

Chapter I

ANNEX

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

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

The General Assembly,

Recalling that, in its resolution 54/125 of 17 December 1999, it requested the Tenth United Nations Congress on the Prevention of Crime and the Treatment of Offenders 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, and requested the Commission 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,

Endorses the Vienna Declaration on Crime and Justice: Meeting the Challenges of the Twenty-first Century, adopted by the high-level segment of the Tenth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, held in Vienna from 10 to 17 April 2000,¹ as contained in the annex to the present resolution.

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

We the Member States 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,

Convinced that adequate prevention and rehabilitation programmes are fundamental to an effective crime control strategy and that such programmes should take into account social and economic factors that may make people more vulnerable to and likely to engage in criminal behaviour,

Stressing that a fair, responsible, ethical and efficient criminal justice system is an important factor in the promotion of economic and social development and of human security,

Aware of the promise of restorative approaches to justice that aim to reduce crime and promote the healing of victims, offenders and communities,

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.²

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.

¹ See A/CONF.187/15.

² 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.

3. We emphasize the responsibility of each State to establish and maintain a fair, responsible, ethical and efficient criminal justice system.

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 States in their efforts to strengthen their domestic criminal justice systems and their capacity for international cooperation.

5. We shall accord high priority to the completion of the negotiation of the United Nations convention against transnational organized crime and the protocols thereto, taking into account the concerns of all States.

6. We support efforts to assist States in capacity-building, including in obtaining training and technical assistance and in developing legislation, regulations and expertise, with a view to facilitating the implementation of the convention and the protocols thereto.

7. Consistent with the goals of the convention and the protocols thereto, we shall endeavour:

(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 to be 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 States, at their request, in building capacity in areas to be 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 undertake to strengthen international cooperation in order to create a conducive environment for the fight against organized crime, promoting growth and sustainable development and eradicating poverty and unemployment.

11. We commit ourselves to taking into account and addressing, within the United Nations Crime Prevention and Criminal Justice Programme, as well as within national crime prevention and criminal justice strategies, any disparate impact of programmes and policies on women and men.

12. We also 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.

13. 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.

14. We commit ourselves to the development of more effective ways of collaborating with one another with a view to eradicating the scourge of trafficking in persons, especially women and children, and the smuggling of migrants. We shall also consider supporting the global programme against trafficking in persons developed by the Centre for International Crime Prevention and the United Nations Interregional Crime and Justice Research Institute, which is subject to close consultation with States and review by the Commission on Crime Prevention and Criminal Justice, and we establish 2005 as the target year for achieving a significant decrease in the incidence of those crimes worldwide and, where that is not attained, for assessing the actual implementation of the measures advocated.

15. We also commit ourselves to the enhancement of international cooperation and mutual legal assistance to curb illicit manufacturing of and trafficking in firearms, their parts and components and ammunition, and we establish

2005 as the target year for achieving a significant decrease in their incidence worldwide.

16. We further commit ourselves to taking enhanced international action against corruption, building on the United Nations Declaration against Corruption and Bribery in International Commercial Transactions,³ the International Code of Conduct for Public Officials,⁴ relevant regional conventions and regional and global forums. We stress the urgent need to develop an effective international legal instrument against corruption, independent of the United Nations convention against transnational organized crime, and we invite the Commission on Crime Prevention and Criminal Justice to request the Secretary-General to submit to it at its tenth session, in consultation with States, a thorough review and analysis of all relevant international instruments and recommendations as part of the preparatory work for the development of such an instrument. 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, which is subject to close consultation with States and review by the Commission on Crime Prevention and Criminal Justice.

17. We reaffirm that combating money-laundering and the criminal economy constitutes a major element of the strategies against organized crime, established as a principle in the Naples Political Declaration and Global Action Plan against Organized Transnational Crime.⁵ We are convinced that the success of this action rests upon setting up broad regimes and coordinating appropriate mechanisms to combat the laundering of proceeds of crime, including the provision of support to initiatives focusing on States and territories offering offshore financial services that allow the laundering of the proceeds of crime.

18. 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, taking into account the ongoing work in other forums. We also commit ourselves to working towards enhancing our ability to prevent, investigate and prosecute high-technology and computer-related crime.

