

General Assembly

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Tenth United Nations Congress on the Prevention of Crime and the Treatment of Offenders Vienna, 10-17 April 2000

> Report of the Asian and Pacific Regional Preparatory Meeting for the Tenth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, held at Bangkok from 2 to 4 November 1998

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I. Introduction

- 1. By its resolution 1998/13 of 28 July 1998, the Economic and Social Council recommended to the General Assembly the adoption of a draft resolution entitled "Preparations for the Tenth United Nations Congress on the Prevention of Crime and the Treatment of Offenders". In that draft resolution, the Assembly would decide to hold the Tenth Congress in Vienna from 10 to 17 April 2000. The Assembly would also decide that the theme of the Tenth Congress should be "Crime and justice: meeting the challenges of the twenty-first century". It would approve a provisional agenda for the Tenth Congress that would include the following four substantive items:
- (a) Promoting the rule of law and strengthening the criminal justice system;
- (b) International cooperation in combating transnational crime: new challenges in the twenty-first century;
- (c) Effective crime prevention: keeping pace with new developments;
- (d) Offenders and victims: accountability and fairness in the justice process.
- 2. In the same draft resolution, the Assembly would endorse the programme of work for the Tenth Congress, including the holding of four practically oriented, technical workshops on the following subjects: combating corruption; crimes related to the computer network; community involvement in crime prevention; and women in the criminal justice system.
- In the same draft resolution, the Assembly would 3. request the Tenth Congress at its eighth session to declaration containing single elaborate а recommendations on the various substantive items of its agenda. The Assembly would also request the Commission on Crime Prevention and Criminal Justice to prepare a draft declaration for submission to the Tenth Congress, taking into account the results of the regional preparatory meetings for the Tenth Congress, and would urge the regional preparatory meetings to examine the substantive agenda items and workshop topics of the Tenth Congress by making action-oriented recommendations to serve as a basis for the draft declaration to be considered by the Commission.
- 4. Accordingly, the Asian and Pacific Regional Preparatory Meeting for the Tenth United Nations

Congress on the Prevention of Crime and the Treatment of Offenders examined the substantive agenda items and workshop topics of the Tenth Congress and formulated recommendations to be considered as elements for the draft deciaration to be submitted by the Commission at its eighth session to the Tenth Congress. The Meeting carried out its work on the basis of a discussion guide for the regional preparatory meetings (A/CONF.187/PM.1), which served as an annotated agenda, and a discussion guide on the workshops, ancillary meetings, symposia and exhibits to be held at the Tenth Congress (A/CONF.187/PM.1/Add.1).

II. Recommendations

The Meeting agreed that the action-oriented 5. recommendations presented below, which reflect the Asian and Pacific perspective, should be considered by the Commission in its preparation of the draft declaration to be submitted to the Tenth Congress. The Meeting emphasized that the recommendations would require concerted action at all levels in order to facilitate the active worldwide promotion of criminal justice policies and processes aimed at social justice, respect for human equality and security. freedom, dignity, recommendations would require action by the following partners and actors, as well as the recognition of their respective roles and contributions: 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.

Topic I. Promoting the rule of law and strengthening the criminal justice system

- 6. Criminal justice systems should be improved by seeking and providing assistance where necessary, as a contributing factor for ensuring sustainable development, social stability, improved quality of life, democracy and respect for human rights. Where necessary, assistance should be sought and provided for that purpose.
- 7. More resources should be devoted to providing assistance for strengthening the rule of law in developing countries and in societies emerging from conflicts, recognizing that they are in further need of technical assistance and other forms of support in reforming or strengthening their criminal justice systems.

