

## **Chapter II**

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

#### **A. Structure of the debate**

5. At its 6th meeting, on 23 April 1998, the Commission on Crime Prevention and Criminal Justice considered agenda item 3, entitled "Tenth United Nations Congress on the Prevention of Crime and the Treatment of Offenders".

6. For its consideration of item 3, the Commission had before it the following documents:

(a) Report of the Secretary-General on progress made in the preparations for the Tenth United Nations Congress on the Prevention of Crime and the Treatment of Offenders (E/CN.15/1998/2);

(b) Draft discussion guide for the regional preparatory meetings for the Tenth United Nations Congress on the Prevention of Crime and the Treatment of Offenders (E/CN.15/1998/2/Add.1/Rev.1);

(c) Draft discussion guide on the workshops, ancillary meetings, symposia and exhibits to be held at the Tenth United Nations Congress on the Prevention of Crime and the Treatment of Offenders (E/CN.5/1998/2/Add.2).

7. The Officer-in-Charge of the Centre for International Crime Prevention of the Office for Drug Control and Crime Prevention of the Secretariat made an introductory statement at the 6th meeting. The Commission heard statements by the representatives of France, Japan, China, Austria, Germany, Ecuador, United States of America, Argentina, Colombia and Tunisia. A statement was made by the observer for the United Kingdom of Great Britain and Northern Ireland (on behalf of the European Community). Statements were also made by the observers for South Africa, Canada and Finland. The Commission heard statements by the observers for the Naif Arab Academy for Security Sciences and the Asia and Far East Institute for the Prevention of Crime and the Treatment of Offenders. The observers for Prison Fellowship International and the Asia Crime Prevention Foundation made statements. The Chairman of the Commission established an informal working group to discuss some of the questions raised in connection with item 3. The Executive Director of the Office for Drug Control and Crime Prevention made a statement.

#### **B. Deliberations**

8. Planning for the Tenth Congress was well advanced. As both the ninth session of the Commission and the Tenth Congress would take place in close proximity early in the year 2000, duplication of efforts and repetition of discussions at those events should be avoided. In order to enable the Commission to consider the recommendations of the Tenth Congress for submission to the Economic and Social Council and the General Assembly, the duration of the ninth session of the Commission should be shortened. Draft resolutions for consideration by the Tenth Congress could be submitted to the regional preparatory meetings at an early stage.

9. Reference was made to the organizational arrangements recommended by the Commission at its sixth session. It was stressed that Member States should be represented at the Tenth Congress at a high political level, pursuant to General Assembly resolution 52/91. Some speakers said that the Tenth Congress was unnecessary and others expressed the view that the format of the Tenth Congress should be reviewed; others, however, emphasized that, as the General Assembly had already taken action on the organizational and substantive preparations for the Tenth

Congress, there was not much leeway for changes. Concern was expressed about striking a balance between the preparations for the Tenth Congress and the implementation of the regular programme of the Centre, particularly regarding the provision of technical assistance and the elaboration and implementation of technical assistance projects. It was stated that, in view of the resource constraints of the Centre, it would be difficult to undertake such a task.

10. It was suggested that the theme of the Tenth Congress should reflect the thrust of the substantive topics. One possible theme would be "Meeting the challenge of crime and justice: no safe havens for international criminals".

11. The observer for South Africa informed the Commission that his Government had not been able to secure sufficient resources to confirm its offer to host the Tenth Congress. Consequently, the conditional offer of his Government would be withdrawn. The representative of Austria reaffirmed the offer of his Government to host the Tenth Congress at Vienna.

12. Some speakers, commenting on the various topics to be discussed at the Tenth Congress, stated that the discussion guides were quite comprehensive and dealt with many issues. It was recommended therefore, that under each substantive item of the agenda, a set number of subtopics should be discussed, taking into account the complexities of the issues involved and the limited time available to deal with them. One speaker recommended that the issue of the basic principles governing the use of mediation and other restorative processes in penal matters should be included in the discussion guide. That speaker urged the Commission to appoint an international group of experts to prepare draft basic principles on the use of mediation in penal matters, for consideration by the Tenth Congress. The observer for the Asia and Far East Institute for the Prevention of Crime and the Treatment of Offenders informed the Commission of the activities of his Institute in preparation for the workshop on crimes related to the computer network. The observer for Finland noted that the European Institute for Crime Prevention and Control, affiliated with the United Nations, had offered to coordinate the preparations for the workshop on women in criminal justice, and informed the Commission that the Government of Finland intended to support the Institute in that endeavour.

13. It was recalled that, beginning with the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, held at Cairo from 29 April to 8 May 1995, the status of the congresses had been changed to an advisory body of the United Nations Crime Prevention and Criminal Justice Programme. The fact remained, however, that the congresses represented a worldwide forum for the discussion of strategies and measures against crime. The congresses, which were scientific in nature, had originated in the International Penal and Penitentiary Commission and had proved useful and relevant. The view was expressed that, as the Commission was an intergovernmental body providing guidance in the field of crime prevention and criminal justice, the functions of the congresses might be taken over by the Commission. It was stated that such a proposal deserved thorough examination. It was also suggested that the Commission should devote time and energy to discussing the role and functions of future congresses, including the possibility of updating the title of the congresses to reflect new developments in the field of crime prevention and criminal justice and of holding the congresses every six years, thus aligning them with the biennial cycle of the United Nations programme budget.

14. Reference was made to the statement by the Executive Director that the complex preparations for the Tenth Congress would pose a major burden on the Secretariat and on the institutes comprising the Programme network. Following the Tenth Congress, the frequency, purpose and impact of future congresses should be reviewed in the light of the experiences of the previous four decades. Institutional relations between the congresses, the Commission and other regional and multilateral forums should also be reviewed to ensure that such a major investment of time and resources was fully justified. That suggestion deserved the utmost attention of the Commission. It was therefore decided that an informal working group would be established to deal with that matter, with a view to recommending concrete action for consideration by the Commission.

15. At the end of the discussion on item 3, the Commission was addressed by the Executive Director, who provided an account of his vision of the functions, role and periodicity of the congresses, with a view to considering the costs and benefits of the congresses, recommending viable modalities for the congresses and using existing resources in a more effective way.

16. The informal working group discussed the relationship between the Tenth Congress and the ninth session of the Commission, the draft discussion guide, the programme of the Tenth Congress and the draft resolution. A brief account of the results of the informal working group was provided by the representative of France. The working group was of the view that the relationship between the Tenth Congress and the Commission should be seen in the context of General Assembly resolution 46/152, particularly paragraphs 25 and 29 of the statement of principles and programme of action of the United Nations Crime Prevention and Criminal Justice Programme, annexed to that resolution, in which the role of the Congress as a consultative body to the Programme was emphasized. Consequently, the working group was of the view that the role of the Congress should be focused on the exchange of views on the precisely defined topics before it, as well as on practically oriented, technical workshops. The working group was also of the view that suggestions submitted to the Commission should be incorporated into a single declaration. Pursuant to paragraph 29 (d) of the statement of principles and programme of action, the Commission at its eighth session, as the preparatory body for the Tenth Congress, might wish to submit to the Tenth Congress the draft of such a declaration.

17. The working group reviewed the draft discussion guides with a view to ensuring that they focused on specific subtopics of direct interest to Member States and on action-oriented questions.

18. The working group exchanged views on the programme of the Tenth Congress, including its duration. It was agreed that, in view of the ongoing work on the draft convention on transnational organized crime, the dates of availability of the facilities for the Tenth Congress at Vienna and the need to use the available resources most effectively, the duration of the Tenth Congress and of the ninth session of the Commission should be shortened. It was proposed that the Tenth Congress should be held from 10 to 17 April 2000, with pre-congress consultations to be held on 9 April 2000. It was further proposed that the shortened ninth session of the Commission, to be held from 18 to 20 April, would focus on the conclusions of the Tenth Congress.

19. Regarding the regional preparatory meetings for the Tenth Congress, the view was expressed that there was no need to organize such meetings. The resources allocated for them should be redeployed to the ongoing work on the draft convention. The view was also expressed, however, that the matter should be discussed in the plenary or by the Committee of the Whole, as the various geographical regions were not fully represented in the working group. Regarding regular public information activities on the Tenth Congress and the implementation of its conclusions, the Secretariat informed the Commission that proposals for adequate resource allocations would be made under the programme budget for the biennium 2000-2001.

20. In respect of the rules of procedure for United Nations congresses on the prevention of crime and the treatment of offenders, the working group suggested that the Tenth Congress should ensure that the results of its discussions were embodied in a single declaration for submission to the Commission. Consequently, it was also suggested that rule 28 of the rules of procedure should be amended accordingly.

### **C. Action taken by the Commission**

21. At its 15th meeting, on 30 April 1998, the Commission considered a revised draft resolution entitled "Preparations for the Tenth United Nations Congress on the Prevention of Crime and the Treatment of Offenders" (E/CN.15/1998/L.11/Rev.1), submitted by the Chairman. A statement on programme budget implications was made by the Secretariat, as a result of which operative paragraph 13 (b) of the revised draft resolution was changed so that

it would have no financial implications on the programme budget for the biennium 1998-1999 (see annex II). The Commission recommended to the Economic and Social Council the approval of the revised draft resolution, as orally amended, for adoption by the General Assembly. For the text, see chapter I, section A, draft resolution I.

