

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

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 resolutions 52/91 of 12 December 1997 and 53/110 of 9 December 1998 on preparations for the Tenth United Nations Congress on the Prevention of Crime and the Treatment of Offenders,

Recalling also 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,

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 of 18 December 1991,

Welcoming the recommendations made by the Commission on Crime Prevention and Criminal Justice at its

seventh¹ and eighth sessions on the organizational and substantive preparations for the Tenth Congress,

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

1. *Takes note* of the report of the Secretary-General on progress made in the preparations for the Tenth United Nations Congress on the Prevention of Crime and the Treatment of Offenders;²

2. *Also takes note* of the reports of the four regional preparatory meetings for the Tenth Congress,³ and invites Member States and other entities involved to take into account the conclusions and recommendations contained in those reports;

3. *Reiterates* its request to the Secretary-General 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 follow-up to and implementation of its conclusions;

4. *Requests* the Secretary-General to assist least developed countries and consider ways to assist developing countries in need to participate in the Tenth Congress by providing the necessary resources for the travel and per diem of delegations from least developed countries, within available resources, and by exploring the possibility of obtaining contributions for that purpose from governmental, intergovernmental and relevant non-governmental organizations and donors;

5. *Calls upon* the specialized agencies and other relevant United Nations bodies, institutes and other intergovernmental and non-governmental organizations to participate effectively in the Tenth Congress and to contribute to the formulation of regional and international measures aimed at preventing crime and ensuring justice;

6. *Requests* the Secretary-General to ensure that the substantive and organizational arrangements for the Tenth Congress are adequate in relation to its expected outcome and to provide the required resources for that purpose in the proposed programme budget for the biennium 2000-2001;

¹ *Official Records of the Economic and Social Council, 1998, Supplement No. 30 and corrigendum (E/1998/30 and Corr.1), chap. II.*

² E/CN.15/1999/6 and Corr.1.

³ A/CONF.187/RPM.1/1 and Corr.1, A/CONF.187/RPM.2/1, A/CONF.187/RPM.3/1 and A/CONF.187/RPM.4/1.

* For the discussion see chapter IV. Regarding financial implications, see annex II.

7. *Approves* the draft programme of work and documentation for the Tenth Congress, as proposed by the Secretary-General in his report on progress made in the preparations for the Congress,⁴ taking into account the recommendations of the Commission on Crime Prevention and Criminal Justice related thereto;

8. *Decides* that the high-level segment of the Tenth Congress shall be held on 14 and 15 April 2000 to allow heads of State or Government or government ministers to focus on the main theme of the Congress;

9. *Encourages* States, other entities concerned and the Secretary-General to work together in order to ensure that the four workshops to be held during the Tenth Congress focus clearly on the respective issues and achieve practical results, and invites interested Governments to follow up with concrete technical cooperation projects or activities;

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

11. *Encourages* Governments to make preparations for the Tenth Congress at an early stage and by all necessary means, including, where appropriate, by establishing national preparatory committees, with a view to contributing to a focused and productive discussion of the topics and to participating actively in the organization of and follow-up to the workshops, the submission of national position papers on different agenda items and the encouragement of contributions from the academic community and relevant scientific institutions;

12. *Reiterates* its invitation to Member States to be represented at the Tenth Congress at a high political level, for example, by heads of State or Government, government ministers or attorneys-general;

13. *Requests* the Secretary-General to invite prominent personalities with acknowledged expertise in the topics of the Tenth Congress, on the basis of equitable geographical distribution, to participate in panels under each topic of the Congress at the expense of the United Nations with a view to ensuring a more focused discussion and action-oriented conclusions;

14. *Decides* that the Tenth Congress should, within the framework of the draft provisional agenda approved by the General Assembly in its resolution 53/110 of 9 December 1999, devote particular attention to ways and

means of making operational the provisions of the United Nations convention against transnational organized crime, especially taking into account the needs of developing countries in the area of capacity-building;

15. *Requests* the Tenth Congress to submit, through the Commission on Crime Prevention and Criminal Justice and the Economic and Social Council, its declaration to the Millennium Assembly for consideration and action;

16. *Requests* the Commission on Crime Prevention and Criminal Justice to give priority attention at its ninth session to the conclusions and recommendations of the Tenth Congress, with a view to recommending, through the Economic and Social Council, appropriate follow-up by the General Assembly at its fifty-fifth session;

17. *Requests* the Secretary-General to appoint a Secretary-General and an Executive Secretary of the Tenth Congress, in accordance with past practice, to perform their functions under the rules of procedure for United Nations congresses on the prevention of crime and the treatment of offenders;

18. *Decides* to consider this subject at its fifty-fifth session.

DRAFT RESOLUTION II

Draft United Nations Convention against Transnational Organized Crime and the draft protocols thereto*

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

The General Assembly,

Recalling its resolution 49/159 of 23 December 1994, by which it approved the Political Declaration and Global Action Plan against Organized Transnational Crime, adopted by the World Ministerial Conference on Organized Transnational Crime, held in Naples, Italy, from 21 to 23 November 1994,

⁴ E/CN.15/1999/6 and Corr.1, chap. II, sect. F, and annex.

* For the discussion, see chapter V.

Recalling also its resolution 52/85 of 12 December 1997, by which it decided to establish an inter-sessional open-ended intergovernmental group of experts for the purpose of elaborating a preliminary draft of a possible comprehensive international convention against organized transnational crime, which met in Warsaw from 2 to 6 February 1998,

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 in Buenos Aires from 27 to 30 November 1995,⁵ 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 in Dakar from 21 to 23 July 1997,⁶ 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 in Manila from 23 to 25 March 1998,⁷

Recalling its resolution 53/111 of 9 December 1998, by which it decided 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,

Convinced of the need to ensure the rapid development and conclusion of the Convention and the protocols thereto,

Recalling the report of the Ad Hoc Committee on the Elaboration of a Convention against Transnational Organized Crime on its second session, held in Vienna from 8 to 12 March 1999,⁸

1. *Takes note* of the report of the Ad Hoc Committee on the Elaboration of a Convention against Transnational Organized Crime submitted to the Commission on Crime Prevention and Criminal Justice at its

eighth session,⁹ and expresses its appreciation of the results achieved by the Ad Hoc Committee during its first, second and third sessions, held in Vienna from 19 to 29 January, from 8 to 12 March and from 28 April to 3 May 1999, respectively, in the development of the draft United Nations Convention against Transnational Organized Crime and the draft protocols thereto, addressing trafficking in women and children, combating illicit manufacturing of and trafficking in firearms, their parts and components and ammunition, and illegal trafficking in and transporting of migrants;

2. *Expresses* its appreciation to the Government of Argentina for acting as host to the informal preparatory meeting of the Ad Hoc Committee on the Elaboration of a Convention against Transnational Organized Crime, held in Buenos Aires from 31 August to 4 September 1998;

3. *Decides* that the additional international instrument being prepared by the Ad Hoc Committee addressing trafficking in women and children should address trafficking in all persons, but especially women and children, and requests the Ad Hoc Committee to make any corresponding changes to the draft instrument;

4. *Requests* the Ad Hoc Committee to continue its work, in accordance with resolutions 53/111 and 53/114 of 9 December 1998, and to intensify its work in order to complete it in the year 2000;

5. *Decides* that the Ad Hoc Committee shall be convened in the year 2000 as required in order to complete its tasks, holding no fewer than four sessions of two weeks each, according to a schedule to be drawn up;

6. *Requests* the Ad Hoc Committee to schedule sufficient time, subject to the availability of funds from the regular budget or extrabudgetary resources, for the negotiation of the draft protocols addressing trafficking in persons, especially women and children, the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition, and illegal trafficking in and transportation of migrants, including by sea, in order to enhance the possibility of their completion at the same time as the draft Convention;

⁵ E/CN.15/1996/2/Add.1, annex.

