive and cost-effective measure to be preferred whenever possible to a sentence of imprisonment.
4. Community service should be effectively implemented and supervised and involve a programme of work where the offender is required to carry out a number of hours of voluntary work for the benefit of the community in his or her own time.
5. Governments, donors and civil society organizations are invited to support research, pilot schemes and other initiatives in this important area.
6. Countries that already have community service should take into account lessons learned from elsewhere and review their own schemes accordingly.
7. There should be promotion of community support through sensitization campaigns targeting public opinion; and the development of statistical databases to measure the effectiveness of community service.
8. We encourage those countries that have not yet done so to develop non-custodial sentencing alternatives and to this end we commit ourselves to cooperating with, and coordinating our action through, other national committees on community service, and/or interested groups, in order better to promote the scheme.
9. We adopt the Plan of Action attached hereto.

Appendix

PLAN OF ACTION FOR THE KADOMA DECLARATION ON COMMUNITY SERVICE

Further to the Declaration made by participants at the Kadoma Conference on Community Service Orders in Africa, held in Kadoma, Zimbabwe, from 24 to 28 November 1997,

the participants adopt the following plan of action:

1. Network

Establish a network of National Committees on Community Service and other interested groups to provide mutual support and encouragement through:

Providing resource persons to assist at seminars in the subregion and elsewhere;
Sharing documentation (legislation, guidelines, administrative forms) and ideas;
Coordination and support of new projects;
Cooperation and assistance in administering the scheme;
Assistance in staff training;
Exchange visits.

2. Community service directory

Compile a community service directory. To this end, a home page will be established on the Internet informing interested persons of developments in this area; and a book will be produced which will include:

The contact points and addresses of all National Committees on Community Service and those contacts engaged in community service schemes;
List of experts and resource persons;
Contacts in interested countries;
Interested groups and organizations around the world;
Donor contacts and government contacts.

The book will be distributed in other languages, including French and English translations.

3. Newsletter

Issue a newsletter:

To be produced by each National Committee on Community Service at regular intervals and circulated to the network;

To include: initiatives undertaken, problems encountered, solutions found, reports on workshops, calendar of events, requests for support (e.g. resource persons), statistics and other information;

Disseminated through the Internet or the mail (or both).

4. Research and data-gathering

Set up mechanisms for research and data-gathering:

Research findings and data gathered to be shared through the Newsletter or via the Internet;

Research projects identified (e.g. on cost-benefit analyses) and funding application supported by the network;

Joint research projects on the benefits, problems and effectiveness of community service where the scheme is applied—undertaken regionally and internationally.

ANNEX II

Recommendations of the seminar entitled “Criminal Justice: the Challenge of Prison Overcrowding”, held at San José, Costa Rica, from 3 to 7 February 1997

1. The Secretary-General should take measures to ensure that assistance is offered to States requesting it, either by drawing on existing resources or by creating a special budget heading, with a view to improving the physical conditions of prisons.
2. The Secretary-General should take measures to ensure that the relevant entities are furnished with the necessary resources to provide training for the administrative and operational personnel of the prisons of Member States requesting such training, priority being accorded to the most overcrowded prisons.
3. Measures should be taken to ensure that international and regional financial institutions, such as the World Bank and the Inter-American Development Bank, adopt initiatives aimed at reducing prison overcrowding, including the provision of assistance for programmes of prison construction and the renovation of infrastructure.
4. The World Health Organization and regional bodies should be requested to incorporate, in their assistance programmes, initiatives aimed at improving prison hospital facilities and the medical and hospital services offered to prisoners in States requesting such assistance.
5. Member States should urge the Secretary-General to promote and adopt, jointly with requesting Member States, measures to privatize individual prisons in such a way that they provide for security, the well-being and social reintegration of prisoners, profitable industrial use of prison labour and employment opportunities for prisoners after their release.
6. Member States should seek to establish in prisons human rights committees and work panels as alternative conflict-resolution mechanisms.
7. Member States should explore the possibility of adopting strategies to involve private enterprise in prison social rehabilitation programmes by creating enterprises and micro-enterprises to encourage investment in the vocational training of prisoners, employment creation within prisons and the reintegration of former prisoners into the labour force, thereby ensuring full application of the principles of social reintegration and rehabilitation of former prisoners within the productive mainstream of countries.
8. Member States should take measures to ensure the marketing of prison production through promotional and marketing programmes and to progressively set up workshops in prisons.

