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Seventh United Nations Congress on the
Prevention of Crime and Treatment
of Offenders

REPORT OF THE AFRICAN REGIONAL PREPARATORY MEETING FOR
THE SEVENTH UNITED NATIONS CONGRESS ON THE PREVENTION
OF CRIME AND THE TREATMENT OF OFFENDERS

(held at Addis Ababa, 28 November-2 December 1983)

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INTRODUCTION

1. The African Regional Preparatory Meeting for the Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders was the fourth of a series of regional meetings convened to discuss the provisional agenda for the Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders, to be held in 1985, in pursuance of General Assembly resolutions 415(V) and 36/21 and Economic and Social Council resolution 1982/29. The list of the five topics for the provisional agenda of the Seventh Congress recommended by the Committee on Crime Prevention and Control at its seventh session, held at Vienna 15-24 March 1982, and endorsed by the Economic and Social Council in its resolution 1982/29, was adopted as the agenda for the Meeting. To facilitate the discussion, the Meeting had before it a discussion guide (A/CONF.121/P.M.1), prepared by the Crime Prevention and Criminal Justice Branch of the Centre for Social Development and Humanitarian Affairs, for specific topics for each agenda item. A list of documents relevant to the discussions is contained in annex I.

I. ORGANIZATION OF THE MEETING

2. The Meeting was organized jointly by the Centre for Social Development and Humanitarian Affairs and the Economic Commission for Africa (ECA), and held at the headquarters of the Commission, Addis Ababa, 28 November-2 December 1983. It was attended by 86 representatives and 10 observers, from 37 Member States, and 22 observers from 10 intergovernmental and nongovernmental organizations. The Meeting was also attended by Mr. Albert Metzger, Sierra Leone, representing the Committee on Crime Prevention and Control, in accordance with Economic and Social Council resolution 1982/30. The list of participants is given in annex II.

3. The representative of the Executive Secretary of ECA welcomed the participants and invited the Permanent Secretary of the Ministry of Law and Justice of Ethiopia to open the Meeting. The Permanent Secretary welcomed the participants and noted the importance of the topics that were to be discussed. He stressed that the relationship between crime and development was of the highest priority for the African region, and that because development was multi-faceted, such a relationship was bound to be complex. He gave specific examples of the way in which crime could hinder development at the local as well as the international level. The Permanent Secretary mentioned several prerequisites for effective crime prevention practices, including the education and employment of the young, the training of personnel, and the use of planning and therefore the provision of statistical and research data to planners and administrators. He concluded by emphasizing the pressing need in the region to upgrade the quality and quantity of information, especially statistical information, and suggested that a regional body to co-ordinate efforts and improve standards in that respect was necessary.

4. The representative of the Executive Secretary of ECA conveyed the wish of the Executive Secretary to associate himself with the important matters being considered by the Meeting. He concentrated on the problem of youth and

the integrated approach to criminal justice. The opportunities presented by the coinciding of the Seventh Congress with the International Youth Year in 1985 should not be missed. One reason for fragmented criminal justice systems was the lack of consideration of crime prevention planning at a high political level. He reiterated the view of the Permanent Secretary that research and training, and the data necessary to go with them, required priority action, and that technical co-operation in that context was highly necessary. He also emphasized the importance of considering victims in crime prevention planning.

5. The representative of the Executive Secretary of the Seventh Congress conveyed the greetings of the Secretary-General of the United Nations and of the Executive Secretary of the Seventh Congress to the participants, and thanked the Government of Ethiopia and the Executive Secretary of ECA for their co-operation and support. He explained the objectives of the regional meetings, and outlined the five substantive agenda items. He spoke of the recommendations adopted by the Sixth United Nations Congress on the Prevention of Crime and the Treatment of Offenders,^{1/} held at Caracas, 25 August-5 September 1980 on new perspectives for United Nations activities in crime prevention and criminal justice in the context of development. He also spoke of the need for the Seventh Congress to draw up new guiding principles for crime prevention and criminal justice. He also emphasized the value of activities at the regional level and noted the assistance given by ECA to the Centre for Social Development and Humanitarian Affairs in the organization of the Meeting.

6. The representative of the Committee on Crime Prevention and Control extended the best wishes of the Committee to all the participants on behalf of its Chairman. He pointed out that it was the first time that the Committee had been represented at an African regional meeting. He explained that his presence at the Meeting was intended to facilitate the work of the Committee as the preparatory body of the Seventh Congress, in pursuance of Economic and Social Council Resolution 1979/19.

7. Following the opening ceremony, the Meeting elected by acclamation the following officers.

Girma Selassie Araya (Ethiopia)	Chairman
Alfred Elegbe (Benin)	Vice-Chairman
W. H. Sekule (United Republic of Tanzania)	Vice-Chairman
Adel Koura (Egypt)	Rapporteur

8. The agenda containing the five substantive topics was adopted.

II. REPORT OF THE DISCUSSION ON THE FIVE SUBSTANTIVE TOPICS OF THE AGENDA

A. New dimensions of criminality and crime prevention in the context of development: challenges for the future (topic 1)

9. The representative of the Executive Secretary of the Seventh Congress introduced topic 1: "New dimensions of criminality and crime prevention in the context of development: challenges for the future". He pointed out that

^{1/} Sixth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Caracas, Venezuela, 25 August-5 September 1980; report prepared by the Secretariat (United Nations publication, Sales No. E.81.IV.4).

although the topic of new crimes and trends of criminality had been on the agendas of the Fifth and Sixth Congresses, the fact that there were continuous changes in types and trends of criminality meant that exchanges of information on that matter were needed at regular intervals. The incorporation of crime prevention planning into national planning had also occurred previously, but again, was a subject requiring a regular review. In that respect, that topic served not only as a vehicle for strengthening international co-operation in general, but also as a link to ensure continuity between the Sixth and Seventh Congresses. Discussion of the topic would help to generate the new guiding principles foreseen in the Caracas Declaration^{1/} and specifically called for by General Assembly resolution 36/21. If all countries pooled their experiences, those guiding principles would not merely develop the legalistic approach to crime control, but would also emphasize indigenous forms of crime prevention, and encourage the participation of the community. It was important also that the guiding principles should be considered from the unique political, socio-economic and cultural perspectives of each country.