⁶ E/CN.15/1998/6/Add.1, sect. I.

⁷ E/CN.15/1998/6/Add.2, sect. I.

⁸ A/AC.254/11.

⁹ A/AC.254/13-E/CN.15/1999/5.

7. *Welcomes* the offer of the International Institute of Higher Studies in Criminal Sciences to host informal meetings as deemed appropriate to assist the work of the Ad Hoc Committee;

8. *Encourages* Member States to convene informal regional or interregional meetings to assist the work of the Ad Hoc Committee;

9. *Welcomes* the offer of the Government of Japan to host an international seminar on illicit manufacturing of and trafficking in firearms;

10. *Decides* to convene a conference of plenipotentiaries in the year 2000 with the objective of finalizing and adopting the Convention and the protocols thereto and to opening the Convention and the protocols for signature at the Millennium Assembly;

11. *Notes* with appreciation the offer by the Government of Italy to host the conference of plenipotentiaries in Palermo, Italy;

12. *Requests* the Secretary-General to provide the Ad Hoc Committee and the conference of plenipotentiaries with the required facilities and resources to support their work;

13. *Invites* donor countries to cooperate with developing countries in order to ensure their full participation in the ongoing negotiating process and in the implementation of the Convention through appropriate means of technical assistance;

14. *Requests* the Secretary-General to continue to provide to Member States, upon request, technical cooperation, advisory services and other forms of assistance in the field of crime prevention and criminal justice, including in the area of prevention and control of transnational organized crime;

15. *Requests* the Ad Hoc Committee to submit a report to the Commission on Crime Prevention and Criminal Justice at its ninth session on the progress achieved in its work.

DRAFT RESOLUTION III

Activities of the Ad Hoc Committee on the Elaboration of a Convention against Transnational Organized Crime: illicit manufacturing of and trafficking in firearms, their parts and components and ammunition, as well as consideration of the need to develop an instrument on the illicit manufacturing of and trafficking in explosives*

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

The General Assembly,

Recalling its resolution 53/111 of 9 December 1998 on transnational organized crime,

Recalling also Economic and Social Council resolutions 1998/17 of 28 July 1998, on the regulation of explosives for the purpose of crime prevention and public health and safety, and 1998/18, also of 28 July 1998, on measures to regulate firearms for the purpose of combating illicit trafficking in firearms,

Taking into account the work of the Panel of Governmental Experts on Small Arms, established pursuant to General Assembly resolution 50/70 B of 12 December 1995,

Recognizing the need for effective coordination between the Ad Hoc Committee on the Elaboration of a Convention against Transnational Organized Crime and the different United Nations bodies involved in the field of small arms,

Taking note of the United Nations International Study on Firearm Regulation¹⁰ and of the note by the Secretary-General on illicit manufacturing of and trafficking in explosives by criminals and the abuse and misuse of explosives for criminal purposes,¹¹

Concerned by the increase, at the international level, in the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition and by the seriousness of the problems arising from them, as well as by their links with transnational organized crime,

* For the discussion, see chapter V.

¹⁰ United Nations publication, Sales No. E.98.IV.2.

¹¹ E/CN.15/1999/3/Add.1.

Aware of the urgent need to prevent, combat and eradicate the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition,

Aware also that the illicit manufacturing of, trafficking in and criminal misuse of explosives have a harmful effect on the security of States and endanger the well-being of peoples and their social and economic development,

Deeply concerned that effective action against transnational organized crime is hampered by the easy access that criminals have to explosives,

Convinced that combating the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition, as well as combating the illicit manufacture of and trafficking in explosives, requires international cooperation, the exchange of information and other appropriate measures at the national, regional and global levels,

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

Underlining the need for all States, especially those States which produce, export or import arms, to take the necessary measures to prevent, curb, combat and eradicate the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition, as well as explosives,

Reaffirming the principles of sovereignty, non-intervention and the sovereign equality of all States and the rights and obligations enshrined in the Charter of the United Nations,

1. *Welcomes* the work of the Ad Hoc Committee on the Elaboration of a Convention against Transnational Organized Crime, and encourages it to continue the negotiation of an international legal instrument dealing with the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition;

2. *Recommends* that, in negotiating the international legal instrument, the Ad Hoc Committee take into account, when appropriate and pertinent, 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;

3. *Calls upon* States to consider the adoption of such legislative or other measures as may be necessary to

establish as criminal offences under their domestic law the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition, as well as explosives;

4. *Encourages* States to consider forms to enhance cooperation and the exchange of data and other information with a view to preventing, curbing, combating and eradicating the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition, as well as explosives;

5. *Requests* the Secretary-General, within existing or extrabudgetary resources, to convene an expert group with no more than twenty members with equitable geographical representation to prepare a study on the illicit manufacturing of and trafficking in explosives by criminals and their use for criminal purposes, taking fully into consideration the issues listed in paragraph 2 of Economic and Social Council resolution 1998/17;

6. *Also requests* the Secretary-General to facilitate the participation of experts from developing countries in the meeting of the expert group by providing, from within existing or extrabudgetary resources, for the travel of experts from such countries;

7. *Invites* Member States to make voluntary contributions in order to support the study to be prepared by the expert group and to ensure the participation of experts from developing countries;

8. *Requests* the Secretary-General to report, as early as possible, to the Commission on Crime Prevention and Criminal Justice on the results of the study, and directs the Ad Hoc Committee on the Elaboration of a Convention against Transnational Organized Crime, following the completion of the study, to consider the possible elaboration of an international instrument on the illicit manufacturing of and trafficking in explosives.

DRAFT RESOLUTION IV

Action against corruption*

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

The General Assembly,

* For the discussion, see chapter III.

Noting the corrosive effect that corruption has on democracy, development, the rule of law and economic activity,

Recognizing that corruption is a primary tool of organized crime in its efforts, often conducted on an international basis, to subvert Governments and legitimate commerce,

Drawing attention to the increasing number of regional conventions and other regional instruments recently developed to fight corruption, including 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 Inter-American Convention against Corruption, adopted by the Organization of American States on 29 March 1996,¹² the Principles to Combat Corruption in African Countries of the Global Coalition for Africa, the Council of Europe Criminal Law Convention on Corruption and Agreement Establishing the Group of States against Corruption, the conventions and related protocols on corruption of the European Union and recommendation 32 of the Senior Experts Group on Transnational Organized Crime, endorsed by the Group of Eight in Lyon, France, in June 1996, as well as to best practices, such as those compiled by the Financial Action Task Force on Money Laundering, the Basel Committee on Banking Supervision and the International Organization of Securities Commissions,

Commending the efforts in the United Nations to address corruption concerns in a global forum, including the United Nations Declaration against Corruption and Bribery in International Commercial Transactions¹³ and the International Code of Conduct for Public Officials,¹⁴ the ongoing development of a comprehensive international convention against transnational organized crime and protocols thereto by the Ad Hoc Committee on the Elaboration of a Convention against Transnational Organized Crime, established pursuant to General Assembly resolution 53/111 of 9 December 1998, and the manual prepared by the Secretariat on practical measures against corruption,

Noting the Expert Group Meeting on Corruption and Its Financial Channels, held in Paris from 30 March to

1 April 1999, pursuant to Economic and Social Council resolution 1998/16 of 28 July 1998,

Noting also the Global Forum on Fighting Corruption, held in Washington, D.C., from 24 to 26 February 1999 at the invitation of the United States Vice President, at which participants from ninety governments called upon their governments to cooperate in regional and global bodies to adopt effective anti-corruption principles and practices¹⁵ and to create ways to assist each other through mutual evaluation,