19. We note that acts of violence and terrorism continue to be of grave concern. In conformity with the Charter of the United Nations and taking into account all the relevant General Assembly resolutions, 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. With this in view, we undertake to do our utmost to foster universal adherence to the international instruments concerned with the fight against terrorism.

20. 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.

21. We affirm our determination to combat violence stemming from intolerance on the basis of ethnicity and 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.

22. We recognize that the United Nations standards and norms in crime prevention and criminal justice contribute to efforts to deal with crime effectively. We also recognize the importance of prison reform, the independence of the judiciary and the prosecution authorities, and the International Code of Conduct for Public Officials. We shall endeavour, as appropriate, to use and apply the United Nations standards and norms in crime prevention and criminal justice in national law and practice. We undertake to review relevant legislation and administration procedures, as appropriate, with a view to providing the necessary education and training to the officials concerned and ensuring the necessary strengthening of institutions entrusted with the administration of criminal justice.

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

³ Resolution 51/191, annex.

⁴ Resolution 51/59, annex.

⁵ A/49/748, annex.

we invite the Commission on Crime Prevention and Criminal Justice to call upon the Centre for International Crime Prevention to update the Compendium of United Nations Standards and Norms in Crime Prevention and Criminal Justice⁶ in order to provide the most up-to-date versions of the model treaties to States seeking to utilize them.

24. 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.

25. We recognize that comprehensive crime prevention strategies at the international, national, regional and local levels must address the root causes and risk factors related to crime and victimization through social, economic, health, educational and justice policies. We urge the development of such strategies, aware of the proven success of prevention initiatives in numerous States and confident that crime can be reduced through applying and sharing our collective expertise.

26. 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.

27. We decide to introduce, where appropriate, national, regional and international action plans in support of victims of crime, such as mechanisms for mediation and restorative justice, and we establish 2002 as a target date for States to review their relevant practices, to develop further victim support services and awareness campaigns on the rights of victims and to consider the establishment of funds for victims, in addition to developing and implementing witness protection policies.

28. We encourage the development of restorative justice policies, procedures and programmes that are respectful of the rights, needs and interests of victims, offenders, communities and all other parties.

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

DRAFT RESOLUTION II

Follow-up to the Tenth United Nations Congress on the Prevention of Crime and the Treatment of Offenders*

The General Assembly,

Recalling its resolution 54/125 of 17 December 1999,

Taking note with appreciation of the results of the Tenth United Nations Congress on the Prevention of Crime and the Treatment of Offenders,⁷ held in Vienna from 10 to 17 April 2000, and of the Vienna Declaration on Crime and Justice: Meeting the Challenges of the Twenty-first Century, adopted by the Tenth Congress during its high-level segment, which were considered by the Commission on Crime Prevention and Criminal Justice at its ninth session, held in Vienna from 18 to 20 April 2000,

1. *Urges* Governments, in their efforts to prevent and combat crime, especially transnational crime, and to maintain well-functioning criminal justice systems, to be guided by the results of the Tenth United Nations Congress on the Prevention of Crime and the Treatment of Offenders;

2. *Requests* the Commission on Crime Prevention and Criminal Justice to continue at its tenth session its consideration of the findings and recommendations embodied in the Vienna Declaration on Crime and Justice: Meeting the Challenges of the Twenty-first Century, adopted by the Tenth Congress, and, as appropriate, the report of the Tenth Congress and to take appropriate action;

3. *Requests* the Secretary-General to prepare, in consultation with Member States, draft plans of action to include specific measures for the implementation of and follow-up to the commitments undertaken in the Declaration for consideration and action by the Commission at its tenth session.

⁶ United Nations publication, Sales No. E.92.IV.1.

* For the discussion, see chapter III.

⁷ See A/CONF.187/15.

