



UNITED NATIONS



**EIGHTH
UNITED NATIONS CONGRESS
ON THE PREVENTION OF CRIME
AND THE TREATMENT OF OFFENDERS**

Havana, Cuba, 27 August to 7 September 1990

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PROVISIONAL AGENDA

1. Opening of the Congress.
2. Organizational matters:
 - (a) Election of the President;
 - (b) Adoption of the rules of procedure;
 - (c) Adoption of the agenda;
 - (d) Organization of work;
 - (e) Election of officers other than the President;
 - (f) Credentials of representatives to the Congress:
 - (i) Appointment of the members of the Credentials Committee;
 - (ii) Report of the Credentials Committee.
3. Crime prevention and criminal justice in the context of development: realities and perspectives of international co-operation (topic I).
4. Criminal justice policies in relation to problems of imprisonment, other penal sanctions and alternative measures (topic II).
5. Effective national and international action against:
 - (a) Organized crime;
 - (b) Terrorist criminal activities (topic III).

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6. Prevention of delinquency, juvenile justice and the protection of the young: policy approaches and directions (topic IV).
7. United Nations norms and guidelines in crime prevention and criminal justice: implementation and priorities for further standard-setting (topic V).
8. Adoption of the report of the Eighth Congress.

ANNOTATIONS TO THE PROVISIONAL AGENDA

1. Opening of the Congress

The Congress will be convened at the Palacio de Convenciones, Havana, Cuba, on Monday, 27 August 1990, at 10:30 a.m.

2. Organizational matters

(a) Election of the President

Rule 6 of the provisional rules of procedure (A/CONF.144/2) provides that the Congress shall elect a President from among the representatives of participating States. Rule 41 provides that all elections shall be held by secret ballot, unless the Congress decides otherwise.

(b) Adoption of the rules of procedure

The provisional rules of procedure (A/CONF.144/2) were approved by the Economic and Social Council in paragraph 14 of its resolution 1989/69 of 24 May 1989, on the understanding that the Eighth Congress should make every effort to attain consensus on all substantive matters.

(c) Adoption of the agenda

The provisional agenda for the Eighth Congress set out in the present document was approved by the Economic and Social Council in its resolution 1987/49 of 28 May 1987 and endorsed by the General Assembly in its resolution 42/59 of 30 November 1987. The Assembly, in its resolution 44/72 of 8 December 1989, requested the Eighth Congress, under item 3 of its provisional agenda, to give urgent attention to strengthening international co-operation in crime prevention and criminal justice and, under item 5 of its provisional agenda, to the linkages between illicit drug trafficking, organized crime and terrorist criminal activities, and to propose viable control measures.

(d) Organization of work

In accordance with rule 43 of the provisional rules of procedure, the Economic and Social Council, on the recommendation of the Committee on Crime Prevention and Control, decided that the Congress should consist of a plenary and two main committees.

The Economic and Social Council, in resolution 1989/69 of 24 May 1989, decided that the Eighth Congress should be held from 27 August to 7 September 1990, with the necessary pre-Congress consultations, and that the theme for the Eighth Congress should be "International co-operation in crime prevention and criminal justice for the twenty-first century". The Council recommended that item 3 of the provisional agenda should serve as the umbrella topic, under which Governments, intergovernmental and non-governmental organizations and other participants could exchange experiences and examine problems encountered and successes achieved in international co-operation in the field of crime prevention and criminal justice.

In its resolution 1987/49, the Council decided that item 3 should be considered in plenary meeting, the remaining items to be dealt with by two main committees.

In accordance with those recommendations, items 1, 2, 3 and 8 of the provisional agenda will be considered in plenary meeting, while items 4 and 6 will be allocated to Committee I and items 5 and 7 to Committee II.

In its resolution 1990/23 of 24 May 1990, the Council approved the organization of work of the Eighth Congress, as proposed by the Secretary-General (see E/AC.57/1990/5); urged all Governments to attend the Congress at the highest possible level, inviting them to finalize their national preparations, including the submission of national papers, and to consider including members of the Committee on Crime Prevention and Control and of national correspondents in their delegations; and decided to transmit to the Eighth Congress the draft resolutions recommended by the Committee on Crime Prevention and Control at its eleventh session and contained in Chapter I, section C, of its report (E/1990/31).