10. The representative of the Executive Secretary emphasized that the formulation of new guiding principles for crime prevention and criminal justice in the context of development and the new international economic order would constitute one of the key issues of the Seventh Congress. Those guiding principles should seek to order the knowledge on crime prevention and criminal justice by relating the progress that could be achieved in that field to the socio-economic, cultural and political development in each country and to the new international economic order, stressing the importance of international co-operation. He stated that the African region was in a unique position to give thorough consideration to the guiding principles, as national planning in the region had on occasion taken into account crime prevention elements, and could thereby provide other regions of the world with useful suggestions. He also recalled that the United Nations had adopted several basic texts that sought the establishment of a safe, secure and just society that would enable the full development of human potential. That was why crime had to be reduced and justice ensured. Crime meant suffering for both the victim and the offender and the loss of human and social values as well as material costs. Justice should be delivered fairly and equitably in order to secure the protection of the dignity of all human beings. That was why, he concluded, action at the national, regional and international levels was necessary to ensure crime prevention, justice and equity as a universal basis for penal policy and development planning.

11. The participants took up the reference to the Caracas Declaration, and considered the difficulties experienced in many countries of the region in implementing a policy of economic development. The colonial legacy of structures and methods that were not indigenous created additional problems to some countries, and even deliberate sabotage of the economy with foreign backing was mentioned. Several participants referred also to the complexity of the relationship with transnational corporations in development. The large corporations controlled the scientific and technological resources necessary for development, and so could not be ignored; however, the style of development they encouraged, especially with regard to industrialization and urbanization was potentially criminogenic. It was suggested that, as the transnational corporations were responsible for at least some of the increase of crime in the region, they ought also to accept some of the responsibility to reduce it. The more general point was made that the presence of alien cultures inevitably had led to increases in certain culture-specific types of crime.

12. In many countries the initiative for development had been taken more strongly by the public sector than by the private sector. Although that had had many beneficial effects, it was reported from some countries that the abuse and misappropriation of public funds had become a significant feature of the contemporary crime picture. Different experiences were reported from different countries, but it seemed that the growth of corruption and white-collar crime were already established as a significant problem in much of the region. It was noted that such types of crime were not exclusive to the higher levels of government and management. Some specific examples were given of the problems raised by fraud and embezzlement. Fraudulent bankruptcy was a new, but very troublesome, variant of that type of crime. Some delegations gave examples of attempts, sometimes successful, to prevent and counter those offences. The police could apply for the bank account of a suspect to be frozen in one country, although that had been questioned on constitutional grounds. In more general terms the main intention was to prevent white-collar criminals from having access to the gains of their crimes; and the evaluation of, and accountability for, the assets of an individual seemed a promising new approach to controlling at least some form of white-collar crime. Such types of criminality seemed particularly to require co-operation and collaboration between countries, and specific instances of such co-ordination were given. In contrast, the secrecy of banks was mentioned as a major obstacle in countering such criminality.

13. Apart from corruption of various types, the other main category of crime that had recently increased swiftly in most of the region was the use of, and trafficking in, drugs. All the main classes of drugs were mentioned: some countries of the region had become the location of international trafficking, where the final destination or point of origin, or both, might be in different continents. As in countries in other regions the use of narcotics had increased recently and brought with it many drug-related crimes. That was seen to be another problem requiring intergovernmental collaboration, in contrast to the relatively localized growth and consumption of cannabis. In case of trafficking in the latter, again intergovernmental collaboration was essential. That was one example of the general principle made by several delegates, that the growth and spread of modern transportation also had strong criminogenic side-effects.

14. The main explanations given for the growth in crime concerned social and economic conditions. Crime was described by one delegate as a form of subsistence living, and so it could not be easily repressed by direct methods. In general, poverty, social injustice and class conflict leading to resentment were cited as the underlying causes of crime in many countries. Those who suffered most from those negative factors were the young, whose expectations were progressively lowered, especially with respect to future employment. Whereas urbanization and social maladjustment did not necessarily correlate, according to one delegate, unemployment was universally seen as being a serious cause of crime. Countries whose economies depended on single products were seen to be particularly vulnerable in that respect. From those conclusions delegates agreed that any long-term solutions could be based only on a reordering and upgrading of the social and economic lot of most people; and that therefore too much should not be expected of legal and criminal justice reforms, although those were all still very important. Several delegates referred to the re-installation of traditional African values. The concepts of "dispute resolution", "ethical revolution" and "tolerant society" were thought to be particularly important to the future of the region.

15. More specific measures were suggested by several delegates: those included social restructuring and legal reforms. Various forms of popular organizations were described, such as workers and residential associations, that served to strengthen the social fabric in general and assist crime prevention in particular. It was becoming more widely recognized that crime prevention paid. With respect to criminal justice, some delegates reported the promulgation and revision of penal codes. One country reported that it had been found helpful to add a third new category of legal infractions, namely, offences against public order, to the two traditional ones of offences against persons and property.

16. Crime prevention planning was considered from the two aspects of general principles and specific requirements. The Meeting was informed of attempts in other regions to integrate crime prevention planning into national development planning, with a strong emphasis on both sectoral and inter-sectoral co-ordination. One delegate from the African region reported a similar attempt in his own country that had proved to be both feasible and effective. It was agreed that for such a strategy to be effective, it should be implemented at a high level of government. It was suggested that the term "development" was too broad for the context of crime prevention planning. Rather, specific development programmes should be studied for their psychological, social and environmental implications. At a more detailed level, it was pointed out that much better data bases and information systems were needed for planning and research use. Although some police statistics did exist, they had not been used to a significant extent in crime prevention planning.

17. With respect specifically to the new guiding principles, delegates referred to problems that had arisen in some parts of the region as a result of a number of economic crimes committed by aliens that had weakened their countries' already debilitated economies. Ordinary legislation had at times been unable to obtain the desirable redress; it was therefore felt that while human rights considerations should be paid due regard, countries had the right to defend themselves from corrupt practices that jeopardized their economies.