DRAFT RESOLUTION IX

Technical cooperation and advisory services in crime prevention and criminal justice*

The Economic and Social Council,

Recalling General Assembly resolution 52/90 of 12 December 1997, on strengthening the United Nations Crime Prevention and Criminal Justice Programme, particularly its technical cooperation capacity,

Stressing the direct relevance of crime prevention and criminal justice to sustained development, stability, improved quality of life, democracy and human rights, which is increasingly being recognized by United Nations entities, specialized agencies and other international organizations,

Aware of the continued increase in requests for technical assistance forwarded to the Centre for International Crime Prevention of the Office for Drug Control and Crime Prevention of the Secretariat, by least developed countries, developing countries, countries with economies in transition and countries emerging from conflict,

Recalling the agreement entered into in August 1997 between the Centre and the United Nations Office for Project Services to cooperate closely in the execution and implementation of technical assistance projects in crime prevention and criminal justice,

Appreciating the funding provided by certain Member States in 1997 that has permitted the Centre to enhance its capacity to execute an increased number of projects,

Recalling General Assembly resolutions 52/12 A of 12 November and B of 19 December 1997, entitled "Renewing the United Nations: a programme for reform",

1. *Takes note* with appreciation of the report of the Secretary-General⁴⁴ on the technical cooperation activities of the Centre for International Crime Prevention of the Office for Drug Control and Crime Prevention of the Secretariat and in particular its success in focusing its technical cooperation activities in those subject areas specifically mandated by the Commission on Crime Prevention and Criminal Justice;

2. *Expresses its appreciation* to the Centre for International Crime Prevention for assisting Member States in achieving positive results in the improvement of their criminal justice systems by responding to the increasing requests for technical assistance, by implementing a number of important projects and by formulating new projects that urgently require new funding;

3. *Welcomes* the work done by the informal consultative group on resource mobilization in accordance with resolutions 5/3 of 31 May 1996⁴⁵ and 6/1 of 9 May 1997⁴⁶ of the Commission on Crime Prevention and Criminal Justice;

4. *Commends* the increased cooperation between the Centre for International Crime Prevention, the United Nations Development Programme and the United Nations Office for Project Services and calls upon those entities,

*For the discussion, see chapter VII.

⁴⁴E/CN.15/1998/9.

⁴⁵*Official Records of the Economic and Social Council, 1996, Supplement No. 10* (E/1996/30), chap. I, sect. D.

⁴⁶*Ibid.*, 1997, *Supplement No. 10* (E/1997/30), chap. I, sect. D.

together with the World Bank and other international, regional and national funding agencies, to support technical cooperation activities complementary to existing bilateral programmes devoted to crime prevention and criminal justice as a means of guaranteeing effective and sustainable development, utilizing the expertise of the Centre;

5. *Welcomes* the close cooperation between the Centre for International Crime Prevention and the United Nations International Drug Control Programme, particularly in the area of action against money-laundering and in the area of drugs and prisons, and calls upon the two entities to continue undertaking joint activities, particularly the elaboration and execution of technical cooperation projects;

6. *Expresses its concern* at the fact that lack of adequate resources may impede progress in the further operationalization of the United Nations Crime Prevention and Criminal Justice Programme and hamper the implementation of those projects that have so far been elaborated in response to urgent requests from countries in need;

7. *Expresses its appreciation* to those Member States that contribute to the activities of the United Nations Crime Prevention and Criminal Justice Programme by providing funding, the services of associate experts, consultants and experts for training purposes, advisory missions and the implementation of technical assistance projects, by developing training manuals and other material, by offering fellowship opportunities and by hosting action-oriented workshops and expert group meetings;