The Committee, at the same session, had also adopted resolution 11/2, by which it decided to include in the provisional agenda of the Eighth Congress, under item 3 of the provisional agenda, a one-day pledging session to give participants the opportunity to make financial contributions to the United Nations Trust Fund for Social Defence (*ibid.*, sect. I D).

The provisional rules of procedure provide also for the appointment of a Credentials Committee (rule 4) and the setting up of a General Committee (rule 6).

A proposed timetable for the work of the Congress will be circulated for consideration by the Congress in document A/CONF.144/3.

(e) Election of officers other than the President

Under rule 6 of the provisional rules of procedure, the Congress shall elect, in addition to the President, 24 Vice-Presidents and a Rapporteur-General, as well as a Chairman for each of the Committees provided for under rule 43. Rule 41 provides that all elections shall be held by secret ballot, unless the Congress decides otherwise. Those 28 officers shall constitute the General Committee, as provided by rule 6 of the provisional rules of procedure, and shall be elected on the basis of ensuring its representative character.

(f) Credentials of representatives to the Congress

(i) Appointment of the members of the Credentials Committee

Rule 4 of the provisional rules of procedure provides that a Credentials Committee of nine members shall be appointed by the Congress on the proposal of the President, and that its membership shall, as far as possible, be the same as that of the Credentials Committee of the General Assembly of the United Nations at its immediately preceding session. At the forty-fourth session of the General Assembly, the Credentials Committee consisted of the representatives of the following States: Antigua and Barbuda, Australia, China, Colombia, Malawi, Philippines, Union of Soviet Socialist Republics, United States of America and Zaire.

(ii) Report of the Credentials Committee

In accordance with rule 4, the Credentials Committee shall examine the credentials of representatives and report to the Congress.

3. Crime prevention and criminal justice in the context of development: realities and perspectives of international co-operation (topic I)

This topic is intended to provide continuity between the Seventh and Eighth Congresses, serving as an opportunity to review current trends and to initiate a constructive substantive dialogue between Governments, intergovernmental and non-governmental organizations, which could lead to the elaboration of practical action proposals for a strengthened programme of international co-operation in the field of crime prevention and criminal justice, in pursuance of existing mandates, in particular General Assembly resolutions 42/59, 43/99 of 8 December 1988 and 44/72.

In accordance with the Milan Plan of Action, adopted by the Seventh Congress and approved by the General Assembly in its resolution 40/32 of 29 November 1985, the United Nations has been called upon to play a pivotal role in multilateral co-operation in the crime field, while States have been urged to implement the Plan as the collective endeavour of the international community to deal with a major problem whose disruptive and destabilizing impact on society is bound to increase unless concrete and constructive action is taken on an urgent and priority basis.

In its resolution 44/72, the General Assembly approved the recommendations contained in Economic and Social Council resolutions 1989/68 and 1989/69, and invited the Committee on Crime Prevention and Control to give priority attention to the conclusions and recommendations of its sub-committee charged with the task of providing an overview of the problem of crime and assessing the most efficient means of stimulating practical international co-operation and to consider appropriate follow-up thereto by the Eighth Congress. In pursuance of that mandate, the Committee, at its eleventh session, unanimously approved the report entitled "The need for the creation of an effective international crime and justice programme" (E/1990/31/Add.1). In accordance with Council decision 1990/216, in which the Council endorsed the Committee's request contained in its resolution 11/3, the Congress will have that report before it.

Since technical co-operation is a major aspect of the United Nations work and efforts in the crime field, the Congress will consider the means of improving technical assistance and support in the field of crime prevention and criminal justice in order to meet the requests of Member States, particularly through advisory services and the formulation and implementation of specific country projects and expanded research and training activities, in collaboration with the United Nations interregional and regional institutes, as well as by means of increased voluntary contributions to the United Nations Trust Fund for Social Defence. During a "Pledging Day", Governments wishing to do so may express their readiness to make such contributions, in accordance with paragraph 5 of resolution 11/2 of the Committee at its eleventh session.