### Chapter III

## PROMOTION AND MAINTENANCE OF THE RULE OF LAW: ACTION AGAINST CORRUPTION AND BRIBERY

### A. Structure of the debate

22. At its 7th and 8th meetings, on 24 April 1998, the Commission considered agenda item 4, entitled “Promotion and maintenance of the rule of law: action against corruption and bribery”.
23. For its consideration of item 4, the Commission had before it the report of the Secretary-General on action against corruption and bribery (E/CN.15/1998/3).
24. At its 7th meeting, on 24 April 1998, following an introductory statement by the Officer-in-Charge of the Centre for International Crime Prevention, the Commission heard statements by the representatives of Russian Federation, Botswana, Islamic Republic of Iran, Pakistan, United States, Republic of Korea, Argentina, Sudan, Zambia, France and Egypt. Statements were made by the observers for Croatia, Armenia, Venezuela, Thailand, Australia and Morocco. The observers for the United Nations Interregional Crime and Justice Research Institute and the African Institute for the Prevention of Crime and the Treatment of Offenders also made statements. A statement was made by the observer for the International Sociological Association.
25. At its 8th meeting, on 24 April 1998, the Chairman summarized the deliberations on the item.
26. A statement in exercise of the right of reply was made by the observer for Turkey.

### B. Deliberations

27. Concern was expressed at the seriousness of the threats posed by corruption, as it endangered not only the economic system but also the political stability and security of all countries. It was recognized that corruption was increasingly becoming a transnational phenomenon and that it was often linked either to organized crime or to international financial and economic crimes. Mention was also made of the dangerous linkages between corruption and money-laundering.
28. The Commission commended the International Code of Conduct for Public Officials (General Assembly resolution 51/59, annex) and the United Nations Declaration against Corruption and Bribery in International Commercial Transactions (General Assembly resolution 51/191, annex) as important instruments in the international efforts against corruption. Appreciation was also expressed for the work against corruption carried out by other international organizations, such as the Organization of American States (OAS), the Organisation for Economic Cooperation and Development (OECD), the European Community and the Council of Europe.
29. The revised version of the manual on practical measures against corruption<sup>51</sup> should include the provisions of the new recent international instruments against corruption and bribery such as the OAS Inter-American Convention against Corruption and the OECD Convention on Combating Bribery of Foreign Public Officials in International Business. In addition, it was stressed that the manual should contain not only commentaries on those new international instruments, but also relevant judicial cases from different countries. Support was expressed for the work of the Centre for International Crime Prevention in elaborating a model law against corruption. The Centre was

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<sup>51</sup>*International Review of Criminal Policy*, Nos. 41 and 42 (United Nations publication, Sales No. E.93.IV.4).

encouraged to continue providing technical assistance services and to disseminate updated information on corruption to Member States.

30. Many speakers reported to the Commission on national measures, steps and strategies to counter corruption. The Commission recognized that corruption was a complex phenomenon that could not be dealt with by a single set of measures. National strategies to combat corruption needed an integrated approach composed of such elements as proper legislation, specific law enforcement units, preventive measures and public awareness campaigns. Provisions for preventing the corruption of public officials by multinational companies were recommended as well. In order to effectively curtail corruption, it was also essential to address the issues of tax havens, off-shore centres and the abuse of bank secrecy.

31. Finally, the Commission stressed the crucial importance of international and regional cooperation, as well as the exchange of information and practices. It was emphasized that adequate and specific legislation on extradition and mutual legal assistance should be introduced in national legal systems.

### **C. Action taken by the Commission**

32. At its 15th meeting, on 30 April 1998, the Commission recommended for adoption by the Economic and Social Council, as orally amended, a revised draft resolution entitled "Action against corruption" (E/CN.15/1998/L.4/Rev.1), sponsored by Angola, Argentina, Armenia, Azerbaijan, Bolivia, Brazil, Cape Verde, Chile, Costa Rica, Côte d'Ivoire, Croatia, Ecuador, Egypt, Finland, France, Germany, Greece, Ireland, Italy, Lebanon, Lesotho, Poland, Qatar, Republic of Korea, Russian Federation, Saudi Arabia, South Africa, Sudan, Sweden, Togo, United Kingdom, United States, Uruguay, Venezuela and Zambia. For the text, see chapter I, section B, draft resolution I.

## **Chapter IV**

### **CRIMINAL JUSTICE REFORM AND STRENGTHENING OF LEGAL INSTITUTIONS: MEASURES TO REGULATE FIREARMS**

#### **A. Structure of the debate**

33. At its 8th to 11th meetings, on 24, 27 and 28 April 1998, the Commission considered agenda item 5, entitled “Criminal justice reform and strengthening of legal institutions: measures to regulate firearms”.

34. For its consideration of item 5, the Commission had before it the report of the Secretary-General on measures to regulate firearms (E/CN.15/1998/4).

35. At the 8th meeting, on 24 April 1998, following an introductory statement by the Secretariat, the Commission heard statements by the representatives of the Russian Federation, Botswana, the Islamic Republic of Iran and the United States. The observers for the United Kingdom and Panama made statements.

36. At the 9th meeting, on 27 April 1998, statements were made by the representatives of Brazil, Mexico, Colombia, China, Poland, Japan, Jamaica, Sudan, India and Philippines. The Commission heard statements by the observers for Canada, Australia, Malta, South Africa and Norway. The observer for the United Nations Children’s Fund (UNICEF) made a statement. Statements were also made by the observers for the Customs Co-operation Council (also called the World Customs Organization) and the International Criminal Police Organization (Interpol). The observers for the Friends World Committee for Consultation, the International Alliance of Women—Equal Rights, Equal Responsibilities, War Resisters International, the National Rifle Association of America/Institute for Legislative Action and the International Peace Bureau also made statements.

37. At the 10th meeting, on 27 April 1998, the observers for the International Fellowship of Reconciliation, the Verification Technology Information Centre and the Asia Crime Prevention Foundation made statements. In exercise of the right of reply, the representative of the United States made a statement.

38. At its 11th meeting, on 28 April 1998, the Chairman of the Commission summarized the discussion on agenda item 5.

#### **B. Deliberations**

39. The report of the Secretary-General on measures to regulate firearms (E/CN.15/1998/4) was welcomed by the Commission and commended as a source of potentially useful reference material for future work on firearm regulation in Member States. The results of the discussions held at the regional workshops on firearm regulation had facilitated government efforts to design new legislation on firearm regulation. The workshops were viewed as particularly helpful arenas for the exchange of ideas and the discussion of problems in the different regions. Strong concern was expressed by one representative that the report did not reflect the diversity of views expressed at the workshop and that the report gave the impression that there was a consensus of opinion regarding firearms in and among workshops. The same representative proposed to review the report so that it would adequately cover those views.

40. The Commission welcomed the publication of the *United Nations International Study on Firearm Regulation*,<sup>52</sup> which had focused the attention of Member States to the problem of illicit trafficking in firearms. With the exception of the observer for one non-governmental organization, it was noted with satisfaction that most of the activities undertaken in response to resolution 9, on firearm regulation for purposes of crime prevention and public safety, adopted by the Ninth Congress,<sup>53</sup> had been brought to a successful conclusion. That resolution had been a catalyst for various international initiatives against illicit trafficking in firearms.

41. The Commission heard statements on government initiatives to regulate firearms and to combat illicit trafficking in firearms. The reported initiatives included the following: implementation of recently introduced legislation providing for stricter regulations on firearms; public destruction of seized, confiscated or voluntarily surrendered firearms; buy-back programmes; declaration of a general amnesty for illegal possession of firearms; development of regional initiatives to combat illicit trafficking in firearms. References were made to tragic incidents of criminal use of firearms in which individuals and groups of people had been killed. It was noted that, from the perspective of the victim, it was irrelevant whether the firearm involved had come from a legal or an illegal source.

42. Many representatives and observers emphasized that safe storage, licensed possession of firearms and public awareness campaigns were important prerequisites to preventing criminal misuse of firearms and might lead to reduced crime rates. Freedom from the fear of crime, including freedom from the fear of firearm violence, was fundamental to sustainable development of States. Speakers underlined the cultural, socio-economic and constitutional background to the question of firearm regulation, as noted in the report of the Secretary-General. However, against that background, there were States in which policies and laws had been reviewed and new regulations severely restricting the availability of firearms to the civil society had been introduced. All speakers were of the opinion that no State was immune from criminal use of firearms, and that each State had to follow its own policies in the question of domestic firearm regulation. Moreover, it was important not to export firearms that were prohibited in the country of origin, to avoid jeopardizing safety in the countries of destination. One speaker objected to the statement of another speaker that could be interpreted as implying that his country was involved in gun-running. On the contrary, he stated, his Government had vigorously fought that phenomenon.