8. *Calls upon* potential donors and relevant funding agencies to make significant and regular financial and/or other contributions for the formulation, coordination and implementation of technical assistance projects elaborated within the framework of the United Nations Crime Prevention and Criminal Justice Programme and to strengthen the role of the Programme as facilitator of bilateral assistance in that area;

9. *Invites* developing countries and countries with economies in transition to include in their requests for assistance from the United Nations Development Programme, in particular as part of its country programme framework, projects and/or elements on crime prevention and criminal justice, with a view to strengthening national institutional capacity, professional expertise and continuing education in that field;

10. *Requests* the Secretary-General, bearing in mind the plan for strategic management of the Commission on Crime Prevention and Criminal Justice, in accordance with Commission resolutions 1/1 of 29 April 1992⁴⁷ and 4/3 of 9 June 1995⁴⁸ to further enhance the resources available within the existing overall budgetary framework of the United Nations for the activities of the United Nations Crime Prevention and Criminal Justice Programme, including travel funds for the mobilization of resources and special efforts for fund-raising;

11. *Requests* the Executive Director of the Office for Drug Control and Crime Prevention to enter into discussions with the Administrator of the United Nations Development Programme with a view to having the Centre for International Crime Prevention recognized as an executing agency;

12. *Calls upon* the Executive Director of the Office for Drug Control and Crime Prevention to consider enhancing the operational activities of the United Nations Crime Prevention and Criminal Justice Programme by establishing a presence at the country or subregional level, jointly with the United Nations International Drug Control Programme where appropriate.

C. Draft decisions for adoption by the Economic and Social Council

3. The Commission also recommends to the Economic and Social Council the adoption of the following draft decisions:

DRAFT DECISION I

**Report of the Commission on Crime Prevention and Criminal Justice
on its seventh session and provisional agenda and documentation
for the eighth session of the Commission***

The Economic and Social Council,

- (a) Takes note of the report of the Commission on Crime Prevention and Criminal Justice on its seventh session;
- (b) Approves the provisional agenda and documentation for the eighth session of the Commission set out below.

*For the discussion, see chapter IX.

⁴⁷Ibid., 1992, *Supplement No. 10* (E/1992/30), chap. I, sect. C.

⁴⁸Ibid., 1995, *Supplement No. 11* (E/1995/30), chap. I, sect. D.

PROVISIONAL AGENDA AND DOCUMENTATION FOR THE EIGHTH SESSION OF THE
COMMISSION ON CRIME PREVENTION AND CRIMINAL JUSTICE

1. Election of officers.

(Legislative authority: rule 15 of the rules of procedure of the functional commissions of the Economic and Social Council and Commission decision 1/101)

2. Adoption of the agenda and organization of work.

Documentation

Annotated provisional agenda

(Legislative authority: Economic and Social Council resolution 1992/1; and rules 5 and 7 of the rules of procedure of the functional commissions of the Economic and Social Council)

3. Work of the Centre for International Crime Prevention:

- (a) Criminal justice reform and strengthening of legal institutions: the development, analysis and policy use of crime and criminal justice information and the computerization of criminal justice operations;
- (b) Technical cooperation;
- (c) Cooperation with other United Nations entities and other bodies;
- (d) Resource mobilization.

Documentation

Report on the work of the Centre for International Crime Prevention

(Legislative authority: Council resolutions 1992/22, 1996/11, 1997/27 and 1997/35; and Commission resolution E/CN.15/1998/L.8/Rev.1)

Report on the work of the institutes comprising the United Nations network of institutes on crime prevention and criminal justice

(Legislative authority: Council resolution 1992/22)

4. Strategies for crime prevention:

- (a) Promotion and maintenance of the rule of law and good governance: crime and public security;
- (b) Elimination of violence against women;
- (c) Development of crime prevention standards.

