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**Double issue on the third and fourth sessions  
of the Commission on Crime Prevention  
and Criminal Justice**

**Editor's note**

Following the special double issues of *Crime Prevention and Criminal Justice Newsletter* Nos. 20/21, which dealt with the history and achievements of the United Nations in the field of crime prevention and criminal justice up to 1 February 1992, and Nos. 22/23, which dealt with the proceedings of the Commission on Crime Prevention and Criminal Justice at its first and second sessions, this special double issue of the *Newsletter* is devoted to the proceedings of the Commission at its third and fourth sessions held in 1994 and 1995, respectively.

This issue shows how a subject of concern to Member States is brought to the attention of the Commission, and subsequently two of the main policy-making bodies of the United Nations system, namely, the Economic and Social Council and the General Assembly. The information is not intended to be comprehensive, but by giving examples of issues dealt with by the Commission, it illustrates the development and continuity of the work undertaken by the crime prevention and criminal justice programme of the United Nations.

The Secretariat welcomes inquiries on its work programme. Requests for information, documentation and inclusion on the specialized mailing list of the Crime Prevention and Criminal Justice Division may be addressed to the Editor, *Crime Prevention and Criminal Justice Newsletter*, Crime Prevention and Criminal Justice Division, Vienna International Centre, P.O. Box 500, A-1400 Vienna, Austria.

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##### **COMMISSION ON CRIME PREVENTION AND CRIMINAL JUSTICE**

The Commission on Crime Prevention and Criminal Justice is one of the functional commissions of the Economic and Social Council and is charged with developing, monitoring and reviewing the United Nations programme on crime prevention and criminal justice and mobilizing support for it among Member States. It was established by the Council in 1992 after a long review process of the functioning and programme of work of the United Nations in this field.

The Commission is an intergovernmental body composed of 40 Member States of the United Nations, who are elected by the Council to serve on the Commission for a term of three years. It meets every year, usually for a period from 8 to 10 working days. Since 1992, the Commission has met four times. The results of its work are submitted in the form of draft resolutions and decisions, as well as views and comments on the implementation of the work programme, in the Commission's report to the Economic and Social Council for its attention and further action. The Commission may also submit draft proposals through the Council for consideration and adoption by the General Assembly. The resolutions of the General Assembly, the Economic and Social Council and the Commission form the mandate of the work of the Crime Prevention and Criminal Justice Division, which has the overall responsibility of carrying out the work of the Secretariat of the United Nations in this field.

At its first session, the Commission had the exacting task of shaping the future of United Nations activities in criminal justice and crime prevention, defining its own character and method of operation, and charting the course of its future meetings. It had to define the organizational aspects of its work in priority areas, and formulate detailed objectives and operational methods. It set the following priority themes, which were later approved by the Economic and Social Council: national and transnational crime, including organized crime; economic crime, including money-laundering; the role of criminal law in the protection of the environment; crime prevention in urban areas, juvenile and violent criminality; and improving the efficiency and fairness of criminal justice administration systems.

At its second session, the Commission had the task of identifying a number of specific objectives to be selected under the three priority themes. It paid particular attention to 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 also discussed the control of the proceeds of crime, prevention of urban crime, violence against women in all its forms, management of criminal justice information, technical cooperation, United Nations standards and norms in the field of crime prevention and criminal justice, strengthening the United Nations crime prevention and criminal justice programme, preparations for the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, held at Cairo from 29 April to 8 May 1995, and cooperation between the Crime Prevention and Criminal Justice Division and relevant entities.

Further information on the history of the involvement of the United Nations in crime prevention and criminal justice, on the establishment of the Commission on Crime Prevention and Criminal Justice and on the work accomplished at its first two sessions may be found in *Crime Prevention and Criminal Justice Newsletter*, Nos. 20/21 and Nos. 22/23.

##### **THE SECRETARIAT AND THE COMMISSION**

The Crime Prevention and Criminal Justice Division On 23 December 1995, the General Assembly, by its resolution 50/214, approved the upgrading of the Crime Prevention and Criminal Justice Branch to a division. is the permanent body of the Secretariat of the United Nations responsible for implementing the programme on crime prevention and criminal justice, and for assisting and servicing the Commission. Every year, for each session of the Commission, the Division is charged with preparing all the reports of the Secretary-General and the Secretariat that have been called for by the Commission under the items on its agenda.

The information contained in those reports is obtained by the Secretariat through a number of channels. It communicates regularly with Governments and a wide range of intergovernmental and non-governmental organizations, the network of United Nations institutes, affiliated bodies and centres, and institutions working in crime prevention and criminal justice or related fields. It is also in regular contact with other United Nations bodies and organs, such as the specialized agencies and the regional commissions. All these bodies are contacted when information on their activities is sought for inclusion in the reports being prepared for sessions of the Commission.

The most regular channel used when requesting information from Governments is that of a note verbale, a formal letter of communication issued by the Secretary-General to Governments through their permanent missions accredited to the United Nations. Sometimes a questionnaire is sent out with a covering note verbale.

Throughout this *Newsletter*, various reports are referred to and some are outlined in more detail, The complete list of documents presented to the Commission at its third and fourth sessions is annexed to the reports of those sessions. but not all the reports prepared for the third and fourth sessions of the Commission are covered. However in order to illustrate the procedure used by the Secretariat to gather information for the preparation of reports, one topic, that of the smuggling of illegal migrants, has been selected for discussion in greater detail below.

At its forty-eighth session, the General Assembly expressed concern that the activities of criminal organizations that were profiting illicitly by smuggling human beings were contributing to the complexity of the phenomenon of increasing international migration. The Assembly adopted resolution 48/102, in which it requested the Commission on Crime Prevention and Criminal Justice "to consider giving special attention to the question of smuggling of aliens at its third session, to be held in 1994, in order to encourage international cooperation to address this problem within the framework of its mandate". Early in 1994, the Commission, at its third session, adopted a draft resolution on criminal justice action to combat the organized smuggling of illegal migrants across national boundaries, which was subsequently adopted by the Economic and Social Council as resolution 1994/14. In the same resolution, the Assembly invited "Member States and relevant specialized agencies and intergovernmental organizations to report to the Secretary-General on the measures they have taken to combat the smuggling of aliens" and also requested the Secretary-General "to report to the General Assembly on the measures taken by States, specialized agencies and intergovernmental organizations to combat the smuggling of aliens". Accordingly, a report was prepared by the Secretariat for the consideration of the General Assembly at its forty-ninth session in 1994.