18. Reference was made to those guiding principles that called for further enhancement of the activities of the United Nations regional and interregional crime prevention research and training institutes. In that connection the need for the establishment of an African institute south of the Sahara was emphasized. In that context, the representative of the Organization of African Unity (OAU) stated that preparations for the establishment of the institute were under way and that a meeting of African experts on the subject was to be convened in the near future.

19. In considering the guiding principles as a whole, it was felt that they covered the entire spectrum of crime prevention in the context of development and of a new international economic order and that they were therefore in keeping with the aspirations of many developing countries. However, although the content was satisfactory, and should be adopted, the text required further improvement.

20. The adoption of the principles was discussed by the Meeting, taking into account that they were in the stage of a first draft that would be refined by forthcoming meetings before being submitted for consideration by the Seventh Congress. It was agreed that the delegates would be entitled, within one month, to submit to the Committee on Crime Prevention and Control written remarks and recommendations on the guiding principles.

21. Under that provision, the Meeting agreed that, in principle, the guiding principles should be adopted, subject to the reservations earlier stated.

B. Criminal justice processes and perspectives
in a changing world (topic 2)

22. The representative of the Executive Secretary, in his introduction to topic 2: "criminal justice processes and perspectives in a changing world" pointed out that the topic was concerned primarily with criminal justice as a system, and the evaluation of its performance in the context of the environment. The systemic approach was a product of the marriage of the concept of justice to the concept of planning. Criminal justice required planning within each sub-system, between the sub-systems, and also between the system as a whole and the social environment within which it operated. He emphasized that such an approach would satisfy the need for more effective co-ordination of the activities of the various sectors by ensuring greater consistency while maximizing the potential for adaptation to changing circumstances.

23. In the discussion of that topic several delegates referred to fundamental constitutional issues, such as the separation of the powers of the judiciary from those of the legislative and the executive. The importance of the independence of the judiciary was frequently mentioned. However, it was noted that in countries where a colonial model had been imposed upon a more customary approach to justice, the separation of powers had led to the isolation of the judiciary from the people. However, in exceptional conditions, such as those following wars of liberation, strong national legislation without a separation of powers was necessary for the re-establishment of social stability.

24. It was suggested that the working paper for the Seventh Congress should pay considerable attention to legislative questions. Law reform, to be effective, had to stay in touch with changing socio-economic conditions. Law reform commissions, or similar bodies, were reported as being active in many countries. Membership of the commissions might include traditional leaders and high-level officials responsible for social development as well as senior lawyers. At the local level, proposals concerning the reform of specific laws often originated from public councils. Reference was made to the fact that decentralized planning and administration of justice were considered important, since the centralized systems left behind by colonial regimes had proved inappropriate. A decentralized system of justice was suggested by some delegations as more appropriate for most countries of the region. Also, the reform of criminal procedure should be a priority item in legal reform.

25. In considering the different sub-systems of the overall criminal justice system, it was pointed out that the main functions of the police had been, and continued to be, the prevention of crime and the detention of offenders; however, a wider social role for the police in crime prevention had recently received much more emphasis. That required a more sophisticated training for the police themselves, which in turn enhanced the public image of the police as professionals. That image was further enhanced when the police became educators of the public concerning crime prevention techniques, particularly

through the use of the mass media. The need for trained specialists in forensic sciences and the use of technology in the detection of crime, especially drug crime, were also referred to. In that connection, it was suggested that the Congress should consider the training of the police as a separate sub-item, possibly in the context of technical co-operation.

26. The systems of prosecution used in different countries were described. The main distinguishing factor was the degree of direct involvement of the police. It was agreed that a truly independent prosecution service was a central feature of a just and efficient criminal justice system.

27. There was considerable discussion of alternative arrangements for the administration of justice, including various types of people's tribunals, which had served as effective filters for the more formal courts. In that context, it was pointed out that the court as a place of punishment rather than of compensation and reconciliation was not a long-standing African tradition. Various types of popular tribunals, which had been introduced in many African countries, had the advantage of increasing the level of people's participation, thus reducing the distance between the people and the system of justice and minimizing delays in the administration of justice. However, it was stressed that some form of supervisory arrangement, such as an appeals procedure to formal courts, was desirable. The extent to which popular tribunals, as distinct from a trained professional judiciary, were appropriate to the indigenous culture seemed to vary between countries.

28. Three specific problems were raised in regard to the judiciary and the magistracy. First, owing to internal disturbances in some countries many of the judiciary had been compelled to emigrate, and the rapid training of replacements was a matter of urgency. Secondly, tenure was a problem for the judiciary in some countries; various modalities in establishing the judiciary as being truly independent were described, including permanency of appointment and rewarding pension schemes. Thirdly, it was agreed that some member of any tribunal had to have legal training. The extent to which other experts such as medical doctors or social scientists, might be used, was also discussed.

29. In discussing corrections, several delegates pointed out that the use of imprisonment as a penal sanction was primarily an importation of colonial times, and not part of the African tradition; it was also wasteful of scarce resources. However, some countries were still finding it necessary to build new prisons. Furthermore, some delegates observed that preventive detention was necessary in order to ensure the identification and availability of the offender; and it was equally necessary in cases of serious offences and of crimes against the State.

30. Several delegates stressed the desirability of alternatives to imprisonment; but diversion, probation and parole had to be established before such schemes could be utilized. That would require professional experience and therefore considerable resources. Such an investment might be an appropriate object of technical assistance.

31. The co-ordinated approach to criminal justice was regarded as a desirable development within the region, and again the technical problems involved were considered an appropriate priority for technical assistance. The need for technical co-operation and assistance was frequently emphasized in that context. It was pointed out that to adopt the co-ordinated approach would

ultimately raise specific, scientific questions concerning policy options and problems of management and the need for a much more comprehensive and ordered information base, primarily of statistics and other data essential for research. A proposal was made to encourage Member States in the region not only to collect information, but also to make specific requests for technical assistance in order to do so more effectively.

