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TRIBUTE TO JUDGE GIOVANNI FALCONE

In May 1992, at Capaci, Italy, Judge Giovanni Falcone, his wife and his escorts lost their lives. They were murdered by elements of an organized crime syndicate.

Judge Falcone had coordinated extensive investigative work into the criminal activities of such syndicates and had made a formidable contribution to innovation and progress in understanding the structure of organized crime cartels and in bringing them to justice.

In his opening statement to the Commission on Crime Prevention and Criminal Justice, at its second session in April 1993, the Under-Secretary-General and Director-General of the United Nations Office at Vienna said of the late Judge Falcone, who had headed the Italian delegation to the Commission on Crime Prevention and Criminal Justice at its first session:

"I must confess that I find myself at a loss for words both to express my profound sorrow at the death of a friend and my indignation at the malevolent and evil forces responsible for his infamous murder. A colleague, a leader, a model of integrity, Giovanni Falcone will continue to inspire all of us who are involved in combating the menace of organized crime, reminding us that certain principles are worth fighting for, regardless of the personal price that may be exacted from us in this struggle. His death, and that of countless others all around the world, has not been in vain."

The Chairman of the Commission at its second session, Ireneusz/Matela, expressed sorrow at the tragic and untimely death of Judge Falcone, stating that that heinous crime was, ironically, evidence of Judge Falcone's enormous success in the struggle against organized criminality. He said that his life and indeed the lives of all those who had become victims in their fight against lawlessness and violence might serve as shining examples and their deaths strengthened the determination of those remaining to continue the unfinished battle.

One minute of silence was observed by the members of the Commission in memory of, and tribute to, Judge Falcone.

PREFACE

This double issue of the Crime Prevention and Criminal Justice Newsletter is devoted to the proceedings of the first and second sessions of the Commission on Crime Prevention and Criminal Justice, held in April 1992 and 1993, respectively.

Crime prevention and criminal justice has been a long-standing agenda item of the General Assembly and the Economic and Social Council, the two principal legislative bodies governing the United Nations programme of work in the criminal justice field. The Council is, after the Assembly itself, the major legislative and policy-making organ of the United Nations. As the field of criminal justice is an important component of social and economic affairs, the Economic and Social Council determines policy and initiates activities. Within the United Nations system, the most direct responsibility for international efforts towards crime prevention and control is borne by the recently created Commission on Crime Prevention and Criminal Justice (which has replaced the expert subsidiary body of the Economic and Social Council, namely, the Committee on Crime Prevention and Control) and the Crime Prevention and Criminal Justice Branch.

The establishment of the Commission, by the Economic and Social Council in February 1992, ushered in a new era in United Nations involvement in crime prevention and criminal justice. The commitment of the Member States to the prevention of crime and the promotion of justice through strengthened international cooperation has been clearly spelled out in numerous General Assembly and Economic and Social Council resolutions. Those resolutions are indicative of the Member States' heightened awareness and concern that crime, in its internationalized form, has to be tackled by a multilateral approach including international cooperative measures, and that interdependent efforts are urgently required.

The Commission provides a means by which Governments can be directly involved in the determination and supervision of the programme of work of the United Nations in crime prevention and can clearly manifest their political will. Its establishment was the result of a long process of review of the functioning and programme of work of the United Nations in crime prevention and criminal justice, and was seen as an indispensable condition of a structural reorganization of United Nations activities in this field.

Annex II of this special double issue of the Newsletter lists some of the documentation prepared by the Secretariat for the second session of the Commission.

The Secretariat welcomes any requests for documentation, as well as any requests from readers to be included on the specialized mailing list of the Crime Prevention and Criminal Justice Branch. Inclusion on the mailing list guarantees regular receipt of up-to-date information on the activities of the United Nations in the field of crime prevention and criminal justice.

The Secretariat welcomes all inquiries. Correspondence concerning requests for documentation should be addressed to the Documents Clerk, Crime Prevention and Criminal Justice Branch. Correspondence concerning the Newsletter should be addressed to the Editor, Crime Prevention and Criminal Justice Newsletter, Crime Prevention and Criminal Justice Branch, United Nations Office at Vienna, P.O. Box 500, A-1400 Vienna, Austria.

ESTABLISHMENT OF THE COMMISSION ON CRIME PREVENTION AND CRIMINAL JUSTICE

The culmination of a long review process of the functioning and programme of work of the United Nations in the field of crime prevention and criminal justice was the adoption by the General Assembly, in December 1991, of resolution 46/152 entitled "Creation of an effective United Nations crime prevention and criminal justice programme".

This resolution was a recognition by Member States of the fact that criminality is a major concern of all countries and one that calls for a concerted response. It was also an acknowledgement of the urgent need to promote and intensify international cooperation in crime prevention and criminal justice, of the fact that such cooperation can be effective only if it is executed with the direct participation of States, and that a United Nations programme devoted to crime prevention and criminal justice can be effective only with such direct participation. It was an expression of the conviction of Member States that the principal purpose of such a programme should be to provide practical assistance to States in combating both national and transnational crime.

The General Assembly, in its resolution, set the path for the future United Nations programme of work in crime prevention and criminal justice, and supported a clearer definition of its mandate, the aim of which, under the aegis and guidance of the United Nations, would be to respond to the most pressing priorities and needs of the international community in the face of both national and transnational criminality.

In February 1992, the Economic and Social Council held its organizational session, at which, in response to the request of the Assembly, it established the Commission on Crime Prevention and Criminal Justice as one of its functional commissions. The Council recognized the Commission as the principal policy-making body of the United Nations in the field of crime prevention and criminal justice and requested it to coordinate, as appropriate, relevant activities in the field.

Election process

Prior to the organizational session of the Economic and Social Council, in January 1992, Member States were formally notified of the expectation that the Council would, at the General Assembly's request, establish the Commission on Crime Prevention and Criminal Justice and elect its States members. The membership of the Commission was to consist of 40 States Members of the United Nations elected by the Council on the basis of the principle of equitable geographical distribution. Its members would serve for a term of three years, except that the terms of one half of the first elected members, whose names would be chosen by lot, would expire after two years.

On 6 February 1992, the Council proceeded with the elections. The African and Latin American and Caribbean groups of States presented the same number of candidates as seats available and were elected by acclamation. The members of the other three groups - Asian States, Western Europe and Other States, and Eastern European States - were elected by secret ballot. After the election, the names of 20 members, whose term would expire after two years, were drawn by lot. The table shows the results of the election and the number of seats allocated to the various regional groups.

Membership of the Commission on Crime Prevention and Criminal Justice

Date of election:	6 February 1992	Date of expiration of term of office
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African States (12 members)

Burkina Faso	31 December 1993
Gabon	31 December 1993
Ghana	31 December 1994
Guinea-Bissau	31 December 1993
Libyan Arab Jamahiriya	31 December 1993
Madagascar	31 December 1994
Malawi	31 December 1993
Nigeria	31 December 1994
Sierra Leone	31 December 1994
Tunisia	31 December 1993
Uganda	31 December 1993

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Zaire 31 December 1993

Asian States (9 members)

China 31 December 1994
Indonesia 31 December 1994
Iran (Islamic Republic of) 31 December 1994
Japan 31 December 1993
Malaysia 31 December 1993
Philippines 31 December 1994
Republic of Korea 31 December 1994
Saudi Arabia 31 December 1993
Sri Lanka 31 December 1993

Eastern European States (4 members)

Bulgaria 31 December 1994
Hungary 31 December 1993
Poland 31 December 1994
Russian Federation 31 December 1993

Latin American and Caribbean States (8 members)

Bolivia 31 December 1994
Costa Rica 31 December 1993
Cuba 31 December 1993
Dominican Republic 31 December 1993
Nicaragua 31 December 1994
Paraguay 31 December 1994
Peru 31 December 1994
Uruguay 31 December 1994

Western European and other States (7 members)

Australia 31 December 1994
Austria 31 December 1993
Finland 31 December 1993
France 31 December 1994
Germany 31 December 1993
Italy 31 December 1994
United States of America 31 December 1994

At the same organizational session, the Council decided that the first session of the Commission on Crime Prevention and Criminal Justice would be held at Vienna from 21 to 30 April 1992, and approved the provisional agenda and documentation for the first session. The Council also decided to invite the members of the dissolved Committee on Crime Prevention and Control to participate during the first two days of the inaugural session of the Commission in order to facilitate an orderly transition.

In early March 1992, the Secretary-General extended formal invitations to States members of the Commission to participate in its inaugural session, and in early April the Secretary-General's formal invitations to States Members of the United Nations who were not States members of the Commission were dispatched. The Secretariat worked under enormous pressure to finalize the documentation for the first session and to carry out the administrative and organizational arrangements necessary to ensure the smooth running of the Commission's inaugural session, while continuing to implement its programmes as well as its day-to-day functions. Invitations were dispatched to the regional commissions, specialized agencies and other entities of the United Nations system, to the United Nations Interregional Crime and Justice Research Institute (UNICRI) and the other members of the network of affiliated and associated institutes, and to a large number of intergovernmental and non-governmental organizations concerned with crime prevention and criminal justice. The inaugural session of the Commission was attended by 37 of its States members and 41 Member States were represented as observers. In addition two non-Member States, seven United Nations bodies and affiliated institutes, one specialized agency, seven intergovernmental organizations and 28 non-governmental organizations participated in the first session.

FIRST SESSION OF THE COMMISSION ON CRIME PREVENTION AND CRIMINAL JUSTICE

The first session of the Commission on Crime Prevention and Criminal Justice was held at Vienna from 21 to 30 April 1992. Its exacting agenda included items on the implementation of the conclusions and recommendations of the Ministerial Meeting on the Creation of an Effective United Nations Crime Prevention and Criminal Justice Programme, held at Versailles, France, from 21 to 23 November 1991. The Ministerial Meeting had been called for by the General Assembly as part of the review of the programme and functioning of work of the United Nations in crime prevention and criminal justice, and its conclusions and recommendations had been noted with appreciation by the Assembly in its resolution 46/152. The agenda also included an item on ways of strengthening existing international cooperation in crime prevention and criminal justice, including technical cooperation in developing countries, with special emphasis on combating organized crime.

The Commission had to shape the future of United Nations activities in criminal justice and crime prevention and also to define its own character and method of operation. More specifically, it had to define the organizational aspects of its work in priority areas and formulate detailed objectives and operational methods, taking into account current and proposed activities. Part of this task involved creating effective mechanisms for collaboration in solving common problems, as well as providing a framework for cooperation in dealing with new forms of crime. It had to establish appropriate channels of communication, foster information exchange (both within and outside the United Nations) and promote the expansion of the United Nations Criminal Justice Information Network (UNCJIN) on which Member States and their agencies could draw.