Under this item, Governments will also have the occasion to exchange experiences on crime trends, improvements in data collection and analysis of crime-related statistics, on the basis of a report on the Third United Nations Survey of crime trends, operations of criminal justice systems and crime prevention strategies, prepared in accordance with Economic and Social Council resolutions 1984/48 of 25 May 1984 and 1986/12 of 21 May 1986. In pursuance of paragraph 6 of Council resolution 1990/18 of 24 May 1990, a meeting would be arranged during the Congress to consider the revision of the survey questionnaire.

In paragraph 6 of resolution 1989/62, the Council decided that the topics of transnational crimes against the environment and against the cultural patrimony of countries should be considered under item 3 of the provisional agenda in order to explore the possibilities of formulating comprehensive policies of international co-operation for the prevention of such offences. In pursuance of the recommendations of the preparatory meetings, as approved by the Committee on Crime Prevention and Control, the Congress will have before it a manual on practical measures against corruption and an inventory of crime prevention measures.

The Seventh Congress, in its resolution 22, reaffirmed the validity and relevance of dealing with crime and criminal justice in the context of development, requesting that the related issues should be examined by the Eighth Congress on the basis of the information provided by Member States on the results achieved in implementing the resolutions and decisions of the Seventh Congress. A report of the Secretary-General summarizing this information will be submitted to both the Congress and the General Assembly, in accordance with paragraph 22 of General Assembly resolution 44/72.

By its resolution 1990/23, the Economic and Social Council transmitted to the Congress for action under this item the following draft resolutions recommended by the Committee on Crime Prevention and Control:

(a) "Prevention of urban crime" (E/1990/31, chap. I, sect. C, decision 11/102);

(b) "International co-operation for crime prevention and criminal justice in the context of development" (*idem*, decision 11/104);

(c) "The role of criminal law in the protection of nature and the environment" (idem, decision 11/114);

(d) "Draft model treaty for the prevention of crimes that infringe on the cultural heritage of peoples in the form of movable property" (idem, decision 11/119);

(e) "Review of the functioning and programme of work of the United Nations in crime prevention and criminal justice" (idem, decision 11/122).

Documentation

Working paper prepared by the Secretariat on crime prevention and criminal justice in the context of development: realities and perspectives of international co-operation (A/CONF.144/5)

Report of the Committee on Crime Prevention and Control on its eleventh session (E/1990/31)

Report of the Committee on Crime Prevention and Control entitled "The need for the creation of an effective international crime and justice programme" (E/1990/31/Add.1)

The Third United Nations Survey on Crime Trends, Operations of Criminal Justice Systems and Crime Prevention Strategies: report prepared by the Secretariat (A/CONF.144/6)

Proposals for concerted international action against forms of crime identified in the Milan Plan of Action: report prepared by the Secretariat (A/CONF.144/7)

Practical measures against corruption: manual prepared by the Secretariat (A/CONF.144/8)

Inventory of comprehensive crime prevention measures: note by the Secretariat (A/CONF.144/9)

Implementation of the resolutions and recommendations of the Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders: report of the Secretary-General (A/45/)

4. Criminal justice policies in relation to problems of imprisonment, other penal sanctions and alternative measures (topic II)

The primary themes of the topic are (a) problems of imprisonment, including the availability of alternative sanctions, and the possible application of contemporary management techniques and information technology as a tool for improved criminal justice administration, and (b) ways and means of alleviating the problem of prison overcrowding, in the short term, and of avoiding it, in the long term. In accordance with resolution 16 of the Seventh Congress in which the Congress emphasized that non-custodial sanctions were a more humane way of

facilitating rehabilitative efforts, and in furtherance of Economic and Social Council resolution 1986/10, section XI, the Eighth Congress will consider the draft United Nations Standard Minimum Rules for Non-Custodial Sanctions, with the view to their adoption. The Congress will also have before it reports of the Secretary-General on alternatives to imprisonment and reduction of the prison population and on the implementation of the Standard Minimum Rules for the Treatment of Prisoners.

There will be two workshops directly related to this topic: a research workshop on alternatives to imprisonment, organized in co-operation with the United Nations Interregional Crime and Justice Research Institute, and a demonstration workshop on computerization of criminal justice administration, organized in co-operation with the Helsinki Institute on Crime Prevention and Control, affiliated with the United Nations.