- 8. Greater attention should be given to the promotion of the rule of law and strengthening the criminal justice systems in island States, the economies of which greatly rely upon tourism, taking into account the need to introduce better border controls to curtail the smuggling of various illicit commodities.
- 9. Greater financial and personnel resources should be devoted, at the national level, to strengthening the rule of law and the criminal justice system, as required.
- Topic II. International cooperation in combating transnational crime: new challenges in the twenty-first century
- 10. Further efforts must be undertaken in the elaboration of the United Nations convention against transnational organized crime, in pursuance of the relevant General Assembly resolutions, including Assembly resolution 52/85 of 12 December 1997.
- 11. Appropriate means should be explored for identifying and combating new forms of transnational crime that involve the abuse of information technology, such as fraud committed through electronic means, the illicit movement and concealment of funds through electronic means, and crimes carried out through and directed at computer networks.
- 12. Laws and policies should be developed to deal with the protection of privacy of computerized data and other information, including transborder data flow. Law enforcement cooperation in the investigation and prosecution of computer-related crimes should be reviewed and strengthened.
- 13. Steps should be taken to develop various forms of bilateral and multilateral legal assistance in criminal matters, including reliance on model extradition and mutual assistance treaties specific to Asia and the Pacific, similar to those prepared by the Asia Crime Prevention Foundation, and to exchange information regarding various forms of transnational crime.
- 14. Efforts should continue to be made to develop practical measures for the control of money-laundering. Mechanisms should be developed for the exchange of data, other information and experiences to ensure improved disclosure and transparency of suspect financial transactions and accountability in dealing with such transactions.

- 15. Collaborative ties and practical arrangements to deal with terrorism, at the national or international level, should be strengthened.
- 16. Appropriate means and mechanisms for the prevention and control of economic crime should be explored, including effective regulations for stock and commodity exchanges, commercial enterprises and banks, particularly in the light of economic recessions, in order to curtail the abuse of financial institutions and instruments for illicit private gain.

Topic III. Effective crime prevention: keeping pace with new developments

- 17. Measures should be taken to ensure that crime prevention efforts and criminal justice systems keep pace with technological advances and other developments, taking into account that different types of crime require different forms of preventive measures.
- 18. Upholding cultural and religious values and strengthening the role of the family as a basic social unit should be recognized as essential measures for effective crime prevention efforts.
- 19. Measures to prevent xenophobia and racial hatred should be strengthened by fostering tolerance, multiculturalism and education programmes to prevent xenophobia and by adopting legislation, where necessary.
- 20. Attention should be paid to the effect of regional conflicts on crime prevention efforts, as such conflicts may undermine public security in neighbouring States, through the uncontrolled influx of refugees (and their subsequent victimization), as well as firearms, drugs and other illicit commodities.
- 21. It should be recognized that, hand in hand with keeping pace with new, short-term developments in crime prevention, it is crucial to work to alleviate poverty, lack of education, unemployment and social injustice, in order to ensure the long-term success of crime prevention strategies.
- 22. Efforts should be undertaken to create, where required, social safety networks as a means of preventing criminal activities by people faced with financial and economic crises.
- 23. In the quest to improve crime prevention through technological advancements, continued recognition should be given to the importance of crime and delinquency prevention through the community, schools and families.

- 24. Work should continue on developing separate juvenile justice systems, as well as juvenile rehabilitation centres, taking into account the relevant United Nations rules, guidelines and international instruments relating to juvenile justice and juvenile delinquency.
- 25. Increased interaction should be encouraged among research and law enforcement institutions applying new crime prevention strategies and techniques, at the same time reinforcing the prevention of recidivism.

Topic IV. Offenders and victims: accountability and fairness in the justice process

- 26. Efforts should continue on developing criminal justice policies based on diversion and non-custodial measures, in order to alleviate undue hardship for remand prisoners and offenders, facilitate their reintegration into society and lessen costs related to the incarceration of offenders.
- 27. Strategies and programmes should be further developed to deal with the escalating rates of substance abuse.
- 28. Continued attention should be given to reducing child and youth victimization and delinquency.
- 29. Education programmes for the general public should be formulated or further developed in order to increase public awareness of the processes of the criminal justice system and the rights of victims and offenders within that system.
- 30. Steps should be taken to provide victims of crime with information related to criminal procedure, without prejudicing confidentiality in privacy protection matters or investigative secrecy.
- 31. Mechanisms for providing redress to victims should be developed, including at the international level, especially in the context of victimization involving transnational crime.
- 32. The scope of restorative justice measures, including mediation, reconciliation and redress to victims of crime, should be broadened to enable those measures to be applied at various levels, with or without recourse to the criminal justice system.
- 33. Further mechanisms should be developed for sharing experiences and information on best practices concerning restorative justice.