In order to solicit the information required for the preparation of the Secretary-General's report, the Secretariat prepared notes verbales dated 10 February 1994 and 9 June 1994, by which the Secretary-General sought data on the steps taken by Governments to give effect to General Assembly resolution 48/102. By 12 August 1994, the Secretary-General had received responses from 26 Governments, namely, Antigua and Barbuda, Austria, Bahrain, Belarus, Bulgaria, Burkina Faso, Canada, China, Costa Rica, Czech Republic, Denmark, Finland, Hungary, Japan, Jordan,

Luxembourg, Malta, Monaco, Norway, Panama, Sweden, Switzerland, Syrian Arab Republic, Turkey, Ukraine and United States of America. Information was also received in response to written requests from a number of United Nations organs, specialized agencies and intergovernmental organizations, such as the Office of the United Nations High Commissioner for Refugees (UNHCR), the International Civil Aviation Organization (ICAO), the International Maritime Organization (IMO) and the International Organization for Migration (IOM), an intergovernmental organization.

For example, in its reply, the Government of Burkina Faso said that, in order to prevent alien-smuggling, it had signed the Agreement on the Free Movement of Persons and Right of Establishment of 27 October 1978 concluded between the States members of the Economic Community of West African States (ECOWAS). Article 1 of that Agreement states that citizens of member States may, subject to requirements relating to law and order, public safety and health, enter the territory of any other member State, remain in it and leave it on presentation of a valid passport, identity card, driving licence, safe conduct, *laissez-passer* or other travel document. It was believed that, by regulating the movement of nationals of States belonging to ECOWAS in that manner, the incidence of the illegal smuggling of aliens between Member States would be reduced, permitting the legal movement of persons between other countries. In its reply, the United States of America said that the United States was the destination of choice of illegal immigrants from the Caribbean, Central and South America and some Asian countries. The control of alien-smuggling was more difficult in the United States because in a number of Central American countries alien-smuggling was not illegal and smugglers were often able to operate openly. Criminal organizations engaged in smuggling illegal immigrants into the United States made billions of dollars in illicit income. Interviews with illegal immigrants in New York revealed that most of them had paid \$25,000 to \$30,000 for a successful passage. The United States Coast Guard and the United States Immigration and Naturalization Service had increased their surveillance efforts and, through diplomatic channels, other States had been asked to cooperate with the United States by increasing domestic enforcement, tightening laws and regulations on travel documentation, increasing border vigilance, improving registration requirements for flag vessels and enforcing relevant international conventions.

IOM reported that, during the period from September 1993 to April 1994, it had documented 44 incidents of illegal trafficking of aliens, which were reported in the international and national news media as having been intercepted. They had generally involved the transport of nationals from developing countries in different regions to developed Western countries. The numbers involved in those incidents varied from small groups of 4 to 10 persons to groups of over 100 persons. However, unconfirmed reports in the media suggested that far higher numbers of illegal immigrants a year were smuggled between Asian countries for the purposes of prostitution.

The information received from the 26 Governments, as well as UNHCR, ICAO, IMO and IOM, was condensed into a report of the Secretary-General entitled "Measures to combat alien-smuggling" (A/49/350). The report was prepared by the Secretariat, and submitted to the General Assembly for consideration at its forty-ninth session.

Information was subsequently received from the Governments of Australia, Denmark, Madagascar, Mexico, Myanmar, the Philippines and Saudi Arabia, as well as from the Centre for Human Rights of the Secretariat, and an addendum (A/49/350/Add.1) was prepared. Further information (E/CN.15/1995/3) was prepared by the Secretariat on behalf of the Secretary-General, for the consideration of the Commission at its fourth session, based on the replies provided by the Governments of Barbados, Brunei Darussalam, Cuba, France, Germany, Malawi, Nepal, Oman, Spain and Syrian Arab Republic and by IOM, in reply to a note verbale, dated 18 November 1994, from the Secretary-General to Member States, specialized agencies and intergovernmental organizations.

Using the information provided in the replies as a starting-point for its discussions, the Commission drafted a resolution for the Economic and Social Council, which it subsequently adopted as resolution 1994/14 on criminal justice action to combat the organized smuggling of illegal migrants across national boundaries. The Council called for an updated report, to be submitted to the Commission at its fifth session, on the enactment of criminal legislation and other measures to combat such smuggling taken by States, to contain a compilation and analysis of the responses received. The Secretariat, pursuant to this mandate, has contacted those Governments that have not yet responded, by a note verbale dated 21 August 1995.

At its fourth session, the Commission also called for the preparation of over 25 reports on a wide range of subjects to assist it with the consideration of items of its provisional agenda for the fifth session. Those reports are being prepared by the Secretariat in the intervening period.

### **THIRD AND FOURTH SESSIONS OF THE COMMISSION (1994 AND 1995)**

At its third session, the Commission recommended 12 draft resolutions and three draft decisions for adoption by the Council, and brought a further five resolutions and two decisions to the Council's attention. At its fourth session, it recommended the adoption of one draft resolution by the General Assembly, eight draft resolutions and three draft decisions by the Economic and Social Council, and adopted three resolutions to be brought to the attention of the Council.

In the following pages, a number of the items on the agenda of the Commission at its third and fourth sessions are presented to illustrate how work on a particular issue is brought to the attention of the Commission, developed and dealt with from session to session, and to highlight some of the results. The information is not intended to be comprehensive for it would be impossible to cover fully in a publication of this nature the enormous amount of work undertaken by the Commission at each of its sessions and by the Secretariat in preparing for and servicing those sessions. Full accounts of the proceedings, discussions and outcome of the third and fourth sessions of the Commission on Crime Prevention and Criminal Justice may be found in the reports of those sessions (E/1994/31 and E/1995/30, respectively).

### **ORGANIZED TRANSNATIONAL CRIME**

Draft resolution I adopted by the Commission at its third session, which was subsequently adopted by the Economic and Social Council as resolution 1994/12, concerned organized transnational crime.