By its resolution 1990/23, the Economic and Social Council transmitted to the Congress for action under this item the following draft resolutions recommended by the Committee on Crime Prevention and Control:

- (a) "Computerization of criminal justice" (E/1990/31, chap. I, sect. C, decision 11/103);
- (b) "Management of criminal justice and development of sentencing policies" (*idem*, decision 11/105);
- (c) "United Nations Standard Minimum Rules for Non-Custodial Measures (The Tokyo Rules)" (*idem*, decision 11/108);
- (d) "Basic principles for the treatment of prisoners" (*idem*, decision 11/115).

Documentation

Working paper prepared by the Secretariat on criminal justice policies in relation to problems of imprisonment, other penal sanctions and alternative measures (A/CONF.144/10)

Report of the Committee on Crime Prevention and Control on its eleventh session (E/1990/31)

Implementation of the Standard Minimum Rules for the Treatment of Prisoners: report of the Secretary-General (A/CONF.144/11)

Alternatives to imprisonment and reduction of the prison population: report of the Secretary-General (A/CONF.144/12)

Research on alternatives to imprisonment: report of the Secretary-General (A/CONF.144/13)

Computerization of criminal justice administration: report of the Secretary-General (A/CONF.144/14)

5. Effective national and international action against: (a) organized crime; (b) terrorist criminal activities (topic III)

In the Milan Plan of Action it was recommended that priority be given to combating terrorism in all its forms, including co-ordinated and concerted action by the international community, and that a major effort be launched to control the destructive phenomena of illicit drug traffic and abuse, and organized crime. The Guiding Principles for Crime Prevention and Criminal Justice in the Context of Development and a New International Economic Order, adopted at the Seventh Congress, affirmed that the prevention of crime as a global phenomenon should not be confined to common criminality, but should also address acts which are especially harmful, such as those crimes which impinge on the legal order, internal peace and security.

The Seventh Congress also adopted resolutions 1 on organized crime, 2 on the struggle against illicit drug trafficking, and 23 on criminal acts of a terrorist character. In those resolutions the Congress urged Member States to increase their activity at the international level to combat organized crime, inviting them to strengthen the instruments to combat illicit drug trafficking and to introduce any legal instruments which could be effective in regard to the international and transnational nature of organized crime, and called upon all States to take steps to strengthen their co-operation, particularly in the areas of extradition and mutual legal assistance, with a view to increasing the effectiveness of law enforcement measures in cases of offences included in the conventions relating to terrorist criminal activities.

The Economic and Social Council, in section I of resolution 1986/10 of 21 May 1986, urged the Secretary-General to develop specific proposals to co-ordinate concerted international action against the forms of crime identified in the Milan Plan of Action and, in resolution 1987/53 of 28 May 1987, requested the Secretary-General to accord attention to the prevention and control of those crimes of international dimensions. The General Assembly, in resolutions 41/107 of 4 December 1986, 42/59 and 43/99 emphasized the need to translate into action the recommendations, policies and conclusions stemming from the Milan Plan of Action.

In accordance with paragraph 19 of General Assembly resolution 44/72, the Congress is expected to pay particular attention to the linkages between illicit drug trafficking, organized crime and terrorist criminal activities in order to propose viable control measures.

By its resolution 1990/23, the Economic and Social Council transmitted to the Congress for action under this item the following draft resolutions recommended by the Committee on Crime Prevention and Control:

(a) "Model Treaty on Extradition" (E/1990/31, chap. I, sect. C, decision 11/106);

(b) "Prevention and control of organized crime" (*idem*, decision 11/110);

(c) "Terrorist criminal activities" (idem, decision 11/111);

(d) "Model Treaty on Mutual Assistance in Criminal Matters" (idem, decision 11/112);

(e) "Model Treaty on the Transfer of Proceedings in Criminal Matters" (idem, decision 11/120).