1. *Takes note* with appreciation of and subscribes to the conclusions and recommendations of the Expert Group Meeting on Corruption and Its Financial Channels, held in Paris from 30 March to 1 April 1999, which are contained in the report of the Expert Group Meeting;¹⁶

2. *Also takes note with appreciation* of the Declaration made by the first Global Forum on Fighting Corruption, held in Washington, D.C., from 24 to 26 February 1999,¹⁷ and notes that the second Global Forum on Fighting Corruption is to be held in the Netherlands in the year 2000 as follow-up to the first Global Forum on Fighting Corruption;

3. *Invites* Member States to examine, at the national level, as appropriate, taking into account the above referenced documents, the adequacy of their domestic legal regimes in terms of guarding against corruption and providing for forfeiture of the proceeds of corruption, drawing upon international assistance available for that purpose, with a view to, where necessary:

(a) Strengthening national laws and regulations in order to criminalize corruption in all its forms, amending provisions against money-laundering so that they cover bribes and the proceeds of corruption, as well as provisions concerning the prevention and detection of acts of corruption and money-laundering;

(b) Improving the transparency, vigilance and monitoring of financial transactions and limiting bank and professional secrecy in cases involving criminal investigation;

(c) Promoting both inter-agency coordination and international administrative and judicial cooperation in matters involving corruption;

¹² See E/1996/99.

¹³ General Assembly resolution 51/191, annex.

¹⁴ General Assembly resolution 51/59, annex.

¹⁵ E/CN.15/1999/CRP.12.

¹⁶ E/CN.15/1999/10, paras. 1-14.

¹⁷ E/CN.15/1999/WP.1/Add.1.

(d) Enacting legislation and establishing programmes promoting the full involvement of civil society in efforts to fight corruption;

(e) In accordance with relevant international instruments and domestic legislation, providing for the possibility of providing extradition and mutual assistance in cases involving corruption or money-laundering;

4. *Stresses* the need to develop a global strategy to strengthen international cooperation aimed at the prevention and punishment of corruption, including the links of corruption with organized crime and money-laundering, by:

(a) Encouraging Member States to become parties to, and to implement the terms of, relevant international conventions and other instruments aimed at fighting corruption;

(b) Inviting Member States to participate in conferences and other forums for the advancement of international efforts against corruption;

(c) Also inviting Member States to explore the possibilities of developing a global system for peer review regarding the adequacy of practices aimed at combating corruption;

5. *Directs* the Ad Hoc Committee on the Elaboration of a Convention against Transnational Organized Crime to incorporate into the draft Convention measures against corruption linked to organized crime, including provisions regarding the sanctioning of acts of corruption involving public officials;

6. *Requests* the Ad Hoc Committee, using such time as its schedule permits and with extrabudgetary resources provided for that purpose, to explore the desirability of an international instrument against corruption, either ancillary to or independent of the Convention, to be developed after the finalization of the Convention, and the three additional instruments referred to in General Assembly resolution 53/111 and to present its views to the Commission on Crime Prevention and Criminal Justice;

7. *Invites* Member States to keep the Office for Drug Control and Crime Prevention of the Secretariat informed of progress made in the implementation of the recommendations of the Expert Group Meeting on Corruption and Its Financial Channels;

8. *Requests* the Office for Drug Control and Crime Prevention:

(a) To ensure that the ongoing revision of the manual prepared by the Secretariat on practical measures against corruption incorporates the recommendations of the Expert Group Meeting on Corruption and Its Financial Channels and takes note of the conclusions of the first Global Forum on Fighting Corruption;

(b) To continue to develop, in consultation with Member States, an effective global programme for providing technical assistance to fight corruption;

(c) To explore ways to convince underregulated financial centres to adopt rules enabling them to trace and take action against the proceeds of organized crime and corruption, to participate actively in international cooperation aimed at preventing and controlling related forms of financial crime and, if necessary, to consider measures to protect the international financial system from the underregulated financial centres and of mechanisms for the establishment of such minimum rules;

(d) To report to the Commission on Crime Prevention and Criminal Justice no later than at its tenth session on the progress made in the implementation of the present resolution and the steps taken by Member States to combat corruption and its proceeds;

9. *Requests* the Secretary-General to undertake, within existing or extrabudgetary resources, technical cooperation activities to combat corruption, in consultation with Member States that may be able to provide assistance.

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

**Work of the United Nations Crime Prevention
and Criminal Justice Programme***

The Economic and Social Council,

Recalling General Assembly resolution 53/114 of 9 December 1998 on strengthening the United Nations Crime Prevention and Criminal Justice Programme, in particular its technical cooperation capacity,

Recalling also 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, in which it is stated that the Commission on Crime Prevention and Criminal Justice should have certain functions, including facilitating and helping to coordinate the activities of the United Nations interregional and regional institutes for the prevention of crime and the treatment of offenders, and that, given the important role of the institutes, their contributions to policy development and implementation and their resource requirements should be fully integrated into the overall United Nations Crime Prevention and Criminal Justice Programme,

Recalling further General Assembly resolution 48/103 of 20 December 1993, in which the Assembly, *inter alia*, requested the Secretary-General to provide from existing resources adequate funds to build and maintain the institutional capacity of the United Nations Crime Prevention and Criminal Justice Programme to respond to requests from Member States for assistance in the field of crime prevention and criminal justice, if necessary through the reallocation of resources,

Recalling its resolution 1992/22 of 30 July 1992,

Recalling also its agreed conclusions 1997/2, on mainstreaming a gender perspective into all policies and programmes of the United Nations system, adopted at the coordination segment of its substantive session of 1997, and the need to maintain a balance between the different priority issues within the United Nations Crime Prevention and Criminal Justice Programme,

1. *Notes* the new structure of the United Nations Crime Prevention and Criminal Justice Programme as laid out in the Secretary-General's Bulletin on the Organization

* For the discussion, see chapter II.

of the Office for Drug Control and Crime Prevention of the Secretariat;¹⁸

2. *Takes note* of the report of the Executive Director on the work of the Centre for International Crime Prevention¹⁹ and the report of the Secretary-General on the activities of the institutes comprising the United Nations Crime Prevention and Criminal Justice Programme network;²⁰

3. *Welcomes* Commission on Crime Prevention and Criminal Justice resolution 7/1, in section I of which the Commission decided to mainstream a gender perspective into all its activities and requested the Secretariat to integrate a gender perspective into all the activities of the Centre for International Crime Prevention of the Office for Drug Control and Crime Prevention;

4. *Notes* the initiative of the Centre for International Crime Prevention, in cooperation with the United Nations Interregional Crime and Justice Research Institute, in developing the global programme against trafficking in human beings, the global programme against corruption and the global studies on transnational organized crime, but stresses that the programmes promoted by the Centre should be formulated on the basis of close consultation with Member States and review by the Commission on Crime Prevention and Criminal Justice;

5. *Calls upon* the Centre for International Crime Prevention to reinforce its efforts to focus its technical cooperation activities on priority issues and concerns in crime prevention and criminal justice, to pursue a comprehensive approach in carrying out its operational activities, to coordinate more fully its activities with recipient and donor countries and to interact with other relevant United Nations entities and with the United Nations Crime Prevention and Criminal Justice Programme network;

6. *Urges* States and funding agencies to review, as appropriate, their funding policies for development assistance and to include a crime prevention and criminal justice component in such assistance;

7. *Calls upon* States to make every effort to contribute to the United Nations Crime Prevention and Criminal Justice Fund;

¹⁸ ST/SGB/1998/17.

¹⁹ E/CN.15/1999/2.

²⁰ E/CN.15/1999/4.