43. With regard to the question of the future direction of United Nations activities on firearm regulation, most speakers expressed the full commitment of their Governments for the proposal to work towards the elaboration of a binding international legal instrument to combat illicit manufacturing of and trafficking in firearms, their parts and components and ammunition within the context of a United Nations convention against transnational organized crime. It was emphasized that the OAS Inter-American Convention against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives, and Other Related Materials, adopted in November 1997, could serve as a starting point in planning the future course of action by the Commission.

44. Support was expressed for the proposals made in the report of the Secretary-General, including the following: continuation of the collection of data and the dissemination of information on firearm regulation; development of a manual on firearm regulation that would help experts dealing with issues of firearm regulation; and development of technical cooperation activities in the field of cross-border trafficking in firearms.

45. Finally, the Commission also heard statements on the question of criminal use of and trafficking in explosives, which was considered to be closely related to the question of firearm regulation. It was noted by some speakers that the United Nations Declaration on Crime and Public Security (General Assembly resolution 51/60, annex) and the

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<sup>52</sup>United Nations publication, Sales No. E.98.IV.2.

<sup>53</sup>*Report of the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Cairo, 29 April-8 May 1995 (A/CONF.169/16/Rev.1), chap. I.*

OAS Inter-American Convention against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives, and Other Related Materials might both prove to be viable examples of how the Commission could extend its work into the area of prevention and control of criminal violence and trafficking in explosives, which reportedly involved organized crime and transnational organized crime throughout the world. It was stressed that the Commission should pursue its possible work in that area in a cost-effective manner, based on the achievements of the United Nations International Study on Firearm Regulation and consistent with the strategic management plans of the Commission.

### **C. Action taken by the Commission**

46. At its 15th meeting, on 30 April 1998, the Commission approved for adoption by the Economic and Social Council, two revised draft resolutions as orally amended. The first, entitled “Measures to regulate firearms for the purpose of combating illicit trafficking in firearms” (E/CN.15/1998/L.6/Rev.1), was sponsored by Angola, Argentina, Australia, Azerbaijan, Benin, Bolivia, Botswana, Brazil, Canada, Cape Verde, Colombia, Costa Rica, Côte d’Ivoire, Democratic Republic of the Congo, Ecuador, Finland, France, Gambia, Germany, Ghana, Greece, Guatemala, India, Ireland, Italy, Jamaica, Japan, Kuwait, Lebanon, Lesotho, Lithuania, Malta, Mexico, Netherlands, Norway, Panama, Paraguay, Philippines, Poland, Qatar, Romania, Russian Federation, Saudi Arabia, Slovakia, Slovenia, South Africa, Sudan, Swaziland, Thailand, Togo, Ukraine, United Kingdom, United States, Uruguay, Venezuela, Zambia and Zimbabwe. For the text of that revised draft resolution, see chapter I, section B, draft resolution III. The second revised draft resolution, entitled “Regulation of explosives for the purpose of crime prevention and public health and safety” (E/CN.15/1998/L.12/Rev.2), was sponsored by Algeria, Angola, Benin, Cape Verde, Colombia, Greece, India, Jamaica, Kuwait, Philippines, Sudan and Togo. For the text of that revised draft resolution, see chapter I, section B, draft resolution II.

## Chapter V

### INTERNATIONAL COOPERATION IN COMBATING TRANSNATIONAL CRIME

#### A. Structure of the debate

47. At its 1st to 5th and 8th meetings, from 21 to 24 April 1998, the Commission considered agenda item 6, entitled “International cooperation in combating transnational crime”.

48. For its consideration of item 6, the Commission had before it the following documents:

(a) Report of the meeting of the inter-sessional open-ended intergovernmental group of experts on the elaboration of a preliminary draft of a possible comprehensive international convention against organized transnational crime (E/CN.15/1998/5);

(b) Report of the Secretary-General on the implementation of the Naples Political Declaration and Global Action Plan against Organized Transnational Crime: question of the elaboration of an international convention against organized transnational crime (E/CN.15/1998/6);

(c) Report of the Secretary-General on the recommendations of the African Regional Ministerial Workshop on Organized Transnational Crime and Corruption, held at Dakar from 21 to 23 July 1997 (E/CN.15/1998/6/Add.1);

(d) Report of the Secretary-General on the recommendations of the Asian Regional Ministerial Workshop on Organized Transnational Crime and Corruption, held at Manila from 23 to 25 March 1998 (E/CN.15/1998/6/Add.2);

(e) Note by the Secretary-General on mutual assistance and international cooperation in criminal matters (E/CN.15/1998/7).

49. At the 1st meeting, on 21 April 1998, following an introductory statement by the Officer-in-Charge of the Centre for International Crime Prevention, statements were made by the representatives of Egypt, United States, Argentina, Saudi Arabia, Russian Federation and Japan. A statement was made by the observer for Chile.

50. At the 2nd meeting, on 21 April 1998, statements were made by the representatives of Tunisia, Italy, Philippines, China, Netherlands, Republic of Korea, Ukraine, Germany, Fiji, Sweden, Sudan and Swaziland. A statement was made by the observer for the United Kingdom (on behalf of the European Community). Other statements were made by the observers for Slovakia, Morocco, Canada and the Czech Republic.

51. At the 3rd meeting, on 22 April 1998, statements were made by the representatives of Botswana, France, Ukraine, Zambia, Mexico, Poland, Pakistan, Austria and Italy. A statement was made by the observer for Chile (on behalf of the group of Latin American and Caribbean States). Statements were made by the observers for Israel, Venezuela, Bosnia and Herzegovina, Libyan Arab Jamahiriya, Belarus and Turkey. The observer for the Division for the Advancement of Women of the Secretariat also made a statement.

52. At the 4th meeting, on 22 April 1998, statements were made by the representatives of Ecuador, Colombia, Romania, Brazil and Islamic Republic of Iran. A statement was made by the observer for South Africa (on behalf of the Group of 77). Statements were made by the observers for Azerbaijan, Sri Lanka, Syrian Arab Republic, South Africa, Spain, Australia, Finland, Portugal, Trinidad and Tobago, Peru, Yemen, Mauritius, Lebanon and Democratic Republic of the Congo. The observer for the Holy See made a statement. Statements were made by the observers for

the African Institute for the Prevention of Crime and the Treatment of Offenders and the Asia and Far East Institute for the Prevention of Crime and the Treatment of Offenders. The observers for the Council of Europe, the Council of Arab Ministers of the Interior and Interpol also made statements.

53. At the 5th meeting, on 23 April 1998, statements were made by the observers for the International Confederation of Free Trade Unions and the Asia Crime Prevention Foundation. The Chairman summarized the deliberations. The representative of France made a statement.

54. At the 8th meeting, on 24 April 1998, the Commission heard a report by the Chairman of the working group on the implementation of the Naples Political Declaration and Global Action Plan against Organized Transnational Crime. Statements were made by the representatives of Argentina, Japan, Mexico and Tunisia. The observers for Australia and Peru also made statements.

## **B. Deliberations**

55. In his opening statement, the Executive Director of the Office for Drug Control and Crime Prevention presented to the Commission an overview of the future work of the Centre for International Crime Prevention regarding transnational organized crime. The focus would be on those regions of the world where the problem was most acute and where the United Nations would offer a competitive advantage. Emphasis would be placed on creating units capable of centralizing information and activities targeting organized criminal groups, also serving as focal points for operational and technical services, as well as helping to create or reinforce reliable evidence-gathering techniques. In order to keep the momentum, the Commission should hammer out a timetable for completing the draft international convention against transnational organized crime. A world report on organized crime would be prepared. In implementing its programme of work, the Centre would be guided by the objectives of the medium-term plan for the period 1998-2001 and the programme budget for the biennium 1998-1999.

56. The Commission expressed its concern about the growth of transnational organized crime, which was affecting the political stability and social and cultural values of societies all over the world, threatening national and global security. Important changes had occurred in the structure and dynamics of organized crime at the national and transnational levels, including the appearance of new manifestations of money-laundering, bribery, robbery, trafficking in human beings, including women and children migrants, and trafficking in stolen motor vehicles and firearms, drug trafficking, terrorism, alien and contraband smuggling, economic espionage, intellectual property theft and counterfeiting. It was recognized that the increasingly sophisticated and globalized nature of organized crime made international cooperation a crucial element in combating that phenomenon. The Naples Political Declaration and Global Action Plan against Transnational Organized Crime (A/49/748, annex, chap. I, sect. A) provided guidance to Member States in their common effort to deal with that uncivil element of society. There was agreement among Member States on the importance of giving due attention to the practical implementation of the provisions of the Naples Political Declaration and Global Action Plan.

57. Various countries reported on the initiatives taken by their Governments to combat organized crime efficiently and to foster international cooperation. Those measures included the adoption of new legislation on organized crime and related offences, the elaboration of new criminal and procedural codes and of plans of action, the establishment of specialized task forces and the improvement of judicial cooperation through bilateral and multilateral agreements.