Under the agenda item on the consideration of the experience of the Committee on Crime Prevention and Control, members considered the relative advantages and disadvantages of the two bodies, i.e., the Committee vis-à-vis the Commission. Former members of the Committee expressed their concern that the freedom of thought that had guided the work of the Committee, which was composed of experts in their personal capacity, might be sacrificed for political expediency in the new Commission, which was composed of Government representatives. The Committee had sacrificed its own existence to allow the new Commission to be formed, motivated by the hope that it would achieve more tangible results. It was recognized, however, that the Commission had the advantage of being an intergovernmental body, and its recommendations would be the decisions of Governments and hence would be respected by Governments. Former members of the Committee outlined the Committee's achievements, and suggested that the new Commission should focus attention, inter alia, on the promotion and implementation of the United Nations norms, standards and guidelines that had been adopted in the past and assess their impact on domestic legislation and jurisdiction. This suggestion was supported by the Commission.

The Commission decided to deal with the bulk of its work in three working groups, and to hold a continuous plenary session that would consider the results of the work of the three working groups on a daily basis, as well as the report of the previous day's plenary meeting.

Working Group I

Working Group I dealt with charting the course for future Commission meetings. Concerning the strengthening of the overall capacity of the programme, the Working Group drafted a resolution for subsequent adoption by the Economic and Social Council whereby it would decide that, under the guidance of the Commission, the secretariat, namely the Crime Prevention and Criminal Justice Branch, should be responsible for facilitating the planning, coordination and implementation of practical activities in the field of crime prevention and criminal justice, in close collaboration with Governments and interregional and regional institutes, specialized agencies of the United Nations, funding agencies, intergovernmental organizations and non-governmental organizations, the activities of which should be promoted in this field.

Working Group I decided to recommend to the Economic and Social Council that it should reaffirm the request of the General Assembly to the Secretary-General to take the necessary measures to commit the human and financial resources necessary to strengthen the programme as a whole with emphasis on designing, implementing and monitoring technical cooperation projects at the national, regional and subregional levels. This would enable the programme to devote greater attention to helping States upon request, including requests channelled through United Nations peace-keeping operations, to identify their crime prevention and criminal justice needs and address them through technical cooperation, particularly in relation to law reform within their legal systems, including the improvement of legislation and procedures, the elaboration of criminal codes, the improved planning and formulation of national policies concerning crime prevention and criminal justice strategies, the acceleration of human resource development in specialized fields, and assistance in the practical implementation of United Nations standards, norms and guidelines in crime prevention and criminal justice.

Thus, the programme would be able to contribute to the preservation and reinforcement of democracy and justice based on the rule of law, in its field of competence and in collaboration with all the entities of the United Nations system and other appropriate organizations, taking appropriate account of United Nations norms and standards concerning crime prevention, criminal justice, law enforcement and protection of victims as well as means of conflict resolution and mediation.

It was necessary for the programme to have the capability to plan, implement and evaluate crime prevention and criminal justice assistance projects and to serve as a facilitating agent and a dynamic operational tool with which to assist countries in preventing crime, promoting security, sustaining national development and enhancing justice and respect for human rights.

The programme had to be in a position to serve as a worldwide training network for developing countries with specific requirements by developing training schemes, including manuals and curricula, by organizing national, regional and cross-sectoral training courses, workshops and seminars on priority issues tailoring their objectives to the needs of the recipient countries and by developing fellowship programmes.

The Working Group was of the opinion that clearing-house facilities in relation to crime prevention and criminal justice issues had to be further developed, including the capacity to match the needs for training with the opportunities available to meet them.

It also opined that it was important to continue and improve the surveys of crime trends and the operation of criminal justice systems carried out periodically by the United Nations, as a means of obtaining and providing a cross-nationally updated picture of patterns and dynamics of crime in the world, including its transnational forms. The surveys should be carried out at two-yearly intervals, with preparations for the next survey (1990-1992) commencing at the end of 1993, in collaboration with the United Nations Development Programme (UNDP) and, within their competence, in collaboration with the interregional, regional and national crime prevention and criminal justice institutes. Provisions should be included in the programme budget for the regular publication and dissemination of the surveys.

On strengthening UNCJIN, the Working Group considered that this might be accomplished by inviting Governments, interregional and regional organizations, other relevant entities and the private sector to join and support the Network financially and logistically as a viable instrument for the dissemination and exchange of information and the transfer of knowledge for improved criminal justice management and more effective crime prevention.

The Working Group was of the opinion that it was important to promote policy-oriented research and studies on topics of interest to the Commission as well as to individual or groups of Member States and to determine, in

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cooperation with Governments and interregional and regional institutes, the categories of crime prevention and criminal justice information to be supplied to, and exchanged through, UNCJIN, taking into account priorities specified by the Commission, with a view to ensuring a more effective functioning of the Network.

It was deemed important to foster close and direct cooperation with a variety of national, regional, interregional and international institutions and training agencies, and to develop a roster of experts in different disciplines with practical experience in the field of crime prevention and criminal justice, as part of the clearing-house function or for such other purposes as the Commission might decide.

The Working Group considered that it was necessary to strengthen interregional and regional advisory services in crime prevention and criminal justice, so as to ensure the necessary feedback and follow-up action, and to develop and implement the various activities of the programme, in accordance with the priorities recommended by the Commission.

The Working Group considered that the Secretary-General should be requested to initiate the necessary consultations for the preparation of a report, to be considered by the Commission at its second session, setting out options and recommendations for the creation of an appropriate mechanism, such as a foundation, to mobilize human, financial and other resources to further technical cooperation.

It considered that the Commission should recommend to the Economic and Social Council that it urge developed countries to strengthen their aid programmes and to commit themselves to support technical assistance and advisory services in order to enhance the global commitment to improving justice and promoting human rights and the rule of law.

Member States should be invited to establish reliable and effective channels of communication between themselves and with the United Nations crime prevention and criminal justice programme, including UNICRI, the regional institutes and government-appointed national correspondents, particularly in relation to the facilities available for training, the use of modern techniques to combat crime that are consistent with international human rights standards, the provision of fellowships, study tours and consultancies, and the exchange of personnel and information.

Furthermore, Governments in need of technical assistance in the field of crime prevention and criminal justice should be encouraged to identify their specific needs and to avail themselves of the services provided by the United Nations as well as of those provided bilaterally, access to which should be facilitated by the United Nations Secretariat.

The Working Group determined the priority themes that would guide the Commission's work in the development of a detailed programme. These themes included national and transnational crime, organized and economic crime, including money-laundering, and the role of criminal law in the protection of the environment; crime prevention in urban areas, juvenile and violent criminality; and efficiency, fairness and improvement in the management and administration of criminal justice and related systems with due emphasis on the strengthening of national capacities in developing countries for the regular collection, collation, analysis and utilization of data in the development and implementation of appropriate policies.

It was considered that the majority of programme resources should be concentrated on the provision of training, advisory services and technical cooperation in a limited number of areas of recognized need, taking into account the need for technical assistance to developing countries. Such a concentration should achieve a synergetic effect, allowing for the intense and effective use of materials, resources and experience from both regular budgetary resources and voluntary contributions. In the case of special operational activities and advisory services in situations of urgent need, it would be desirable to offer timely and practical assistance to Governments, upon request, in situations that do not permit a problem to be adopted as a regular priority by the Commission. In implementing these special operational activities and advisory services, the Secretariat should place major emphasis on serving as a broker and clearing-house, providing advisory services and training to Member States from within existing budgetary resources and through voluntary contributions.

It was considered that the Commission should keep its priorities under review and ensure that the programme developments related to the substantive preparations for the United Nations quinquennial congresses on the prevention of crime and the treatment of offenders took those priorities into account.

The Working Group concluded that, beginning with its second session, the Commission should include in its agenda a standing item on technical assistance that would deal with the most practical course of action to be followed to render the programme fully operational and enable it to respond to the specific needs of Governments, including financial possibilities. A further standing item to be included in its agenda, also beginning with its second session, should be on the existing United Nations standards and norms that serve as recommendations to Member States, including their use and application.

Working Group II

Working Group II dealt with improving existing international cooperation. It considered that Member States should be invited by the Economic and Social Council to give favourable consideration to the organization of practice-oriented workshops, research projects and training programmes to deal with specific aspects of organized criminal activities, with a view to exchanging ideas concerning law enforcement methods for their control that have proved to be both effective and consistent with the concept of respect for human rights. It also considered that the Secretary-General should be requested by the Council to continue the analysis of information on the impact of organized criminal activities upon society at large, including data on the nature, extent, forms and dimensions of organized crime, on legislative measures and the promotion of international cooperation aimed at controlling organized crime, with special emphasis on economic crimes and the laundering of illicit funds, and on judicial practice as regards cases involving organized crime, with a view to keeping the Commission on Crime Prevention and Criminal Justice informed.

The Working Group concluded that it would be necessary for Member States to be invited to make every effort to modify, where necessary, their national legislation for the purpose of effectively preventing and controlling the laundering of proceeds of crime and related offences. It would be necessary to examine the possibility of coordinating efforts already made at the multilateral level against the laundering of proceeds of crime and related offences, including embezzlement, taking into account the relevant mandates conferred upon the Crime Prevention and Criminal Justice Branch and upon the United Nations International Drug Control Programme.

It would also be necessary to study and propose means for rendering technical assistance to requesting Member States in drafting or revising legislation, in training financial, investigative law enforcement and judicial personnel, in developing regional, subregional or bilateral cooperation, and in providing advice on relevant strategies and techniques.

The recommendations drawn up by the Ad Hoc Expert Group Meeting on Strategies to Deal with Transnational Crime, held at Smolenice, Czechoslovakia in May 1991, as well as the practical measures against organized crime, formulated by the International Seminar on Organized Crime, held at Suzdal, Russian Federation, in October 1991 were annexed to the Commission's resolution on organized crime in order to offer them for consideration by Governments in their efforts to enhance the struggle against organized crime, both nationally and internationally.

Working Group III

Working Group III dealt with preparations for the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, to be held in 1995. Intergovernmental United Nations congresses are organized every five years.

The Working Group noted the legacy of past congresses and their demonstrated value to the international community. The international instruments and standards adopted by the congresses had set the stage for action and were having a major impact at the national and international levels.

The Working Group noted that the new terms of reference of the congresses, which had been endorsed by the General Assembly in its resolution 46/152, would change the role of forthcoming congresses, as well as their preparatory cycle, and that the task of the Commission was to define and consider in depth the substantive items of the provisional agenda of the Ninth Congress in order to maximize its function as a forum for the action-oriented exchange of information and experience, including research findings and practical strategies. The congresses would no longer have a legislative function or bear primary responsibility for policy determination, as this function would be incumbent upon the Commission. Instead, their predominant function would be of an advisory nature, and they would be streamlined, dealing with well-focused subjects with a view to stimulating a practical exchange of views that would yield operational results, including technical cooperation projects.

Quinquennial preparatory regional meetings for forthcoming congresses would be held under the guidance of the Commission on issues related to the agenda of the Commission or of the congresses, or on any other matters. Interregional preparatory meetings, such as those organized before the Sixth, Seventh and Eighth Congresses, were to be dropped from the preparatory cycle.