Organized crime has been identified in various United Nations forums as one of the most pernicious forms of criminality of which the dimensions have yet to be fully measured and the impact fully determined. Such crime constitutes an underground economic system, the gross product and net gain of which exceed the gross national product of some countries. Over the years, concern has been voiced that organized crime poses a direct threat to national and international security and stability, as it disrupts and compromises social and economic institutions, causing a loss of faith in democratic processes, diverting the gains of development and even enslaving segments of society. It deals in drugs and weapons, thus contributing to political turmoil throughout the world. Organized criminal activity no longer affects only developed regions, but is creating significant problems in developing countries as well. Often, organized crime is moving away from more traditional endeavours such as drug trafficking into equally lucrative areas that attract less attention, adapting to new realities and taking full advantage of Governments' efforts to open their national borders to free trade. Due to their vulnerability and untapped resources, countries in transition are being targeted by organized criminal groups, who are taking advantage of the urgent need for foreign investment capital by Governments trying to reform their national economies along free-market lines. The criminal justice systems of

those countries are often no match for such sophisticated criminal groups and it is widely recognized that counter-strategies must be based on international cooperation, as well as effective organizational and management techniques and, like organized crime, take advantage of technological advances.

On the recommendation of the Commission at its second session, the Economic and Social Council had requested the Secretary-General to organize a world ministerial conference on the subject of organized transnational criminality. The objectives of the conference would be to examine the dangers posed by organized transnational crime in the various regions of the world; to evaluate the effectiveness of national legislation to deal with the many forms of such crime; to identify the most effective ways for States to cooperate, and to investigate and prosecute such cases; to consider ways to prevent and control such phenomena at the regional and international levels; and to consider the feasibility of elaborating new international instruments, including a convention, against organized transnational crime. At its fourth session, the Commission's efforts to address the issue of organized crime benefited from the outcome of the International Conference on Preventing and Controlling Money-Laundering and the Use of the Proceeds of Crime: A Global Approach, held at Courmayeur, Italy, from 18 to 20 June 1994 (see *Crime Prevention and Criminal Justice Newsletter*, Nos. 24/25).

The World Ministerial Conference on Organized Transnational Crime was held at Naples, Italy, from 21 to 23 November 1994. At the Conference, new perspectives for addressing the difficult issues involved in combating organized crime were revealed (see *Crime Prevention and Criminal Justice Newsletter*, Nos. 26/27). The ministers of justice and the interior and other representatives of the 142 States taking part in the Conference unanimously adopted the Naples Political Declaration and Global Action Plan against Organized Transnational Crime, Report of the World Ministerial Conference on Organized Transnational Crime (A/49/748, annex), which was subsequently approved by the General Assembly in its resolution 49/159. In the Naples Political Declaration and Global Action Plan, the heads of State and Government, the ministers of justice and the interior, and other high-level representatives of Government proclaimed their political will and strong determination, as well as their unequivocal commitment, to ensure full and expeditious implementation of the Naples Political Declaration and Global Action Plan. The General Assembly urged States to implement it as a matter of urgency.

The General Assembly requested the Secretary-General to transmit the Naples Political Declaration and Global Action Plan to the Commission on Crime Prevention and Criminal Justice for appropriate action, and requested it to keep its implementation under regular review.

The Naples Political Declaration and Global Action Plan made recommendations on the following aspects of organized transnational crime: the improvement of national legislation; the provision of guidelines for legislative and other measures; the improvement of international cooperation at the investigative, prosecutorial and judicial levels; the feasibility of international instruments, including conventions, against organized transnational crime; and the prevention and control of money-laundering and control of the proceeds of crime. One of its recommendations included requesting the Commission to initiate the process of requesting the views of Governments on the impact of a convention or conventions against organized transnational crime. The Conference had noted that while organized crime had become predominantly transnational in character, law enforcement remained predominantly local and national. Without international cooperation, it was impossible for law enforcement agencies to obtain a clear picture of criminal operations that spanned countries and continents.

To assist the Commission at its fourth session in its deliberation of organized transnational crime, the Secretariat prepared a number of reports, one of which included proposals related to the programmatic aspects of the Naples Political Declaration and Global Action Plan (E/CN.15/1995/2). The report

underlined the Commission's crucial role in laying out a course of action for carrying out the activities called for, and in encouraging States to move in that direction. Among the preliminary proposals made were the intensification of efforts to overcome the difficulties encountered by developing countries and countries in transition in gathering, processing and evaluating information on the operation of organized transnational crime; the initiation by the United Nations of a comprehensive comparative study of the situation in the various regions of the world; the establishment by the United Nations of a central repository of existing legislative and regulatory measures and information on organizational structures designed to combat organized crime, which might be tailored to fit the exigencies and legal, cultural and social traditions of States in need of assistance; and the identification of appropriate ways of enabling the United Nations to provide advisory services and training aimed at upgrading the capacities of States to respond to new forms of organized crime.

At the Ninth Congress, a resolution was adopted entitled "Recommendations on the four substantive topics of the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders". That resolution included recommendations for action against organized transnational crime, which were presented to the Commission at its fourth session.

At its fourth session, the Commission recommended a draft resolution for adoption by the Economic and Social Council, entitled "Implementation of the Naples Political Declaration and Global Action Plan against Organized Transnational Crime". By that resolution (1995/11), the Council requested the Secretary-General to initiate the process of requesting the views of Member States on the opportunity and impact of international instruments on the subject; to collect and analyse information on the structure and dynamics of organized transnational crime; to prepare a proposal on the creation of a central repository for existing legislative and regulatory measures and information on organizational structures designed to combat organized transnational crime; to submit concrete proposals to the Commission for approval, with a view to developing practical models and guidelines for substantive and procedural legislation; to provide advisory services and technical assistance to Member States, on request, in needs assessment, capacity-building and training as well as in the implementation of the Naples Political Declaration and Global Action Plan; and to seek cooperation and join efforts with other international, global and regional organizations and mechanisms that have played an active role in combating money-laundering.

## **VIOLENCE AGAINST WOMEN**

Another issue discussed at the third session of the Commission was the eradication of violence against women.

Violence against women has long been a focus of the United Nations crime prevention and criminal justice programme. Senior police and justice officials, as well as criminologists, have often pointed out that while calls to deal with domestic disputes occupy a significant portion of the working hours of law enforcement personnel throughout the world, intervention generally takes place only when the violence concerned could be classified as a public nuisance. Against a background of mounting concern about difficulties in addressing various forms of violence against women, the Economic and Social Council, in its resolution 1991/18, recognized that "violence against women in the family and society was pervasive and crossed lines of income, class and culture" and urged Member States to take all appropriate administrative, social and educational measures to protect women from all forms of physical or mental violence.