58. Support was expressed for the need to streamline the Programme activities and focus on priority issues. While some speakers were of the view that the Commission should focus on activities related to transnational organized crime, others stressed the importance of giving due attention also to standards and norms as valuable guidance to Member States. It was noted that the United Nations had, within the framework of defined priority themes, carried out valuable work covering other aspects of crime prevention and criminal justice. The development of standards

and norms, together with the ongoing information-sharing about their use and application, and the development of model treaties were important and worthwhile achievements of which Member States were justly proud. It was emphasized that the Programme should focus on technical cooperation and assistance and develop specialized knowledge, as well as medium-term and long-term technical assistance programmes. The participants were of the view that the Centre had the potential of performing its task more effectively but only if Member States supported it with the necessary resources.

59. There was unanimous support for the elaboration of an international convention against transnational organized crime. The results of the meeting of the inter-sessional open-ended intergovernmental group of experts, held at Warsaw from 2 to 6 February 1998 (E/CN.15/1998/5), were welcomed. Those results would serve as the basis for future work on the understanding that activities directed towards the drafting of a new international convention would take due account of all the general principles agreed at the meeting of the group of experts at Warsaw (E/CN.15/1998/5, para. 10), in particular concerning the incorporation of appropriate safeguards for ensuring the compatibility of the future convention with fundamental national legal principles. The convention should constitute a legal framework for concerted action against organized crime and a basis for the harmonization of national legislation. It should contain legally binding obligations for Member States to implement innovative solutions to cope with organized crime. It should also contain detailed provisions on international cooperation, such as mutual legal assistance, extradition, law enforcement cooperation, confiscation and seizure of proceeds from crime and transfer of criminal proceedings. Some speakers suggested that specific topics of relevance to the convention might be included in additional protocols. In the drafting of the convention, a flexible approach should be pursued, taking into account various legal systems and practices, as well as differences in the socio-economic development of countries.

60. Finally, the necessity of having the convention formulated as soon as possible was stressed. It was stated that priority attention should be given to that important undertaking. A target date for the finalization of the convention could be the year 2000, when the Tenth Congress and the millennium General Assembly would be held. Effective strategies in the area of inter-State cooperation in criminal matters were discussed. It was stressed that, in view of the increasing mobility of offenders and the internationalization of crime, extradition and mutual assistance in criminal matters should be in the forefront of national and international policies for combating transnational crime. The recommendations of the Intergovernmental Expert Group Meeting on Mutual Assistance in Criminal Matters, held at Arlington, Virginia, United States, from 23 to 26 February 1998 (E/CN.15/1998/7, annex), were welcomed as a contribution to the further promotion of cross-legal and cross-cultural approaches to cooperation between States in the penal field. It was noted that technical cooperation services were of the utmost importance, particularly for developing countries and the least developed countries, in strengthening the capability of national criminal justice systems to deal with requests for judicial assistance. The crucial role of the Centre, particularly in drafting model legislation, providing advisory services and elaborating training manuals, was highlighted.

61. In accordance with Economic and Social Council resolution 1996/27, an in-sessional open-ended working group was established for the purpose of identifying practical activities for effectively implementing the Naples Political Declaration and Global Action Plan and of considering the possibility of elaborating a convention against organized transnational crime. The report of the working group is contained in annex III to the present report.

### **C. Action taken by the Commission**

62. At its 15th meeting, on 30 April 1998, the Commission approved for adoption by the Economic and Social Council, two revised draft resolutions, as orally amended. The first, entitled "Action to combat international trafficking in women and children" (E/CN.15/1998/L.3/Rev.1), was sponsored by Angola, Argentina, Austria, Azerbaijan, Belarus, Belgium, Benin, Canada, Cape Verde, Colombia, Costa Rica, Côte d'Ivoire, Finland, Georgia, Germany, Greece, Italy, Lebanon, Lesotho, Mauritius, Philippines, Portugal, Qatar, Russian Federation, Saudi Arabia, South Africa, Spain, Swaziland, Sweden, Syrian Arab Republic, Togo, Tunisia, Turkey, Ukraine, United

Kingdom, United States and Zambia. For the text of that revised draft resolution, see chapter I, section B, draft resolution V. The second revised draft resolution, entitled “Action against illegal trafficking in migrants, including by sea” (E/CN.15/1998/L.7/Rev.2), was sponsored by Angola, Argentina, Australia, Austria, Belgium, Benin, Canada, Côte d’Ivoire, Ecuador, Finland, Germany, Greece, Italy, Kuwait, Lebanon, Lesotho, Libyan Arab Jamahiriya, Mexico, Philippines, Portugal, Russian Federation, Saudi Arabia, Slovakia, Slovenia, South Africa, Sudan, Swaziland, Sweden, Togo, Turkey, Ukraine, United Kingdom, United States and Zimbabwe. For the text of that revised draft resolution, see chapter I, section B, draft resolution IV.

63. The Commission also recommended to the Economic and Social Council the approval of two revised draft resolutions, as orally amended, for adoption by the General Assembly. The first, entitled “Mutual assistance and international cooperation in criminal matters” (E/CN.15/1998/L.5/Rev.1), was sponsored by Argentina, Armenia, Australia, Azerbaijan, Benin, Bolivia, Brazil, Canada, Cape Verde, Colombia, Finland, Germany, Italy, Jamaica, Lesotho, Mauritius, Philippines, Portugal, Russian Federation, South Africa, Sweden, Togo, Tunisia, Turkey, United Kingdom, United States, Zambia and Zimbabwe. For the text of that revised draft resolution, see chapter I, section A, draft resolution III. The second revised draft resolution, entitled “Transnational organized crime” (E/CN.15/1998/L.9/Rev.1), was sponsored by Angola, Argentina, Armenia, Australia, Austria, Azerbaijan, Belarus, Botswana, Brazil, Canada, Cape Verde, Côte d’Ivoire, Croatia, Ecuador, Finland, France, Germany, Greece, Italy, Jamaica, Lebanon, Lesotho, Philippines, Poland, Portugal, Republic of Korea, Russian Federation, Saudi Arabia, Slovakia, South Africa, Spain, Sudan, Sweden, Syrian Arab Republic, Togo, Trinidad and Tobago, Tunisia, Ukraine, United Kingdom, United States and Zambia. Before the Commission recommended the approval of the second revised draft resolution, the Secretariat made a statement providing information on its financial implications (see annex II). For the text of that revised draft resolution, see chapter I, section A, draft resolution II.

## Chapter VI

### USE AND APPLICATION OF UNITED NATIONS STANDARDS AND NORMS IN CRIME PREVENTION AND CRIMINAL JUSTICE

#### A. Structure of the debate

64. At its 5th and 6th meetings, on 23 April, its 10th meeting, on 27 April, and its 15th meeting, on 30 April 1998, the Commission considered agenda item 7, entitled "Use and application of United Nations standards and norms in crime prevention and criminal justice".

65. For its consideration of item 7, the Commission had before it the following documents and conference room papers:

(a) Report of the Secretary-General on the use and application of United Nations standards and norms in crime prevention and criminal justice (E/CN.15/1998/8);

(b) Report of the Secretary-General on the use and application of United Nations standards and norms in juvenile justice (E/CN.15/1998/8/Add.1);

(c) Poverty eradication and mainstreaming the gender perspective into all policies and programmes in the United Nations system (E/CN.15/1998/CRP.1);

(d) Questionnaires on the United Nations Standard Minimum Rules for Non-custodial Measures (the Tokyo Rules), the Guidelines on the Role of Prosecutors, and the Basic Principles on the Role of Lawyers (E/CN.15/1998/CRP.3);

(e) Guide for policy makers on the implementation of the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power (E/CN.15/1998/CRP.4);

(f) Handbook on justice for victims on the use and application of the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power (E/CN.15/1998/CRP.4/Add.1);

(g) Report of the Fourth Expert Group Meeting on Victims of Crime and Abuse of Power, held at Washington, D.C., from 26 to 27 February 1998 (E/CN.15/1998/CRP.8).

66. At the 5th meeting, on 23 April 1998, the Officer-in-Charge of the Centre for International Crime Prevention made an introductory statement. Statements were made by representatives of the following members of the Commission: Ukraine, Republic of Korea, Netherlands, France, Austria, Zambia, Colombia and Argentina. The observers for Canada, Malta and the United Kingdom made statements. The Commission heard statements by the Special Rapporteur of the Commission on Human Rights on the on sale of children, child prostitution and child pornography and the Special Rapporteur of the Commission on Human Rights on the independence of judges and lawyers. The Vice-Chairman of the Committee on the Rights of the Child also made a statement. The observer for the International Scientific and Professional Advisory Council made a statement.

67. At the 6th meeting, on 23 April 1998, statements were made by the representatives of Togo and the United States. The observer for the Naif Arab Academy for Security Sciences also made a statement. The observers for Soroptimist International, Amnesty International, the International Sociological Association and the International Council of Psychologists made statements. The Chairman summarized the deliberations on the item.

68. At its 10th meeting, on 27 April 1998, the Commission heard a report by Kamal Kumar (India), Vice-Chairman of the working group on United Nations standards and norms in crime prevention and criminal justice.