DRAFT RESOLUTION III

An effective international legal instrument against corruption*

The General Assembly,

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

Recalling its resolutions 53/111 of 9 December 1998, by which it established the Ad Hoc Committee on the Elaboration of a Convention against Transnational Organized Crime, and 54/126 of 17 December 1999, in which it requested the Ad Hoc Committee to complete its work in 2000,

Recalling also its resolution 54/128 of 17 December 1999, in which it requested the Ad Hoc Committee to explore the desirability of an international instrument against corruption, either ancillary to or independent of the United Nations convention against transnational organized crime,

Taking note of the report of the Ad Hoc Committee on its seventh session,⁸ during which it considered the implementation of General Assembly resolution 54/128,

Recalling the debates and especially the statements made at the high-level segment and the results of the Tenth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, in particular the Vienna Declaration on Crime and Justice: Meeting the Challenges of the Twenty-first Century,

Bearing in mind the need to prepare a broad instrument that takes into account existing international conventions against corruption,

1. *Recognizes* that an effective international legal instrument against corruption, independent of the United Nations convention against transnational organized crime, is desirable;

2. *Decides* to start the elaboration of such an instrument in Vienna at the headquarters of the Centre for International Crime Prevention of the Office for Drug Control and Crime Prevention of the Secretariat;

3. *Also requests* the Secretary-General to prepare a report analysing all relevant international legal instruments, other documents and recommendations addressing corruption,⁹ considering, *inter alia*, obligations as regards criminalization of all forms of corruption and international cooperation, regulatory aspects of corruption and the relationship between corruption and money-laundering, and to submit it to the Commission on Crime Prevention and Criminal Justice at an inter-sessional session in order to allow Member States to provide comments to the Commission prior to its tenth session;

4. *Requests* the Commission, at its tenth session, to review and assess the report of the Secretary-General and, on that basis, to provide recommendations and guidance as to future work on the development of a legal instrument against corruption;

5. *Requests* the Secretary-General to convene, upon completion of the negotiation of the United Nations convention against transnational organized crime and the related protocols, an intergovernmental open-ended expert group to examine and prepare, on the basis of the report of the Secretary-General and of the recommendations of the Commission at its tenth session, draft terms of reference for the negotiation of the future legal instrument against corruption;

6. *Requests* the intergovernmental open-ended expert group to submit the draft terms of reference for the negotiation of the future legal instrument, through the Commission on Crime Prevention and Criminal Justice and the Economic and Social Council, to the General Assembly at its fifty-sixth session for adoption;

7. *Decides* to establish an ad hoc committee for the negotiation of such an instrument to start its work in Vienna as soon as the draft terms of reference for such negotiation are adopted;

8. *Invites* donor countries to assist the United Nations to ensure the effective participation of developing countries, in particular least developed countries, in the work of the intergovernmental open-ended expert group and the ad hoc committee, including travel and local expenses;

9. *Requests* the Secretary-General to provide the Commission and the intergovernmental open-ended expert

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

⁸ A/AC.254/25.

⁹ See the annex to the present resolution for an indicative list of such legal instruments, documents and recommendations.

group with the required facilities and resources to support their work.

ANNEX

Indicative list of international legal instruments and recommendations against corruption

(a) International Code of Conduct for Public Officials;¹⁰

(b) United Nations Declaration against Corruption and Bribery in International Commercial Transactions;¹¹

(c) General Assembly resolution 54/128, in which the Assembly subscribed 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;¹²

(d) Report of the Tenth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, held in Vienna from 10 to 17 April 2000;¹³

(e) Inter-American Convention against Corruption, adopted by the Organization of American States on 29 March 1996;¹⁴

(f) Recommendation 32 of the Senior Experts Group on Transnational Organized Crime, endorsed by the Group of Eight in Lyon, France, in June 1996;

(g) The 20 principal directives for the fight against corruption, adopted by the Council of Europe on 6 November 1997;

(h) Convention on Combating Bribery of Foreign Public Officials in International Business Transactions of the Organisation for Economic Cooperation and Development, done at Paris on 17 December 1997;

(i) Agreement Establishing the Group of States against Corruption, adopted by the Committee of Ministers of the Council of Europe on 5 May 1998, and Criminal Law Convention on Corruption, adopted by the Committee of Ministers of the Council of Europe on 4 March 1998;¹⁵

(j) Measure on Combating Corruption in the Private Sector, adopted by the European Union on 22 December 1998;

(k) Declarations made by the first Global Forum on Fighting Corruption, held in Washington, D.C., from 24 to 26 February 1999, and the second Global Forum, to be held in The Hague in 2001;

(l) Civil Law Convention against Corruption, adopted by the Committee of Ministers of the Council of Europe on 9 September 1999;

(m) Model Code of Conduct for Public Officials, to be submitted to the Committee of Ministers of the Council of Europe in May 2000;

(n) Principles to Combat Corruption in African Countries of the Global Coalition for Africa;

(o) Conventions and related protocols of the European Union on corruption;

(p) Best practices such as those compiled by the Basel Committee on Banking Supervision, the Financial Action Task Force on Money Laundering and the International Organization of Securities Commissions.