Follow-up action in various forums led to the adoption in 1993 by the General Assembly of the Declaration on the Elimination of Violence against Women, the first international human rights instrument to deal exclusively with that issue. While not legally binding, it represents the collective

condemnation by Governments of violence against women and expresses their commitment not to invoke any custom, tradition or religious consideration to avoid their obligations with respect to its elimination.

In 1992, the Economic and Social Council urged Member States to adopt, strengthen and enforce legislation prohibiting violence against women and to take all appropriate administrative, social and educational measures to protect women from all forms of physical and mental violence, in accordance with its resolution 1991/18. The Commission, at its third session, requested the Secretary-General to report to it at its fourth session on the activities of United Nations bodies and institutions with regard to the issue of violence against women and children. It also requested the Ninth Congress to consider the issue in the context of the workshop, to be held at the Congress, on the prevention of violent crime.

The report (E/CN.15/1995/5) submitted to the Commission at its fourth session on activities of United Nations bodies and institutions with regard to the issue of violence against women and children was prepared by the Secretariat, and based upon information provided by Commonwealth Secretariat, Council of Europe, International Criminal Police Organization, United Nations Educational, Scientific and Cultural Organization (UNESCO), World Health Organization, International Labour Organization, United Nations Children's Fund (UNICEF), UNHCR, Centre for Human Rights, Division for the Advancement of Women of the United Nations Secretariat, United Nations Interregional Crime and Justice Research Institute, Asia and Far East Institute for the Prevention of Crime and the Treatment of Offenders, European Institute for Crime Prevention and Control, affiliated with the United Nations, Latin American Institute for the Prevention of Crime and the Treatment of Offenders, African Institute for the Prevention of Crime and the Treatment of Offenders, Arab Security Studies and Training Centre, Australian Institute of Criminology and International Centre for Criminal Law Reform and Criminal Justice Policy.

The report concluded that a multiplicity of initiatives to counter violence against women and children had been taken by concerned intergovernmental organizations and United Nations bodies and institutions. In particular, the Commission on Human Rights, the Commission on the Status of Women and the Commission on Crime Prevention and Criminal Justice had been dealing with those issues within their respective mandates and from their specific perspectives. The report recommended that, at the fourth session of the Commission, consideration should be given not only to the results of the Ninth Congress in this area, but also to the possible action to be taken by the Fourth World Conference on Women: Action for Equality, Development and Peace, held at Beijing from 4 to 15 September 1995. It noted that the Commission on Human Rights had appointed a Special Rapporteur on the sale of children and a Special Rapporteur on violence against women, its causes and consequences. The Commission on Crime Prevention and Criminal Justice at its third session, by resolution 3/1, urged the Secretary-General to publicize the work of the special rapporteurs and to disseminate their findings and conclusions widely, including bringing them to the attention of the Commission to assist it in its work in the area of violence against women and children.

At the fourth session of the Commission, in a draft resolution subsequently adopted by the Economic and Social Council as resolution 1995/27, the Secretary-General was requested to prepare a draft plan of action, in the context of crime prevention and criminal justice, on the elimination of violence. That plan of action would provide practical and action-oriented suggestions on how to address this issue by means of, *inter alia*, legislative action, research and evaluation, technical cooperation, training and exchange of information.

## **NINTH UNITED NATIONS CONGRESS ON THE PREVENTION OF CRIME**

## AND THE TREATMENT OF OFFENDERS

One of the Commission's key tasks at its third session was to finalize preparations for a major world event that would take place before the convening of the fourth session of the Commission, namely the ninth in the series of quinquennial United Nations congresses on the prevention of crime and the treatment of offenders. The reports of the five regional preparatory meetings held in preparation for the Ninth Congress were submitted to the Commission to assist it in its consideration of this item. The reports of the five regional preparatory meetings covering Asia and the Pacific (Bangkok, 17-21 January 1994), Africa (Kampala, 14-18 February 1994), Europe and North America (Vienna, 28 February-4 March 1994), Latin America and the Caribbean (San José, Costa Rica, 7-11 March 1994) and Western Asia (Amman, 20-24 March 1994) are contained in A/CONF.169/RPM.1/Rev.1, A/CONF.169/RPM.2, A/CONF.169/RPM.3, A/CONF.169/RPM.4 and A/CONF.169/RPM.5, respectively. Those meetings had been held with the aim of facilitating an exchange of views on various issues relating to the four substantive topics of the Ninth Congress; identifying the main concerns and priorities of the countries of the regions; and formulating recommendations to be submitted to the Ninth Congress.

At the fourth session of the Commission, a draft resolution was adopted on the implementation of the resolutions and recommendations of the Ninth Congress. The report of the Ninth Congress was submitted to the Commission at its fourth session in order that it could consider how to proceed with the implementation of the resolutions adopted by the Congress. A double issue of the *Crime Prevention and Criminal Justice Newsletter*, Nos. 28/29, presents the proceedings and outcome of the Congress and its six action-oriented research and demonstration workshops. The omnibus resolution encompassed the issues on which the Ninth Congress had made recommendations and was subsequently adopted by the Economic and Social Council as resolution 1995/27. On the recommendation of the Commission, the Council approved a draft resolution (1995/8) on the Ninth Congress, which was subsequently adopted by the General Assembly at its fiftieth session. By adopting that resolution, the Assembly invited Governments "to be guided by the resolutions and recommendations of the Ninth Congress in formulating legislation and policy directives and to make all efforts to implement the principles contained therein, in accordance with the economic, social, legal, cultural and political circumstances of each country".

### PROTECTION OF THE ENVIRONMENT BY CRIMINAL LAW

A further issue before the Commission at its third session was the role of criminal law in the protection of the environment. In its resolution 1993/28, the Economic and Social Council had requested the Secretary-General to consider the possibility of undertaking activities in the field of environmental crime as part of the United Nations crime prevention and criminal justice programme, including in particular technical cooperation in addressing acts that cause serious harm to the environment and to human health. Governments had expressed concern at the significant involvement of criminal groups in the hazardous waste disposal industry as one of organized crime's "legitimate" businesses, and it had been suggested that the increase in awareness of the importance of adequate waste disposal, coupled with a movement towards the use of and investment in green technology might be creating market opportunities for waste disposal companies with links to organized crime. Such firms may forge manifests, mislabel containers and mix hazardous wastes with ordinary wastes. The dumping of hazardous wastes from industrialized countries in developing countries can result in long-term environmental degradation and health risks.