32. The representative of the Committee on Crime Prevention and Control made concluding remarks on that item. He observed that many delegates had described similarities in their systems, while others had pointed out differences between systems within the region. Therefore, it was essential for African states to analyse and assess crime trends that existed in their countries before deciding on the approach to be followed. Furthermore, while it was true that procedures inherited from the colonial period were not completely in keeping with the needs of changing societies in the region, care must be taken to ensure that no violations of human rights occurred if traditional procedures were restored. Finally, he underlined the importance of the involvement of the public in crime prevention and criminal justice, but singled out the need for research as the highest priority problem for the region.

C. Victims of crime (topic 3)

33. In introducing topic 3: "Victims of crime", the representative of the Executive Secretary of the Seventh Congress pointed out that that item stemmed from those recommendations of the Sixth Congress that dealt with abuses of economic and public power, and with the various measures aimed at compensation for incurred damages and injuries. He added that, while the dynamics of victimization and the relationship between victim and victimizer was a very interesting subject for study in itself the United Nations approach stressed the implications for preventive and remedial action. Victimization was a widespread problem that encompassed many aspects of economic and social life; however, it was sometimes difficult to identify the victims and to assess the degree of harm, particularly when groups of victims were involved. The countries of the African region were in a unique position to share their experiences in provision of assistance to victims, because the feelings of solidarity and community and family ties were still very strong in Africa; in that connection, their contributions would provide a valuable input for the Seventh Congress. He concluded by stating that victims of large-scale criminal abuse of power should receive far greater attention than in the past, with special emphasis on their ability to establish their status as victims and on the right to redress.

34. The common tradition of most African countries, whereby compensation and restitution were the central act of criminal justice, was frequently mentioned. It was regretted that the superimposition of a non-indigenous punishment philosophy had weakened in some respects that tradition. However, the community belief that the extended family was responsible for the payment of compensation was still strong. It was also customary in some cultures to pay the compensation in advance of any sentence pronounced on the guilty in order to ensure that restitution was quickly made, thus avoiding the long delay that could arise through the need to have recourse to civil proceedings. If victims were denied compensation, they might turn to crime to recompense themselves.

35. In contemporary Africa, some countries and individual states within countries were re-introducing elements of compensation into new criminal codes. Thus civil and criminal proceedings were being combined in respect of restitution, specially at the lower court level. That made it unnecessary to institute civil proceedings and one country had recently introduced legislation that made it possible for the victim to apply for restitution as soon as a prosecution had been initiated. One purpose of such legislation was to give the victim a role in the criminal process.

36. The main difficulty reported by many countries in respect of individual victims was the indigent or absent offender. Sometimes the offenders were imprisoned, so that their ability to pay compensation was reduced or removed, but some countries reported that in such cases an extended family would substitute for the offender. The main alternative, however, favoured by several countries, was the introduction of a national compensation fund provided by the central Government, by fines imposed on the offender or by the earnings of offenders set to do public work. Other countries, however were sceptical of the feasibility of maintaining such a fund without excessive strain on state finances. Therefore, they did not propose to institute the scheme in practice, even though they favoured it in principle as the obligation of the State was generally recognized. Several countries reported that individual victims of the abuse of power by state officials were successful in claiming compensation. That was regarded as a significant check on the abuse of power, and encouraged criminal justice officials to be scrupulous in the carrying out of their duties. Some countries reported mechanisms within their constitutional and legislative framework to contain abuses of power. It was important that the procedures for such claims, or any claims for compensation, should not be too complex as that often acted as a deterrent to the victims exercising their rights. In that context, the representative of Amnesty International made an appeal for the support of the United Nations Voluntary Fund for Victims of Torture, which was the ultimate form of the abuse of governmental power. He pointed out that, although the Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (General Assembly resolution 3452 (XXX)) was made in 1975, the existence of the Fund showed that torture still regularly occurred; he gave detailed proposals to counteract the phenomenon. Several countries reported that the responsibility of Governments extended to cover mistakes and miscarriages of justice by officials as well as deliberate abuses of power.

37. The extension of different schemes of insurance was advocated as one way of ensuring the payment of compensation. Such use of insurance was most widely known at the current time in the context of motoring offences and accidents, but it was suggested that it might be extended to other sectors.

38. It was agreed that the time was ripe for discussion of that topic at a United Nations congress, and that the African experience and tradition would be a major contribution to such a discussion. The proposal was made that a systematic survey should be conducted in time for the Seventh Congress of practices in all countries of the African region, in that way, a structured exchange of information would be made possible. The Committee of Crime Prevention and Control should be asked to consider the possibility of initiating such a survey.

39. It was agreed that whereas the African tradition was outstanding in respect of individual victims of traditional crimes, there were serious problems in considering the collective victims of mass crimes. There was agreement that such classes and categories of victims did exist, the problem was how to define them. Just as the definitions of crimes varied across cultures, so did definitions of victims.

40. Two main categories of collective victims were noted. The first was those who were the innocent victims of deliberate acts of war; the residents of the front line States who suffered directly from the implementation of the policy of apartheid were especially mentioned. The second was those who were the victims, often unknowing, of environmental pollution or other acts of external agencies such as some of the transnational corporations. It was agreed that very little systematic knowledge of such categories of victims existed, and that it should be a major function of the Seventh Congress to lay down guidelines to remedy that. Such guidelines should include, but not be limited to, consideration of consumer protection and other aspects of trade control. Finally some countries expressed themselves in favour of some form of code for, or declaration on behalf of, victims.

D. Youth, crime and justice (topic 4)

41. The representative of the Executive Secretary of the Seventh Congress pointed out that topic 4: "Youth, crime and justice" focused on juvenile delinquency and its alarming increase in many parts of the world and also on humane and fair ways to cope with such problems. While the young constituted already more than half of the population of the developing countries, their opportunities for self-fulfilment seemed to be radically decreasing. That situation was likely to create serious problems. Therefore, new policies and programmes were required that should aim at ensuring educational, training and employment opportunities for the young as well as their participation in national development programmes. He pointed out that special attention should be paid not only to the problems of drug abuse and crimes of violence that reportedly contributed to youth criminality, but also to the negative effects of the mass media. Finally, he drew the attention of the Meeting to the draft standard minimum rules for the administration of juvenile justice and observed that, in view of the difficulties encountered in the formulation of world-wide standards, the advice of the Meeting on that matter would be highly appreciated.