The usefulness of regional preparatory meetings and their functional relationship to the Commission, was emphasized as a way of channelling intergovernmental action, leading to the adoption by the Commission of resolutions and proposals for follow-up by the congresses.

As preceding congresses had been excessively involved in the preparation of resolutions, the Working Group considered that any draft resolutions to be considered by the Ninth Congress for adoption, the number of which should be limited, should be drafted, considered and submitted to the Ninth Congress well in advance of the Congress, enabling Governments to take informed positions.

The Working Group was of the opinion that research and demonstration workshops to be convened on the occasion of a congress, should figure more prominently, particularly in the provisional agenda of the Ninth Congress, thus permitting a more intensive and pragmatic exchange of the results obtained. Three guiding elements should govern the organization of the workshops:

(a) their ability to concentrate on current trends and issues in the field of crime prevention and criminal justice; (b) their research and/or demonstration value; and (c) their use as a forum for the effective exchange of expertise and experience. General support was shown for the following four proposed subjects for the workshops: development of a criminal justice database for analysis and policy use, including crime and victimization surveys; environmental crime; stimulation and promotion of new initiatives in crime prevention; and management of criminal justice, which could focus on computer applications in justice operations in the light of regional and global developments in information technology.

It was agreed that the preparation of the provisional agenda for the Ninth Congress would be undertaken by the Commission at its second session. Possible subjects for inclusion as substantive topics of the Ninth Congress included: technical assistance and international cooperation; transnational and organized crime (including drug trafficking and money-laundering); human aspects of criminal justice systems; cultural property crimes; implementation of norms and guidelines; juvenile delinquency; environmental crime; role of the community in the criminal justice system.

Plenary session

The final plenary meeting adopted the recommendations of the three Working Groups and finalized the report of the first session.

The Commission's recommendations were submitted in the form of draft resolutions and decisions together with its report, to the Economic and Social Council for its consideration and further action.

ECONOMIC AND SOCIAL COUNCIL AND THE GENERAL ASSEMBLY

On 30 July 1992, the Council, on the recommendation of the Commission on Crime Prevention and Criminal Justice at its first session, adopted resolution/1992/22 entitled "Implementation of General Assembly resolution/46/152 concerning operational activities and coordination in the field of crime prevention and criminal justice"; resolution 1992/23, entitled "Organized crime"; and resolution 1992/24 entitled "Preparations for the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders". By its decision 1992/274, it took note of the report of the Commission on Crime Prevention and Criminal Justice on its first session, approved the provisional agenda and documentation for the second session of the Commission and endorsed the resolutions and decisions adopted by the Commission.

The General Assembly held its forty-seventh session in December 1992. In its consideration of crime prevention and criminal justice issues, the Assembly adopted resolution 47/87 entitled "International cooperation in combating organized crime". The Assembly invited Member States to make available to the Secretary-General, on request, the provisions of their legislation relating to money-laundering, the tracing, seizing and forfeiture of the proceeds of crime and the monitoring of large-scale cash transactions and other measures so that they might be available to Member States desiring to enact or further develop legislation in those fields.

The Assembly also requested the Commission to continue considering ways of strengthening international cooperation in combating organized crime, taking due account of the opinions of Governments, international and non-governmental organizations expressed at international forums, and to organize the ongoing review of the analysis of the incidence of transnational organized criminal activity and the dissemination of that information. The Assembly called upon Member States, international organizations and interested non-governmental organizations to cooperate closely with the United Nations in organizing practice-oriented workshops, research projects and training programmes to deal with specific aspects of organized criminal activities.

The Assembly also adopted a resolution calling upon Governments, intergovernmental and non-governmental organizations to intensify financial and other support to the African Institute for the Prevention of Crime and the Treatment of Offenders (UNAFRI), and reiterated its request to the Secretary-General to ensure that sufficient resources are provided to UNAFRI, within the overall appropriations of the programme budget for 1992-1993.

The Assembly, in its resolution 47/91 on crime prevention and criminal justice, recognized that the United Nations crime prevention and criminal justice programme has a special contribution to make in a world seeking to surmount serious problems of violence and crime. It requested the Secretary-General to support the operational activities and advisory services of the programme within existing resources from the regular budget of the Organization commensurate to its high priority and importance, and independently of resources available through voluntary contributions, and to provide from existing resources adequate funds to build and maintain the institutional capacity of the programme to respond to requests of Member States for assistance.

SECOND SESSION OF THE COMMISSION ON CRIME PREVENTION AND CRIMINAL JUSTICE

The Commission's second session was held at Vienna, Austria, from 13 to 23 April 1993. It was attended by a total of more than 400 persons from 92/States as well as representatives from a number of United Nations bodies and intergovernmental and non-governmental organizations.

The first session of the Commission had been largely devoted to establishing the broad outlines of its work and new programme. The year between its sessions had allowed time for reflection on national positions within the framework of the new programme, as well as having allowed time for the Secretariat to realign its work with the new directions set by the Commission.

The cramped time frame within which the Secretariat had undertaken the organizational, administrative and preparatory work for the inaugural session of the Commission was not the case with regard to the Commission's second session. Documentation for the second session had been prepared and distributed well in advance, allowing participants time to reflect on the topics to be discussed, and tribute was paid by many speakers at the second session to the timeliness and high quality of the Secretariat's work.

At its first session, the Commission had established three broad priority themes for the programme. One of the tasks of the Commission at its second session was to identify a number of specific objectives to be selected under these priority themes. Other items on the Commission's agenda included technical cooperation, and how to identify the most practical course of action to be followed to render the United Nations programme fully operational; the use and application of existing United Nations standards and norms in the field of crime prevention and criminal justice; preparations for the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders; the question of strengthening cooperation with other United Nations bodies and the coordination of those activities, and the provisional agenda for the third session. Other questions to be addressed included the options for creating a mechanism, such as a foundation, to mobilize human, financial and other resources for the programme; a review of programme performance for the biennium 1990-1991, and a proposed work programme for crime prevention and criminal justice activities for the period 1994-1995.

Review of priority themes

The Commission devoted particular attention to the latest developments in national and transnational crime, organized crime, economic crime, including money-laundering, and the role of criminal law in the protection of the environment. It was affirmed that the development of effective measures to deal with those types of criminal activity remained high on the priority lists of Member States, as did the development of more effective measures involving international cooperation designed to address the problems that those activities posed to developed and developing countries.

Many speakers expressed their concern about the increase in both the levels and the sophistication of transnational and organized crime. It was emphasized that organized criminal groups were expanding their activities rapidly across national frontiers, taking advantage of gaps in international cooperation.

In addition, such groups were vigorously pursuing new types of activities, often moving away or phasing out more traditional activities and diversifying their operations like many modern enterprises, using sophisticated management techniques.

Transnational and organized crime, as well as economic crime, threatened the security and stability of all nations. Infiltration of the legitimate economy by the operations of organized criminal groups and the proceeds generated by their illegal activities presented a grave danger. Countries in transition to multi-party democracies and free market economies were particularly vulnerable. Many speakers stressed that the international community could not afford to overlook the consequences of transnational and organized criminal activity and that it was faced with the challenge of taking immediate and effective action to prevent or control such activity.

The sophistication of organized and transnational crime required innovative approaches to international cooperation. The Crime Prevention and Criminal Justice Branch and the Commission had at their disposal international expertise that was indispensable in devising such innovative approaches. The documents presented to the Commission on the subject served to place the various aspects of the problem in perspective. They also served to identify areas of particular concern to the international community and to shed light on the ramifications of organized and transnational crime and economic crime, including money-laundering. A number of modalities outlined in the documents could be further developed to promote effective and efficient international cooperation.

A large number of representatives referred to the need for the Branch to intensify its efforts to deal with organized transnational crime and environmental crime and to control the proceeds of crime, all of which were directly linked to organized crime. Many representatives referred to corruption as one problem that deserved particular attention, especially since it was closely associated with organized crime. The Commission agreed that efforts to fight corruption should be continued and intensified.

Many speakers highlighted the importance of establishing and maintaining operative links between the national services involved in efforts to prevent and control all manifestations of organized and transnational criminality. It was recommended that the programme explore the possibility of setting up appropriate mechanisms for that purpose. The meetings of heads of national drug law enforcement agencies, held under the auspices of the United Nations International Drug Control Programme in all regions, were mentioned as an example. It was recommended that the possibility of setting up a similar mechanism for law enforcement agencies charged with preventing and controlling organized and transnational crime be seriously considered.

There was general agreement on the increasingly urgent need for action on the part of Governments, individually and collectively, aimed at crime prevention in urban areas, juvenile and violent criminality. The central issue involved was the maintenance of security and safety of both life and property.

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The deplorable living conditions in many urban areas of the world, in particular in developing countries and in the least developed countries, and the rapidly deteriorating "quality of life" in others posed difficult obstacles to successful crime prevention, making the link between socio-economic living conditions and conventional crime more evident. The situation was becoming even more problematic in the light of the worldwide demographic trend of urban "swelling", particularly by young persons, and its criminological implications in the urban environment. Juvenile crime, particularly crime involving interpersonal violence and theft, was reported to be escalating steadily worldwide.

It was noted that young persons migrating from rural to urban areas were searching to fulfil very basic needs and seeking what were considered to be some of the advantages of urban life, including greater opportunities for training, education and employment. Having severed their community and family ties, however, they were more vulnerable to criminal exploitation and more exposed to violence and abuse of all kinds.

The observer for the International Criminal Police Organization/(ICPO/Interpol) stated that there was worldwide concern about minors being criminally exploited and about offences being perpetrated against them on a large scale. The young were easy targets of drug trafficking and related organized crime operations, and their increasing involvement in drug-related criminality, as both traffickers and abusers, made it necessary for criminal justice systems to review their responses to the problem and to introduce new preventive and protective measures. Such a serious problem with transnational dimensions could only be tackled through transnational cooperation.

There was general agreement that the modernization of the criminal justice administration had become an even more challenging and urgent task in the wake of the threat posed to criminal justice by the rapid and dangerous development of organized crime. One representative noted that those dealing with organized crime at the international level could not overlook the fact that conventional crime at the national level was at its origin. Another added that organized crime had an inherent tendency to spread internationally and that it thrived on the confines of the rule of law that governed the national criminal justice systems and on difficult socio-economic conditions that many countries were currently experiencing. One representative emphasized that practical assistance should be provided to countries in transition to market economies that were making efforts to reform their criminal law and criminal justice systems.

Some representatives stated that the process of strengthening national capacities and improving criminal justice management was implicit in many national projects and programmes.