- 34. Communities should be supported in their efforts to increase their role in programmes of restorative justice.
- 35. Gender-sensitive data relating to criminal justice systems should be collected and analysed to help policy makers to better understand relevant women's issues and to promote equitable and effective roles for women in legal professions.

III. Attendance and organization of work

A. Date and venue of the Meeting

36. The Meeting was held in Bangkok from 2 to 4 November 1998.

B. Attendance

37. The Meeting was attended by representatives and experts from States members of the Economic and Social Commission for Asia and the Pacific (ESCAP) and observers from States Members of the United Nations, United Nations bodies and non-governmental organizations. A list of participants is contained in annex I.

C. Opening of the Meeting

38. The Meeting was opened by the Executive Secretary of ESCAP. The Attorney General of Thailand, Suchart Traiprasit, also addressed the Meeting.

D. Election of officers

39. The Meeting elected the following officers by acclamation:

Chairman: Mohammad Hassan Fadaeifard (Islamic Republic of Iran)

Vice-Chairman: Jovencito R. Zuño (Philippines)

Rapporteur: Chris Meaney (Australia)

E. Adoption of the agenda and organization of work

- 40. The Meeting adopted the following agenda:
 - 1. Election of officers.
 - 2. Adoption of the agenda and organization of work.
 - Consideration of the four substantive items of the provisional agenda for the Tenth United Nations Congress:
 - (a) Promoting the rule of law and strengthening the criminal justice system;
 - (b) International cooperation in combating transnational crime: new challenges in the twenty-first century;
 - (c) Effective crime prevention: keeping pace with new developments;
 - (d) Offenders and victims: accountability and fairness in the justice process.
 - 4. Consideration of the topics of the four workshops to be held at the Tenth Congress:
 - (a) Combating corruption;
 - (b) Crimes related to the computer network;
 - (c) Community involvement in crime prevention;
 - (d) Women in the criminal justice system.
 - 5. Consideration of recommendations to serve as a basis for the draft declaration to be submitted by the Commission on Crime Prevention and Criminal Justice at its eighth session to the Tenth United Nations Congress on the Prevention of Crime and the Treatment of Offenders.
 - 6. Adoption of the recommendations.
 - 7. Consideration and adoption of the report of the Meeting.
 - 8. Closure of the Meeting.
- 41. In its consideration of the organization of work, the Meeting agreed that participants would engage in a free expression of their expert views and that the conclusions reached would not limit the liberty of the States represented to make further observations or clarifications at a later stage.

IV. Consideration of the four substantive items of the provisional agenda for the Tenth United Nations Congress on the Prevention of Crime and the Treatment of Offenders

42. Participants expressed general support for the Tenth Congress focusing on the four substantive agenda items and the four workshop topics. It was stated that the Tenth Congress would provide a unique forum in which ministers, high officials and decision makers could exchange their views and experiences, identify new areas requiring international cooperation in the face of changing crime trends and newly emerging forms of crime, especially transnational organized crime, and develop and coordinate relevant strategies. The view was expressed that the declaration to be adopted by the Tenth Congress, to have maximum impact, should be short and well focused.

Topic I. Promoting the rule of law and strengthening the criminal justice system

43. Participants noted that criminal justice systems in many countries had been placed under pressure by many recent developments, such as new socio-economic realities, technological advances, economic crises and recessions, open markets and free trade, democratization, institutional reforms, the added emphasis on respect for and the protection of human rights, the pursuit of good governance and the emergence of new forms of crime. It was therefore important to undertake thorough periodic reviews of the efficiency of the criminal justice systems. That was vital from a moral perspective and for socioeconomic development. The reviews should lead to the reform and modernization of judicial systems, including appropriate levels of resourcing and training of criminal justice personnel to avoid delay in investigation, prosecution and trial. Attention must also be paid to dealing with offenders, their rehabilitation and more humane prison conditions, including consideration of a range of alternatives to imprisonment as punishment, in order to alleviate the problem of overcrowding in prison systems. Among the other priority concerns were the following: the prevention of corruption, including among criminal justice personnel; the impartiality of prosecutors; and the independence of the judiciary. Raising public awareness was also mentioned as being important in improving relations between the criminal justice system and the general public.