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

Basic principles on the use of restorative justice programmes in criminal matters*

The Economic and Social Council,

Recalling its resolution 1999/26 of 28 July 1999, entitled *Development and implementation of mediation and restorative justice measures in criminal justice*, in which the Council requested the Commission on Crime Prevention and Criminal Justice to consider the desirability of formulating United Nations standards in the field of mediation and restorative justice,

¹⁰ Resolution 51/59, annex.

¹¹ Resolution 51/191, annex.

¹² See E/CN.15/1999/10, paras. 1-14.

¹³ A/CONF.187/15.

¹⁴ E/1996/99.

¹⁵ Council of Europe, *European Treaty Series*, No. 173.

* For the discussion, see chapter IV.

Noting the discussions on restorative justice during the Tenth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, held in Vienna from 10 to 17 April 2000,¹⁶ in relation to the agenda item entitled *Offenders and victims: accountability and fairness in the justice process*,

Recognizing that the use of restorative justice measures does not prejudice the right of States to prosecute alleged offenders,

1. *Takes note* of the submission of the preliminary draft elements of a declaration of basic principles on the use of restorative justice programmes in criminal matters, annexed to the present resolution;

2. *Requests* the Secretary-General to seek comments from Member States and relevant intergovernmental and non-governmental organizations, as well as the institutes of the United Nations Crime Prevention and Criminal Justice Programme network, on the desirability and the means of establishing common principles on the use of restorative justice programmes in criminal matters, including the advisability of developing an instrument, such as the preliminary draft elements of a declaration annexed to the present resolution, and on the contents of this draft;

3. *Also requests* the Secretary-General to convene, subject to the availability of voluntary contributions, a meeting of experts selected on the basis of equitable geographical representation to review the comments received and to examine proposals for further action in relation to restorative justice, including mediation, as well as the possibility of developing an instrument such as a declaration of basic principles on the use of restorative justice programmes, taking into account the preliminary draft elements of a declaration annexed to the present resolution;

4. *Further requests* the Secretary-General to report to the Commission on Crime Prevention and Criminal Justice at its eleventh session on the comments received and the results of the meeting of experts;

5. *Invites* the Commission to take action at its eleventh session, on the basis of the report of the Secretary-General;

6. *Calls upon* Member States, building on the results of the Tenth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, held in Vienna from 10 to 17 April 2000, to continue to exchange

information on experiences in the implementation and evaluation of programmes for restorative justice, including mediation.

ANNEX

Preliminary draft elements of a declaration of basic principles on the use of restorative justice programmes in criminal matters

I. Definitions

1. *Restorative justice programme* means any programme that uses restorative processes or aims to achieve restorative outcomes.

2. *Restorative outcome* means an agreement reached as the result of a restorative process. Examples of restorative outcomes include restitution, community service and any other programme or response designed to achieve reparation for the victim and community and reintegration of the victim and/or the offender.

3. *Restorative process* means any process in which the victim, the offender and/or any other individuals or community members affected by a crime participate together actively in the resolution of matters arising from the crime, often with the help of a fair and impartial third party. Examples of restorative processes include mediation, conferencing and sentencing circles.

4. *Parties* means the victim, the offender and any other individuals or community members affected by a crime who may be involved in a restorative justice programme.

5. *Facilitator* means a fair and impartial third party whose role is to facilitate the participation of victims and offenders in an encounter programme.

II. Use of restorative justice programmes

6. Restorative justice programmes should be generally available at all stages of the criminal justice process.

7. Restorative processes should be used only with the free and voluntary consent of the parties. The parties should be able to withdraw such consent at any time during the process. Agreements should be arrived at voluntarily by the parties and contain only reasonable and proportionate obligations.

¹⁶ See A/CONF.187/15.

8. All parties should normally acknowledge the basic facts of a case as a basis for participation in a restorative process. Participation should not be used as evidence of admission of guilt in subsequent legal proceedings.