They noted that the internationalization of crime affected virtually every agency of the criminal justice system and had an impact on internal collaboration between those agencies. One representative said that the entire criminal justice system would lack guidance if it was not governed by a clear criminal justice policy; it was thus a matter of priority to continue to examine the connections between, on the one hand, the agencies of the criminal justice system and, on the other hand, criminal law reforms to see how to improve the flow of information that might assist criminal justice managers in making decisions and policy.

It followed that there was a relationship between: (a) occasional lack of modern bilateral and multilateral arrangements to fight organized crime; and (b) insufficient exchange of information between criminal justice administrators on matters of bilateral and multilateral interest, including criminal justice operations and criminal justice reforms.

Some representatives noted that the exchange of information, which occurred informally between Member States and formally through regional and interregional organizations, contributed to efficiency, fairness and improvement in the management and administration of criminal justice and related systems. One representative added that making improvements in criminal justice management required the development of a more comprehensive and decisive approach to computerizing criminal justice operations, a task that the Secretariat had not, as yet, dealt with sufficiently.

It was stated that the United Nations surveys of crime trends, operations of criminal justice systems and crime prevention strategies were useful and informative. At the same time, a better exchange of information on research findings could complement the clearing-house functions of the Crime Prevention and Criminal Justice Branch. The observer for UNICRI stated that international comparative research suggested that punishment policy and practices around the world had certain similarities. Moreover, criminal justice administrations were faced with strikingly similar problems, including increasing crime rates, new forms of crime and ways of committing crime, understaffing, and conflict between cost-effectiveness and human rights concerns.

The Commission resolved to recommend to the Council that the priority themes it had formulated at its first session be reaffirmed, and that Member States be invited by the Council to prepare and circulate in advance of each session proposals on specific objectives and activities to be carried out under those priority themes. Member States should be made aware of the importance of this undertaking for the third and subsequent sessions of the Commission.

The mechanisms for determining the objectives and the specific activities had already been formulated by the Commission. They should outline why they were to be carried out, what was to be done, when and by whom they were to be undertaken, and take into account the resources available and the resources required. The proposals should also define what was to be deemed a successful outcome and should, as far as possible, identify objective qualitative and quantitative criteria for assessing the success in implementation.

The Commission recognized the fact that this did not mean that the burden of providing the statement of objectives and activities, including the statements as to why the activity was to be carried out, what was to be done, when, by whom and with what resources must necessarily be borne by the proponent. Some countries might not have the expertise or means to do that, and in such cases, where the Commission was satisfied that a proposal merited consideration but required further refinement, it might refer it to the Secretariat to reformulate the proposal in such a way as to permit the Commission to make informed judgements on it. It should then be a relatively simple matter to judge the impact of the activities proposed on the work programme, and see what must be deferred until further resources become available. However, this judgement would be tentative, as the Commission did not have the authority to decide on United Nations budgetary matters. The Commission could consider establishing a standing representative working group or, alternatively, authorizing its bureau to exercise oversight over the programme resources that might become available.

Impact of organized crime

The Secretariat's report to the Commission on the impact of organized crime (E/CN.15/1993/3) noted that efforts that had been undertaken at the national level to cope with the growing threat of organized crime had often been less than successful, and various factors were contributing to a rapid internationalization of the phenomenon.

Modern technology in the banking, communications and electronic sectors had provided criminals with new tools enabling them to steal millions of dollars and to launder their huge illicit profits across borders and continents. During the 1980s the profitability of the drug trade led to a situation where the "narcodollar" began to assume the economic significance of the petrodollar in the 1970s. It had been estimated that the capital generated during the 1980s by illegal drug trafficking alone was in the order of US\$ 3,000 billion to 5,000 billion.

Criminal organizations in recent decades had been structuring themselves along the same lines as legitimate business operations, with divisions for acquisition, production, transport, sales and financing. The main difference between criminal and ordinary enterprises was that crime cartels included an "enforcement division".

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Organized crime was becoming more diversified every day, moving from traditional fields, such as gambling, loan-sharking and prostitution, to international automobile smuggling, art and archaeological theft, arms trafficking, trade in illegal wildlife products, credit-card fraud and other transnational enterprises. As a result of ethnic, religious and nationalistic clashes, large military depots had fallen out of government control into the hands of organized criminals, and the risk of nuclear devices falling into the hands of criminal cartels in some parts of the world was not negligible. Newly opened borders and first-class forgery of documents made detection extremely difficult.

The report drew attention to a form of organized criminality sometimes found in countries governed by one-party or authoritarian regimes, in which the rulers organized themselves and their immediate followers into a criminal organization with the aim of ensuring large personal profits. Business leaders might be forced to give a substantial share of their companies to members of the ruling elite or might be forced to pay the rulers a large share of their profits, beyond their legitimate taxes. Thus the rulers found ways of milking the economy without necessarily appropriating funds directly from the public treasury.

Society's reliance on electronic communications systems that could not be made absolutely safe had resulted in vulnerability to computer-related crime, with economic losses running into millions of dollars. Although major business publications had published hundreds of articles on how to make data-processing systems more secure, the consensus among security experts was that the vast majority of thefts by computer remained undiscovered. This was an area where legislation and police training had frequently failed to keep abreast of technological developments.

Criminal organizations were involved in the illicit dumping of hazardous wastes, often with the complicity of corrupt officials in some developing countries. As a result, large areas might become heavily polluted and unfit to sustain human or animal life.

Another situation exploited by organized crime was the worldwide shortage of donor organs for transplants. A black market had developed in which destitute persons, including children, particularly in developing countries, provided a source of such organs. As the technology for preserving organs after removal advanced, the black market was bound to grow.

In the area of prostitution, victims were transported from one country or continent to another, after having been given false offers of work or simply kidnapped. Later, their obedience would be ensured by violence and a lack of contacts in the country concerned.

The proceeds of such criminal activities had always needed laundering, but new and more sophisticated methods of money-laundering had been emerging, with crime cartels sometimes gaining clandestine control of banks and other institutions. Although the volume of the money thus processed had multiplied, money-laundering itself was not yet a crime in many countries. However, the ratification by some States of the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988 was having some influence in promoting the adoption of appropriate banking regulations.

Other activities of organized crime of international concern identified by the report were insurance fraud, currency counterfeiting and fraudulent bankruptcy.

On the impact of such crime, the report cited corruption as one of the most destructive accompanying phenomena. The corruption of public officials was often the preferred way of doing business, since violence was considered messy and likely to attract unwanted public attention. Bribes were considered by organized criminals to be a good investment, and the vulnerability to such offers appeared to be endemic - and even acceptable - in a number of countries. The resulting public reaction to revelations of corruption of officials was one of profound distrust, fear and unwillingness to cooperate with authorities. At a material level, the effects of corruption slowed down the development process and fostered inertia and inefficiency, imposing a hidden tax on the citizenry. Since administrative decisions did not follow objective standards, public contracts went to the companies providing the largest bribes, and the quality of the output was reduced in order to recover those monies.

On the economic impact of organized crime, the report stated that businesses acquired by organized crime were likely to have an edge over their law-abiding competitors, and criminals tended to widen that edge by violent means. In that manner, near-monopolistic situations were created, forcing honest entrepreneurs into bankruptcy. The vast sums moved by organized crime were often higher than the total budgets of most developing countries. Inflation and currency fluctuation could result, throwing the domestic financial institutions into disarray. Developed countries were also vulnerable, particularly to the counterfeiting of their hard currencies, computer-related crimes and credit-card fraud.

The burden of attempting to eradicate organized crime fell on both developed and developing countries. Organized crime was nothing less than a massive attack on the fabric of society affecting practically all of its components. It was an insidious form of lawlessness that cynically exploited citizens' rights and constitutional guarantees for the purpose of reducing the risk of detection and maximizing impunity. In that manner, organized crime threatened some of the most basic elements of democracy.

In developing countries, scarce resources were either diverted from other goals or organized crime was allowed to run rampant. Organized crime could create an alternative power class, thereby endangering social peace and effective development. The economies of developed countries were also taxed, since the cost of criminal investigations, trials and services to victims diverted resources from other programmes. The report cited an example of the impact of such crime on the international economy, the case of the Bank of Credit and Commerce International (BCCI), which had offered its clients higher rates of interest than its competitors presumably because fraud had allowed it to engage in unfair competition. The bank was alleged to have laundered some US\$20 billion and to have involved 10 per cent of its employees in a "black network" involving the use of arms, espionage and psychological warfare. The report stated the concern about BCCI was why it had taken so long before its activities were stopped on 5 July 1991. One theory is that the international financial system was overloaded and was thus incapable of dealing with a sophisticated transnational criminal enterprise. Another factor could be the value placed on bank secrecy and the avoidance of taxation. In the end, the criminal activities of BCCI were stopped by national initiatives; the international system of supervision proved to be no match for an enterprise of that order and it remains unknown how many other institutions are engaged in equally doubtful activities. The report went on to state that an intensification of the international supervision of banking would seem necessary but remained problematic in the present international order.

In terms of political impact, the report cited the control exercised by organized criminals over some politicians and the resulting cynicism of the electorate, the threat to freedom of expression that results from organized crime gaining control of mass media and the violation of the human rights of individuals coerced into prostitution or victimized by loan sharks and protection rackets.

The report projected that in the future, the world could be confronted with a massive global growth in organized computer criminality, thus necessitating the urgent adoption of appropriate legislation, the training of law enforcement personnel and the improved supervision of the international financial system. Laws permitting better detection of money-laundering schemes, including the possibility of forfeiture and the limitation of bank secrecy, were badly needed. There was no indication that a reversal of world trends in the trafficking of illicit drugs would take place. Socio-economic conditions continued to contribute to the abuse of drugs by individuals. Corruption was unlikely to subside in countries where the modest salaries of public officials made them less resilient to the temptations offered by organized crime. Opportunities would push organized crime to become more and more international. As Governments succeeded in coordinating their preventive efforts, organized crime might respond by tightening its own cooperative efforts around the globe. The outcome of that struggle could have major consequences for the well-being of all societies.

At the second session of the Commission, the Minister of Justice of Italy called on the United Nations to organize and convene, in the second half of 1994, a world ministerial conference on organized transnational crime, for

which his Government would act as host. He said that his Government also intended to support substantially the organization of an international conference on the laundering and control of proceeds of crime, to be preceded by a comprehensive survey and a study to identify activities already carried out and the problems that needed to be addressed in that area. The purposes of the two conferences would be to intensify the efforts of the international community against those types of criminal activity, to consolidate the collective political will of all Member States and to direct universal attention to effective and efficient international cooperation.

The Commission resolved to recommend to the Economic and Social Council that it request the Secretary-General to organize a World Ministerial Conference on Organized Transnational Crime, to be held in the third quarter of 1994, and accept the offer of the Government of Italy to act as its host. The objectives of the Conference would be: to examine the problems and dangers posed by transnational and organized crime in the various regions of the world; to consider national legislation and to evaluate its adequacy to deal with the various forms of organized transnational crime and to identify appropriate guidelines for legislative and other measures to be taken at the national level; to identify the most effective forms of international cooperation for the prevention and control of organized transnational crime at the investigative, prosecutorial and judicial levels; to consider appropriate modalities and guidelines for the prevention and control of organized transnational crime at the regional and international levels; and to consider whether it would be feasible to elaborate international instruments, including conventions, against organized transnational crime.