8. *Encourages* States to provide the Centre for International Crime Prevention with information on best practices and lessons learned from technical cooperation projects executed by the Centre;

9. *Takes note with appreciation* of the report of the Thirteenth Joint Programme Coordination Meeting of the United Nations Crime Prevention and Criminal Justice Programme Network, held in Courmayeur, Italy, on 23 and 24 September 1998;

10. *Welcomes* the unique contribution of the institutes of the United Nations Crime Prevention and Criminal Justice Programme network, individually and collectively, to the implementation of the mandate of the Secretary-General in crime prevention and criminal justice, as reflected in the annex to the report of the Thirteenth Joint Programme Coordination Meeting;

11. *Requests* the Secretary-General to ensure that the expertise and resources of the institutes of the United Nations Crime Prevention and Criminal Justice Programme network are utilized effectively in the implementation of the Programme;

12. *Invites* interested Member States to explore the possibility of cooperative projects with the institutes of the United Nations Crime Prevention and Criminal Justice Programme network;

13. *Invites* the workshop on women in the criminal justice system, to be held at the Tenth United Nations Congress on the Prevention of Crime and the Treatment of Offenders in Vienna in April 2000, to consider the desirability of conducting an international victimization survey on violence against women that will enable Member States and the international community to develop action-oriented policies to eliminate violence against women;

14. *Requests* the Secretary-General, taking into account the activities of the workshop on crimes related to the computer network, to be held at the Tenth Congress, to conduct a study on effective measures that could be taken at the national and international levels to prevent and control computer-related crime, which would include an examination of the desirability of preparing manuals, guidelines and recommendations, and to report on the conclusions of the study to the Commission on Crime Prevention and Criminal Justice at its tenth session.

DRAFT RESOLUTION II

Action to promote cooperation and the functioning of the clearing house on international projects in the field of crime prevention and criminal justice*

The Economic and Social Council,

Recalling General Assembly resolution 46/152 of 18 December 1991, in which the Assembly decided that the United Nations Crime Prevention and Criminal Justice Programme should be devoted to providing States with practical assistance to achieve the goals of preventing crime and improving the response to crime,

Recalling also its resolution 1994/22 of 25 July 1994, in which it requested the Secretary-General to establish a database on technical assistance, integrating needs of Member States, in particular developing countries, as well as on existing collaborative arrangements and funding, taking into account regional concerns,

Recalling further its resolution 1995/12 of 24 July 1995, in which it requested the Secretary-General to initiate a pilot project to establish a regional database on international training and technical assistance projects, with a view to considering additional regional databases or a global database,

Expressing its appreciation to the European Institute for Crime Prevention and Control, affiliated with the United Nations, for the establishment, in close cooperation with the National Institute of Justice of the United States of America, of such a regional centralized clearing house for central and eastern Europe aimed at facilitating the exchange of information to assist policy makers in all Member States in better allocating resources, identifying potential partners in cooperative projects and opportunities for collaborative action and improving support for an incremental approach to preventing crime and ensuring criminal justice,

Recognizing that this clearing house is also operational and available to interested parties via the Internet and that its structure is also applicable to other regions,

Concerned about the duplication and lack of evaluation of technical assistance and training projects, which may result in wastage of scarce resources for technical cooperation,

* For the discussion, see chapter II.

Noting that Member States, international organizations and other entities engaged in collaborative training and technical assistance have made insufficient use of the clearing house,

Aware of the operation of other databases on cooperation in specific fields, including the database of the United Nations International Drug Control Programme,

1. *Requests* the Secretary-General to collect information from Member States and relevant international organizations and other entities on their projects involving international technical assistance and training in the field of crime prevention and criminal justice, in close cooperation with the institutes of the United Nations Crime Prevention and Criminal Justice Programme network;

2. *Invites* all Member States, international organizations and other entities to utilize the existing central clearing house either by submitting information to the Secretary-General or to the manager of the clearing house or by making direct use of the clearing house via the Internet;

3. *Recommends* that, in order to avoid duplication and to ensure transparency, entities with national or specialized clearing houses cooperate with the central clearing house by providing contact points for information or direct electronic linkages;

4. *Recommends also* that Member States consider the establishment of central contact points for information on their technical assistance and training projects in the field of crime prevention and criminal justice, as appropriate;

5. *Recommends further* that the Secretary-General explore the possibility of expanding this pilot phase as a standing activity;

6. *Requests* the Secretary-General to report on the functioning of the pilot phase to the Commission on Crime Prevention and Criminal Justice at its tenth session.

DRAFT RESOLUTION III

Effective crime prevention*

The Economic and Social Council,

Bearing in mind Economic and Social Council resolution 1996/16 of 23 July 1996, in which the Council requested the Secretary-General to continue to promote the use and application of United Nations standards and norms in crime prevention and criminal justice matters,

Recalling the preliminary draft elements of responsible crime prevention annexed to its resolution 1997/33 of 21 July 1997, in particular those on community involvement in crime prevention, contained in paragraphs 14 to 23 of that annex,

Recognizing that effective crime prevention is increasingly being regarded as a development issue in the international arena and that a viable criminal justice system is at the core of economic growth and social stability,

1. *Takes note* of the conclusions of the Expert Group Meeting on Community Involvement in Crime Prevention, held in Buenos Aires from 8 to 10 February 1999, and of the report of that meeting to the Commission on Crime Prevention and Criminal Justice at its eighth session;²¹

2. *Requests* the Commission on Crime Prevention and Criminal Justice to urge Member States to recognize that effective crime prevention is the result of mobilizing local, national and international actors, stakeholders and partners;

3. *Requests* the Secretary-General to convene an interregional expert group meeting, with the extrabudgetary support of interested Governments, bearing in mind the preliminary draft elements of responsible crime prevention contained in the annex to Economic and Social Council resolution 1997/33, in order to analyse possible mechanisms for applying successful crime prevention strategies that are both situational and oriented towards social development to forms of crime such as urban crime, domestic violence and juvenile crime and, where appropriate, to new and emerging forms of crime such as organized crime, trafficking in persons, especially women and children, and corruption;

4. *Also requests* the Secretary-General, with the extrabudgetary support of interested Governments, to conduct a study on possible cultural and institutional differences in effective crime prevention and to make the

* For the discussion, see chapter III.

²¹ E/CN.15/1999/CRP.1.

study available to the Commission on Crime Prevention and Criminal Justice;

5. *Requests* the Commission to explore the possibility of preparing guidelines on crime prevention for policy makers and a handbook on crime prevention for practitioners;

6. *Requests* Member States to use the occasion of the workshop on community involvement in crime prevention that will be organized at the Tenth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, to be held in Vienna from 10 to 17 April 2000, as an opportunity for Governments with technical assistance needs to form partnerships with interested donor Governments and with United Nations entities for the express purpose of developing practical technical cooperation projects aimed at addressing common problems of crime prevention;

7. *Takes note with appreciation* of the initiative of the Governments of Canada, France and the Netherlands to convene a conference in collaboration with the International Centre for the Prevention of Crime on the theme "Putting Crime Prevention Knowledge to Work", to be held from 3 to 6 October 1999 in Montreal, Canada, which will assist in the preparations for the Tenth Congress workshop on community involvement in crime prevention;

8. *Invites* Member States to hold regional meetings of government experts on community involvement in crime prevention in order to study and develop differentiated models of crime prevention strategies that are both situational and oriented towards social development in countries with similar cultural and legal traditions;

9. *Urges* the Centre for International Crime Prevention of the Office for Drug Control and Crime Prevention of the Secretariat to promote projects that contribute to the exchange of information and experience in crime prevention for the purpose of encouraging new forms of collaboration between countries at the levels of government, the community and non-governmental organizations;

10. *Requests* the Secretary-General to ensure broad professional and geographical participation at the workshop of, *inter alia*, policy advisers, law enforcement, prosecutorial and judicial authorities, academics, social workers, health workers and educators, relevant United Nations bodies, including the United Nations Development Programme, relevant non-governmental organizations, members of the private security industry, the business

community, the media, local government officials and crime prevention coordinators.