9. Obvious disparities with respect to factors such as power imbalances and the parties= age, maturity or intellectual capacity should be taken into consideration in referring a case to and in conducting a restorative process. Similarly, obvious threats to any of the parties= safety should also be considered in referring any case to and in conducting a restorative process. The views of the parties themselves about the suitability of restorative processes or outcomes should be given great deference in this consideration.

10. Where restorative processes and/or outcomes are not possible, criminal justice officials should do all they can to encourage the offender to take responsibility vis-à-vis the victim and affected communities, and reintegration of the victim and/or offender into the community.

III. *Operation of restorative justice programmes*

11. Guidelines and standards should be established, with legislative authority when necessary, that govern the use of restorative justice programmes. Such guidelines and standards should address:

- (a) The conditions for the referral of cases to restorative justice programmes;
- (b) The handling of cases following a restorative process;
- (c) The qualifications, training and assessment of facilitators;
- (d) The administration of restorative justice programmes;
- (e) Standards of competence and ethical rules governing operation of restorative justice programmes.

12. Fundamental procedural safeguards should be applied to restorative justice programmes and in particular to restorative processes:

- (a) The parties should have the right to legal advice before and after the restorative process and, where necessary, to translation and/or interpretation. Minors should, in addition, have the right to parental assistance;
- (b) Before agreeing to participate in restorative processes, the parties should be fully informed of their

rights, the nature of the process and the possible consequences of their decision;

(c) Neither the victim nor the offender should be induced by unfair means to participate in restorative processes or outcomes.

13. Discussions in restorative processes should be confidential and should not be disclosed subsequently, except with the agreement of the parties.

14. Judicial discharges based on agreements arising out of restorative justice programmes should have the same status as judicial decisions or judgements and should preclude prosecution in respect of the same facts (*non bis in idem*).

15. Where no agreement can be made between the parties, the case should be referred back to the criminal justice authorities and a decision as to how to proceed should be taken without delay. Lack of agreement may not be used as justification for a more severe sentence in subsequent criminal justice proceedings.

16. Failure to implement an agreement made in the course of a restorative process should be referred back to the restorative programme or to the criminal justice authorities and a decision as to how to proceed should be taken without delay. Failure to implement the agreement may not be used as justification for a more severe sentence in subsequent criminal justice proceedings.

IV. *Facilitators*

17. Facilitators should be recruited from all sections of society and should generally possess good understanding of local cultures and communities. They should be able to demonstrate sound judgement and the interpersonal skills necessary to conducting restorative processes.

18. Facilitators should perform their duties in an impartial manner, based on the facts of the case and on the needs and wishes of the parties. They should always respect the dignity of the parties and ensure that the parties act with respect towards each other.

19. Facilitators should be responsible for providing a safe and appropriate environment for the restorative process. They should be sensitive to any vulnerability of the parties.

20. Facilitators should receive initial training before taking up facilitation duties and should also receive in-service training. The training should aim at providing skills in conflict resolution, taking into account the particular needs of victims and offenders, at providing basic know-

ledge of the criminal justice system and at providing a thorough knowledge of the operation of the restorative programme in which they will do their work.

V. *Continuing development of restorative justice programmes*

21. There should be regular consultation between criminal justice authorities and administrators of restorative justice programmes to develop a common understanding of restorative processes and outcomes, to increase the extent to which restorative programmes are used and to explore ways in which restorative approaches might be incorporated into criminal justice practices.

22. Member States should promote research on and evaluation of restorative justice programmes to assess the extent to which they result in restorative outcomes, serve as an alternative to the criminal justice process and provide positive outcomes for all parties.

23. Restorative justice processes may need to undergo change in concrete form over time. Member States should therefore encourage regular, rigorous evaluation and modification of such programmes in the light of the above definitions.