Control of the proceeds of crime

The report prepared by the Secretariat to assist the Commission in its deliberations on the control of the proceeds of crime (E/CN.15/1993/4) was intended to provide a first assessment of the existing possibilities for coordinating global efforts to prevent and control the use and laundering of the proceeds of crime. Besides the proceeds of narcotics trafficking, the report covered problems associated with the proceeds of other high-profit transnational criminal activities, including trafficking in weapons, environmental crime, the removal and sale of cultural property and illicit trafficking in human organs.

The report stated that the adoption and implementation of measures against the laundering of the proceeds of crime was not without cost for financial institutions, as they played an important role in every effort to control the proceeds of crime. The United Nations programme could assist financial institutions in detecting suspicious patterns of behaviour, as well as undertake a comprehensive study of the issue to provide a global view of the problem.

Several representatives recommended that the impressive work already accomplished in controlling the proceeds of crime by the Financial Action Task Force on Money Laundering established by the heads of State or Government of the Group of Seven major industrial countries and the President of the Commission of the European Communities, and by regional bodies should be taken into account by the United Nations crime prevention and criminal justice programme. Duplication should be avoided. Efforts undertaken through the programme would benefit greatly by building on the accomplishments of the Financial Action Task Force.

The Commission decided to recommend to the Economic and Social Council that it request the Crime Prevention and Criminal Justice Branch to continue studying the problem of controlling the proceeds of crime; to continue collecting relevant information on national legislation and its implementation; to consider identifying areas of interest to criminal organizations with a view to evaluating the efficiency and effectiveness of measures taken to control the proceeds derived from criminal activity; to consider, in cooperation with the United Nations bodies concerned and other relevant entities, such as the Financial Action Task Force, the possibility of assisting Governments, at their request, in developing guidelines for the detection, investigation and prosecution of the laundering of the proceeds of crime and in providing information to assist financial institutions in detecting, monitoring and controlling suspicious transactions and in preventing the infiltration of the legitimate economy by the proceeds of crime; to elaborate appropriate training material for use in providing practical assistance to Member States at their request; to provide technical assistance to Member States, upon request, in drafting, revising and implementing relevant legislation, in organizing special investigation teams and in training law enforcement, investigative, prosecutorial and judicial personnel; and to cooperate closely with the United Nations International Drug Control Programme in matters related to the control of the proceeds of crime.

The Commission also decided to recommend to the Council that it accept the initiative of the Government of Italy and the International Scientific and Professional Advisory Council to organize the International Conference on Laundering and Controlling Proceeds of Crime: a Global Approach, to be held in Italy in June 1994, under the auspices of the Crime Prevention and Criminal Justice Branch. This meeting is to be held in cooperation with financial institutions, at the international and national levels, of the various countries that have dealt with the problem of controlling the proceeds of crime.

Role of criminal law in the protection of the environment

Many representatives emphasized the fact that environmental crime was increasing in occurrence and importance, and that effective measures should be devised that would make use of criminal law to protect the environment. It was stressed that the United Nations crime prevention and criminal justice programme should play an active role in that work. Initiatives that had already been undertaken along those lines should be taken into account and expanded. One speaker highlighted possible linkages between organized crime and environmental crime, especially hazardous waste disposal and wildlife trafficking.

Most speakers emphasized that, in promoting international cooperation against organized and transnational crime, economic crime, including money-laundering, and the role of criminal law in the protection of the environment, it was necessary for the United Nations crime prevention and criminal justice programme to continue to study the issues involved since those types of criminal activity were continuously evolving, new methods were being used and new forms of criminal activity were emerging. It was an area of criminal activity characterized by sophistication and flexibility. Consequently, the programme should be in a position to keep the Commission and, through it, the international community abreast of developments in order to facilitate decisions and the development of appropriate policies.

Greater emphasis needed to be given to the provision of practical assistance to Member States requiring it in such areas as the elaboration and implementation of appropriate legislation, the development and implementation of bilateral or regional arrangements for legal assistance and extradition, and the building and upgrading of national capacities in the form of training of law enforcement, investigative, prosecutorial and judicial personnel. The vast majority of representatives said that it was important to strengthen the criminal justice system in order to render it capable of adequately responding to related problems, and the programme had a significant and leading role to play in that area. It was also stated that solidarity and effective action characterized international cooperation in the fight against all forms of crime.

The Commission decided to recommend to the Economic and Social Council that it request the Secretary-General to consider the possibility of undertaking activities in the field of environmental crime in the United Nations crime prevention and criminal justice programme, in particular to include environmental crime as an issue for technical cooperation and, for that purpose, to establish, with input from Member States, a roster of experts from all regions in the field of environmental crime; furthermore, that UNICRI and the regional or associate institutes cooperating with the United Nations in the field of crime prevention and criminal justice be requested to assist the Secretary-General in this endeavour by sharing their expertise.

The Commission wished Member States and the bodies concerned to be called upon to continue their efforts to protect nature and the environment using, in addition to measures provided by administrative law and liability under civil law, measures in the field of national criminal law, and to provide requesting Member States with technical cooperation in the field of environmental crime.

The Commission decided to annex to its recommendations to the Council, the conclusions of the Seminar on the Policy of Criminal Law in the Protection of Nature and the Environment in a European Perspective, held at Lauchhammer, Germany, from 25 to 29 April 1992, organized by the Max Planck Institute for Foreign and International Criminal Law, in collaboration with the Helsinki Institute for Crime Prevention and Control, affiliated

with the United Nations/(HEUNI).

In those conclusions, it is stated that there should be an enhanced recognition of environmental interests as special or particular legal interests. The necessity of using water, air, the soil and other natural elements to a certain extent, however, precluded a prohibition on every action affecting those environmental interests.

The conclusions go on to state that the objective of environmental protection requires an integrated approach employing a variety of instruments appropriate to influence conduct and to reduce burdens on the environment, ranging from public participation to the use of sanctions. Regulatory environmental administrative law still remains at the heart of state instruments for the protection of the environment. Other methods of environmental protection, e.g., economic incentives or the use of civil sanctions, will be important for many aspects of environmental protection. In addition, criminal law should play a flanking and supporting and, where appropriate, independent role.

The goal in using the threat of sanctions is not only to back up the enforcement of administrative rules, but also to protect environmental interests as such (qualifying them as penally protected interests). Here, too, criminal law can have a general and special preventive effect and may, by its moral stigma, heighten environmental awareness.

Substantive criminal law can play an autonomous and independent role in cases of serious attacks on the environment, including the endangerment of public health or of life or the risk of serious bodily harm. Above and beyond this, the legislator cannot develop behavioural criteria under criminal law that are more stringent than those under administrative law. In that respect, environmental criminal law is closely linked to and dependent upon administrative law, which limits the effect of the former; nevertheless, this does not provide any reason for the criminal law not to be used in this context. That limitation is also dependent upon what differences exist in the approach and the means of the administration and the judiciary in the role that they play in protecting the environment. To reduce the risk of non-uniform application, emphasis should be placed on comparisons of administrative regulations and administrative decisions.

Environmental criminal law should encompass all areas of the environment. It is up to the national legislators to determine whether offences are developed that refer to the environment as a whole or the specific components thereof. The legislator should develop at least a common or similar offence in relation to water, air and soil pollution.

Offences should be differentiated according to their seriousness (with, as a consequence, a different range of sanctions). One factor is the division according to the state of mens rea between intentional and reckless or negligent acts. Another emerging possibility is the use of the concept of endangerment in addition to the traditional use of so-called result crimes in continental legislation.

The conclusions continue by stating that it is not sufficient to use criminal law only to combat damage to other violations of environmental entities. Serious infringements of safety regulations, of other operator duties or of the administrator's preventive control interests can vastly increase the risk that hazards or damage will incur. Therefore it is justifiable to invoke criminal law to deal with the inappropriate handling of hazardous substances, goods and plants or the possible impairment of control interests. A distinction may be drawn between offences that require that the act: (a)/creates a concrete or actual danger to environmental objects (so-called concrete endangerment offence); (b) occurs in a situation with a likelihood of danger (see the penal provision in the Vienna Convention on the Protection of Nuclear Materials; so-called potential endangerment offence); (c) covers a mode of behaviour that is typically dangerous for the environment (e.g., operation without the necessary permit of a plant classified in a list as typically dangerous; violation of an order prohibiting the running of a plant; illegal disposal or export of dangerous waste, so-called abstract endangerment offence).

Minor offences (especially non-severe violations of administrative rules) could, without a loss of efficiency, be sanctioned only by fines or, in countries where a distinction exists between criminal and administrative punitive sanctions, be classified as administrative violations punishable by a non-criminal fine. In that respect the scope of criminal law could even be restricted.

In the context of moves towards the introduction of alternative or additional measures under criminal law in general, in comparison with the traditional use of fines and imprisonment, consideration should also be given to the possibility of using other measures (such as restoration of the status/quo; imposition of obligations to improve the state of the environment; confiscation of proceeds from crime).

When using criminal law and creating new offences in the area of environmental protection, consideration should be given to the need for enforcement resources. In countries where prosecution is not undertaken by the administrative agencies themselves, the application (and effect) of environmental criminal law by the prosecuting authority and judiciary is to a great extent dependent on the use of the knowledge and experience of those agencies and upon their cooperation. In order to reduce conflicts of interests and to enhance the possibility of clearing up cases, legal rules or administrative guidelines for reporting offences by administrative agencies should be developed. Cooperation and coordination between the administrative and criminal agencies is essential. Special training and sufficient staffing should be provided. Further studies on improved measures for enforcement of existing environmental protection legislation should be undertaken.

The environment must be protected not only at the national but also at the international level. In this respect criminal law for the protection of the environment should also be developed at the international level.

Improvements should be made in the options available for prosecuting extraterritorial or transboundary criminal offences. In that respect, it should be possible to exercise jurisdiction in all countries over offences of a transboundary nature. Positive conflicts of jurisdiction should be solved. The problem of dealing under the criminal law with acts permitted in one State, and which produce harmful effects in another State where such acts are prohibited, should be examined in the light of the development of international and/or supranational law, including the use of bilateral and multilateral conventions or European Community regulations to develop common environmental standards; and the extension of extraterritorial jurisdiction or the possible use or expansion of extradition should be considered.

The conclusions end by stating that European standards of environmental substantive criminal law should be developed. Following the encouragement for the harmonization of regional legislation given by the adoption of the resolution entitled "The role of criminal law in the protection of nature and environment" by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, which was welcomed by the General Assembly at its forty-fifth session, the efforts of the Council of Europe in elaborating a convention and a recommendation on environmental offences should be supported. This will improve international cooperation and reduce the danger of dislocation through the evasion of stricter enforcement in one country by moving to another country.