42. The representative of ECA made a statement in connection with the recent African regional meeting held in preparation for the International Youth Year (IYY) in 1985. He informed the delegates that the meeting had examined in detail the situation of youth in Africa, and had adopted a plan of action for the years 1983 to beyond 2000. In emphasizing the link between IYY and the Seventh Congress, the speaker reported that the main conclusions of the IYY meeting were that youth crime in the African region was increasing disproportionately, that there were many social problems that contributed to an increasingly fertile climate for youth crime, and that youth, between the ages of 15 and 24 made up an increasing proportion of the total population. By demographic projections, Africa was the only region of which that last statement would still be true after the year 2000. Africa was the world's poorest region, with 70 per cent of the population destitute or on the verge of poverty and had had the world's highest rural-urban migration rate during the period from 1960 to 1980. The IYY meeting had emphasized long-range strategies of crime prevention that had concentrated on remedying social ills, and it had regarded punitive treatment, especially institutional treatment, as a last resort.

43. After that rather gloomy picture, the Meeting was encouraged by one delegate not to be totally pessimistic. Youth was still "the flower of today and the fruit of tomorrow". Several delegates emphasized that in many aspects the youthful population of their country showed great promise. There was a strong wish to be involved in society and to participate in decision-making. Family ties were still strong, especially in rural areas, and so were religious ties in the cities. Several countries also reported strong measures at the highest governmental level to support the development of youth. Some countries had as many as five or six ministries with specific terms of reference to include youth, varying from employment to sport. Others reported co-ordinating activities in matters of youth policy operating directly out of the president's office, or parallel arrangements.

44. In discussing the main source of the problems facing youth, there was agreement that unemployment and under-employment were the most critical factors. The provision of employment was considered to be partly a responsibility of Governments, and partly of the international community through a more just ordering of the world economy. In respect of the role of the media, however, there were opposing points of view. Some delegates agreeing with the IYY report, emphasized the negative effects of the mass media, especially the cinema. Imported films implicitly promoted such acts as bank robbery and explicitly demonstrated the techniques. Other countries reported that positive programmes specifically by and for young people had been successfully tried on both radio and television.

45. The Meeting then considered the specific question of juvenile delinquency. There was an exchange of information on the age of criminal responsibility, and of the age range covered by the term "juvenile". The most usual was the age group of 10 to 18, but some countries differed from that by two or three years each side, and some made subdivisions into smaller, more precise, categories. It was suggested that the age for criminal responsibility should be brought into line with other age divisions used in civil law.

46. The main explanation of juvenile delinquency put forward by many countries was the breakdown of the family, and the subsequent lack of support; therefore, the most strongly advocated preventive measures were those that provided support and strengthening for the family unit, including the extended family. Such recommendations were in accordance with those of the IYY meeting. Examples were given of the different ways in which unsatisfactory homes and environments affected children in a way that led to later delinquency, and appropriate counter-measures were suggested consisting mostly of local community support units, child-care provisions, centres to instruct in child-rearing techniques, and the use of the criminal justice system as a last resort. Some countries reported considerable success in setting up youth movements, and specifically their effect in reducing criminality.

47. There was general agreement that young people should be treated in court differently from adults. Juvenile courts should be informal, not open to the public, and restricted to family, experts and witnesses. One delegate reported that the inclusion of a woman among the magistrates was mandatory in his country.

48. The relationship of the police with young offenders, or potential offenders, was regarded as critical by several delegations. It was easy for the police to be perceived as hostile by young people, and that would make the

situation worse. Special training for those police who came into contact with youth was widely recommended, and styles of conduct that promoted co-operation, not fear, should be encouraged. The use of institutions was not regarded with favour, but when they had to be used, they should concentrate on education and technical training.

49. The representative of the Executive Secretary of the Seventh Congress pointed out that the draft standard minimum rules for the administration of juvenile justice were now available for the delegates, and that they could send written comments on those to the Crime Prevention and Criminal Justice Branch in Vienna within a period of one month.

E. Formulation and application of United Nations standards and norms in criminal justice (topic 5)

50. The representative of the Executive Secretary of the Seventh Congress introduced topic 5: "Formulation and application of United Nations standards and norms in criminal justice". He observed that that topic reflected the long-standing concern of the United Nations with the humanization of criminal justice with a view to securing the protection and preserving the dignity of all those who come into contact with the criminal justice system. It derived directly from the recommendation of the Sixth Congress and in particular from the resolutions on alternatives to imprisonment, the transfer of foreign prisoners, the Code of Conduct for Law Enforcement Officials, and human rights instruments and their implementation for prisoners. In accordance with the recommendations made by the Committee on Crime Prevention and Control at its Seventh Session, the discussion of that item could include the following: a review of the existing standards and norms; an assessment of the impact achieved as well as of the difficulties encountered; the need to formulate additional standards and norms; and furtherance of the study of the question of death penalties that did not meet the acknowledged legal guarantees and safeguards.

51. The representative of the Executive Secretary made some additional observations on the question of foreign prisoners and drew the attention of the Meeting to efforts currently under way to develop a model agreement for the transfer of offenders with a view to presenting it to the United Nations General Assembly as soon as possible. A draft model agreement had been formulated by the Vienna Alliance of Non-governmental Organizations on Crime Prevention and Criminal Justice in February 1983. It was to be further elaborated at a meeting of experts to be held at Siracusa, Italy. He then recalled that the Economic and Social Council, in its Spring Session of 1983, had strongly condemned the brutal practice of arbitrary and summary execution.

52. The representative of the Committee on Crime Prevention and Control made brief observations on each of the main sub-topics referred to by the representative of the Executive Secretary. He first emphasized the importance of United Nations initiative in that respect, and referred to the increasing attendance at successive regional preparatory meetings as evidence of the growing awareness of that importance. The Seventh Congress had to maintain continuity with, and the impetus of, the Caracas resolutions, and he was of the view that ultimately the Seventh Congress might consider the possibility of drawing up standard minimum rules for the administration not only of juvenile justice, but also of criminal justice in general.