DRAFT RESOLUTION IV

Development and implementation of mediation and restorative justice measures in criminal justice*

The Economic and Social Council,

Recalling its resolution 1997/33 of 21 July 1997, entitled "Elements of responsible crime prevention: standards and norms", as well as its resolution 1998/23 of 28 July 1998, in which it recommended to Member States that they consider using amicable means of settlement to deal with petty offences, for example, by using mediation, acceptance of civil reparation or agreement to compensation, and to consider using non-custodial measures, such as community service, as alternatives to imprisonment,

Bearing in mind General Assembly resolution 52/90 of 12 December 1997, in which the Assembly reaffirmed the high priority attached to technical cooperation and advisory services in the field of crime prevention and criminal justice,

Taking note of the reports of the Secretary-General on crime prevention²² and on the use and application of United Nations standards and norms in crime prevention and criminal justice²³ and of the report of the Expert Group Meeting on Community Involvement in Crime Prevention, held in Buenos Aires from 8 to 10 February 1999,²⁴

Recalling the existing regional instruments, including Council of Europe recommendations (85) 11, on the position of victims in criminal law and procedural criminal law, and (98) 1, on family mediation,

Bearing in mind that crime prevention in all its aspects is a fundamental issue to be considered at the Tenth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, to be held in Vienna from 10 to 17 April 2000, and that the issue of community involvement in crime prevention will be the subject of a workshop to be organized during the Tenth Congress,

* For the discussion, see chapter III.

²² E/CN.15/1999/3.

²³ E/CN.15/1999/7.

²⁴ E/CN.15/1999/CRP.1.

1. *Recognizes* that, while a significant number of minor offences jeopardize citizens' security and comfort, traditional criminal justice mechanisms do not always provide an appropriate and timely response to those phenomena, whether from the perspective of the victim or in terms of adequate and appropriate penalties;

2. *Stresses* that an important means of settlement of minor disputes and offences can be represented, in appropriate cases, by mediation and restorative justice measures, especially measures that, under the supervision of a judicial or other competent authority, facilitate the meeting of the offender with the victim, compensation for damages suffered or the provision of community services;

3. *Emphasizes* that mediation and restorative justice measures, where appropriate, can lead to satisfaction for victims as well as to the prevention of future illicit behaviour and can represent a viable alternative to short terms of imprisonment and to fines;

4. *Welcomes* the development in many countries of experience in mediation and restorative justice in the field of criminal justice, where appropriate, in the areas of, *inter alia*, minor offences, family problems, school and community problems, and problems involving children and youth;

5. *Calls upon* States to consider, within their legal systems, the development of procedures to serve as alternatives to formal criminal justice proceedings and to formulate mediation and restorative justice policies, with a view to promoting a culture favourable to mediation and restorative justice among law enforcement, judicial and social authorities, as well as local communities, and to consider the provision of appropriate training for those involved in the implementation of such processes;

6. *Calls upon* interested States, international organizations and other entities to exchange information and experience on mediation and restorative justice, including in the framework of the United Nations Crime Prevention and Criminal Justice Programme, and to contribute actively to the discussion and consideration of mediation and restorative justice policies in the framework of the Tenth United Nations Congress on the Prevention of Crime and the Treatment of Offenders and in particular in its workshop on community involvement in crime prevention;

7. *Requests* the Commission on Crime Prevention and Criminal Justice to examine ways and means of facilitating an effective exchange of information concerning national experience in this area and possible ways to

promote awareness among Member States of the issues of mediation and restorative justice;

8. *Recommends* to the Commission that it consider the desirability of formulating United Nations standards in the field of mediation and restorative justice, which are intended to ensure fairness in the resolution of minor offences;

9. *Requests* the Secretary-General to undertake, within existing or extrabudgetary resources, activities to assist Member States in developing mediation and restorative justice policies and to facilitate the exchange at the regional and international levels of experience on the issues of mediation and restorative justice, including dissemination of best practices;

10. *Also requests* the Secretary-General to prepare a report on work in progress in this area to be submitted to the Commission on Crime Prevention and Criminal Justice at its tenth session or as soon as possible, taking into account, *inter alia*, relevant results of the Tenth United Nations Congress on the Prevention of Crime and the Treatment of Offenders.

DRAFT RESOLUTION V

Penal reform*

The Economic and Social Council,

Recalling its resolution 1997/36 of 21 July 1997 on international cooperation for the improvement of prison conditions and the Kampala Declaration on Prison Conditions in Africa, annexed to that resolution,

Recalling also its resolution 1998/23 of 28 July 1998 on international cooperation aimed at the reduction of prison overcrowding and the promotion of alternative sentencing and the Kadoma Declaration on Community Service, contained in annex I to that resolution,

Bearing in mind the recommendations of the African Regional Preparatory Meeting for the Tenth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, held in Kampala from 7 to 9 December 1998, on topics III and IV,²⁵

Bearing in mind also the relevant United Nations standards and norms in crime prevention and criminal justice, in particular the Standard Minimum Rules for the

* For the discussion, see chapter III.

²⁵ See A/CONF.187/RPM.3/1, chap. II, paras. 22-35.

Treatment of Prisoners,¹ the Basic Principles on the Treatment of Prisoners,² the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules)³ and the United Nations Standard Minimum Rules for Non-custodial Measures (the Tokyo Rules),⁴

Taking note of the Arusha Declaration on Good Prison Practice, annexed to the present resolution,

1. *Urges* Member States that have not yet done so, to the extent needed:

(a) To take specific action and to establish time-bound targets to address the serious problems confronting many Member States as a result of prison overcrowding, recognizing that the conditions in overcrowded prisons may affect the human rights of prisoners and that many States lack the necessary resources to alleviate prison overcrowding;

(b) In accordance with the Kampala Declaration on Prison Conditions⁵ and the Kadoma Declaration on Community Service,⁶ to devise, where necessary, and further to promote measures to reduce the number of prisoners on remand and awaiting trial;

(c) In this context, to make increased use of alternatives to imprisonment, such as pre-trial release, release on own recognizance, conditional release, restitution, community service or labour, the use of fines and payment by instalments and the introduction of conditional and suspended sentences;

2. *Recommends* to Member States that they consider the following, subject to the provisions of their national law:

(a) Conducting research on new approaches to penal and justice reform, including promoting alternatives to imprisonment, alternative forms of dispute resolution, new approaches to prison and traditional forms of justice, alternatives to custody, alternative ways of dealing with

juveniles, restorative justice, mediation and the role of civil society in penal reform;

(b) The possible use of new modes of accessible justice for minor offences, with a view to the following:

(i) Reviewing existing trends in and issues concerning people's access to criminal justice systems;

(ii) Examining models of pre-trial dispute resolution;

(iii) Assessing the use of mechanisms for expediting justice;

3. *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 promote examination of these issues;

4. *Invites* the Tenth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, to be held in Vienna from 10 to 17 April 2000, to consider these issues;

5. *Requests* the Secretary-General to report to the Commission on Crime Prevention and Criminal Justice at its tenth session on the implementation of the present resolution.

ANNEX

Arusha Declaration on Good Prison Practice

PREAMBLE

Aware of the fact that the management of prisons is a social service and that it is important to keep the public informed about the work of prison services,

Aware also of the need to promote transparency and accountability in the management of prisons and of prisoners in Africa,

Recalling the Kampala Declaration on Prison Conditions in Africa,⁷ which sets out an agenda for penal reform in Africa,

Taking note of the Kadoma Declaration on Community Service,⁸ which recommends greater use of non-custodial

¹ See *First United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Geneva, 22 August-3 September 1955: report prepared by the Secretariat* (United Nations publication, Sales No. 1956.IV.4), annex I. A.

² General Assembly resolution 45/111, annex.