Documentation

Working paper prepared by the Secretariat on effective national and international action against: (a) organized crime; (b) terrorist criminal activities (A/CONF.144/15)

Report of the Committee on Crime Prevention and Control on its eleventh session (E/1990/31)

Proposals for concerted international action against the forms of crime identified in the Milan Plan of Action: report prepared by the Secretariat (A/CONF.144/7)

6. Prevention of delinquency, juvenile justice and the protection of the young: policy approaches and directions (topic IV)

This topic represents the latest stage in the progressive evolution of thought and action under the aegis of the United Nations Congresses, which, over the years, have approached many of the problems and prospects of juvenile justice from different perspectives. The Seventh Congress made further advances by establishing a set of universally accepted principles for the protection of the rights of juveniles in conflict with the law, which are based on the notion of separate systems and measures for juveniles and were adopted as the United Nations Standard Minimum Rules for the Administration of Juvenile Justice, annexed to General Assembly resolution 40/33.

In this connection, and in accordance with Economic and Social Council resolution 1989/66, the Eighth Congress will consider the progress achieved in the implementation of the Standard Minimum Rules on the basis of a report prepared by the Secretary-General.

The Eighth Congress will also examine the phenomenon of domestic violence from the perspective of criminal justice, criminal law and procedure on the basis of a report prepared by the Secretariat, in pursuance of General Assembly resolution 40/36 and Economic and Social Council resolution 1989/67.

The General Assembly, in resolution 40/35, called for the development of standards on the prevention of juvenile delinquency, and the Economic and Social Council in resolution 1986/10, section II, requested the Eighth Congress to consider the draft United Nations guidelines for the prevention of juvenile delinquency, with a view to their adoption.

The Seventh Congress stressed the danger of deprivation of liberty during the most critical formative period of personal development. In particular, the incarceration of juveniles with adults was indicated as a serious risk situation. Accordingly, in pursuance of resolution 21 of the Seventh Congress, the Eighth Congress is requested to review and consider the draft United Nations rules for the protection of juveniles deprived of their liberty, with a view to their adoption.

By its resolution 1990/23, the Economic and Social Council transmitted to the Congress for action under this item the following draft instruments recommended by the Committee on Crime Prevention and Control, which complement the relevant provisions of the Convention on the Rights of the Child (General Assembly resolution 44/25, annex), particularly articles 37 and 40 thereof:

(a) "United Nations guidelines for the prevention of juvenile delinquency (the Riyadh Guidelines)" (E/1990/31, chap. I, sect. C, decision 11/117);

(b) "United Nations rules for the protection of juveniles of their liberty" (*idem*, decision 11/118).

Documentation

Working paper prepared by the Secretariat on prevention of delinquency, juvenile justice and the protection of the young: policy approaches and directions (A/CONF.144/16)

Report of the Committee on Crime Prevention and Control on its eleventh session (E/1990/31)

Implementation of the United Nations Standard Minimum Rules for the Administration of Juvenile Justice: report prepared by the Secretariat (A/CONF.144/4)

Domestic violence: report of the Secretary-General (A/CONF.144/17)

7. United Nations norms and guidelines in crime prevention and criminal justice: implementation and priorities for further standard setting (topic V)

The inclusion of this topic in the agenda of the Eighth Congress is an expression of the permanent concern of the international community with both the humanization of criminal justice and the protection of the human rights of offenders and victims. That concern is reflected in General Assembly resolutions 41/149, 42/143, 43/153 and 44/162 on human rights in the administration of justice.

In accordance with Economic and Social Council resolution 1990/21 of 24 May 1990, the Eighth Congress is invited to consider the ways and means by which to accord adequate priority to the implementation of existing standards, and to explore the possibility of consolidating the relevant reporting arrangements.

In this connection, the Congress is also invited to consider the implementation surveys on the Declaration of Basic Principles of Justice for

Victims of Crime and Abuse of Power (Assembly resolution 40/34, annex), the Basic Principles on the Independence of the Judiciary adopted by the Seventh Congress and the Code of Conduct for Law Enforcement Officials (Assembly resolution 34/169, annex) as well as reports on capital punishment, including legal safeguards, and extra-legal, arbitrary and summary executions, prepared by the Secretariat in accordance with standing mandates.

The attention of the Congress is also called to the relevant parts of the report on the implementation of the conclusions and recommendations of the Seventh Congress, the guide for practitioners regarding the implementation of the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, prepared in accordance with Economic and Social Council resolution 1989/57, and the compendium of United Nations standards and norms in the field of crime prevention and criminal justice.