The Commission realized that the role of criminal law in protecting the environment was fairly undeveloped, and it was necessary to reach agreement on the type of penal sanctions that should be imposed for particular offences and the manner in which they should be harmonized internationally.

The Ninth Congress was seen as providing an opportunity for initiating the development of a coordinated global response to environmental crime, which had been a key subject of discussion at the regional preparatory meetings.

On the recommendation of the Commission at its third session, the Economic and Social Council adopted resolution 1994/15, to which were annexed the recommendations of the Ad Hoc Expert Group on More Effective Forms of International Cooperation against Transnational Crime, including Environmental Crime, held at Vienna, 7-10 December 1993. By that resolution, the Council requested the United Nations Environment Programme and other entities of the United Nations to take the resolution and the annexed recommendations into account in their deliberations concerning environmental protection, and to coordinate with the Commission on Crime Prevention and Criminal Justice any relevant follow-up activities related to criminal law. Included in the recommendations were the suggestions that States should develop specific environmental legislation on the basis of generally recognized principles such as the "polluter pays" principle and that national and supranational authorities should be provided with a wide array of measures, remedies and sanctions, within their constitutional and legal frameworks and consistent with the fundamental principles of criminal law, in order to ensure compliance with environmental protection laws. Penalties recommended included forfeiture of profits and proceeds of crime and of property used in its commission such as vessels, vehicles, tools, equipment and buildings. Another recommendation was that substantive environmental criminal law should formulate at least certain core criminal offences including deliberate, reckless or negligent assaults on the environment that caused or created imminent risks of serious damage, harm or injury. In addition, criminal sanctions should be extended to deliberate reckless or negligent violations of administrative rules where there was a likelihood of serious harm or danger to the environment. States were recommended to consider prohibiting the export of products that had been banned from domestic use because of their deleterious impact on the environment and human health, to consider acknowledging the most serious forms of environmental crimes in an international convention, and to consider the viability of establishing an international criminal court to facilitate the prosecution of international crimes, in particular environmental crimes. Efforts to sensitize the judiciary to the seriousness of environmental offences and their consequences were also called for.

In section II of resolution 1995/27, the Economic and Social Council called upon the Secretary-General and the network of United Nations interregional, regional, affiliated and associated institutes in crime prevention See *Crime Prevention and Criminal Justice Newsletter*, Nos. 20/21, p. 6, for more information on the network of United Nations institutes. to continue research, exchange of information, training and technical cooperation facilitating the development of preventive, regulatory and other strategies on the role of criminal law in the protection of the environment with an emphasis on: (a) needs assessment and advisory services; (b) assistance in the review or redrafting of legislation and the development of effective infrastructure; and (c) training of criminal justice and regulatory agency personnel.

## **ILLICIT TRAFFICKING IN MINORS**

A report (A/49/350 and Add.1) prepared by the Secretariat for the consideration of the General Assembly at its forty-ninth session outlined measures taken in various contexts to combat the smuggling of illegal immigrants, which it identified as a "highly organized global criminal activity, involving international criminal organizations which may earn billions of dollars in illicit revenues". It concluded that there was sufficient reason to keep the matter under review in order to find more effective countermeasures and predicted that, for various reasons, alien-smuggling was likely to increase unless comprehensive and integrated preventive measures were taken. A note by the

Secretariat (E/CN.15/1995/3) on the same subject updated the report, incorporating additional details obtained regarding the operations of alien-smuggling groups, controls instituted by Governments and measures recommended by IOM both in relation to stemming the traffic in migrants and to protecting their rights.

With regard to the international traffic in minors, which was identified as another source of profits for transborder criminal enterprise, a report on the commercial and sexual exploitation of children worldwide, including existing and proposed countermeasures, was prepared by the Latin American Institute for the Prevention of Crime and the Treatment of Offenders.

That report (E/CN.15/1995/4) stated that international traffic in minors is a crime that dismays the international community. It is an assault on the individual's dignity, right to security, moral and physical integrity and even, in many instances, life itself. The problem was reported to be extremely complex, with different international, regional and national facets, including: national and international legislation; various professional and social sectors, groups and individuals; practices; intermediaries; suppliers; police complicity; cost and profit; and networks. See the reports submitted by the Special Rapporteur, Mr. Vitit Muntarbhorn, pursuant to Commission on Human Rights resolutions 1990/68 (E/CN.4/1992/55 and Add.1), 1992/76 (E/CN.4/1993/67) and 1993/82 (E/CN.4/1994/84 and Add.1). Problems of a general nature were summarized as follows: poverty, though not in itself; structural adjustment processes; crime and corruption in national systems which, instead of enforcing the law, act in passive or active complicity with the criminals; discrimination against children and adolescents by adults on grounds of age; sex discrimination that causes greater victimization of female children; racial and social discrimination, combined with matters of class and caste and with vestiges of slavery; difficulties facing poor families unable to offer security and protection against exploitation, since their problems are compounded by poverty-driven migration and flight from armed conflict; growing transnationalization of the problem (i.e. when it is controlled in one country or region but then emerges in another); and expenditure on arms in poorer countries, which also aggravates the situation.

The report stated that the sale of and traffic in children may take many forms, such as adoption for commercial purposes. It went on to state that the intercountry adoption of minors may offer some protection because, legally speaking, adoption implies that the child acquires equality of rights; however, the large sums of money that the intermediaries earn and the paucity of regulations governing the removal of minors for adoption tend to aggravate the problem. Some reasons for the commercialization of adoption identified in the report were: contraception, abortion and the tendency of unmarried mothers to keep their children, which have drastically reduced the number of children available for adoption in developed countries; poverty, which compels parents to part with their children, in the hope of ensuring them a better future; and lack of protection for war orphans and children left in public orphanages and hospitals, where the rules governing the adoption of minors in their care are not always applied. A major problem with regard to intercountry adoptions is that procedures vary from one country to another and are nearly always inadequate. Further contributory factors are the absence of an effective central authority in the State of origin or in the receiving State, inadequate cooperation in monitoring the procedure bilaterally or internationally, and the lack of bilateral treaties and agreements for the extradition of persons who may have committed crimes in another country. Another aggravating component is the existence of independent private adoption agencies that are not registered with the appropriate administrative or judicial authorities. Such profit-making agencies sometimes even promote the sale of children, making it difficult to distinguish clearly between a legitimate adoption and trafficking. This is compounded by the absence of support from officials responsible for ensuring compliance with the law, as well as the forging of documents such as birth certificates and the alteration of children's family details.