53. He asked the Meeting to consider how best the United Nations could undertake research to establish the level of implementation of the standards and norms in all regions. He recalled to the Meeting that the African region had committed itself in principle to the transfer of foreign prisoners, and that the suggested agreement was based on the assumption that the consent of the prisoner and of the States involved was assured. He emphasized the difference between voluntary and compulsory transfer of prisoners.

54. With respect to arbitrary and summary execution, he suggested that that phenomenon might not be a widespread problem in the African region. Perhaps, therefore, a general consideration of the broader issue of the death penalty would be more appropriate for the Meeting. In that context, he pointed out that although some countries in the region were moving towards the abolition of the death penalty, deterrence was still regarded as an adequate justification for the retention of the death penalty by many people in most countries of the region.

55. In the discussion of the existing standards and norms, and their possible development, several delegations expressed their belief in the importance of United Nations work in that field. It was suggested that such matters, and other United Nations activities in that field, should be regularly reported through appointed national correspondents to national news and information agencies to lay the basis for long-term improvement of public opinion. Effective implementation of the standards and norms would require their translation into local languages, their systematic distribution by the United Nations, their incorporation into national legislation or their transformation into specific instructions for law enforcement officials or correctional personnel. Non-governmental organizations could assist greatly by publicizing positive innovations in the implementation process as well as negative breaches of standards and norms. The Seventh Congress might investigate ways and means for future congresses to co-ordinate all standards and norms into a comprehensive, consolidated code.

56. Several delegations requested more active policies of implementation of standards and norms, and many delegations described in detail how their countries fully adopted and complied with them even in times of stress. It was emphasized that technical assistance in nation-building included law reform, and exchange of information on all matters of criminal justice policy was of great assistance. One delegation proposed that the United Nations could investigate the possibility of establishing an international scheme for assistance in criminal matters; another delegation proposed that the United Nations assist in the foundation of a law reform commission for Africa as a whole to facilitate exchanges of information and experiences between culturally similar countries undertaking that highly complex task. Several delegations described how they had developed prison-training programmes and staff recruitment and training levels in response to the Standard Minimum Rules for the Treatment of Prisoners.

57. The international community had not yet reached the stage of agreeing on an international instrument by which the transfer of prisoners would be completely feasible. A gradualist approach was advocated, starting largely with bilateral agreements and treaties of extradition, moving to multilateral and regional level agreements, and finally to the interregional level. Some expressed concern at the possible implication of transferring political prisoners, such as mercenaries, being sceptical as to whether the full

sentence would be served. Others felt that offenders should serve their sentences in the country of conviction as a matter of juridical principle. On the other hand, some delegations spoke in favour of the transfer of offenders convicted of traditional crimes, and most delegations who spoke supported further study of the topic.

58. Many delegations took the floor to express reservations on the abolition of the death penalty in practice. Some of them based their arguments on the efficacy of capital punishment as a deterrent, while others reported that capital punishment was being applied in their countries in accordance with Islamic law. Yet others cited the slaughter of innocent victims for political reasons as an example of particularly heinous crimes. In such a case, society could follow only one of two courses: the death penalty, if it were permitted by law, or life imprisonment, which was the moral equivalent of the death penalty. It was observed also that because of the increase in dangerous criminality in certain countries, movements to restore the death penalty had increased in strength. Some delegates reported that, although the death penalty remained on the statutes, research had demonstrated its inefficacy as a deterrent: indeed, there was an increase of criminality in those countries. It was widely agreed that the subject required more study before any decision could be taken on the death penalty. The influence of public opinion should not be discounted; in many countries of the region, popular opinion supported the death penalty, which made consideration of abolition difficult.

59. Finally, many delegates condemned the practice of arbitrary and summary execution and gave details of the extensive review procedures required in their country before a sentence of death was actually carried out.

III. ADOPTION OF THE REPORT AND CLOSING OF THE MEETING

60. At the last session of the Meeting, on 2 December 1983, a draft resolution on subregional, regional and interregional co-operation in crime prevention and criminal justice, sponsored by Botswana, Madagascar, Nigeria, Senegal and Zambia, was introduced, discussed and adopted unanimously. The text of the resolution is in annex III.

61. The draft report was introduced by the Rapporteur, and after discussion was adopted unanimously.

Annex I

LIST OF DOCUMENTS

A. Basic document

A/CONF.121/PM.I Discussion guide for the regional and interregional preparatory meetings for the Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders

B. Background documents

ECA/SDEHSD/7th UNC/ARPM/83/Inf.1 Provisional agenda

ECA/SDEHSD/7th UNC/ARPM/83/Inf.2 Information to participants

Crime Prevention and Criminal Justice Newsletter, No. 7

E/CN.5/1983/2 Report of the Committee on Crime Prevention and Control (7th Session)

A/CONF.87/14/Rev.1 Report of the Sixth United Nations Congress on the Prevention of Crime and the Treatment of Offenders

A/36/442 Crime prevention and criminal justice and development

A/CONF.87/10 New perspectives in crime prevention and criminal justice

A/RES/36/22 Arbitrary or summary executions

E/AC.57/1982/4, Corr. and Add.1 Implementation of General Assembly resolution 35/172 on arbitrary and summary executions

Feasibility of a European information system on trends in crime prevention

A/CONF.87/6 Crime and the abuse of power: Offences and offenders beyond the reach of the law?

A/CONF.87/5 Juvenile justice: Before and after the onset of delinquency

A/CONF.121/RPM/1 and Corr.