69. At the 15th meeting, on 30 April 1998, statements were made by the representatives of Argentina and the Republic of Korea.

## **B. Deliberations**

70. There was agreement that the use and application of United Nations standards and norms in crime prevention and criminal justice should remain an important concern of the United Nations Crime Prevention and Criminal Justice Programme. A balanced approach should be ensured between action against transnational organized crime and the promotion of the use and application of standards and norms in national practices. Implementation of the standards would assist States in establishing an effective criminal justice system, which was of paramount importance in the fight against transnational organized crime and other forms of crime. The main responsibility to promote the use and application of United Nations standards and norms in crime prevention and criminal justice should remain with the Centre for International Crime Prevention. The Programme should deal with issues related to transnational organized crime and should assist States in dealing with domestic criminal justice issues. The Commission should continue to be the entity in charge of defining United Nations policy in that area.

71. It was stated that gathering information on the use and application of United Nations standards and norms in crime prevention and criminal justice was useful, as evidenced by the high response rates of countries. The process was vital to ensuring that standards, once elaborated, were used and applied by States. It was recommended that the process be pursued further and that additional standards be included in the process. Suggestions were made to include standards relating to corruption, the conduct of public officials and public security. Further steps should be taken to strengthen the involvement of scientific institutions and non-governmental organizations in that matter.

### *Administration of juvenile justice*

72. The Commission commended the Centre on its activities in the field of juvenile justice. It welcomed the coordination of technical assistance projects with other United Nations entities and non-governmental organizations. In compliance with the Convention on the Rights of the Child (General Assembly resolution 44/25, annex), that coordination should be expanded to include issues related to transnational organized crime, such as trafficking in children and the sexual abuse of children.

73. Many speakers informed the Commission of measures taken in their countries in the field of juvenile justice. References were to research projects and programmes aimed at rehabilitating juvenile offenders. School programmes to prevent juvenile delinquency had been established in some countries.

### *Victims of crime and abuse of power*

74. The Commission welcomed the guide for policy makers on the implementation of the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power and the handbook on justice for victims on the use and application of the Declaration, elaborated by an expert group meeting and the Centre. The guide and handbook were regarded as useful tools for States protecting and assisting victims of crime. They were also considered to be practical tools for technical assistance projects. The Commission called for their translation into all official languages of the United Nations and their wide dissemination. It was suggested that similar tools be developed for providing assistance to child victims, in particular child prostitutes or other abused children. The Commission noted that the need for a balance between the rights of the offender and the rights and needs of the victim had been recognized but that much remained to be done to ensure that the balance was achieved in practice. Particularly vulnerable groups,

such as women and children, who were often easy prey for criminal organizations closely linked with transnational organized crime, needed special protection. A proposal was made to establish a database on practical experiences related to providing assistance to victims, as well as a trust fund for victims, in order to assist victim support organizations. The Centre was encouraged to strengthen its technical assistance projects to promote the implementation of the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power. In the proposal, it was suggested that the resources of the trust fund might also be used to that end.

75. Some speakers informed the Commission of examples of good practices in their countries regarding national law reform on victim assistance in criminal proceedings, such as the introduction of remote interviewing techniques in trial, and compensation schemes. References were also made to the establishment of victim assistance centres, national offices and ombudsman services.

### **C. Action taken by the Commission**

76. At its 15th meeting, on 30 April 1998, the Commission recommended to the Economic and Social Council for adoption, two draft resolutions as orally amended. The first, a revised draft resolution entitled "United Nations standards and norms in crime prevention and criminal justice" (E/CN.15/1998/L.10/Rev.1), was sponsored by Angola, Argentina, Austria, Belgium, Botswana, Brazil, Canada, Cape Verde, Côte d'Ivoire, Finland, Germany, Greece, India, Ireland, Kuwait, Lebanon, Lesotho, Libyan Arab Jamahiriya, Mauritius, Morocco, Netherlands, Portugal, Qatar, Russian Federation, Saudi Arabia, South Africa, Spain, Sweden, Togo, Tunisia, Ukraine, United States, Zambia and Zimbabwe. For the text of the revised draft resolution, see chapter I, section B, draft resolution VI. The second draft resolution, entitled "Status of foreign citizens in criminal proceedings" (E/CN.15/1998/L.13), was sponsored by Botswana, Brazil, Colombia, Costa Rica, Ecuador, Lebanon, Syrian Arab Republic and Tunisia. For the text of the draft resolution, see chapter I, section B, draft resolution VII.

## Chapter VII

### TECHNICAL COOPERATION, INCLUDING RESOURCE MOBILIZATION, AND COORDINATION OF ACTIVITIES

#### A. Structure of the debate

77. At its 10th, 11th and 12th meetings, on 27 and 28 April 1998, the Commission considered agenda item 8, entitled "Technical cooperation, including resource mobilization, and coordination of activities".

78. For its consideration of item 8, the Commission had before it the following documents and conference room papers:

(a) Report of the Secretary-General on technical cooperation (E/CN.15/1998/9);

(b) Poverty eradication and mainstreaming the gender perspective into all policies and programmes in the United Nations system (E/CN.15/1998/CRP.1);

(c) Report by the Chairman of the informal consultative group on resource mobilization (E/CN.15/1998/CRP.5);

(d) Updated version of the compendium of technical cooperation projects (E/CN.15/1998/CRP.6).

79. At the 10th meeting on 27 April 1998, statements were made by representatives of the following members of the Commission: Lesotho, United States, Republic of Korea, China, Russian Federation, France and Germany. A statement was made by the observer for Chile (on behalf of the group of Latin American and Caribbean States). The observers for Canada, Finland, Morocco and Guatemala made statements. The observers for the Office of the United Nations High Commissioner for Human Rights, the Asia and Far East Institute for the Prevention of Crime and the Treatment of Offenders, the Naif Arab Academy for Security Sciences and the United Nations Development Programme (UNDP) also made statements.

80. At the 11th meeting, on 28 April 1998, a statement was made by the representative of Argentina. An introductory statement to the report of the informal consultative group on resource mobilization was made by Fügen Ok (Turkey), Chairman of the consultative group. The representatives of Islamic Republic of Iran, Philippines, Pakistan, Togo, Japan, Mexico and Colombia made statements. Statements were made by the observer for Lebanon on behalf of the group of Asian States and on behalf of his Government. A statement was made by the Special Rapporteur of the Commission on Human Rights on the sale of children, child prostitution and child pornography. The observer for UNDP made a statement. The observers for Defence for Children International Movement and the International Centre of Sociological, Penal and Penitentiary Research and Studies also made statements.

81. At the 12th meeting, the Chairman of the Commission summarized the discussion on agenda item 8.

## **B. Deliberations**

### *Technical cooperation*

82. There was agreement on the importance of technical cooperation and the unique role of the United Nations in that field. It was stressed that the implementation of technical cooperation required a strategic approach to effectively combat organized crime and corruption and to strengthen criminal justice systems. The Commission, noting that the Centre for International Crime Prevention currently did not have the capacity to respond to all requests, welcomed the recent restructuring, which would increase the effectiveness of the technical cooperation capacity of the Centre by establishing specialized units enabling the Centre to focus on the pressing concerns of Member States.

83. The Centre was urged to focus on the following: fighting organized crime and corruption; management and computerization of the criminal justice system; elaboration of model laws and improving criminal law to strengthen capacity to combat organized crime; juvenile justice and victims assistance programmes; and improvement of prison conditions.

84. The Commission emphasized the importance of strengthening the rule of law in post-conflict situations, national reconciliation processes or in situations of ethnic tension. Regional projects against trafficking in human beings were endorsed. Several speakers urged that the Centre should continue to give attention to the issue of urban crime. It was considered valuable to continue activities such as providing training for trainers, organizing workshops and preparing manuals for law enforcement officers and judicial personnel. The sharing of information among developing countries on successful crime prevention techniques and experiences was endorsed, as was the use of experts from developing countries. It was stressed that developing countries should remain primary beneficiaries of technical assistance provided by the Centre. To ensure the quality of projects, it was proposed that a system be established to evaluate technical assistance projects.

85. The activities carried out by the institutes comprising the United Nations Crime Prevention and Criminal Justice Programme were highly appreciated. It was stated that the experience and research capabilities of the institutes should be further utilized.

86. The importance of improved coordination mechanisms, particularly between multilateral and bilateral activities, was stressed. The Commission noted that the Centre had already improved its cooperation with the United Nations International Drug Control Programme, as well as with other United Nations entities such as UNICEF, the World Bank, UNDP and the Office of the United Nations High Commissioner for Human Rights. In the latter context, better coordination between the Commission on Crime Prevention and Criminal Justice and the Commission on Human Rights was suggested. In order to enable the United Nations Crime Prevention and Criminal Justice Programme to become more operational, the Commission on Crime Prevention and Criminal Justice endorsed the proposal for the Centre to be recognized as an executing agency by UNDP and for joint field offices to be established with the United Nations International Drug Control Programme.