44. Participants emphasized the vital importance of technical cooperation. Many countries in Asia and the Pacific lacked the necessary resources and required extensive assistance. Updating old criminal codes, reorganizing national organizations or ministries and providing training courses and the requisite equipment for personnel of criminal justice systems and police forces, as exemplified by the training programmes organized by the Asia Crime Prevention Foundation, were singled out as priorities. Calls for new or expanded projects should be supported by financial resources to be donated by a greater number of States, not just by a handful of major contributors. Such assistance should be provided without any conditions, and related projects should be determined on technical grounds by experts. The United Nations should increasingly serve as a bridge for the provision of assistance. Participants noted the success of the provision of assistance to eastern and central European countries with economies in transition. It was stated that more attention should be paid to providing assistance to countries in Asia and the Pacific.

Topic II. International cooperation in combating transnational crime: new challenges in the twenty-first century

45. Noting that the emergence of a global village and technological advances have resulted in new forms of crime, especially transnational organized crime, participants welcomed the progress being made in elaborating a United Nations convention against transnational organized crime, in pursuance of General Assembly resolution 52/85. The convention should cover various forms of transnational organized crime and should provide effective measures to combat them. Some participants stated that the convention could provide an illustrative list of forms of transnational organized crimes. The Meeting suggested that more effective action against terrorism was required. The Meeting noted that it was advisable to resort to various types of bilateral and multilateral legal assistance in criminal matters, including reliance on model treaties on extradition and mutual legal

assistance specific to Asia and the Pacific, for example, as contained in the Shizuoka Declaration, adopted by the Asia Crime Prevention Foundation (E/CN.15/1998/NGO/1), and to exchange information regarding various forms of crime.

- 46. It was stressed that there was a need to facilitate extradition between States that did not have bilateral extradition treaties. Some participants were of the opinion that it was vital for national legislation to permit extradition in the absence of a treaty. In that respect, reciprocity would be crucial. Even in a country where the constitution prohibited the extradition of nationals, consideration should be given to making exceptions for serious forms of transnational crime.
- 47. It was stated that measures against transnational organized crime, including relevant instruments proposed in the convention, must take into account new technological advances facilitating legal assistance. Technological advances, especially those made use of in criminal proceedings, must offset the use of technological advances by criminal networks; otherwise, conventional methods would become increasingly ineffective in dealing with such crime. Such technological advances included video links, the use of electronic mail and other computer applications, access to information on databases inside and outside of the country, and the encryption and decryption of data. International cooperation would be vital in those areas. Trafficking in illicit drugs was identified as a major challenge in the area of transnational organized crime.
- 48. It was noted that consideration should be given to elaborating a convention on eliminating the financial sources of terrorism.

Topic III. Effective crime prevention: keeping pace with new developments

49. Participants noted that effective measures for the prevention of traditional and new forms of crime continued to be a priority in most countries in the region. Keeping pace with new developments was vital, especially as recent socio-economic and political changes at the national, regional and global levels had resulted in the emergence of new dimensions of crime, notwithstanding the existence of numerous national and international legal instruments on crime prevention. The linkages between effective crime prevention and effective criminal justice

systems were stressed. Participants drew attention to the central relevance of the social aspects of crime prevention, including the eradication of poverty, education, employment, restorative justice programmes, the empowerment of victims, the restoration of family and community values and the need to emphasize juvenile justice. It was also considered important to re-emphasize the various issues relating to juvenile justice and juvenile delinquency and to provide technical assistance in developing a system of juvenile courts and juvenile rehabilitation centres.