³ General Assembly resolution 40/33, annex.

⁴ General Assembly resolution 45/110, annex.

⁵ Economic and Social Council resolution 1997/36, annex.

⁶ Economic and Social Council resolution 1998/23, annex I.

⁷ Economic and Social Council resolution 1997/36, annex.

⁸ Economic and Social Council resolution 1998/23, annex I.

measures for offences committed at the lower end of the criminal scale,

Also taking note of the provisions of the African Charter on Human and Peoples' Rights of 1981,⁹ the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights,¹⁰ the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment¹¹ that safeguard the right to life, the right to a prompt trial and human dignity,

Bearing in mind the Standard Minimum Rules for the Treatment of Prisoners,¹² the Basic Principles for the Treatment of Prisoners,¹³ the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules),¹⁴ the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment¹⁵ and the Code of Conduct for Law Enforcement Officials,¹⁶

Bearing in mind also that prison officers who comply with national and international standards for the protection of prisoners deserve the respect and the cooperation of the prison administration where they serve and the community as a whole,

Noting that conditions in most African prisons fall short of these minimum national and international standards,

The Fourth Conference of the Central, Eastern and Southern African Heads of Correctional Services, meeting in Arusha from 23 to 27 February 1999, agree with the following principles:

(a) To promote and implement good prison practice, in conformity with the international standards mentioned above, and to adjust domestic laws to those standards, if this has not yet been done;

(b) To improve management practices in individual prisons and in the penitentiary system as a whole in order to

increase transparency and efficiency within the prison service;

(c) To enhance the professionalism of prison staff and to improve their working and living conditions;

(d) To respect and protect the rights and dignity of prisoners as well as to ensure compliance with national and international standards;

(e) To provide training programmes to prison staff that incorporate human rights standards in a way that is meaningful and relevant and to improve the skills base of prison officers and, for this purpose, to establish a training board of the Conference of the Central, Eastern and Southern African Heads of Correctional Services;

(f) To establish a criminal justice mechanism comprising all the components of the criminal justice system that would coordinate activities and cooperate in the solution of common problems;

(g) To invite civil society groups into the prisons to work in partnership with the prison services in order to improve the conditions of imprisonment and the working environment of prisons;

(h) To call upon Governments and national and international organizations to give full support to this declaration.

DRAFT RESOLUTION VI

Administration of juvenile justice*

The Economic and Social Council,

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, and its resolution 1998/21 of 28 July 1998, on United Nations standards and norms in crime prevention and criminal justice,

Welcoming the fact that the Committee on the Rights of the Child places considerable emphasis on juvenile justice during its review of reports by States parties to the Convention on the Rights of the Child⁴² and noting that its

⁹ OAU document CAB/LEG/67/3 rev.5.

¹⁰ General Assembly resolution 2200 A (XXI), annex.

¹¹ General Assembly resolution 39/46, annex.

¹² See *Human Rights: A Compilation of International Instruments* (United Nations publication, Sales No. E.88.XIV.1).

¹³ General Assembly resolution 45/111, annex.

¹⁴ General Assembly resolution 40/33, annex.

¹⁵ General Assembly resolution 43/173, annex.

¹⁶ General Assembly resolution 34/169, annex.

* For the discussion, see chapter VI.

⁴² General Assembly resolution 44/25, annex. In article 1 of the Convention on the Rights of the Child, the word "child" is defined as follows: "For the purposes of the present Convention, a child means every human being below the age of eighteen

concluding observations often include recommendations to seek technical assistance in juvenile justice from, *inter alia*, the Office of the United Nations High Commissioner for Human Rights, the Centre for International Crime Prevention of the Office for Drug Control and Crime Prevention of the Secretariat, the United Nations Children's Fund and the network of non-governmental organizations concerned with juvenile justice issues, through the coordination panel on technical advice and assistance in juvenile justice, established pursuant to Economic and Social Council resolution 1997/30,

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

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

Acknowledging that there are links between juvenile delinquency and drug abuse, and recognizing that there is an urgent need for adequate measures and enhanced cooperation between all relevant actors at the national and international levels,

Recognizing that young drug addicts in conflict with the law are often victims and offenders at the same time, vulnerable not only to drug-related criminal activities, but also to activities involving ordinary crime,

Taking note of the draft proposal by the Secretariat on the global programme against trafficking in human beings, taking into account the fact that children, especially the girl child, and young people are often victims of such trafficking,

Concerned about the fact that, in the view of the Committee on the Rights of the Child, there is a need to strengthen the juvenile justice system in the majority of States parties whose reports have been considered by the Committee,

1. *Takes note* of the report of the Secretary-General on the use and application of United Nations standards and norms in juvenile justice,⁴³ 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 bringing them in line with United Nations standards and norms in juvenile justice;

3. *Also welcomes* the increased number of technical assistance projects in the field of juvenile justice, reflecting an increased awareness among Member States of the importance of juvenile justice reform in establishing and maintaining stable societies and the rule of law;

4. *Further 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 modalities 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. *Stresses* the need to give timely assistance to children and young people in difficult circumstances, especially in drug-related situations, in order to prevent them from resorting to crime;

7. *Underlines* the importance of establishing, where possible and as appropriate, alternatives to imprisonment for young people in conflict with the law, including young drug addicts or users, such as the provision of treatment and vocational training, counselling, rehabilitation, reintegration and aftercare services;

8. *Requests* States to promote re-education and rehabilitation of children and young people who are in conflict with the law by encouraging, where appropriate, the use of methods of restorative justice, mediation, conflict resolution and victim/offender conciliation, as alternatives to

years unless, under the law applicable to the child, majority is attained earlier.”

⁴³ E/CN.15/1998/8 and Add.1.

judicial proceedings, as well as within the framework of community-based and custodial-based sanctions;

9. *Stresses* the need for close cooperation between all authorities and other actors working with children and young people, especially in the field of juvenile justice, such as the police, the judiciary, lawyers, prison staff, probation officers, social workers, health professionals, teachers and parents;

10. *Urges* Governments to consider including in policies, legislation and programmes on juvenile justice adequate prevention and rehabilitation measures targeting young offenders who are drug addicts or users or who commit drug-related criminal offences;

11. *Requests* the Secretary-General to ensure effective cooperation between the relevant United Nations entities active in the fields of juvenile justice and drug control, in particular between the United Nations International Drug Control Programme and the Centre for International Crime Prevention, and the other organizations mentioned in the Guidelines for Action on Children in the Criminal Justice System;

12. *Urges* States parties to the Convention on the Rights of the Child⁴⁴ 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 and young people 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;

13. *Reaffirms* that juvenile justice remains a high priority in the work of the Centre for International Crime Prevention and the institutes comprising the United Nations Crime Prevention and Criminal Justice Programme network, in particular as children and young people, both those in conflict with the law and those in difficult circumstances who may be potential future criminals, are easy prey for criminal organizations;

14. *Calls upon* States parties to the Convention on the Rights of the Child to avail themselves fully of the existing programmes for technical assistance in juvenile justice;

15. *Calls upon* the Secretary-General to provide technical assistance in juvenile justice, in particular where States parties request assistance pursuant to recommendations of the Committee on the Rights of the Child, and to

consider the provision of technical assistance in juvenile justice as a matter of high priority;

16. *Requests* the Secretary-General to submit to the Commission on Crime Prevention and Criminal Justice at its ninth session a programme proposal, involving all United Nations entities mentioned in the Guidelines for Action on Children in the Criminal Justice System, by which the timely and in-depth assessment of the needs of States parties to the Convention on the Rights of the Child regarding juvenile justice reform is ensured;

17. *Underlines* the need for mainstreaming a gender perspective into all policies and programmes relating to children and young people in the criminal justice system;

18. *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 tenth session.