Exploitation of child labour was another issue raised in the report, which stated that in developing countries, poverty is the main motivating force behind child labour. For such individuals, however, the work is far from being an important part of their training; instead, it is a source of exploitation and a violation of their rights. Such activity includes children and adolescents sold or trafficked into debt bondage, or confined to workshops or brothels, frequently by force and under conditions of exploitation. The criterion of age with reference to child labour is fundamental and is used to determine who is a child. None the less, it varies depending on the occupation and the country. The situation becomes more difficult when births are not registered or no documents are issued, making it impossible for many to prove their age. The employment of persons 13 or 14 years of age is prohibited in numerous developing countries, even though the international standard prohibits the employment of persons even 15 years old.

The report also discussed the issue of human organ transplantation. There is much debate over definitions, technological progress and the limited information available regarding the sale of minors for the purpose of removing organs for transplantation. A central problem is that demand for human organs (in developed countries) exceeds the supply (from developing countries) and that the low number of such organs available for transplantation apparently generates abuse and leads to commercialization, particularly of living donors unrelated to the recipients. It is also alleged that poor, orphaned and abandoned minors are the main source of organs.

Another form of trafficking dealt with in the report was the exploitation of children for prostitution and pornography. Child prostitution is a problem in various regions of the world, but it occurs most often in developing countries because of its direct link with poverty, although that is not the only cause. Other factors are family situation, sex tourism, crime, corruption and ineffective enforcement of the laws intended to protect children and adolescents. As far as sex tourism is concerned, special attention must be paid to the consumers' responsibility and the extension of national jurisdiction to offences committed abroad by nationals of the country concerned. The transnational trafficking networks should also be mentioned in this context, in addition to the absence of international and bilateral agreements to facilitate the finding and return of the children and adolescents involved. In connection with sex tourism, many Governments anxious to develop conventional tourism are unwilling to punish foreign offenders. Furthermore, a State that derives profit from the sale of licences and from taxes may turn prostitution into a source of revenue. The situation has been aggravated by the appearance of the acquired immunodeficiency syndrome (AIDS) and the various forms of discrimination against AIDS-infected children and adolescents engaged in prostitution.

The report also pointed out that while various aspects of traffic in minors are banned under a number of international conventions, there have been no global studies specifically addressing the problem and recommended that the Commission call for a number of specific measures to fight the international traffic in minors and to assist the victims.

At its fourth session, the Commission decided that the subject of children as victims and perpetrators of crime should be considered under the priority theme "Crime prevention in urban areas, juvenile and violent criminality" of the United Nations crime prevention and criminal justice programme in the biennium 1996-1997. The Commission recommended that the Economic and Social Council request the Secretary-General to initiate the process of requesting the views of Member States on the elaboration of an international convention on the illicit traffic in children. By its resolution on the subject, adopted on the recommendation of the Commission, the Council also requested the Secretary-General to consider ways of elaborating a programme of action aimed at promoting the effective use and application of relevant United Nations human rights instruments. The United Nations Standard Minimum Rules for the Administration of Juvenile Justice (The Beijing Rules) (General

Assembly resolution 40/33, annex); the United Nations Guidelines for the Prevention of Juvenile Delinquency (The Riyadh Guidelines) (General Assembly resolution 45/112, annex); and the United Nations Rules for the Protection of Juveniles Deprived of their Liberty (General Assembly resolution 45/113, annex). in the administration of justice with regard to children and of United Nations standards and norms in juvenile justice, giving due regard to the work accomplished by the Commission on Human Rights and in cooperation with UNHCR, UNICEF and the other agencies and organizations concerned, within existing resources.

## **UNITED NATIONS INTERNATIONAL STANDARDS AND NORMS**

Throughout the history of its involvement in crime prevention and control, the United Nations has been formulating standards, norms, model treaties and guidelines covering such matters as the treatment of prisoners, the conduct of law enforcement officials, the use of force and firearms by the police, the rights of victims of crime, the independence of the judiciary and the administration of juvenile justice. These represent internationally agreed-upon principles of desirable practice on the basis of which Governments can assess their own systems and contribute to the development of the concept of the international rule of law. The principles can also provide a basis for domestic legislation and for bilateral and multilateral cooperation to combat national and transnational forms of crime.

A meeting of experts held in 1991, See "Conclusions and recommendations of the Meeting of Experts for the Evaluation of Implementation of United Nations Norms and Guidelines in Crime Prevention and Criminal Justice", Vienna, 14-16 October 1991 (E/CN.15/1992/4/Add.4). recognized that while the implementation of United Nations standards and norms was a responsibility of Governments, there was a collective responsibility of the international community to ensure that United Nations standards, once adopted, were implemented. While international instruments such as declarations, principles, guidelines, standard rules and recommendations have no legally binding effect, they have an undeniable moral strength and can provide practical guidance. Therefore, one of the aims of the United Nations in reviewing progress in the use and application of standards and norms in the field of crime prevention and criminal justice is to assist States in overcoming obstacles that might exist in implementing some standards.

The Economic and Social Council, on the recommendation of the Commission at its second session, adopted resolution 1993/34, which requested the Secretary-General to commence without delay a process of information-gathering to be undertaken by means of surveys, such as reporting systems, and contributions from other sources, initially paying attention to the Standard Minimum Rules for the Treatment of Prisoners; the Code of Conduct for Law Enforcement Officials, together with the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials; the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power; and the Basic Principles on the Independence of the Judiciary. See *Compendium of United Nations Standards and Norms in Crime Prevention and Criminal Justice* (United Nations publication, Sales No. E.92.IV.1). The Council also requested that the surveys should be conducted over a two-year period, in order to enable Member States to have sufficient time to provide replies, and that the results of the first surveys should be considered at the earliest possible session of the Commission.

The Secretariat elaborated draft questionnaires (E/CN.15/1994/CRP.5-8) on the use and application of the standards listed above (which had been selected by the Commission at its second session) and submitted the questionnaires to the Commission at its third session for consideration. On the recommendation of the Commission, the Council, by resolution 1994/18, endorsed the questionnaires and invited Member States to reply to them. Member States were also invited to provide their views and comments for an evaluation of the questionnaires, so that the results could be used as a guideline

for further improving the review process and future surveys could reflect the feedback received through them.