Report of the European Regional Preparatory Meeting on the Prevention of Crime and the Treatment of Offenders

Overview of the Preparations for the Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders, An Informal Note

ESA/SDHA/1

Standard minimum rules for the treatment of prisoners

A/RES/34/169

Code of conduct for law enforcement officials

O.A.U. Paper, to be processed (including translation and reproduction) in Africa by O.A.U. and ECA

Agreement between the United Nations and the Government of Japan for the Establishment of Asia and Far East Institute

A/CONF.87/BP/4

Report of the African Regional Preparatory Meeting

A/CONF/87/BP/6

Establishment of a Regional Institute for the Prevention of Crime and the Treatment of Offenders

A/RES/36/21

Resolution on crime prevention and criminal justice and development

A/RES/35/171

Resolution on the report of the Sixth United Nations Congress (Caracas Declaration)

Annex II

LIST OF PARTICIPANTS

Participants

ALGERIA

D. Bondjemaa, First Secretary; N. Benamara, Director-General, Ministry of Justice; L. Saoudi, Deputy Director-General, Ministry of Justice; I. Domahr, Director Laboratoire Police

BENIN

A. Elegbe, Miaistrate, Ministry of Justice; A.E. Yehouenou, Procurator of the Republic

BOTSWANA

N.S. Moleboge, Deputy Commissioner of Police

BURUNDI

A. Gifyirigiti, Director-General of the Police Judiciary

CAPE VERDE

A.A. Ferreira Silva, Commander General of the Police

CHAD

S.M. Mahamat, Director-General, Ministry of Justice

CONGO

M. Wenoumbou, First Secretary, Embassy of Congo; G. Akiera, Procurator of the Republic

DJIBOUTI

M.A. Bakai, First Counsellor, Djibouti Embassy; M. Moussa Elmi, Second Counsellor, Djibouti Embassy; M. Djibril Djama, Chargé d'affaires

EGYPT

N. El-Sayed, First Secretary, Embassy of Egypt; M. Kassem, Third Secretary, Embassy of Egypt; A.M. Farid Koura, Judge

EQUATORIAL GUINEA

E.O. Riquesa, Chargé d'affaires, Embassy of Equatorial Guinea; D.N. Edu, Second Secretary, Embassy of Equatorial Guinea

ETHIOPIA

G.S. Araya, Vice-President of the High Court, Head of the delegation; A. Wassie, Deputy Attorney-General; G. Amare, Ministry of Foreign Affairs, Legal Department; A.B. Shimelash, Chief Prosecutor, Special Court; T. Zewdie, Chief of the Legal Service and Criminologist Prison Administration, Ministry of Interior; Y. Gebreegziabher, Assistant Professor of Law, University of Addis Ababa; T. Woldeyessus, Crime Prevention Officer, Revolutionary Ethiopia Police Force

GABON

A. Ngokila, Procurator of the Republic; N. Mwanda, Director, Central Police Judiciary; G. Ntsaou, Commandant Major, Directeur général adjoint, Sécurité pénitenciaire; M. Mebale Obame, Doyen des juges d'instruction; Milingout, Diplomat

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F.E. M'bai, Attorney General and Minister of Justice; D. Komma, Under Secretary

GHANA

H.E. G.E.K. Aikins, Attorney-General and Secretary for Justice; J. Bamford-Addo, Acting Director of Public Prosecution; J. Ofusu-Appiah, Counsellor Ghaemba

GUINEA

K. Gbemou, First Secretary; T.N. Salif, Attaché Financier

IVORY COAST

H. Sallah, Counsellor, Embassy of the Ivory Coast

KENYA

R.N. Mutua, Commissioner of Prisons

LESOTHO

B. Sekhonyana, Permanent Secretary for the Ministry of Justice and Prisons; N.T. Mohloki, Director of Prisons

LIBERIA

J. Molly Scott, First Secretary and Consul; J.C. Brown, Jr., Second Secretary and Vice Consul

LIBYAN ARAB JAMAHIRIYA

O. Hadud, Head of Criminal Research Department; A. Kharruba, Member of Libyan People's Bureau; M.K. Akrouf, Member of Libyan People's Bureau

MADAGASCAR

Randrianandrianina, Under Procurator of the Republic of Madagascar

MALAWI

H.M. Mtegha, Chief Public Prosecutor, Ministry of Justice; G.M. Ngulube, Deputy Head of CID; M.M. Kumbatira, Administrative Officer, Office of the President and Cabinet

MOZAMBIQUE

E.G. Martinho, Second Secretary; A.C.M. Issa, Judge

NIGER

B. Mahamane, President Appeal Court - Niamey

NIGERIA

A. Folasade Olabişi, Senior State Counsel, Director of Public Prosecutions Division, Federal Ministry of Justice; A.D.J. Blankson, Ambassador; I. Gnarzo, Commissioner of Police; S. Olumese, Assistant Inspector General of Police; S.Z. Daura, Assistant Inspector General of Police; A.G. Abubakar, Commissioner; A.B. Rimdap, Counsellor; A.A. Adeyemi, Professor, University of Lagos

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A. Sebazungin, Secretary-General, Ministry of Justice

SAO TOME AND PRINCIPE

M.A. Rodrigues Vera Cruz Carvalho, Ministry of Justice

SENEGAL

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SIERRA LEONE

G. Williams, First Secretary, Sierra Leone Embassy; N.D. Tejan-Cole, Director of Public Prosecutions

SUDAN

F.E. Ibrahim, First Secretary, Sudan Embassy

TOGO

K. Adotevi, Magistrate, Inspector-General of Judiciary Services

UGANDA

A. Twindmujuni, Deputy Director of Public Prosecutions; B. Byabazaire, Commissioner of Prisons; D. Kanywamusai, Director of CID

UNITED REPUBLIC OF CAMEROON

E. François, First Secretary; P. Otto Simon, Judge of the Superior Court

UNITED REPUBLIC OF TANZANIA

W.H. Sekule, Director of Public Prosecutions; A. Alois Bulinda Mwaitenda, Senior Assistant Commissioner of Police; M. Silas Mjaya, Minister Counsellor, Tanzania Embassy; F.T. Nuru, Ambassador, Tanzania Embassy

ZAIRE

Tukumbaba-Die-Kamana, Administrative Secretary, Embassy of Zaire

ZAMBIA

O.C. Lulgwe, First Secretary, Zambia; E.P. Katati, Commissioner for Social Development; M.P. Mvunga, Director

ZIMBABWE

D.C. Chigiga, Minister, Zimbabwe Embassy

Observers

Organizations of the United Nations system

United Nations Industrial Development Organization (UNIDO)