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:

⁴⁴ General Assembly resolution 44/25, annex.

DRAFT DECISION I

**Preliminary draft of the Vienna Declaration on
Crime and Justice: Meeting the Challenges
of the Twenty-first Century***

The Economic and Social Council, recalling General Assembly resolutions 52/91 of 12 December 1997 and 53/110 of 9 December 1998, decides to transmit to the Tenth United Nations Congress on the Prevention of Crime and the Treatment of Offenders a preliminary draft of the Vienna Declaration on Crime and Justice: Meeting the Challenges of the Twenty-first Century, annexed to the present decision.

ANNEX

**Preliminary draft of the Vienna Declaration on
Crime and Justice: Meeting the Challenges of
the Twenty-first Century**

We the States Members of the United Nations,

Concerned about the impact on our societies of the commission of serious crimes of a global nature and convinced of the need for bilateral, regional and international cooperation in crime prevention and criminal justice,

Concerned in particular about transnational organized crime and the relationships between its various forms,

Stressing that a fair, responsible, ethical and efficient criminal justice system is at the very core of economic and social development and of human security,

Having assembled at the Tenth United Nations Congress on the Prevention of Crime and the Treatment of Offenders in Vienna from 10 to 17 April 2000 to decide to take more effective concerted action, in a spirit of cooperation, to combat the world crime problem,

Declare as follows:

1. We note with appreciation the results of the regional preparatory meetings for the Tenth United Nations Congress on the Prevention of Crime and the Treatment of Offenders.⁴⁵

2. We reaffirm the goals of the United Nations in the field of crime prevention and criminal justice, specifically the reduction of criminality, more efficient and

effective law enforcement and administration of justice, respect for human rights and fundamental freedoms, and promotion of the highest standards of fairness, humanity and professional conduct.

3. We emphasize the responsibility of each State to establish and maintain a fair, responsible, ethical and efficient criminal justice system in accordance with the principles of the Charter of the United Nations and international law.

4. We recognize the necessity of closer coordination and cooperation among States in combating the world crime problem, bearing in mind that action against it is a common and shared responsibility. In this regard, we acknowledge the need to develop and promote technical cooperation activities to assist countries in their efforts to strengthen their domestic criminal justice systems and their capacity for international cooperation.

5. We shall accord high priority to the expeditious adoption and entry into force of the United Nations Convention against Transnational Organized Crime and the protocols thereto. We shall undertake to take early steps for the signature of the Convention and the protocols thereto and shall endeavour to ratify those instruments within two years of their adoption.

6. We request the Centre for International Crime Prevention of the Office for Drug Control and Crime Prevention of the Secretariat to carry out, in cooperation with interested countries, regional assessments of the needs of Member States concerning legislation, capacity- building, expertise, training and resources with a view to ensuring a rapid ratification and implementation of the Convention and the protocols thereto.

7. We commit ourselves to the implementation of the Convention and the protocols thereto and undertake:

(a) To incorporate a crime prevention component into national and international development strategies;

(b) To intensify bilateral and multilateral cooperation, including technical cooperation, in the areas covered by the Convention and the protocols thereto;

(c) To enhance donor cooperation in areas with crime prevention aspects;

(d) To strengthen the capability of the Centre for International Crime Prevention, as well as the United Nations Crime Prevention and Criminal Justice Programme network, to assist Member States, at their request, in

* For the discussion, see chapter IV.

⁴⁵ A/CONF.187/RPM.1/1 and Corr.1, A/CONF.187/RPM.2/1, A/CONF.187/RPM.3/1 and A/CONF.187/RPM.4/1.

building capacity in areas covered by the Convention and the protocols thereto.

8. We welcome the efforts being made by the Centre for International Crime Prevention to develop, in cooperation with the United Nations Interregional Crime and Justice Research Institute, a comprehensive global overview of organized crime as a reference tool and to assist Governments in policy and programme development.

9. We reaffirm our continued support for and commitment to the United Nations and to the United Nations Crime Prevention and Criminal Justice Programme, especially the Commission on Crime Prevention and Criminal Justice and the Centre for International Crime Prevention, the United Nations Interregional Crime and Justice Research Institute and the institutes of the Programme network, and resolve to strengthen the Programme further through sustained funding, as appropriate.

10. We shall undertake to incorporate a gender perspective into the United Nations Crime Prevention and Criminal Justice Programme, as well as into national crime prevention and criminal justice strategies.

11. We commit ourselves to the development of action-oriented policy recommendations based on the special needs of women as criminal justice practitioners, victims, prisoners and offenders.

12. We emphasize that effective action for crime prevention and criminal justice requires the involvement, as partners and actors, of Governments, national, regional, interregional and international institutions, intergovernmental and non-governmental organizations and various segments of civil society, including the mass media and the private sector, as well as the recognition of their respective roles and contributions.

13. We also commit ourselves to the development of more effective ways of collaborating with one another with a view to eradicating the scourge of trafficking in human beings, especially women and children, and the smuggling of migrants, in line with the provisions of the two protocols under negotiation supplementary to the United Nations Convention against Transnational Organized Crime. We shall also consider supporting the global programme against trafficking in human beings developed by the Centre for International Crime Prevention and the United Nations Interregional Crime and Justice Research Institute, and we

establish the year 2005⁴⁶ as the target year for achieving a significant decrease in the incidence of those crimes worldwide.

14. We further commit ourselves to the enhancement of international cooperation to curb illicit trafficking in firearms, in line with the provisions of the protocol under negotiation against the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition,⁴⁷ supplementary to the United Nations Convention against Transnational Organized Crime, and we establish the year 2005⁴⁸ as the target year for achieving a significant decrease in the incidence of illicit manufacturing of and trafficking in firearms worldwide.

15. We commit ourselves to taking enhanced international action against corruption, building on the United Nations Declaration against Corruption and Bribery in International Commercial Transactions,⁴⁹ the International Code of Conduct for Public Officials⁵⁰ and relevant regional conventions, and we request the Secretary-General to submit to the Commission on Crime Prevention and Criminal Justice, at its tenth session, a report containing concrete proposals to this effect.⁵¹ We shall consider supporting the global programme against corruption developed by the Centre for International Crime Prevention and the United Nations Interregional Crime and Justice Research Institute.

16. We decide to develop action-oriented policy recommendations on the prevention and control of computer-related crime, and we invite the Commission on Crime Prevention and Criminal Justice to undertake work in this regard in an expeditious manner.

17. We note that acts of violence and terrorism are on the increase. We will together, in conjunction with our other efforts to prevent and to combat terrorism, take effective, resolute and speedy measures with respect to preventing and combating criminal activities carried out for the purpose of furthering terrorism in all its forms and manifestations.

⁴⁶ Decision on deadlines to be taken at the Tenth Congress.

⁴⁷ Decision on inclusion of explosives dependent on outcome of the sessions of the Ad Hoc Committee.

⁴⁸ Decisions on deadlines to be taken at the Tenth Congress.

⁴⁹ General Assembly resolution 51/191, annex.

⁵⁰ General Assembly resolution 51/59, annex.

⁵¹ Depending on the outcome of the sessions of the Ad Hoc Committee.

18. We also note that racial discrimination, xenophobia and related forms of intolerance continue and we recognize the importance of taking steps to incorporate into international crime prevention strategies and norms measures to prevent and combat crime associated with racism, racial discrimination, xenophobia and related forms of intolerance.

19. We affirm our determination to combat violence stemming from intolerance on the basis of ethnicity, resolve to make a strong contribution, in the area of crime prevention and criminal justice, to the planned World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance,⁵² and we invite the Centre for International Crime Prevention to prepare proposals for the World Conference.