A note verbale was sent to all Member States on 24 August 1994. By 18 April 1995, replies to the four questionnaires A number of Member States provided supplementary background information on their legislation concerning the various topics of penitentiary, law enforcement, judiciary and victim assistance. had been received as follows:

(a) *Standard Minimum Rules for the Treatment of Prisoners*. Replies were received from the following 31 countries: Armenia, Colombia, Croatia, Czech Republic, Finland, France, Germany, Greece, Ireland, Jordan, Latvia, Lebanon, Liechtenstein, Malawi, Mexico, Morocco, Netherlands, Pakistan, Qatar, Republic of Korea, Romania, San Marino, Slovakia, Sweden, Syrian Arab Republic, Tajikistan, Thailand, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America Reply received from the State of Mississippi. and Vanuatu;

(b) *Code of Conduct for Law Enforcement Officials, including the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials*. Replies were received from the following 32 countries: Australia, Austria, Belarus, Colombia, Costa Rica, Czech Republic, Finland, France, Ireland, Israel, Jordan, Lebanon, Liechtenstein, Malawi, Mexico, Mongolia, Morocco, New Zealand, Niger, Oman, Poland, Portugal, Romania, San Marino, Spain, Sweden, Switzerland, Tonga, Turkey, United Kingdom, United States and Vanuatu;

(c) *Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power*. Replies were received from the following 17 countries: Argentina, Australia, Canada, Finland, France, Greece, Lebanon, Mexico, Morocco, Netherlands, New Zealand, Oman, Qatar, San Marino, Sweden, Tonga and Vanuatu;

(d) *Basic Principles on the Independence of the Judiciary*. Replies were received from the following 28 countries: Argentina, Australia, Belarus, Canada, Colombia, Dominican Republic, Finland, France, Germany, Greece, Guyana, Japan, Jordan, Malawi, Mexico, Morocco, Niger, Oman, Portugal, San Marino, Singapore, Spain, Sudan, Sweden, Tonga, Turkey, United States and Vanuatu.

The Secretariat is in the process of preparing four reports on the four questionnaires evaluating the replies already received, as well as those that are still being received, for presentation to the Commission at its fifth session in 1996.

A report (E/CN.15/1995/7) of the Secretary-General prepared by the Secretariat for the consideration of the Commission at its fourth session provided an overview of actions by the United Nations crime prevention and criminal justice programme to promote the use and application of existing United Nations standards and norms focusing on efforts to incorporate crime prevention issues in the programmes of such major international events as the World Summit for Social Development, held at Copenhagen from 6 to 12 March 1995; the International Year of the Family (1994) and its follow-up activities; and the Fourth World Conference on Women. It also pointed out that, despite the desirability of continued coordination between the crime prevention programme and the work of the various working groups and special rapporteurs of the Centre for Human Rights, such work was frustrated by the lack of funds and staff that had prevented the participation of the Secretariat in the elaboration and implementation of human rights instruments.

On the recommendation of the Commission, the Economic and Social Council adopted resolution 1995/13, by which the Secretary-General was requested to develop questionnaires on those United Nations international instruments concerned with juvenile justice. The United Nations Standard Minimum Rules for the Administration of Juvenile Justice (The Beijing Rules) (General Assembly

resolution 40/33, annex); the United Nations Guidelines for the Prevention of Juvenile Delinquency (The Riyadh Guidelines) (General Assembly resolution 45/112, annex); and the United Nations Rules for the Protection of Juveniles Deprived of their Liberty (General Assembly resolution 45/113, annex). The Council also decided that the Commission, at its sixth session, in 1997, would consider the United Nations Standard Minimum Rules for Non-custodial Measures (The Tokyo Rules); the Guidelines on the Role of Prosecutors; and the Basic Principles on the Role of Lawyers.

## **MINIMUM RULES FOR THE ADMINISTRATION OF CRIMINAL JUSTICE**

At its third session, the Commission noted that, in many parts of the world, there was an urgent need to modernize criminal justice to bring about greater transparency, immediacy, speed and fairness in criminal proceedings. It also recognized that some written investigative procedures in some instances and in some countries had shown considerable judicial delays accompanied by prison overcrowding and a large number of persons detained without sentence, with frequent violations of fundamental freedoms and rights.

The Latin American and Caribbean Regional Preparatory Meeting for the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, held at San José, Costa Rica, from 7 to 11 March 1994, had recommended that Member States of that region study the introduction of oral criminal procedure, as that would make it possible to replace the written investigative and inquisitorial system with its attendant delays. See "Report of the Latin American and Caribbean Regional Preparatory Meeting for the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders" (A/CONF.169/RPM.4).

Draft minimum rules of the United Nations for the administration of criminal justice, prepared by an expert commission that had held four working sessions at Palma de Mallorca, Spain, from 23 to 25 November 1990, from 3 to 5 May 1991, from 5 to 8 September 1991 and from 14 to 16 February 1992, at the invitation of the advisory board to the Presidency of the Balearic Government and with the cooperation of the Secretariat, were submitted to the Commission for its consideration. See "Note verbale from the Embassy of the Republic of Argentina of 18 April 1994 to the United Nations Office at Vienna" (E/CN.15/1994/11).

On the recommendation of the Commission at its third session, the Economic and Social Council adopted resolution 1994/17 and decided to take note of the draft minimum rules of the United Nations for the administration of criminal justice. In the same resolution, the Council requested the Secretary-General to seek comments from all Member States and from other appropriate sources on the desirability of preparing and adopting United Nations minimum rules in the field covered by the draft minimum rules prepared by the expert commission, and to submit a report to the Commission on Crime Prevention and Criminal Justice at its fourth session.

The Secretary-General, in October 1994, addressed a note verbale to Governments, inviting them to submit observations and comments. A similar request was addressed by the Secretariat to 49 bodies, including the institutes that comprise the United Nations crime prevention and criminal justice programme network, as well as intergovernmental and non-governmental organizations. By 25 April 1995, replies had been received from the following States: Argentina, Austria, Bahrain, Belarus, Canada, Colombia, Cuba, Cyprus, Denmark, Ecuador, Finland, Germany, Ghana, Japan, Jordan, Kazakhstan, Kuwait, Luxembourg, Namibia, New Zealand, Oman, Panama, Peru, Switzerland, Syrian Arab Republic, Turkey and United Kingdom. Replies had also been received from the following bodies: the United Nations Interregional Crime and Justice Research Institute, the Asia and Far East Institute for the Prevention of Crime and the Treatment of Offenders, the European Institute for Crime Prevention and Control, affiliated with the United Nations, the Arab Security Studies and Training

Centre, the International Centre for Criminal Law Reform and Criminal Justice Policy and the International Federation of Business and Professional Women.