### *Resource mobilization*

87. The Commission stressed that increased funding was necessary for projects and for the infrastructure to implement the requests received. Appreciation was expressed for the work accomplished by the informal consultative group on resource mobilization and its recommendations. The Commission endorsed the technical cooperation project criteria contained in the report by the Chairman of the informal consultative group.

88. The Commission urged donor countries to reallocate financial resources to multilateral cooperation through the United Nations system and to fund projects that the Centre had elaborated and that were described in the

compendium of technical cooperation projects. Member States were called upon to provide increased non-earmarked resources to the Centre for technical cooperation activities. It was stated that the implementation of the future convention against transnational organized crime might attract funds for technical cooperation.

### **C. Action taken by the Commission**

89. At its 14th meeting, on 29 April 1998, the Commission recommended for adoption by the Economic and Social Council, as orally amended, a revised draft resolution entitled “International cooperation aimed at the reduction of prison overcrowding and the promotion of alternative sentencing” (E/CN.15/1998/L.2/Rev.1), sponsored by Angola, Benin, Botswana, Brazil, Cape Verde, China, Colombia, Côte d’Ivoire, Democratic Republic of the Congo, Egypt, Ghana, Lesotho, Malta, Portugal, Romania, Saudi Arabia, Slovenia, South Africa, Sudan, Togo, Tunisia, Uganda, United Kingdom, Zambia and Zimbabwe. For the text, see chapter I, section B, draft resolution VII.

90. At its 15th meeting, on 30 April 1998, the Commission recommended for adoption by the Economic and Social Council, as orally amended, a revised draft resolution entitled “Technical cooperation and advisory services in crime prevention and criminal justice” (E/CN.15/1998/L.8/Rev.1), sponsored by Belarus, Bolivia, Brazil, Cape Verde, Colombia, Ecuador, Lebanon, Lesotho, Morocco, Philippines, South Africa, Togo, Tunisia, Turkey and United States. Before the Commission recommended the approval of the revised draft resolution, the Secretariat made a statement providing information on financial implications (see annex II). For the text of the revised draft resolution, see chapter I, section B, draft resolution IX.

## Chapter VIII

### STRATEGIC MANAGEMENT AND PROGRAMME QUESTIONS

#### A. Structure of the debate

91. At its 12th and 14th meetings, on 28 and 29 April 1998, the Commission considered agenda item 9, entitled "Strategic management and programme questions".

92. For its consideration of item 9, the Commission had before it the following documents and conference room papers:

(a) Report of the Secretary-General on strategic management by the Commission on Crime Prevention and Criminal Justice of the United Nations Crime Prevention and Criminal Justice Programme (E/CN.15/1998/10);

(b) Report of the Secretary-General on the nomination of members of the Board of Trustees of the United Nations Interregional Crime and Justice Research Institute (E/CN.15/1998/10/Add.1);

(c) Report of the informal working group to review the mandates and resources of the United Nations Crime Prevention and Criminal Justice Programme (E/CN.15/1998/CRP.2);

(d) Report of the bureau of the Commission on Crime Prevention and Criminal Justice at its sixth session on inter-sessional consultations held in 1997 and 1998 (E/CN.15/1998/CRP.7).

93. At its 12th meeting, on 28 April 1998, following an introductory statement by the Officer-in-Charge of the Centre for International Crime Prevention, the Commission heard a statement by the Chairman of the informal working group to review the mandates and resources of the United Nations Crime Prevention and Criminal Justice Programme. Statements were also made by the representatives of United States, Zambia, Japan, France, Tunisia, Philippines and Austria. The observer for Chile (on behalf of the group of Latin American and Caribbean States) made a statement. The observers for Finland and Spain also made statements.

94. At its 14th meeting, on 29 April 1998, the Commission considered the appointment of two members to the Board of Trustees of the United Nations Interregional Crime and Justice Research Institute. The representatives of the Philippines, Jamaica, Colombia, Saudi Arabia, China, United States, Netherlands, France, Lesotho, Japan, Mexico, Tunisia, Russian Federation and Brazil made statements. The representative of the Netherlands made a statement. The Commission decided by consensus to appoint Setsuo Miyazawa and Alejandro Reyes Posada to the Board of Trustees (see chapter I, section C, draft decision II).

#### B. Deliberations

95. The Commission welcomed the report of the informal working group to review the mandates and resources of the Programme. It was stated that the work of the working group had proved useful and should be continued. There was agreement with the assessment by the working group that the mandates given to the Programme by the General Assembly in its resolutions 46/152 and 49/159 and in the medium-term plan for the period 1998-2001 were very broad and thus required the identification of a realistic relationship between the expectations of Member States and of available resources. Recommendations contained in the report of the Office of Internal Oversight Services (A/52/777, annex), provided useful guidance in that respect. Ways of reducing the duties of the Centre associated with servicing intergovernmental bodies were discussed, including the further streamlining of documentation requirements. Self-discipline was also required of Member States, particularly when it came to the formulation of

new mandates calling for extensive documentation and reporting to the Commission. It was suggested that the bureau of the Commission could play a more active role in adjusting reporting requirements to the theme chosen for each session of the Commission and Member States' adherence to the Commission resolutions on strategic management. Several speakers urged the Secretariat to ensure that reports for consideration by the Commission were issued well in advance of each session and in all languages.

96. With regard to the relationship between mandates and resources, concern was expressed about the low level of voluntary contributions. While contributions and pledges to the United Nations Crime Prevention and Criminal Justice Fund had almost tripled between the biennium 1994-1995, when they had amounted to slightly more than US\$ 1 million, and the biennium 1996-1997, when they had reached US\$ 3.1 million, projections for the current biennium were not promising. The disparity between mandates and resources threatened the viability of the Programme at the moment when the international community seemed to be gaining in appreciation for the potential of the Centre. Several speakers called upon Governments to provide sufficient resources for the Programme to implement its mandates. The Officer-in-Charge of the Centre stated that, regarding operative paragraph 16 of the revised draft resolution on strategic management of the Programme by the Commission (E/CN.15/1998/L.14/Rev.1), as well as regarding the footnotes to be included in all other draft resolutions in which reference to that revised draft resolution would be made, it was the understanding of the Secretariat that, unless extrabudgetary resources or voluntary donations were received by the Centre, all those mandates not fully covered by the programme budget for the biennium 1998-1999 could not be implemented.

97. The Commission agreed on the usefulness of concentrating work on specific issues for a defined period of time. The focus of the work of the Commission, as reflected in its deliberations on the elaboration of a convention against transnational organized crime, clearly demonstrated the importance given by Member States to that new orientation. The view was expressed that placing greater emphasis on transnational organized crime should not result in the exclusion of other core areas of Programme activities. The work should continue on United Nations standards and norms in crime prevention and criminal justice, information-sharing about their use and application, action against specific crime and action for strengthening the criminal justice system. In many countries, assistance in strengthening basic criminal justice infrastructure was required to lay the foundation for responding to transnational organized crime. In that sense, while making the necessary selection of Programme activities, a balance had to be struck between the various areas, also as related to technical assistance offered by the Programme.

98. The role of the Centre as coordinator of the Programme was highlighted. There was agreement that collaboration should be sought, particularly with the United Nations International Drug Control Programme, the Office of the United Nations High Commissioner for Human Rights and the institutes of the Programme network, in carrying out activities related to servicing events such as the United Nations congresses on the prevention of crime and the treatment of offenders and in providing technical assistance. In coordinating the activities of the Programme with those of other entities, the Centre should ensure the appropriate focus on the specific crime prevention and criminal justice aspects of the mandates being implemented. It was stressed that the Commission should continue to provide policy guidance on those issues.

### **C. Action taken by the Commission**

99. At its 15th meeting, on 30 April 1998, the Commission adopted, as orally amended, a revised draft resolution entitled "Strategic management by the Commission on Crime Prevention and Criminal Justice of the United Nations Crime Prevention and Criminal Justice Programme" (E/CN.15/1998/L.14/Rev.1), sponsored by Algeria, Argentina, Austria, Azerbaijan, Belarus, Botswana, Finland, Japan, Lebanon, Lesotho, Netherlands, Russian Federation, Saudi Arabia, South Africa, Sweden, Togo, Tunisia, Turkey, United Kingdom, United States and Zambia. For the text, see chapter I, section D, resolution 7/1.

## **Chapter IX**

### **PROVISIONAL AGENDA FOR THE EIGHTH SESSION OF THE COMMISSION**

100. At its 13th meeting, on 29 April 1998, the Commission considered agenda item 10, entitled “Provisional agenda for the eighth session of the Commission”.

101. For its consideration of item 10, the Commission had before it a draft decision submitted by the Chairman entitled “Report of the Commission on Crime Prevention and Criminal Justice on its seventh session and provisional agenda and documentation for the eighth session of the Commission” (E/CN.15/1998/L.1/Add.7).

102. At its 13th meeting, on 29 April 1998, following an introductory statement by the Chairman, the Commission heard a statement by the representative of the Philippines. The observers for Finland and Turkey made statements. The Commission approved the draft decision, as orally amended, for adoption by the Economic and Social Council. For the text, see chapter I, section C, draft decision I.