- 50. There was a need to emphasize that technological advancements in crime prevention should go hand in hand with social progress. There was also a need for Governments, in their efforts to improve crime prevention through technological advancements, to continue to recognize the importance of crime and delinquency prevention through the community, schools and families.
- 51. An increase in the incidences of racism and xenophobia was noted. It was necessary to strengthen measures to prevent xenophobia and racial hatred by fostering tolerance, multiculturalism and education programmes to prevent xenophobia and adopting appropriate legislation where necessary that could also include the setting up of specialized bodies to deal with those issues and with issues relating to migrants and foreigners. The need to strengthen the prevention of economic crimes was emphasized. The development of practical measures, including education measures, to control money-laundering was also stressed. It was suggested that the effect of regional conflicts on crime prevention, a priority concern in the region, should be discussed at the Tenth Congress. Attention was also drawn to the impact of the year 2000 computer bug problem on litigation and the possible overloading of criminal justice systems with cases as a result of that problem.
- 52. It was stressed that crime prevention encompasses two aspects: prevention measures to deal with crime in general, in all forms; and specific prevention measures to deal with specific forms of crime. It was important to continue to work in parallel in those areas.

Topic IV. Offenders and victims: accountability and fairness in the justice process

53. Participants noted that countries in the region continued to be faced with a wide range of traditional and

newly emerging issues relating to the treatment of offenders and the victims of crime. Adequate attention needed to be paid to the elaboration of programmes for rehabilitating offenders, including juvenile delinquents, and reintegrating them into society.

- 54. Participants emphasized the promotion of non-institutional treatment of offenders. It was noted that there had been great interest in restorative justice as a new approach. Participants highlighted its merits, such as reestablishing social harmony, reducing penitentiary costs, reducing prison overcrowding and reintegrating offenders into society. Attention was drawn to non-custodial measures for post-trial stages, as well as mediation and reconciliation. It was noted that the Tenth Congress should pay special attention to model practices and the exchange of experiences in those areas, and should identify guidelines and criteria for restorative justice.
- 55. Protecting the rights and interests of victims was emphasized. Criminal justice systems should offer victims of crime adequate information related to criminal procedures, without prejudicing confidentiality or investigative secrecy.
- 56. There was some concern that, unless its scope was meaningfully limited, the discussion of the item on offenders and victims would be too broad.

V. Consideration of the topics of the four workshops to be held at the Tenth United Nations Congress on the Prevention of Crime and the Treatment of Offenders

57. Participants stressed the relevance of the topics and the practical value of the four workshops to be held at the Tenth Congress.

A. Combating corruption

58. Participants noted the timeliness and value of the workshop on combating corruption, given the crucial importance of preventing corruption and the numerous international initiatives in that area. They appreciated the role of the United Nations Interregional Crime and Justice Research Institute, which, in a conference room paper (A/CONF.187/RPM/CRP.2), had informed the Meeting about the progress made in preparing for the workshop.

B. Crimes related to the computer network

59. Appreciation was expressed for the lead role being played by the Asia and Far East Institute for the Prevention of Crime and the Treatment of Offenders in the preparations for the workshop on crimes related to the computer network, an emerging and increasingly prevalent area of crime that posed major challenges for the twenty-first century. It was noted that the workshop could also cover the relevant aspects of the year 2000 computer bug problem. The Meeting commended the report of a meeting on crimes related to the computer network (A/CONF.187/RPM/CRP.3), submitted by the Asia and Far East Institute.

C. Community involvement in crime prevention

60. Many participants emphasized the relevance of the workshop on community involvement in crime prevention and supported the role of the International Centre for the Prevention of Crime, in Montreal, especially its extensive research and other related work. It was suggested that the workshop should, in particular, deal with the following: the demonstration of model projects in community-based comprehensive prevention measures against crime, the empowerment of victims, and restorative justice with an emphasis on the reintegration of victims and offenders into society; and the role of the community in combating drug use and abuse. It should also consider the role of local and national governments in facilitating community involvement in crime prevention and should help to highlight such aspects as strengthening families, preventing family violence, and the need to focus on young people at risk of becoming involved in crime. Participants noted that the Centre had already made available on the Internet its database on best practices in community crime prevention.

D. Women in the criminal justice system

61. The Meeting noted that the workshop on women in the criminal justice system would cover such elements as female criminality, the treatment of female offenders, women as victims and women as practitioners. The Meeting reviewed the draft plan for the preparation of the workshop, submitted by the European Institute for Crime Prevention and Control, affiliated with the United Nations

(A/CONF.187/RPM/CRP.1). The Meeting suggested that the results of the workshop be more oriented towards technical cooperation.