DRAFT RESOLUTION II

Implementation of the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power*

The Economic and Social Council,

Recognizing the importance of the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, adopted by the General Assembly in its resolution 40/34 of 29 November 1985, and the adoption of the Declaration as an important landmark in international efforts to improve the treatment of victims,

Bearing in mind that the General Assembly, in its resolution 40/34, called upon Member States to take the necessary steps to give effect to the provisions of the Declaration, and urged United Nations entities, other inter-governmental organizations and non-governmental organizations to cooperate in the implementation of those provisions,

Recalling its resolution 1998/21 of 28 July 1998, in which it requested the Secretary-General 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 and to convene a working group of experts on this matter, consisting of Member States that expressed an interest in such a fund,

Recalling also the draft plan of action for the implementation of the declaration of basic principles of justice for victims of crime and abuse of power, annexed to its resolution 1998/21,

Deeply concerned about the continuing victimization by crime, especially organized crime, violence, terrorism and abuse of power, in particular of vulnerable individuals such as women and children, which exacts a vast human cost and impairs the quality of life in many parts of the world,

1. *Notes with appreciation* the work done by the working group of experts that met in January 2000 pursuant to resolution 1998/21;

2. *Takes note* of the finding of the working group of experts that there is a need to provide adequate assistance to initiatives in the area of victim care;

3. *Requests* the Secretary-General to prepare a report on possible ways and means of providing adequate assistance to initiatives in the area of victim care, taking into account, *inter alia*, the existing mechanisms providing such assistance and the report of the working group of experts, and to submit it to the Commission on Crime Prevention and Criminal Justice at its tenth session;

4. *Calls upon* the Secretary-General, Member States and intergovernmental and non-governmental organizations to continue to take the necessary steps to give effect to the provisions of the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power in cooperation with United Nations entities and other intergovernmental and non-governmental organizations;

5. *Invites* the Commission on Crime Prevention and Criminal Justice to consider at its tenth session the report of the working group of experts and the report of the Secretary-General.

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

* For the discussion, see chapter IV.

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

DRAFT DECISION*

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

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

PROVISIONAL AGENDA AND DOCUMENTATION
FOR THE TENTH 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 decision 1997/232 and rules 5 and 7 of the rules of procedure of the functional commissions of the Economic and Social Council)

3. [Discussion on the theme *Progress made in global action against corruption*]

(Legislative authority: Commission resolution 9/1)]

4. International cooperation in combating transnational crime.

Documentation

Report of the Secretary-General on the analysis of international instruments against corruption

(Legislative authority: draft resolution entitled *An effective international legal instrument against corruption* (E/CN.15/2000/L.5/Rev.1))

Report of the Secretary-General on measures to regulate firearms for the purpose of combating illicit trafficking in firearms

(Legislative authority: Economic and Social Council resolution 1998/18)

Report of the Secretary-General on the results of the study on the illicit manufacturing of and trafficking in explosives by criminals and their use for criminal purposes

(Legislative authority: General Assembly resolution 54/127 and Economic and Social Council resolution 1998/17)

Report of the Secretary-General on the conclusions of the study on effective measures to prevent and control computer-related crime

(Legislative authority: Economic and Social Council resolution 1999/23)

5. Follow-up to the Tenth United Nations Congress on the Prevention of Crime and the Treatment of Offenders.

Documentation

Plan for the implementation of the Vienna Declaration on Crime and Justice: Meeting the Challenges of the Twenty-first Century

(Legislative authority: General Assembly resolutions 52/91, 53/110 and 54/125, Economic and Social Council resolutions 1993/23 and 1999/55 and decision 1999/261 and draft resolution entitled *Vienna Declaration on Crime and Justice: Meeting the Challenges of the Twenty-first Century* (E/CN.15/2000/L.4/Rev.1))

Note by the Secretariat on the review of the role, function, periodicity, duration and rules of procedure of the United Nations congresses on the prevention of crime and the treatment of offenders

(Legislative authority: General Assembly resolution 54/125)

6. Work of the Centre for International Crime Prevention.

Documentation

* For the discussion, see chapter VI.

Report of the Executive Director on the work of the Centre for International Crime Prevention, containing information on progress made in the implementation of General Assembly resolution 54/128 and Economic and Social Council resolution 1999/24

(Legislative authority: General Assembly resolutions 53/114 and 54/128 and Economic and Social Council resolutions 1992/22, 1999/23, 1999/24 and 1999/26)

Report of the Secretary-General on the activities of the institutes of the United Nations Crime Prevention and Criminal Justice Programme network

(Legislative authority: Economic and Social Council resolutions 1992/22 and 1999/23)

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

Documentation

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

(Legislative authority: Economic and Social Council resolutions 1996/16 and 1998/21)

Report of the Secretary-General on capital punishment and implementation of the safeguards guaranteeing protection of the rights of those facing the death penalty, for the period 1994-1998

(Legislative authority: Economic and Social Council resolutions 1745 (LIV) and 1995/57 and Commission on Human Rights resolution 1999/61)

- (a) Victims of crime and abuse of power;

Documentation

Report of the Secretary-General on the plan of action for the implementation of the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power

(Legislative authority: Economic and Social Council resolutions 1996/14, 1997/31 and 1998/21 and draft resolution entitled 'Implementation of the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power' (E/CN.15/2000/L.3/Rev.1))

- (b) Effective crime prevention.