By its resolution 1990/23, the Economic and Social Council transmitted to the Congress for action under this item the following draft resolutions recommended by the Committee on Crime Prevention and Control:

- (a) "Basic Principles on the Use of Force and Firearms by Law Enforcement Officials" (E/1990/31, chap. I, sect. C, decision 11/107);
- (b) "Basic Principles on the Role of Lawyers" (*idem*, decision 11/109);
- (c) "Protection of the human rights of victims of crime and abuse of power" (*idem*, decision 11/113);
- (d) "Guidelines on the Role of Prosecutors" (*idem*, decision 11/116);
- (e) "Model Treaty on the Transfer of Supervision of Offenders Conditionally Sentenced or Conditionally Released" (*idem*, decision 11/121).

Documentation

Working paper prepared by the Secretariat on United Nations norms and guidelines in crime prevention and criminal justice: implementation and further standard setting (A/CONF.144/18)

Report of the Committee on Crime Prevention and Control at its eleventh session (E/1990/31)

Implementation of the Basic Principles on the Independence of the Judiciary: report of the Secretary-General (A/CONF.144/19)

Guide for practitioners regarding the implementation of the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power: note by the Secretariat (A/CONF.144/20)

Measures to implement the declaration of basic principles of justice for victims of crime and abuse of power: report of the Secretary-General (E/AC.57/1988/3)

Declaration of basic principles of justice for victims of crime and abuse of power (E/AC.57/1990/3)

Code of Conduct for Law Enforcement Officials (E/AC.57/1988/8 and Add.1/Rev.1)

Capital punishment: report of the Secretary-General (E/1990/38/Rev.1)

Implementation of the United Nations safeguards guaranteeing protection of the rights of those facing the death penalty: report of the Secretary-General (E/AC.57/1988/9 and Corr.2)

Extra-legal, arbitrary and summary executions and measures for their prevention and investigations: report of the Secretary-General (E/AC.57/1988/5 and Corr.1 and 2)

United Nations standards and norms in the field of crime prevention and criminal justice: compendium prepared by the Secretariat (A/CONF.144/INF.2)

Background documentation for the Eighth Congress

Discussion guide for the interregional and regional preparatory meetings for the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders (A/CONF.144/PM.1)

Report of the Interregional Preparatory Meeting for the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders on topic I (A/CONF.144/IPM.1)

Report of the Interregional Preparatory Meeting for the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders on topic III (A/CONF.144/IPM.2)

Report of the Interregional Preparatory Meeting for the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders on topic IV (A/CONF.144/IPM.3)

Report of the Interregional Preparatory Meeting for the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders on topic II (A/CONF.144/IPM.4)

Report of the Interregional Preparatory Meeting for the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders on topic V (A/CONF.144/IPM.5)

Report of the Asia and Pacific Regional Preparatory Meeting for the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders (A/CONF.144/RPM.1 and Corr.1)

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Report of the European Regional Preparatory Meeting for the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders (A/CONF.144/RPM.2 and Corr.1)

Report of the Latin American and Caribbean Regional Preparatory Meeting for the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders (A/CONF.144/RPM.3 and Corr.1)

Report of the Western Asian Regional Preparatory Meeting for the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders (A/CONF.144/RPM.4 and Corr.1)

Report of the African Regional Preparatory Meeting for the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders (A/CONF.144/RPM.5 and Corr.1 and 2)

Report of the Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders (A/CONF.121/22/Rev.1)

Report of the Committee on Crime Prevention and Control on its tenth session (E/1988/20)

Report of the Committee on Crime Prevention and Control on its ninth session (E/1986/25)

8. Adoption of the report of the Eighth Congress

Under rule 50 of the provisional rules of procedure, the Congress is to adopt a report, the draft of which shall be prepared by the Rapporteur-General. In accordance with General Assembly resolution 44/72, a report of the Secretary-General, containing his views and recommendations on the implementation of the conclusions of the Eighth Congress, will be submitted to the Assembly at its forty-fifth session, together with the report of the Eighth Congress.

This archiving project is a collaborative effort between United Nations Office on Drugs and Crime and American Society of Criminology, Division of International Criminology. Any comments or questions should be directed to Cindy J. Smith at CJSmithphd@comcast.net or Emil Wandzilak at emil.wandzilak@unodc.org.