European conventions applicable to international cooperation in the prosecution of offences (e.g., by extradition, mutual assistance, transfer of proceedings) should be adhered to and utilized.

Prevention of urban crime

The Commission resolved to submit to the Economic and Social Council for its consideration and adoption a set of proposed guidelines for the prevention of urban crime. The guidelines would be useful in facilitating action on preventing urban crime, as well as for cooperation and technical assistance.

The Commission recommended that the Council request the Secretary-General to disseminate the proposed guidelines for cooperation and technical assistance in the field of urban crime prevention as widely as possible, with a

view to their being examined by the Commission on Crime Prevention and Criminal Justice at its third session for their inclusion in the provisional agenda for the Ninth Congress. They should then be published in the most appropriate form, for example, in the Compendium of United Nations Standards and Norms in Crime Prevention and Criminal Justice.

The Commission considered that Member States should be encouraged by the Council to report on their experiences in elaborating urban crime prevention projects on the basis of the proposed guidelines. Similarly, the interregional, regional and associate institutes cooperating with the United Nations and non-governmental organizations should be called upon by the Council to submit their experiences in the field of urban crime prevention and to express their observations. The Secretary-General should be requested by the Council to examine the possibility of coordinating measures for urban crime prevention that might be included in the assistance programmes carried out by other United Nations entities, taking into account the United Nations crime prevention and criminal justice programme, and to examine, together with international financial institutions, the possibility of including urban crime prevention measures in their assistance programmes.

Violence against women in all its forms

A number of representatives drew the attention of the world community to the tragic mass violence for ethnic purposes against women in the territory of the former Yugoslavia. The Commission noted that, unlike rape within the family or in the community, systematic rape used as a political strategy was not mentioned in a number of United Nations documents.

The Commission decided to recommend to the Council that the issue of violence against women in all its forms should be included in the provisional agenda of the Commission for its third session, as well as under the appropriate item of the provisional agenda for the Ninth Congress, and that it should be included in the preparations for and observance of the International Year of the Family, in 1994.

The Commission recommended to the Council that it should urge Governments, the specialized agencies of the United Nations and the non-governmental organizations concerned to take all possible steps to prevent violence against women and to intensify their efforts to make violence against women a criminal offence; to promote police and penal systems that combined the protection of society with the prosecution and appropriate punishment of perpetrators; to offer full assistance, including medical, psychological and financial support, to women who were victims of violence in order for them to be independent of their offenders; to improve police training to ensure that all incidents of violence against women were thoroughly investigated and that adequate help and support was given to victims in countries where it was necessary; to respond quickly to every case that called for assistance to be provided to the victim; to take measures to combat violence against women occurring within the community, such as rape, sexual abuse, traditional practices harmful to women, trafficking in women and forced prostitution; and to guarantee the appropriate treatment of offenders, including sentencing strategies that deterred perpetrators from repeating offences.

At its thirty-seventh session, the Commission on the Status of Women had forwarded the draft declaration on the elimination of violence against women to the General Assembly for its adoption. The Commission on Crime Prevention and Criminal Justice recommended to the Council that it fully support the draft declaration.

Extrabudgetary funds had been provided by HEUNI for the publication, in English, of a document entitled "Strategies for confronting domestic violence: a resource manual", prepared in collaboration with the Government of Canada, the Crime Prevention and Criminal Justice Branch and HEUNI and reviewed at an expert group meeting hosted by the International Centre for Criminal Law Reform and Criminal Justice Policy. The Commission decided to recommend that the Council request the Secretary-General to publish it as soon as possible in the other official languages of the United Nations. The publication was subsequently distributed to all delegations at the World Conference on Human Rights held at Vienna, Austria in June 1993.

Management of criminal justice information

The Secretariat had undertaken a survey of activities carried out in the field of crime prevention and criminal justice within the United Nations system and by relevant intergovernmental and non-governmental organizations and on the coordination of activities with other United Nations bodies, the results of which were presented to the Commission (E/CN.15/1993/2). The Commission also examined the ongoing activities of the Secretariat concerning the Fourth United Nations Survey of Crime Trends, Operations of Criminal Justice Systems and Crime Prevention Strategies, and other initiatives under way to acquire, process and distribute crime prevention and criminal justice data for the benefit of Member States and criminal justice professionals.

The Commission considered that Governments should be strongly encouraged by the Economic and Social Council to continue to reply promptly to requests of the Secretary-General for crime prevention and criminal justice data in order to ensure that those data could be processed and provided to all Member States and other interested parties in a timely and efficient manner.

The Commission also decided to recommend that the Council request the Secretary-General to continue and to intensify efforts directed at the modernization of criminal justice techniques and administration, with special attention to the needs of developing countries, including the introduction of compatible information technology to facilitate the administration of criminal justice and to strengthen practical cooperation on crime control between Member States. It also recommended that the Council should encourage Member States, the private sector and criminal justice professionals to exchange proposals, information on projects and innovations enhancing criminal justice operations through the Crime Prevention and Criminal Justice Branch.

With regard to UNCJIN, it was agreed that the Council should request the Secretary-General to allocate the necessary services for the transfer of the management and daily operations of the Network to the Crime Prevention and Criminal Justice Branch. Member States should be invited to consider the provision of extrabudgetary resources, including but not restricted to the secondment of computer-programming professionals with criminal justice experience, to the Secretariat in order to assist in the orderly transfer of UNCJIN, and to provide support for its further logistical and substantive development.

The Council should also request the Secretary-General to organize training courses that would enable criminal justice professionals, in particular those in developing countries, to acquaint themselves with the services of UNCJIN. A support system should be established for developing countries that would, among other things, ensure that basic costs connected with the provision of the necessary modalities, including the costs of membership in the Network and transmission costs, were covered.

Technical cooperation

The Commission was informed that the Crime Prevention and Criminal Justice Branch, in cooperation with HEUNI, had organized an informal international meeting of donor countries on providing assistance in crime prevention and criminal justice. The meeting, held at Vienna on 11 and 12/February/1993, had focused on the experiences of a number of countries and organizations providing such assistance in central and eastern Europe. It had identified a number of problems, most of which were related to the lack of coordination of technical assistance efforts, and had recommended the establishment of a central register to include technical cooperation projects worldwide in the field of crime prevention and criminal justice.

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All Member States emphasized that such technical cooperation activities were of paramount interest to developing countries and countries in transition. Technical cooperation was recognized as a means of enhancing the capacity to prevent or control crime in those countries and of contributing to the achievement of that aim globally. One of the main purposes of technical cooperation in crime prevention and criminal justice should be institution-building with a view to fostering development in all fields. It was essential for such technical assistance to be an integral part of development efforts.

Several speakers emphasized that technical cooperation should be the keystone of the programme. It was stated that technical assistance should be in the form of advisory services in policy-making, institution-building and legal and procedural reform, as well as in upgrading the professional skills of law enforcement and other criminal justice personnel. A number of speakers said that there was a need for equipment to be made available. The aim of technical assistance should be to enable Member States to structure their criminal justice systems in a manner that would permit effective responses to crime. Without such technical cooperation, developing countries could not properly participate in implementing United/Nations standards and norms in the field of crime prevention and criminal justice. Given the linkages between the various components of the criminal justice system, technical assistance should be offered in a complementary manner, addressing the needs of each component. It was mentioned that technical assistance should be provided under the guidance of the Commission and should be expanded to include such areas as environmental crime countermeasures and control of the proceeds of crime.

It was necessary to encourage Governments, particularly those of developed countries, to contribute to the United/Nations Crime Prevention and Criminal Justice Fund, thus enabling the programme to respond properly to the numerous requests from Governments of developing countries and from special United/Nations operations, such as peace-keeping operations. Furthermore, funding agencies should be urged to include crime prevention and criminal justice among their areas of priority.

Interest was expressed in the creation of a foundation for crime prevention and criminal justice, a proposal that had been discussed by the Commission at its first session. One Member State had recently provided the Secretariat with a document on the proposal, copies of which had been dispatched to all other Member States for comments and suggestions. As the Secretariat had not yet received any responses to the document, it was not in a position to report on the proposal and the Commission was unable to discuss the issue in detail. The Commission agreed that further discussion of the proposal would be deferred to its third session, in order to give Member States more time to advise the Secretariat of their positions on the proposal.

It was noted that the programme should direct attention to the coordination of ongoing technical cooperation efforts. Several speakers described training programmes offered at the national level. Others reported on extensive programmes involving bilateral cooperation. Some felt that efforts should be made by the Branch to assist, in particular by promoting exchanges of information, in coordinating the multilateral and bilateral activities carried out under those programmes.

A number of representatives suggested that the roster of experts, proposed by the Commission at its first session, should include experts in developing countries, who could provide valuable input to the programme. In technical cooperation projects, the experiences of developing countries should be regarded as a main point of reference. It was stated that experts involved in operational activities, especially legislative reform, should be familiar with the existing laws, history and culture of the requesting State. In providing advisory services, a range of options should be offered so that the State concerned could select the alternative most suitable to its needs under the prevailing circumstances. The training that had been offered had been useful; however, efforts should continue to be made to ensure that training activities were responsive to the particular requirements of States. Some speakers stated that the evaluation of technical cooperation activities was important and should be an integral part of all projects. The results of technical cooperation projects should be made available to the Commission on a regular basis. It was suggested that Member States should appoint national coordinators to organize the requests from various domestic agencies, as well as to coordinate the provision of assistance from external sources. The Secretariat should be informed of such appointments and of action taken on such requests.

Many speakers focused on the value of involving in operational activities the interregional and regional institutes in crime prevention and criminal justice, given their experience and their knowledge of the problems faced in individual regions. It was noted that the results of training workshops and research findings of the institutes should be publicized and utilized more widely. The observers for three regional institutes provided details on their training programmes. It was emphasized that non-governmental organizations, because of their focus on specific problem areas and their considerable experience and expertise, also had valuable contributions to make in operational activities. The useful contributions of the International Scientific and Professional Advisory Council were mentioned. Finally, one representative stressed that, to strengthen national capabilities, more innovative practices should be introduced, such as community policing, the implementation of special measures to deal with urban delinquency, including the provision of care for street children, and the creation of crime prevention councils.

A number of speakers referred to the contributions that the programme had made to the special missions of the United/Nations, especially United/Nations peace-keeping and peacemaking operations. In particular, reference was made to the involvement of the programme in Cambodia and in the territory of the former Yugoslavia, where various manuals, codes and training material had been or were being developed, based on existing United/Nations instruments in the field of crime prevention and criminal justice.

Annex I illustrates the operational activities completed or proposed to the Crime Prevention and Criminal Justice Branch since the first session of the Commission, and illustrates the heightened expectations of the programme by the international community since the establishment of the Commission on Crime Prevention and Criminal Justice.