## **Chapter X**

### **ADOPTION OF THE REPORT OF THE COMMISSION ON ITS SEVENTH SESSION**

103. At the 14th meeting, on 29 April 1998, the Executive Director of the Office for Drug Control and Crime Prevention made a statement.

104. At its 15th meeting, on 30 April 1998, the Commission adopted by consensus the report on its seventh session (E/CN.15/1998/L.1 and Add.1-6 and 8-13) as orally amended. Statements were made by the representatives of the United States, Colombia and Mexico and the observers for Peru, Canada, Chile and Spain.

## Chapter XI

### ORGANIZATION OF THE SESSION

#### A. Opening and duration of the session

105. The Commission on Crime Prevention and Criminal Justice held its seventh session at Vienna from 21 to 30 April 1998. The Commission held 15 meetings. The Committee of the Whole and the two working groups established by the Commission at its seventh session held their meetings parallel with the plenary.

106. The seventh session of the Commission on Crime Prevention and Criminal Justice was opened by the outgoing Chairman of the sixth session, Mohamed El Fadhel Khali (Tunisia), who reported on the inter-sessional work of the bureau of the Commission, particularly in relation to streamlining the agenda of the Commission and reducing the number of resolutions, as well as the need to decrease the number of reports to be prepared by the Secretariat. In response to Commission resolution 6/1, the bureau examined the criteria that could be used as a guide to determine which types of agenda items should be submitted to the Commission at its subsequent sessions. The bureau also continued its consultations with the bureau of the Commission on Narcotic Drugs in an effort to ensure coordination of the work of the two commissions, particularly in respect of the preparations for the special session of the General Assembly devoted to the fight against the illicit production, sale, demand, traffic and distribution of narcotic drugs and psychotropic substances and related activities, to be held from 8 to 10 June 1998. The bureau of the Commission on Crime Prevention and Criminal Justice followed up the work of the informal working group to review the mandates and resources of the United Nations Crime Prevention and Criminal Justice Programme and the work of the informal consultative group on resource mobilization. It also held consultations with the Executive Director of the Office for Drug Control and Crime Prevention regarding the reform proposals of the Secretary-General and the question of providing adequate resources for the Programme.

#### B. Attendance

107. The seventh session was attended by representatives of 38 States members of the Commission and by observers for 74 other States, 12 bodies of the United Nations, 2 specialized agencies, 9 institutes of the United Nations Crime Prevention and Criminal Justice Programme network, 10 intergovernmental organizations and 45 non-governmental organizations. A list of participants is contained in annex I to the present report.

#### C. Election of officers

108. At its 1st meeting, on 21 April 1998, the Commission elected the following officers by acclamation:

<i>Chairman:</i>	Cristina Luzescu (Romania)
<i>Vice-Chairmen:</i>	Luigi Augusto Lauriola (Italy) Raul E. Granillo Ocampo (Argentina) Kamal Kumar (India)
<i>Rapporteur:</i>	Abubakr Salih Nur (Sudan)

109. The elected officers constituted the bureau of the Commission, which met several times during the session to consider matters relating to the organization of work and to strategic management.

110. Following her election, the Chairman of the seventh session made a brief introductory statement.

111. The Director-General of the United Nations Office at Vienna addressed the Commission for the first time following his appointment as Executive Director of the newly created Office for Drug Control and Crime Prevention. He outlined the priority concerns of the Centre for International Crime Prevention in the coming years, including the new challenges of globalization in the fight against organized crime. He stated that the Centre must refocus its efforts on the regions of the world where the problems of organized crime were the most acute and in areas of work where the United Nations offered a competitive advantage. He cited the promotion of units able to centralize information as one such example. In its pursuits, the Centre needed to work with other organizations and to avoid duplication.

112. The Executive Director invited the Commission to agree on a timetable for completing the draft convention against transnational organized crime and urged it to finalize plans for the Tenth United Nations Congress on the Prevention of Crime and the Treatment of Offenders. He cautioned that the complex preparations for the Tenth Congress placed a major burden on the resources of the Centre and emphasized that the scope of such future meetings needed to be reviewed. He concluded by calling upon Member States to support the efforts of the Centre and stressed that any new mandates would need to be considered very carefully and to be matched by the requisite financial resources.

#### **D. Agenda and organization of work**

113. At its 1st meeting, on 21 April 1998, the Commission adopted by consensus its provisional agenda (E/CN.15/1998/1 and Corr.1), which had been agreed on by the Commission at its sixth session and approved by the Council in its decision 1997/232. The agenda was as follows:

1. Election of officers.
2. Adoption of the agenda and organization of work.
3. Tenth United Nations Congress on the Prevention of Crime and the Treatment of Offenders.
4. Promotion and maintenance of the rule of law: action against corruption and bribery.
5. Criminal justice reform and strengthening of legal institutions: measures to regulate firearms.
6. International cooperation in combating transnational crime:
  - (a) Implementation of the Naples Political Declaration and Global Action Plan against Organized Transnational Crime: question of the elaboration of an international convention against organized transnational crime, and other possible international instruments;
  - (b) Mutual assistance and international cooperation in criminal matters.
7. Use and application of United Nations standards and norms in crime prevention and criminal justice:
  - (a) Administration of juvenile justice;
  - (b) Victims of crime and abuse of power.

8. Technical cooperation, including resource mobilization, and coordination of activities:
  - (a) Technical cooperation;
  - (b) Resource mobilization.
9. Strategic management and programme questions:
  - (a) Strategic management by the Commission on Crime Prevention and Criminal Justice of the United Nations Crime Prevention and Criminal Justice Programme;
  - (b) Programme questions.
10. Provisional agenda for the eighth session of the Commission.
11. Adoption of the report of the Commission on its seventh session.

114. At the same meeting, the Commission adopted the organization of work for its seventh session (E/CN.15/1998/1/Add.1), which included four meetings for the working group on the implementation of the Naples Political Declaration and Global Action Plan against Organized Transnational Crime, two meetings for the working group on United Nations standards and norms in crime prevention and criminal justice and six meetings for the Committee of the Whole. The reports of the two working groups are reproduced in annexes III and IV to the present report.

#### **E. Documentation**

115. The documents before the Commission are listed in annex VI to the present report.

*Annex I*

**ATTENDANCE**

**Members\***

<b>Argentina:</b>	Raul E. Granillo Ocampo, Andrés Pesci Bourel, Eugenio María Curia, Mariano Ciafardini, Juan De Lezica, Ana Luisa Wirth-Schwind, Ricardo Massot, Jorge Alfredo Agundez, Pedro David, José Allevato
<b>Austria:</b>	Irene Freudenschuss-Reichl, Franz Cede, Ferdinand Trauttmansdorff, Gregor Schusterschitz, Margit Bruck-Friedrich, Susanne Keppler-Schlesinger, Stephan Brenner, Ulrike Kathrein, Michaela Oberbauer
<b>Benin:</b>	Oumouratou Moutairo Yessoufou
<b>Bolivia:</b>	Ana María Cortes De Soriano, María Lourdes Espinoza
<b>Botswana:</b>	Norman S. Moleboge, Victor V. Ghanie
<b>Brazil:</b>	Sandra Valle, Damasio E. De Jesus, José Jorge Alcazar Almeida, Licinio Barbosa, Sonja Fonseca
<b>China:</b>	Zhang Geng, Zhang Yishan, Zheng Jingren, Guo Jian'an, Huang Feng, Liu Guoxiang, Bai Ping, Chen Peijie, Zhai Jinrong, Zhai Xingfu, Huang Shaoping, Zhang Yi, Zhao Qiang, Tong Bishan
<b>Colombia:</b>	Carlos Holmes Trujillo-Garcia, Alfredo Vargas-Abad, Alberto Rueda Montenegro, Enrique Antonio Celis-Duran
<b>Costa Rica:</b>	Stella Aviram Neuman, Randolph Coto Echeverria
<b>Côte d'Ivoire:</b>	Aka Guy Claude
<b>Ecuador:</b>	Eduardo Brito, Patricio Palacios Cevallos, Juan Holguín
<b>Egypt:</b>	Ibrahim Khairat, Iskandar Ghatas, Sanaa Khalil, Ahmed Galal Ezzeldine, Hisham Ahmed Sorour, Mohamed Ali Naguib
<b>Fiji:</b>	Kiniviliaame Keteca
<b>France:</b>	Bérengère Quincy, Eric Danon, Daniel Labrosse, François Poinot, Bruno Guerquin, Tristan Gervais de Lafond, Didier Michel, Geneviève Tichoux, Michel Gauthier, Joël Sollier, Valerie Gremer, Michel Quille, Christian Erre
<b>Germany:</b>	Karl Borchard, Michael Grotz, Konrad Hobe, Volker Klein, Holger Mahnicke, Marco Duerrkop, Albrecht Volkwein

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\*Gambia and Malawi were not represented at the session.