Documentation

Report on crime prevention

(Legislative authority: Council resolutions 1996/12, para. 17, 1997/24, para. 16, 1997/33, paras. 2, 3 and 4, and 1997/34, paras. 5 and 8)

5. Tenth United Nations Congress on the Prevention of Crime and the Treatment of Offenders.

Documentation

Report on progress made in the preparations for the Tenth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, including reports of the regional preparatory meetings for the Tenth Congress

(Legislative authority: General Assembly resolution 52/91; and Commission resolution E/CN.15/1998/L.11/Rev.1, para. 19)

6. International cooperation in combating transnational crime:
 - (a) Implementation of the Naples Political Declaration and Global Action Plan against Organized Transnational Crime;

Documentation

Report on the implementation of the Naples Political Declaration and Global Action Plan against Organized Transnational Crime

(Legislative authority: General Assembly resolution 52/85, paras. 6 and 9)

- (b) Elaboration of an international convention against transnational organized crime and other possible international instruments.

Documentation

Report on the work of the ad hoc committee on the elaboration of the international convention against transnational organized crime and other possible instruments

(Legislative authority: Commission resolution E/CN.15/1998/L.9/Rev.1, para. 17)

7. Use and application of United Nations standards and norms in crime prevention and criminal justice.

Documentation

Report on the use and application of United Nations standards and norms in crime prevention and criminal justice

(Legislative authority: Council resolutions 1997/30, para. 10, 1997/31, para. 16, and 1997/32; and Commission resolution E/CN.15/1998/L.10/Rev.1, sect. II, para. 10, and sect. III, paras. 10 and 11)

8. Strategic management and programme questions:
 - (a) Strategic management;
 - (b) Programme questions;
 - (c) Appointment of members of the Board of Trustees of the United Nations Interregional Crime and Justice Research Institute.

Documentation

Report on strategic management

(Legislative authority: Commission resolution E/CN.15/1998/L.14/Rev.1)

Note on the nomination of members of the Board of Trustees of the United Nations Interregional Crime and Justice Research Institute

9. Provisional agenda for the ninth session of the Commission.
10. Adoption of the report of the Commission on its eighth session.

DRAFT DECISION II

**Appointment of members of the Board of Trustees of the United Nations
Interregional Crime and Justice Research Institute***

The Economic and Social Council decides to endorse the appointment, by the Commission on Crime Prevention and Criminal Justice at its seventh session, of Setsuo Miyazawa and Alejandro Reyes Posada to the Board of Trustees of the United Nations Interregional Crime and Justice Research Institute.

D. Matters brought to the attention of the Economic and Social Council

4. The attention of the Economic and Social Council is drawn to the following resolution adopted by the Commission:

Resolution 7/1. Strategic management by the Commission on Crime Prevention and Criminal Justice of the United Nations Crime Prevention and Criminal Justice Programme**

*For the discussion, see chapter VIII.

**For the discussion, see chapter VIII.

The Commission on Crime Prevention and Criminal Justice,

Mindful of the statement of principles and programme of action of the United Nations Crime Prevention and Criminal Justice Programme, annexed to General Assembly resolution 46/152 of 18 December 1991,

Recalling Economic and Social Council resolution 1992/22 of 30 July 1992,

Recalling agreed conclusion 1997/2, on mainstreaming a gender perspective into all policies and programmes of the United Nations system, adopted by the Economic and Social Council in the coordination segment of its substantive session in 1997,

Recalling General Assembly resolution 52/12 of 22 December 1997,

Reaffirming its resolutions 1/1 of 30 April 1992, 4/3 of 9 June 1995, 5/3 of 31 May 1996 and 6/1 of 9 May 1997,

I

PROGRAMME AND STRATEGIC MANAGEMENT QUESTIONS

1. *Welcomes* the reorganization of the Crime Prevention and Criminal Justice Division of the Secretariat as the Centre for International Crime Prevention of the Office for Drug Control and Crime Prevention of the Secretariat;
2. *Welcomes* the establishment of the Office for Drug Control and Crime Prevention as the focal point for the integrated efforts of the United Nations in drug control, crime prevention and combating international terrorism;
3. *Welcomes* the setting up of the Strategy Committee on Drug Control and Crime Prevention in order to facilitate synergies, coordination and information flow on all interlinked undertakings of the Office for Drug Control and Crime Prevention;
4. *Takes note* of the report of the Secretary-General on strategic management and programme questions;⁴⁹
5. *Also takes note* of the report of the bureau of the Commission on Crime Prevention and Criminal Justice at its sixth session on its inter-sessional work and the recommendations contained therein;
6. *Welcomes* the report of the informal working group that undertook a review of the programme mandates and resources with a view to establishing a more realistic relationship between them, takes note of the recommendations contained in the report and requests the working group to continue its work and to report thereon to the Commission at its eighth session;
7. *Takes note* of the report of the Office of Internal Oversight Services on the review of programme management in the Crime Prevention and Criminal Justice Division and the recommendations contained therein;⁵⁰

⁴⁹E/CN.15/1998/10.