United Nations standards and norms in the field of crime prevention and criminal justice

The Commission fully recognized the importance of the United Nations standards and norms in the field of crime prevention and criminal justice. Human rights issues were closely linked with criminal justice concerns; they were complementary and mutually reinforcing. As crime became more complex and difficult to control, the operation of high standards and fairness also became increasingly important. One of the principal requirements for the effective national protection of human rights in the administration of justice was the existence of effective national law and institutions. Therefore, in focusing on criminal justice matters, human rights should be taken into account.

It was recognized that United Nations standards and norms constituted internationally accepted principles outlining desired practices in that field. Those standards and norms had been used in the formulation of national legislation in the field of crime control in various countries. United Nations model treaties were being taken into account in concluding bilateral and multilateral agreements. There was, however, still a substantial amount of work to be done on the application of United Nations standards, norms and guidelines. It was also recognized that the United Nations Interregional Crime and Justice Research Institute and the institutes associated or affiliated with the United Nations as well as non-governmental organizations played an important role in promoting the use and application of the United Nations standards and norms.

Many speakers stressed that United Nations standards and norms should be an integral part of technical cooperation projects. The provision of technical assistance and advisory services, including personnel training, and the preparation and use of handbooks and manuals were the best means of effectively enhancing the use and application of those standards and norms. The interregional, regional and associate institutes were playing a crucial role in that regard. United Nations standards and norms provided a basis for training courses, seminars and workshops.

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It was suggested that the Commission might select a few United Nations instruments for immediate action and focus its attention on ways and means of enhancing their effective use and application.

The Commission decided that the Economic and Social Council should be recommended to underline the need for further coordination and concerted action in translating these standards into practice. It should invite Governments to ensure their widest possible dissemination. The Commission welcomed the publication of the English version of the Compendium of United Nations Standards and Norms in Crime Prevention and Criminal Justice, and recommended that the Council request the Secretary-General to ensure the widest possible dissemination of the texts of these standards, including the publication of the Compendium in the other five official United Nations languages.

It also recommended that reconsideration of the present reporting system should take place; the question of additional or alternative sources of information should be addressed, as well as measures to improve information dissemination, education and technical assistance to enhance implementation.

It also decided that the Council should be recommended to consider the establishment by the Commission, at its third session, of an open-ended in-session working group, in order to discuss the role of the United Nations in promoting the use and application of the selected standards, norms and guidelines. This selection would not imply that those standards had any priority over other standards, norms and guidelines and would be subject to review by the Commission on Crime Prevention and Criminal Justice, at successive sessions.

Measures to improve the dissemination of information, education and technical assistance to enhance the use and application of the instruments would also be discussed by the in-session working group.

Strengthening the United Nations crime prevention and criminal justice programme

The Commission recalled that since the Seventh Congress in 1985, the General Assembly and the Economic and Social Council had adopted by consensus a number of resolutions expressing serious concern about the severe resource constraints placed on the United Nations crime prevention and criminal justice programme.

The Commission, at its second session, reconfirmed its conviction that the Crime Prevention and Criminal Justice Branch could only be effective if it was provided with resources that programme and requested an appropriate share of the overall resources of the United Nations for the programme.

The Commission decided to recommend that the Council express its deep concern about the delay in the implementation of General Assembly resolutions/46/152 and 47/91 and its own resolution 1992/22, with respect to strengthening, as resources permitted the United Nations crime prevention and criminal justice programme and upgrading the Crime Prevention and Criminal Justice Branch into a division, and to recommend to the Council that it request the Secretary-General as a matter of urgency to give effect to those resolutions by providing it with the resources required for the full implementation of its mandates and by upgrading it into a division, headed by a Director, if necessary by reallocating existing resources.

Preparations for the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders

The Secretariat was praised for its efforts to restructure the methods of work of the United Nations quinquennial congresses. As this was the first time that a congress was to be organized after the restructuring of the programme, the outline, functions and mode of work of the Ninth Congress caused considerable debate. However, the transition of the congresses from a standard-setting forum to one focused mainly on the exchange of information on crime prevention efforts and practical experiences seemed to be moving smoothly.

Traditionally, the congresses had been held during the last week of August and the first week of September. The Commission decided to recommend the rescheduling of the Ninth Congress for mid-January 1995, and that the Congress should work in a continuous plenary session and two parallel committees, each of which would deal with two of the themes of the Congress. In this way, the report of the Congress would reach the General Assembly together with the comments of both the Commission and the Economic and Social Council.

The Commission decided to recommend to the Council that the provisional agenda for the Ninth Congress should include the following topics: international cooperation and practical technical assistance for strengthening the rule of law; promoting the United Nations crime prevention and criminal justice programme; action against national and transnational economic and organized crime, and the role of criminal law in the protection of the environment: national experiences and international cooperation; criminal justice and police systems: management and improvement of police and other law-enforcement agencies, prosecution, courts, corrections and the role of lawyers; and crime prevention strategies, in particular as related to crimes in urban areas and juvenile and violent criminality, including the question of victims: assessment and new perspectives.

Research and demonstration workshops would feature more prominently in the programme of the Ninth Congress, and the active participation of developing countries at those events should be ensured so that their experiences could be examined.

The Commission decided to recommend to the Economic and Social Council that six workshops should be held at the Ninth Congress. Four one-day workshops should be organized on the following topics: extradition and international cooperation: exchange of national experiences and the implementation of relevant principles in national legislation; mass media and crime prevention; urban policy and crime prevention; and prevention of violent crime. Two two-day workshops should be held on environmental protection at the national and international levels: potentials and limits of criminal justice; and international cooperation and assistance in the management of the criminal justice system: computerization of criminal justice operations and the development, analysis and policy use of criminal justice information.

Some speakers mentioned the need for the Ninth Congress to look into the question of establishing an international criminal court. One representative felt that, without the creation of a universal penal jurisdiction, the struggle against transnational criminality would remain largely ineffective.

Draft provisional rules of procedure for the Ninth Congress had been prepared taking into account the Commission's recommendation that the organization and the agenda of congresses should be geared towards substantive topics that would reflect the urgent needs of the world community and should not depart from the overall context of States' priorities in the field of crime prevention and criminal justice as determined by the Commission. The Commission adopted the rules of procedure, with minor amendments.

A draft discussion guide for the regional preparatory meetings for the Ninth Congress had been prepared with a view to reflecting a new functional interrelationship between the United Nations quinquennial congresses and their regional preparatory meetings and the work of the Commission. It was adopted by the Commission together with an addendum. The addendum lists a number of issues that national delegations might wish to take into consideration when preparing their national position papers for the regional preparatory meetings and for the Congress itself.

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The Commission was informed that after consultations with the regional commissions and the Secretariat, the following dates and sites for the five regional preparatory meetings were proposed by the Crime Prevention and Criminal Justice Branch, and had been duly approved:

- (a) Asian and the Pacific Regional Preparatory Meeting, to be held at Bangkok, from 17 to 21/January/1994;
- (b) African Regional Preparatory Meeting, to be held at Addis Ababa, from 14 to 18/February/1994;*
- (c) European Regional Preparatory Meeting, to be held at Vienna, from 28/February to 4/March/1994;
- (d) Latin American Regional Preparatory Meeting, to be held at Santiago, from 7 to 11/March/1994;
- (e) Western Asia Regional Preparatory Meeting, to be held at Amman, from 20 to 24/March/1994.

Cooperation between the Crime Prevention and Criminal Justice Branch and relevant entities

Two reports (E/CN.15/1993/8 and Add.1) had been prepared by the Secretariat on progress made on the subject of cooperation and coordination of activities with other United Nations bodies and on improving coordination between UNICRI and other affiliated regional institutes and associate institutes. They also outlined the main activities undertaken by those bodies during 1992 in the areas of research programmes, training, technical cooperation and information.

The reports underlined the fact that, while the work of the institutes had, in recent years, moved towards a more integrated approach, the desirable alignment of activities within the framework of the United Nations programme had yet to be achieved.

This was partly due to differences in the regional priorities and the resources available to the various institutes.

_____ *An invitation extended by the Government of Uganda to act as host for the African Regional Preparatory Meeting for the Ninth Congress on the Prevention of Crime and the Treatment of Offenders was forwarded to the Economic and Social Council by the Commission for action.

The Commission recalled that the General Assembly, in its resolution/46/152, annex, had stated that the contributions of the institutes for the prevention of crime and the treatment of offenders to policy development and implementation, and their resource requirements, especially those of the United Nations African Institute for the Prevention of Crime and the Treatment of Offenders (UNAFRI), should be fully integrated into the United Nations crime prevention and criminal justice programme.

The Commission recommended to the Economic and Social Council that it encourage Governments and intergovernmental and non-governmental organizations to provide financial and technical support to UNAFRI to enable it to fulfil its objectives, particularly those concerning training, technical assistance, policy guidance, research and data collection, and to request the Secretary-General and UNDP to continue providing assistance and support to it.

The Commission also decided to recommend that the Council invite the various relevant entities of the United Nations system, including but not limited to the Office of Legal Affairs, the Department for Policy Coordination and Sustainable Development and its Division for the Advancement of Women, the Department for Development Support and Management Services, the Department for Economic and Social Information and Policy Analysis, the United Nations International Drug Control Programme, the regional commissions, the Centre for Human Rights and the United Nations Environment Programme of the Secretariat, the United Nations Children's Fund, UNDP, the World Health Organization and the United Nations Industrial Development Organization, to cooperate with the Crime Prevention and Criminal Justice Branch and to extend to it their support and assistance in implementing its mandates.

Close cooperation in this field should be continued with the Commission on Human Rights, the Commission for Social Development, the Commission on Narcotic Drugs, the Commission on the Status of Women and the specialized agencies in order to increase the efficiency and effectiveness of United Nations activities in areas of mutual interest and concern and to ensure coordination and the avoidance of duplication.

The Commission also decided that it should be recommended that the Secretary-General examine the possibility of resorting, when appropriate, to the expertise available in, or accessible through, the Crime Prevention and Criminal Justice Branch in considering the establishment of an international criminal court and the draft code of crimes against the peace and security of mankind.

Furthermore, the Commission resolved that the Council should invite Member States to ensure that their efforts and arrangements aimed at cooperation and coordination at the bilateral and regional levels took into account the relevant activities and work of the United Nations crime prevention and criminal justice programme.

Note 1/ Compendium of United Nations Standards and Norms in Crime Prevention and Criminal Justice (United Nations publication, Sales No. E.92.IV.1).

Annexes

OPERATIONAL ACTIVITIES OF THE CRIME PREVENTION AND CRIMINAL JUSTICE BRANCH SINCE THE FIRST SESSION OF THE COMMISSION ON CRIME PREVENTION AND CRIMINAL JUSTICE IN APRIL 1992

Country Funding	Description	Status
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AFRICA

African Portuguese-speaking Government of Funds sought. countries (Angola, Guinea-Bissau, Crime Mozambique, Sao Tome and Principe) Branch

Training project, including:
 a) Preparatory meeting of local experts;
 b) Seminar to be held in Sao Tome on
 c) Publication of conference proceedings and training materials, including relevant United Nations standards in Portuguese.