- India:** Kamal Kumar, V. K. Malhotra, J. Y. Umraniker
- Iran (Islamic Republic of):** Hossein Karimi, Mohammad Hassan Fadaeifard, Hoseein-Ali Naiari, Seyed Ali Mohammed Mousavi, Amir Hossein Hosseini
- Italy:** Giovanni Maria Flick, Vincenzo Manno, Luigi Augusto Lauriola, Massimo Curico, Saba D'Elia, Renato Castellani, Domenico Carcano, Giusto Sciacchitano, Gioacchino Polimeni, Gualtiero Michelini, Stefania Merlo, Angelo Ciancarella, Salvatore Guglielmino, Andrea Portuesi, Giorgio De Marco, Renato Ferraro, Maurizio Zini, Massimo Di Marco, Luigi Sico, Grazia Giammarinaro, Antonio Lo Monaco
- Jamaica:** Owen Clunie
- Japan:** Yuki Furuta, Nobuaki Ito, Mikinao Kitada, Jiro Ono, Kenichi Suganuma, Hiroyuki Ota, Goro Aoki, Mamoru Miura, Tomoko Akane, Hiroshi Sakai, Kaoru Misawa, Hideaki Mori, Nobuhiro Watanabe, Yo Osumi, Kengo Yoshihara, Takashi Sato, Yoshiyuki Ishiwata, Kumiko Mita
- Lesotho:** M. L. Lehohla, T. M. Mohlabane, C. L. Mapetla, C. L. Siimane
- Mexico:** Roberta Lajous, Victor Arriaga Weiss, Agustin De Pavia, Raúl Izabal Montoya, Martin Muñoz Ledo Villegas
- Netherlands:** Hans A.F.M. Förster, Jan van Dijk, Jan Peek, Marjorie Bonn, Richard Scherpenzeel, Thijs P. van der Heijden, Neline Koornneef
- Pakistan:** Shaukat Umer, Afrasiab, Zaheer Pervaiz Khan
- Philippines:** José Z. Zaide Jr., Victoria S. Bataclan, Jovencito R. Zuño, Severino H. Gana Jr., Mary Anne A. Padua, Felix De Leone Jr.
- Poland:** Janusz Rydzkowski, Joanna Janiszewka, Michal Plachta, Mariusz Skowronski, Jaroslaw Strejczek
- Republic of Korea:** Kim Joong-jae, Chae Jung-sug, Kim Young-june, Lim Woong-soon, Koo Hyun-mo
- Romania:** Cristina Luzescu, Virgil-Constantin Ivan, Monica Zubcu, Florentina Voicu, Ion Sotirescu
- Russian Federation:** Oleg M. Sokolov, Vladimir E. Tarabrin, Victor S. Dolmatov, Yuri V. Ivanov, Yuri V. Golik, Natalya Y. Goltsova, Anatoliy G. Radatchinski, Alexander V. Zinevitch, Viacheslav V. Sergeev, Ygor V. Polozkov, Alexander S. Gappoev, Andrey Y. Averin
- Saudi Arabia:** Omar Mohammad Kurdi, Abdul-Rahim Mashni Al-Ghamidi, Mutlq S. Al-Dabjan, Adallah ibn Abdul-Rahmin Al-Yusuf, Abdul-Rahman Hamdan Al-Shammari, Fahad Al-Manna'a, Mohammad Nasser Al-Oulah, Mohammed Al-Saiari, Said Alrachach, Khalid Al-Sobaie, Saleh Al-Selimi
- Sudan:** Abubakr Salih Nur, Ali Mohamed Elzaki, Kureng Akuei Pac
- Swaziland:** Nonhlanhla Pamela Tsabedze

- Sweden:** Klas Bergenstrand, Björn Skala, Örjan Landelius, Ewa Nyhult, Louise Heckscher, Per Hedvall, Leif Holmström, Mikael Johansson, Henrik Andersen, Jan Olsson, Annika Markovic
- Togo:** Benivi Beni-Locco
- Tunisia:** Mohamed El Fadhel Khalil, Mohamed Lejmi, Abderrazak Mansour, Abderrahmane Belhaj Frej, Zied Bouzouita
- Ukraine:** Vasyli Maliarenko, Rostyslav Tronenko, Mykola Melenevskiy, Victor Bezkorovainyi, Dmytro Konopko
- United States of America:** Bobb Barr, Jonathan Winer, John B. Ritch III, Drew Arena, Ashley Oliver Barrett, Jeff Bullwinkle, Daniel Glaser, Kenneth Harris, Enrique Perez, Kenneth Propp, James Puleo, Lewis Raden, S. Gail Robertson, Joseph Snyder III, Adrienne Stefan, Herbert S. Traub, Karen Wehner, Beverly Zweiben
- Zambia:** K. T. Mwansa, S. M. Ngangula, E. M. Katongo

**States Members of the United Nations  
represented by observers**

Algeria, Angola, Armenia, Australia, Azerbaijan, Belarus, Belgium, Bosnia and Herzegovina, Brunei Darussalam, Bulgaria, Canada, Cape Verde, Chile, Croatia, Cuba, Cyprus, Czech Republic, Democratic People's Republic of Korea, Democratic Republic of the Congo, Denmark, Finland, Georgia, Ghana, Greece, Guatemala, Hungary, Indonesia, Iraq, Ireland, Israel, Jordan, Kenya, Kuwait, Lebanon, Libyan Arab Jamahiriya, Lithuania, Luxembourg, Malaysia, Malta, Mauritania, Mauritius, Morocco, Mozambique, Namibia, New Zealand, Nicaragua, Nigeria, Norway, Panama, Paraguay, Peru, Portugal, Qatar, Slovakia, Slovenia, South Africa, Spain, Sri Lanka, Syrian Arab Republic, Thailand, the former Yugoslav Republic of Macedonia, Trinidad and Tobago, Turkey, Uganda, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, Uruguay, Uzbekistan, Venezuela, Viet Nam, Yemen, Zimbabwe

**Non-member States represented by observers**

Holy See, Switzerland

**United Nations**

Secretary of the Fifth Committee of the General Assembly, Special Adviser to the Secretary-General on Gender Issues and Advancement of Women, Division for the Advancement of Women, United Nations International Drug Control Programme, Economic Commission for Europe, Office of the United Nations High Commissioner for Human Rights, United Nations Children's Fund, United Nations Development Programme, International Research and Training Institute for the Advancement of Women, United Nations Interregional Crime and Justice Research Institute, Special Rapporteur of the Commission on Human Rights on the independence of judges and lawyers, Special Rapporteur of the Commission on Human Rights on the sale of children, child prostitution and child pornography, Committee on the Rights of the Child

### **Affiliated regional institutes and associated institutes**

Asia and Far East Institute for the Prevention of Crime and the Treatment of Offenders, Latin American Institute for the Prevention of Crime and the Treatment of Offenders, European Institute for Crime Prevention and Control, affiliated with the United Nations, African Institute for the Prevention of Crime and the Treatment of Offenders, Naif Arab Academy for Security Sciences, International Centre for Criminal Law Reform and Criminal Justice Policy, International Scientific and Professional Advisory Council, International Institute of Higher Studies in Criminal Sciences, Raoul Wallenberg Institute of Human Rights and Humanitarian Law

### **Specialized agencies**

United Nations Educational, Scientific and Cultural Organization, Universal Postal Union

### **Intergovernmental organizations**

Council of Arab Ministers of the Interior, Council of Europe, Council of the European Union, Customs Cooperation Council, European Commission, Europol Drugs Unit, International Centre for Migration Policy Development, International Criminal Police Organization, League of Arab States, Sovereign Military Order of Malta

### **Non-governmental organizations**

**General consultative status:** International Abolitionist Federation, International Alliance of Women—Equal Rights, Equal Responsibilities, International Confederation of Free Trade Unions, International Council of Women, International Federation of Business and Professional Women, Soroptimist International, World Confederation of Labour, Zonta International

**Special consultative status:** Amnesty International, Asia Crime Prevention Foundation, Association for the Prevention of Torture, Baha'í International Community, Caritas Internationalis (International Confederation of Catholic Charities), Centro Nazionale di Prevenzione e Difesa Sociale, Coalition against Trafficking in Women, Defence for Children International Movement, Friends World Committee for Consultation, International Association of Judges, International Association of Lawyers, International Association of Penal Law, International Bar Association, International Centre of Sociological, Penal and Penitentiary Research and Studies, International Federation of Social Workers, International Federation of University Women, International Fellowship of Reconciliation, International Institute of Humanitarian Law, International League for Human Rights, International Society for Criminology, International Society of Social Defence, National Council of German Women's Organizations—Federal Union of Women's Organizations and Women's Groups of German Associations, E.V., Open Society Institute, Pax Romana (International Catholic Movement for Intellectual and Cultural Affairs) (International Movement of Catholic Students), Penal Reform International, Prison Fellowship International, Salvation Army, War Resisters International, World Society of Victimology

**Roster:** International Council of Psychologists, International Narcotic Enforcement Officers Association, Inc., International Peace Bureau, National Rifle Association of America/Institute for Legislative Action, Verification Technology Information Centre, International Sociological Association