⁵⁰A/52/777, annex.

8. *Expresses its appreciation* for the efforts of the Secretariat to give effect to the reform measures of the Secretary-General and looks forward to further progressive streamlining and operationalizing of the work programme of the Centre for International Crime Prevention during the biennium 1998-1999 and in the context of the next programme budget, taking into account its previous recommendations on streamlining its agenda and reporting requirements, as well as the recommendations of the informal working group referred to in paragraph 6 above and the recommendations of the Office of Internal Oversight Services referred to in paragraph 7 above;

9. *Reaffirms* the need to maintain a balance between the current main priority issue of combating transnational organized crime and the other priority issues of the United Nations Crime Prevention and Criminal Justice Programme;

10. *Requests* the Centre for International Crime Prevention to strengthen, subject to the availability of extrabudgetary resources, its oversight function with regard to the institutes of the United Nations Crime Prevention and Criminal Justice Programme network in order to ensure better coordination and efficiency of the activities in the field of technical cooperation;

11. *Decides* that it will mainstream a gender perspective into all its activities and requests the Secretariat to integrate a gender perspective into all activities of the Centre for International Crime Prevention;

12. *Invites* Member States to review global crime trends and address the need to provide global policy guidance for the Centre for International Crime Prevention, while strengthening the coordination of development assistance, with a view to ensuring effective and efficient implementation of technical cooperation projects;

13. *Calls upon* the Secretary-General, in line with the priorities of the United Nations as set out in the medium-term plan for the period 1998-2001, to further strengthen the resources of the Centre for International Crime Prevention in order to achieve a better balance between its far-reaching mandates and its resources;

14. *Also calls upon* the Secretary-General, in accordance with his announcement of 17 March 1997, to pursue his efforts to redeploy savings in administration and conference services to the highest-priority programmes, including the United Nations Crime Prevention and Criminal Justice Programme, for support to operational activities;

15. *Further calls upon* the Secretary-General to ensure closer and more effective collaboration between the Centre for International Crime Prevention and other relevant programmes and entities, subject to the availability of extrabudgetary resources;

16. *Emphasizes* that all activities envisaged in the resolutions adopted by it must be implemented either within the approved budgetary appropriations of sections 14 and 21 of the programme budget for the biennium 1998-1999 or, if this is not possible, through extrabudgetary funds, including voluntary contributions.

II

RESOURCE MOBILIZATION

1. *Takes note* of the report on the activities undertaken and the results achieved by the informal consultative group on resource mobilization;

2. *Urges* Member States to review funding policies for development assistance, so as to include crime prevention and criminal justice in such assistance;
3. *Calls upon* Member States to review the list of projects submitted by the informal consultative group with a view to funding those whose substance coincides with their national development priorities;
4. *Also calls upon* Member States to contribute on an annual basis, if possible, to the United Nations Crime Prevention and Criminal Justice Fund in order to cover the cost of improving the infrastructure of the Centre for International Crime Prevention and its capacity to develop and administer the technical cooperation component of the United Nations Crime Prevention and Criminal Justice Programme and to develop essential training tools;
5. *Further calls upon* Member States to discuss with the Centre for International Crime Prevention funding modalities and options for technical cooperation for crime prevention and criminal justice;
6. *Encourages* Member States to provide the Centre for International Crime Prevention with information regarding the achievements of technical cooperation projects executed by the Centre, highlighting the importance of such projects, in order to attract more attention to and enhance interest in them;
7. *Expresses its appreciation* to the members of the informal consultative group and requests them to continue their work and to report thereon to the Commission at its eighth session.