20. We recognize that the United Nations standards and norms in crime prevention and criminal justice contribute to efforts to deal with crime effectively, in particular transnational organized crime. We also recognize the importance of prison reform, independence of the judiciary and the International Code of Conduct for Public Officials. We commit ourselves to the promotion of the United Nations standards and norms in crime prevention and criminal justice, and shall make every effort to use and apply those standards and norms in national law and practice by the year 2002.⁵³ To that end, we shall review relevant legislation and administrative procedures, provide the necessary education and training to the officials concerned and ensure the necessary strengthening of institutions entrusted with the administration of criminal justice.

21. We also recognize the value of the model treaties on international cooperation in criminal matters as important tools for the development of international cooperation.

22. We further recognize with great concern that juveniles in difficult circumstances are often at risk of becoming delinquent or easy candidates for recruitment by criminal groups, including groups involved in transnational organized crime and we commit ourselves to undertaking countermeasures to prevent this growing phenomenon and to including, where necessary, provisions for juvenile justice in national development plans and international development strategies and to including the administration of juvenile justice in our funding policies for development cooperation.

23. We acknowledge the crucial importance of applying successful strategies to reduce the opportunities for the commission of crimes (situational crime prevention) as well as social development-oriented crime prevention strategies to address all forms of crime, including transnational organized crime, and we pledge to foster and support the sharing of best practices and success stories in that area.

24. We commit ourselves to according priority to containing the growth and overcrowding of pre-trial and detention prison populations, as appropriate, by promoting safe and effective alternatives to incarceration.

25. We decide to introduce, where appropriate, national, regional and international action plans in support of victims of crime, including mechanisms for mediation and restorative justice, and we establish the year 2002⁵⁴ as a target date for States to review their relevant practices, to develop further victim support services and awareness campaigns on victims' rights and to consider the establishment of funds for victims, in addition to developing and implementing witness protection programmes.

26. We invite the Commission on Crime Prevention and Criminal Justice to design specific measures for the implementation, monitoring and follow-up of the commitments that we have undertaken in this Declaration.

DRAFT DECISION II

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

(b) Approves the provisional agenda and documentation for the ninth session set out below.

⁵² See General Assembly resolution 53/132 of 9 December 1998.

⁵³ Decisions on deadlines to be taken at the Tenth Congress.

⁵⁴ Decisions on deadlines to be taken at the Tenth Congress.

* For the discussion, see chapter VIII.

PROVISIONAL AGENDA AND DOCUMENTATION
FOR THE NINTH 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) Technical cooperation;
- (b) Crime prevention;
- (c) Standards and norms;
- (d) Cooperation with United Nations entities and other bodies;
- (e) Resource mobilization.

Documentation

Report of the Executive Director on the work of the Centre for International Crime Prevention

(Legislative authority: Economic and Social Council resolution 1992/22; and the draft resolution entitled "Work of the United Nations Crime Prevention and Criminal Justice Programme" (E/CN.15/1999/L.5/Rev.1))

Report of the Secretary-General on capital punishment and implementation of the safeguards guaranteeing protection of the rights of those facing the death penalty

(Legislative authority: Economic and Social Council resolutions 1745 (LIV), 1990/51 and 1995/57)

4. International cooperation in combating transnational crime: elaboration of an international convention against transnational organized crime and other possible international instruments.

Documentation

Report of the Ad Hoc Committee on the Elaboration of an International Convention against Transnational Organized Crime on progress achieved in its work

(Legislative authority: the draft resolution entitled "Draft United Nations Convention against Transnational Organized Crime and the draft protocols thereto" (E/CN.15/1999/L.9/Rev.1) and the draft resolution entitled "Activities of the Ad Hoc Committee on the Elaboration of a Convention against Transnational Organized Crime: illicit manufacturing of and trafficking in firearms, their parts and components and ammunition, as well as consideration of the need to develop an instrument on the illicit manufacturing of and trafficking in explosives" (E/CN.15/1999/L.11/Rev.1))

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

Documentation

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

(Legislative authority: General Assembly resolution 53/110, para. 17; and the draft resolution entitled "Tenth United Nations Congress on the Prevention of Crime and the Treatment of Offenders" (E/CN.15/1999/L.6/Rev.1))

6. Strategic management and programme questions:

- (a) Strategic management;
- (b) Programme questions.

(Legislative authority: the draft resolution entitled "Work of the United Nations Crime Prevention and Criminal Justice Programme" (E/CN.15/1999/L.5/Rev.1))

7. Provisional agenda for the tenth session of the Commission.

8. Adoption of the report of the Commission on its ninth session.

DRAFT DECISION III

**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 eighth session, of Ann-Marie Begler (Sweden), Philippe Melchior (France) and Jeremy Travis (United States of America) to the Board of Trustees of the United Nations Interregional Crime and Justice Research Institute.

Chapter II

Work of the Centre for International Crime Prevention

A. Structure of the debate

4. At its 4th to 6th meetings, on 28 and 29 April 1999, the Commission on Crime Prevention and Criminal Justice considered agenda item 3. It had before it the report of the Secretary-General on the activities of the institutes comprising the United Nations Crime Prevention and Criminal Justice Programme network (E/CN.15/1999/4) and the report of the Executive Director on the work of the Centre for International Crime Prevention (E/CN.15/1999/2).

5. At its 4th meeting, on 28 April, following an introductory statement by the representative of the Centre for International Crime Prevention, the Commission heard statements by the representatives of Costa Rica, China, Japan and the United States of America. The observers for Canada and South Africa also made statements. The observers for the United Nations Interregional Crime and Justice Research Institute (on behalf of the institutes comprising the United Nations Crime Prevention and Criminal Justice Programme network), the Asia and Far East Institute for the Prevention of Crime and the Treatment of Offenders, the Latin American Institute for Crime Prevention and the Treatment of Offenders, the Naif Arab Academy for Security Sciences, the International Federation of Women in Legal Careers and the Office of the United Nations High Commissioner for Human Rights also made statements.

6. At its 5th meeting, on 29 April, the Commission heard statements by the representatives of Germany (on behalf of

the European Union), the Russian Federation, the Netherlands, Ukraine, Mexico, France, the Republic of Korea, Togo and India (on behalf of the Group of 77 and China). The observers for Morocco, Belarus, Turkey, Indonesia and Israel also made statements.

7. At the 6th meeting, the Chairman summarized the deliberations on the item.

B. Deliberations

8. Several participants praised the Executive Director's efforts in producing a clear and concise report on the work of the Centre for International Crime Prevention (E/CN.15/1999/2). Many participants expressed appreciation for the efforts of the Centre in focusing, coordinating and organizing its work, in particular its technical cooperation activities, to address transnational organized crime, corruption and trafficking in human beings. The Centre was also commended for the preparation of the global programme on trafficking in human beings (E/CN.15/1999/CRP.2), the global programme against corruption (E/CN.15/1999/CRP.3) and the global studies on transnational organized crime (E/CN.15/1999/CRP.4). Those programmes were considered to represent a sound strategic basis for the technical cooperation activities of the Centre. The importance of a comprehensive and regional approach to tackling issues was stressed. Some participants expressed appreciation for having been consulted and for having had the opportunity to provide their comments during the formulation of the programmes. Others indicated their desire for the Commission to be used as a forum for the development of such initiatives. Further refinement of the global programmes was suggested, in particular as regards methodology and the definitions of the research components. One participant was of the opinion that the Centre should describe more clearly the resources needed to implement the global programmes while maintaining the technical cooperation activities already in progress.

9. Participants expressed the need to develop technical cooperation activities that would be in line with and supportive of the draft United Nations convention against transnational organized crime. While many participants offered clear support for the consolidation of the technical cooperation activities of the Centre, others suggested that attention should continue to be given to the improvement of the criminal justice system, in particular in developing countries and in countries with economies in transition. Such improvement of the justice system would constitute an

* For the discussion, see chapter VII.