Annex I

List of participants

Regional members and associate members of the

Economic and Social Commission for Asia and the Pacific

Australia Chris Meaney, Assistant Secretary, International Branch, Criminal Law Division, Attorney-

General's Department

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am Mohammad Yusree Junaidi, Legal Counsel, Attorney General's Chambers

China Liu Yang, Deputy Minister, Ministry of Justice

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Peter Loverde, Field Project Coordinator, Narcotics Affairs Section, Consulate General of

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Uzbekistan

P. Aliev, Consul General (Bangkok)

Observers

Austria

Christian Hasenbichler, Embassy of Austria, Bangkok

United Nations Secretariat

Office for Drug Control and Crime Prevention of the United Nations Office at Vienna

United Nations bodies and affiliated institutes

Economic and Social Commission for Asia and the Pacific, Asia and Far East Institute for the Prevention of Crime and the Treatment of Offenders

Non-governmental organizations in consultative status with the Economic and Social Council

Amnesty International, Asia Crime Prevention Foundation, International Council of Women, International Federation of Business and Professional Women

Other organizations

Japan Federation of Bar Associations

Experts

Yumi Komiya, Probation Officer, Tokyo Probation Office

Annex II

List of documents

Basic documents

A/CONF.187/PM.1	Discussion guide for the regional preparatory meetings for the Tenth United Nations Congress on the Prevention of Crime and the Treatment of Offenders
A/CONF.187/PM.1/Add.1	Discussion guide on the workshops, ancillary meetings, symposia and exhibits to be held at the Tenth United Nations Congress on the Prevention of Crime and the Treatment of Offenders
A/CONF.187/RPM/CRP.1	Workshop on women in the criminal justice system: draft plan for the preparation of the workshop, submitted by the European Institute for Crime Prevention and Control, affiliated with the United Nations
A/CONF.187/RPM/CRP.2	The Tenth Congress workshop on combating corruption, submitted by the United Nations Interregional Crime and Justice Research Institute
A/CONF.187/RPM/CRP.3	Report of the expert meeting on crimes related to the computer network, submitted by the Asia and Far East Institute for the Prevention of Crime and the Treatment of Offenders
A/CONF.187/RPM.1/L.1	Draft report: introduction
A/CONF.187/RPM.1/L.2	Draft report: attendance and organization of work
A/CONF.187/RPM.1/L.3	Draft report: attendance and organization of work; and annexes
A/CONF.187/RPM.1/L.4	Draft report: consideration of the four substantive items of the provisional agenda for the Tenth United Nations Congress on the Prevention of Crime and the Treatment of Offenders and the topics of the four workshops to be held at the Tenth Congress

Background documents

A/CONF.169/16/Rev.1	Report of the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders
E/1998/30 and Corr. 1	Report of the Commission on Crime Prevention and Criminal Justice on its seventh session
E/CN.15/1998/2	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
E/CN.15/1998/5	Report of the meeting of the inter-sessional open-ended intergovernmental group of experts on the elaboration of a preliminary draft of a possible comprehensive international convention against organized transnational crime, held at Warsaw from 2 to 6 February 1998

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E/CN.15/1998/6/Add.1	Recommendations of the African Regional Ministerial Workshop on Organized Transnational Crime and Corruption, held at Dakar from 21 to 23 July 1997
E/CN.15/1998/6/Add.2	Report of the Asian Ministerial Workshop on Organized Transnational Crime and Corruption, held at Manila from 23 to 25 March 1998
E/CN.15/1997/2 and Corr.1 and Add.1	Report of the Secretary-General on preparations for the Tenth United Nations Congress on the Prevention of Crime and the Treatment of Offenders
E/CN.15/1996/15	Report of the Secretary-General on proposals for the preparations for the Tenth United Nations Congress on the Prevention of Crime and the Treatment of Offenders

This archiving project is a collaborative effort between United Nations

Office on Drugs and Crime and American Society of Criminology, Division of
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