A representative of the Portugal and a member of the Prevention and Criminal Justice description of the project, which is under development.

Chad Centre To be provided by the Centre the for Human Rights; further contributions sought.

Police training held jointly with the Centre for Human Rights.

Planned to be held in late 1993. for Human rights in contact with Government of Chad.

Economic Community of West Assis- An official of the Canadian African States (ECOWAS) adopted Department of Justice has assistance of offered to prepare a draft obtained guide to the Model Treaty on assistance Mutual Assistance in Criminal Canada. Matters, which will be at reviewed by legal experts of from various legal systems. 1993. Additional contributions sought.

Assistance in the implementation of the ECOWAS Convention on Mutual Assistance:
 a) Training guide on mutual legal assistance;
 b) Training course to implement regional convention on mutual assistance.

The ECOWAS Convention on Mutual tance in Criminal Matters was in 1992(prepared with the the Branch). The Branch has model manuals on mutual treaties from Australia and The legal adviser to ECOWAS was Vienna to discuss both components the project from 8 to 20 February

ECOWAS legal Funds sought. 1993 to

Development of a Convention on Extradition and training to implement it.

Project discussed with the ECOWAS adviser in February and April consider the first draft.

ETHIOPIA from the Funds sought. Ethiopia in the norms democrati-

Restructuring of criminal justice administration with emphasis on the development of justice information (criminal justice data collection, record keeping by police, courts and prisons). Creating a criminal justice training

The Branch received a request Transitional Government of (Ministry of Justice) to assist implementation of United Nations and standards as part of the zation process, in particular

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resuming

been

Adviser

and

with

in

LESOTHO
Branch. Funds sought.

Namibia
Raoul Raoul Wallenburg
Institute, Lund, Sweden.

of

Senegal
from the Funds sought.

the

Cambodia
United Nations Trust Fund
for for Cambodia; additional

the conduct of criminal

guidelines;

officials;

train-

Further

1993.

Philippines
Funds sought.

WelfareThe Government of the

institute.

Providing support to existing projects for
centres for street children and delinquent
youth (housing, psychological support,
education).

Training of magistrates on fraud, car theft,
trafficking and juvenile justice.

Seminar on human rights in the administra-
tion of justice.

Assistance in the prevention and control
of AIDS in prisons (policy development
and practical measures).

Training of criminal justice personnel,
in collaboration with the United Nations
Transitional Authority in Cambodia.
justice, with funds sought.

Establishment of group home facilities for
delinquent youth and street children.

projects for assistance that had
initiated by the Interregional
during an earlier mission in 1988
1989 undertaken in cooperation
UNDP. Project to be carried out
cooperation with UNICRI.

Under consideration by the

Seminar was organized by the
Wallenburg Institute, Sweden, in
March 1993 with the participation
the Branch.

The Branch received a request
national AIDS programme, through
UNOV-focal-point on AIDS.

ASIA

The Branch developed:

(a) Training and reference manual

commentary and training

(b) Code of conduct for public

(c) Directive on weapons.

These materials were finalized in
October 1992. The first phase of

ing took place in November 1992.

training is planned for late

The project was elaborated by the
Philippine Department for Social
and Development, the National

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Council Philippines will bear the UNICEF. The cost of the monitoring and asked forevaluation of the project.

for Social Development and Interregional Adviser has been assistance in funding.

EASTERN EUROPE

Albania
Centre for Human Rights.

Training seminar for police, military and prison officials in the administration of justice undertaken jointly with the Centre for Human Rights. The Branch assisted in planning the seminar programme, participated as part of the teaching team and conducted the evaluation session at the conclusion of the seminar.

2-6 November 1992.

Albania
undertaken on Funds sought.
the
that
Secretary-
should
of

Large-scale technical support to restructure the police and justice system. Needs assessment report has recommended specific steps such as the provision of advice on criminal law and procedure and police structures. Assistance planned includes:
(a) Training for all personnel in the criminal justice system, including drug enforcement officers;
(b) Provision of materials for judges, prosecutors and lawyers and equipment for police.

Needs assessment mission
3-10 June 1992 (which included Interregional Adviser) proposed a representative of the General or chief coordinator oversee a comprehensive programme technical assistance.

Bulgaria
Government of Funds sought.
on
justice
Europe

Assistance in the provision of computer hardware to support a criminal justice information inquiry system.

A representative of the Bulgaria was invited to a meeting assistance to the criminal agencies of central and eastern on 11-12 February 1993 in Vienna.
19-23 October 1992.

Romania
Consultants funded by
Centre for Human Rights.

Training seminar on the administration of justice for police, military and prison officials undertaken jointly with the Centre for Human Rights. The Branch identified experts, helped plan

the programme and participated in the instruction on several topics.

Romania
Consultants funded by
Centre for Human Rights.

Training seminar on the administration of justice for judges, lawyers and prosecutors

30 November - 4 December 1992.

undertaken jointly with the Centre for Human Rights. The Branch co-organized and participated in several sessions as well as in the evaluation of the seminar.

Russian Federation
criminal Contributions sought.
eastern
February 1992
consider
information was
branch
out in

Provision of practical assistance in judicial reform. Pilot projects will be initiated in nine regions. This task requires the development of new legislation, regulations and structures for the entire criminal justice system.

Meeting on assistance to the justice agencies of central and Europe held at Vienna, 11-12 in cooperation with HEUNI, to the project. Background provided at the meeting by the and HEUNI. Needs assessment mission carried May 1993.

Russian Federation
consider-Possibly Centre for
those Human Rights.
comprehen-
input

Training seminar on human rights and the administration of justice to be held in cooperation with the Centre for Human Rights.

The Centre for Human Rights is ing holding a seminar similar to (see above) as part of more sive coopertion with the Russian Federation, which would include from the Branch.

Ukaraine
were

Provision of documentation and training materials to the Odessa Police Academy. The Branch facilitated contacts with specialized agencies of the United Nations and intergovernmental and non-governmental organizations.

These clearing-house functions performed in March 1993.

WESTERN EUROPE AND NOTH AMERICA

Cyprus
office in Funds sought.
prepared
violence,

Training seminar on domestic violence.

Request received through UNDP Nicosia, 1993. The Branch has a resource manual on domestic

training
seminars and
financial
and
formulated.

United States of America
from
Florida,

Training seminar for law enforcement
officials on crime prevention and
criminal justice standards and norms
and human rights.

which could form the basis for a
module for this and other
for the publication of which
support is required. The agenda
outline of the seminar are being

The Branch received a request
St. Thomas University, Miami,
to provide input to a training
seminar in May 1993.

GLOBAL

Global/not country-specific
contribute Centre for Human Rights.
Human
draft

Preparation of a training manual for law
enforcement officials on the administration
of justice.

The Branch has been asked to
to the manual. The Centre for
Rights held a meeting to consider
chapters.

Global/not country-specific
Justice
Vancouver,
Freiburg,
curriculum in

Formulation of curriculum on international criminal law; graduate-level courses. Initial discussions completed.

national Centre for Criminal
Policy and Criminal Law Reform,
Canada and Max Planck Institute,
Germany are developing the
cooperation with the Branch.

Global/not country-specific
used for \$US 15,000 received from
HEUNI in order to publish
the Manual in English,
French and Spanish.

Resource Manual on Domestic Violence.

Manual published and is being
training purposes.

Countries with a United Nations
the To be determined.
peace-keeping presence/not
country-specific
Nations

Course for peace-keeping personnel on crime
prevention and criminal justice standards,
as part of a new integrated United Nations
training programme for peace-keepers.

Course description approved by
Training Service, Office of Human
Resources Management, United
Secretariat, in November 1992.
Further details provided upon

request

a

operations

activities",

Training

Peacemaking and peace-keeping
in
missions/not country-specific

Workshop for civil police components of
United Nations special missions.

in January 1993.
Course module will be included in

group of programmes on "Training
related to peace-keeping

and other operational

a document prepared by the

Service.

Workshop held at Graz, Austria,
February 1993.

LIST OF DOCUMENTS BEFORE THE COMMISSION AT ITS SECOND SESSION

Document number	Agenda item	Title or description
E/1993/10	4, 8	Implementation of Economic and Social Council resolution 1992/22: report of the Secretary-General
E/CN.15/1993/1	2	Provisional agenda
E/CN.15/1993/2	3, 7	Survey of activities carried out in the field of crime prevention and criminal justice within the United Nations system and by relevant intergovernmental and non-governmental organizations and on coordination of activities with other United Nations bodies: report of the Secretary-General
E/CN.15/1993/3	3	The impact of organized criminal activities upon society at large: report of the Secretary-General
E/CN.15/1993/4	3	Control of proceeds of crime: report of the Secretary-General
E/CN.15/1993/5	4	The need to identify the most practical course of action to fully operationalize the United Nations crime prevention and criminal justice programme, including financial possibilities: report of the Secretary-General

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E/CN.15/1993/6	5	Existing United Nations standards and norms, which serve as recommendations to Member States, in the field of crime prevention and criminal justice in the light of and including their use and application: report of the Secretary-General
E/CN.15/1993/7 and	6	Progress made in the preparations for the Corr.1 Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders: report of the Secretary-General
E/CN.15/1993/8	7	Activities of the United Nations Interregional Crime and Justice Research Institute and other institutes: progress report of the Secretary-General
E/CN.15/1993/8/Add.1	7	United Nations Interregional Crime and Justice Research Institute: report of the Institute
E/CN.15/1993/CRP.1	7	Report of the Eighth Joint Programme Coordination Meeting of the United Nations Crime Prevention and Criminal Justice Programme Network
E/CN.15/1993/CRP.2	6	Research and demonstration workshops proposed for the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders
E/CN.15/1993/CRP.3	3	Replies received after 30 November 1992 to the survey of activities carried out in the field of crime prevention and criminal justice within the United Nations system and by relevant intergovernmental and non-governmental organizations
E/CN.15/1993/CRP.4	3	Report of the World Conference on the Establishment of an International Criminal Tribunal to Enforce International Criminal Law and Human Rights, Siracusa, 2-5/December/1992
E/CN.15/1993/CRP.5	9	Proposed programme of work in crime prevention and criminal

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justice for the biennium
1994-1995: note by the
Secretary-General

- | | | |
|--------------------|---|-------------------------------------------------------------------------------------------------------------------------------------|
| E/CN.15/1993/CRP.6 | 3 | Criminal victimization in the world |
| E/CN.15/1993/CRP.7 | 3 | Environmental crime, sanctioning strategies and sustainable development |
| E/CN.15/1993/CRP.8 | 3 | Report of the International Meeting of Experts on the Establishment of an International Criminal Court, Vancouver, 22-26/March/1993 |

End of Document.