Documentation

Report of the Secretary-General on effective crime prevention

(Legislative authority: Economic and Social Council resolutions 1997/33 and 1999/25)

Report of the Secretary-General on the elimination of violence against women

(Legislative authority: General Assembly resolution 52/86 and Economic and Social Council resolution 1996/12)

8. Strategic management and programme questions.

(Legislative authority: Economic and Social Council resolution 1999/55 and Commission resolutions 6/1 and 7/1)

Documentation

Note by the Secretariat on the proposed programme of work for the biennium 2002-2003

9. Provisional agenda for the eleventh session of the Commission.

(Legislative authority: rule 9 of the rules of procedure for the functional commissions of the Economic and Social Council and Council decision 1997/232)

10. Adoption of the report of the Commission on its tenth session.

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 9/1. Strategic management by the Commission on Crime Prevention and Criminal Justice of the United Nations Crime Prevention and Criminal Justice Programme*

The Commission on Crime Prevention and Criminal Justice,

* For the discussion, see chapter V.

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 resolutions 1999/51 of 29 July 1999, on restructuring and revitalization of the United Nations in the economic, social and related fields and cooperation between the United Nations and the Bretton Woods institutions, and 1999/55 of 30 July 1999, on integrated and coordinated implementation of and follow-up to major United Nations conferences and summits,

Recalling also Economic and Social Council decision 1997/232 of 21 July 1997,

Reaffirming its resolutions 1/1, 4/3, 5/3 and 6/1 on strategic management,

1. *Decides* to continue to follow its established multi-year programme of work, according to which each session of the Commission should have one prominent theme;

2. *Also decides* that the theme for its tenth session shall be *Progress made in global action against corruption*.

Chapter II

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

A. Structure of the debate

5. At its 1st-3rd meetings, on 18 and 19 April, the Commission on Crime Prevention and Criminal Justice considered agenda item 4. It had before it the report of the Executive Director on the work of the Centre for International Crime Prevention (E/CN.15/2000/2) and the progress report of the Ad Hoc Committee on the Elaboration of a Convention against Transnational Organized Crime (A/AC.254/30-E/CN.15/2000/4).

6. At its 1st meeting, on 18 April, following an introductory statement by the Officer-in-Charge of the Centre for International Crime Prevention, the Commission heard a statement by the representative of China.

7. At its 3rd meeting, on 19 April, the Commission heard statements by the representatives of the Islamic Republic of Iran, Thailand, the United States of America and Mexico. The observer for Australia also made a statement.

B. Deliberations

8. Pursuant to General Assembly resolution 54/126 of 17 December 1999, the Commission at its ninth session had before it a progress report submitted by the Ad Hoc Committee established by the General Assembly in its resolution 53/111 of 9 December 1998 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 (A/AC.254/30-E/CN.15/2000/4).

9. The Ad Hoc Committee had held eight sessions and had made significant progress in the implementation of its extremely important and difficult mandate. Since January 2000, it had begun the finalization of the text of the draft convention and had made considerable progress in the development of the draft protocols. In doing so, the Ad Hoc Committee had tackled a number of delicate and complex matters of both a substantive and a political nature. Its mandate called for the finalization of the draft instruments and the submission of the final texts to the General Assembly at its fifty-fifth session for adoption. It was foreseen that, following the adoption of the instruments, a high-level signing conference would be held in Palermo, Italy, pursuant to an offer made by the Government of Italy. The availability of the convention and the protocols thereto as key tools for the realization of the common objectives of the international community would ensure that tangible and measurable results would begin appearing soon.

10. It was noted that success in the joint effort against transnational organized crime would depend on the ability of all States to deny safe havens to organized criminal groups. The universality of the convention and its protocols would be a crucial element of that ability. In ensuring the