M.T. Kapepula

United Nations Children's Fund (UNICEF)

T. Yitbarek, C. Yohannes

United Nations Institute for Namibia

M.D. Bomani

United Nations Social Defence Research Institute (UNSDRI)

T. Asuni

Committee on Crime Prevention and Control

A.L.O. Metzger

Specialized agency

World Health Organization (WHO)

M.I. Muiga

Other intergovernmental organizations

INTERPOL

S. Tsmaila

League of Arab States

A.M. Immish, I. Ennaifer

Organization of African Unity (OAU)

F. Bahri, V. Wege Nzomwita, F.N. Rugeiyamu

Liberation movement

Pan Africanist Congress of Azania (PAC)

E. Motau

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

Amnesty International

T.V.A. Hammarbert, Secretary-General; M.J. Dudley Hill

Association for Social Work Education in Africa (ASWEA)

A.A. Yiman, Executive Secretary

Baha'i International Community

B. Worku; B. Bahta

International Commission of Jurists

A.F. Bayyh; M. Tafesse, Ethiopian Bar Association; A.E.H. Mariam;
A.S. Dejene

Lutheran World Federation

N.B. Nikolatsen, Resident Representative

Annex III

Resolution

Subregional, regional and interregional co-operation
in crime prevention and criminal justice

The African Regional Preparatory Meeting for the Seventh United Nations
Congress on the Prevention of Crime and the Treatment of Offenders,

Recalling the Caracas Declaration adopted at the Sixth United Nations Congress on the Prevention of Crime and the Treatment of Offenders and endorsed by the General Assembly in its resolution 35/171 of 15 December 1980 in which the need for the strengthening of efforts and activities at the regional and subregional levels in crime prevention and criminal justice was emphasized,

Recalling also Economic and Social Council resolution 1979/20 of 9 May 1979 on technical co-operation in crime prevention and control in which the Council stressed the importance of promoting further collaboration in the field of crime prevention and the treatment of offenders at the regional and interregional levels,

Recalling further the Organization of African Unity Thirty-third Ordinary Session of the Council of Ministers resolution CM/Res.755(XXXIII) in 1979 endorsed by the Sixteenth Assembly of African Heads of States and Governments, which emphasized the urgent need to promote co-operation between Member States in the field of crime and its prevention so as to ensure a peaceful and secure African society, and resolution 392/XV adopted by the Conference of Ministers of the Economic Commission for Africa (ECA) at its Sixth Meeting on the establishment of the African Regional Institute on the Prevention of Crime and the Treatment of Offenders, which requested the Executive Secretary that ECA, in consultation with the relevant interested and regional organizations, take all appropriate steps to establish a United Nations regional institute for Africa south of the Sahara,

Concerned with the growth of criminality of different forms and dimensions in many African countries that tends to have an adverse impact on the social, economic and other aspects of lives of the people of the region,

Concerned also in particular by the continued increase in juvenile delinquency that tends to have an adverse impact on the potential of juveniles and youth to participate fully in national development,

Recognizing also that ECA, in collaboration with the Organization of African Unity (OAU), plays a central role in the implementation of programmes for economic and social development in the region and that these programmes include elements influencing crime prevention and criminal justice dimensions,

Stressing the need for ECA, working in close co-operation with O.A.U, to strengthen its efforts in promoting such programmes to combat more effectively criminality in its conventional and new forms,

1. Emphasizes the usefulness of regional and subregional co-operation in crime prevention and criminal justice particularly of technical co-operation between African countries, and the urgency of establishing an appropriate institute in the region;
2. Urges that appropriate arrangements should be made for the use of existing capabilities and mechanisms in the promotion of technical co-operation in crime prevention and criminal justice between Member States of the African region and between African States and other non-African developing countries, as recommended by the Buenos Aires Plan of Action for Promoting and Implementing Technical Co-operation among Developing Countries;^{1/}
3. Invites Member States in the African Region to make necessary efforts, individually or collectively, in the spirit of the Lagos Plan of Action^{2/}, in the area of crime prevention and criminal justice, to ensure the harmonization of this sector in overall development plans and to co-ordinate their efforts at the subregional, regional, and interregional levels;
4. Calls upon Member States in the African region, in considering crime prevention and criminal justice in the context of development, to encourage the exchange of data, information and experience, joint activities for training and research, demonstration projects of a bilateral and multi-lateral nature, agreements on the provision of human, financial and material resources and the convening of regional and subregional seminars involving the various modalities of technical co-operation, and to involve the scientific and professional non-governmental organizations that are active in the field of crime prevention and criminal justice;
5. Views with great concern the delay in the establishment of the African regional institute on the prevention of crime and the treatment of offenders, and calls upon all the organizations and agencies involved in the establishment of this institute to take urgent steps to ensure the early realization of this project, if possible before the Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders, and calls further upon Member States of the African region to co-operate fully in this respect;
6. Urges the United Nations Development Programme (UNDP), the Department of Technical Co-operation for Development and all relevant bodies and offices of the United Nations system to make available to ECA sufficient resources to permit the development of a model programme of collaboration between the Commission, OAU; the regional research and training institutes of the United Nations, and the Crime Prevention and Criminal Justice Branch of the Centre for Social Development and Humanitarian Affairs of the United Nations emphasizing the practical and urgent problems relevant to the region;

1/ See Sales No. E.78.II.A.II (A/Conf.79/13/Rev.1).

2/ Adopted at the Second Extraordinary Assembly of OAU Heads of State and Government, devoted to Economic Matters, Meeting in Lagos, Nigeria, 28-29 April 1980. See A/S-11/14, 7-21 August 1980.

7. Requests

(a) The Executive Secretary of ECA and the Secretary-General of OAU to bring this resolution to the attention of the respective decision-making bodies for its favourable consideration and actions;

(b) The Secretary-General of the United Nations to provide the Executive Secretary of ECA with adequate material support and substantive support services;

8. Urges all Governments of the region to incorporate crime prevention elements into their national development programmes, and to include wherever appropriate projects in crime prevention and criminal justice in their UNDP country programmes.

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.