The replies received were incorporated into a report of the Secretary-General (E/CN.15/1995/7/Add.1) prepared by the Secretariat for the consideration of the Commission at its fourth session. The Commission, however, decided that it required further comments on the subject and requested the Secretary-General to seek more comments from States on the advisability and on the specific content of the draft minimum rules in order for an analytical report to be made, including options on how to proceed in the matter, and that the report should be submitted to it at its fifth session.

## **GUIDELINES FOR THE PREVENTION OF URBAN CRIME**

Crime in the 1990s has become an increasingly urban phenomenon, which threatens the security of individuals, families and ethnic groups within States. At its second session, the Commission had noted that the deplorable living conditions in many urban areas of the world, in particular in developing 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 for the urban environment.

Discussions at international forums, including the Ninth Congress, had centred on exchanges of national experience in dealing with rising criminality in cities and on identifying effective preventive programmes that might be adapted to fit the needs of other countries.

At its third session, the Commission considered a set of proposed guidelines for cooperation and technical assistance in the field of urban crime prevention and decided to transmit them to the Ninth Congress for its consideration. At the Ninth Congress, several delegations expressed alarm at the rise of violent crime associated with racism and xenophobia in areas affected by migration trends, and recommended that the Commission consider the possible impact of migratory flows on urban criminality. It was also recommended that States, when drawing up crime prevention strategies for urban areas, be asked to give attention to the risks faced by migrants of being victims of or becoming involved in criminal activities. The Ninth Congress also invited the Commission to continue studying the effects of criminality in urban areas, the factors contributing to it and measures for its effective prevention, and to organize seminars and training programmes to search for ways and means to prevent crime in urban and other areas.

The Economic and Social Council asked the Commission to finalize, at its fourth session, the proposed guidelines for the prevention of urban crime and to consider practical ways of ensuring their application. The guidelines stressed the need for a multi-agency approach and a coordinated response at the local level to urban crime and the development of an integrated crime prevention action plan that would involve a broad range of participating sectors and groups. They also urged authorities at all levels to maintain respect for the fundamental principles of human rights in promoting the recommended measures, to encourage training for all professionals involved in crime prevention and to provide a means of evaluating regularly the effectiveness of the strategy implemented and provide for the possibility of revising it.

The Council, on the recommendation of the Commission at its fourth session, adopted the guidelines in its resolution 1995/9, to which they are annexed. By that resolution, the Council requested the Commission to ensure the publication of the guidelines in the most appropriate form, invited Member

States and interested organizations to report on their experiences in elaborating and evaluating projects dealing with urban crime prevention, and requested the Secretary-General to transmit the guidelines to the United Nations Conference on Human Settlements (Habitat II), to be held at Istanbul from 3 to 14 June 1996.

## **TECHNICAL COOPERATION AND ADVISORY SERVICES**

In order to provide appropriate assistance to Member States whose capacity to deal with crime-related issues is insufficient, the United Nations crime prevention and criminal justice programme has been called upon to provide training, advisory services, emergency assistance and action-oriented research, as well as set up projects in developing countries and countries in transition and contribute to peace-keeping operations. The Economic and Social Council has requested the Secretary-General to develop basic courses on United Nations norms and guidelines in the field of crime prevention and criminal justice, which could be used as necessary for training peace-keeping and emergency mission personnel and their national counterparts.

At its third session, the Commission looked at the technical cooperation and advisory services of the United Nations crime prevention and criminal justice programme, including appropriate mechanisms for mobilizing funds. It discussed a number of measures including encouraging developing countries to make crime prevention and criminal justice part of their priority areas for development; urging the United Nations Development Programme (UNDP) and other funding agencies to provide financial support for such projects; and ensuring that the Secretariat had sufficient resources to continue its involvement in relation to peace-keeping activities organized transnational crime, money-laundering, prevention of urban crime and protection of the environment.

A report (E/CN.15/1994/6) submitted to the Commission at its third session offered an overview of technical cooperation activities and services delivered between December 1992 and November 1993 by the Secretariat, the Interregional Adviser for Crime Prevention and Criminal Justice based at Vienna, and the Regional Adviser for Crime Prevention and Criminal Justice for Asia and the Pacific, based at the Economic and Social Commission for Asia and the Pacific. The report stressed that, despite restructuring of the crime prevention and criminal justice programme of the United Nations, it was still the case that countries requesting urgent assistance from the United Nations had obtained only "heartfelt expressions of sympathy and formal regrets". Most technical assistance efforts, apart from those provided in cooperation with other agencies, had remained at the planning stage, owing to insufficient funding.

At its fourth session, the Commission was informed that, in response to requests for more resources, interregional advisory services had been increased, and that two newly appointed interregional advisers had taken up their duties in October 1994. The creation of a second post of Interregional Adviser for Crime Prevention and Criminal Justice, and the availability of technical assistance funds, and some limited extrabudgetary funds for the implementation of specific projects, had contributed to an improvement in the provision of technical advisory services to requesting Member States by the United Nations. However, that level of funding was still insufficient for large projects to be implemented through the programme and what the programme was able to do was still limited compared with what Member States expected from the United Nations when they forwarded a request for assistance.

On the recommendation of the Commission at its fourth session, the Economic and Social Council, in its resolution 1995/15, requested the Secretary-General to provide, within the regular budget, appropriate resources for the United Nations crime prevention and criminal justice programme to provide better planning support and backstopping for the interregional advisory services, and

recommended that those services should be further strengthened to support technical assistance activities, including short-term advisory services, needs assessment, feasibility studies, field projects, training and fellowships.

## UNITED NATIONS CRIME AND JUSTICE INFORMATION NETWORK

In its resolution 1986/11, the Economic and Social Council had invited the Secretary-General to establish, in cooperation with the United Nations institutes and other entities concerned, a global crime and criminal justice information network, including a mechanism for the centralization of inputs from non-governmental organizations and scientific institutions.

In the report of the Secretary-General (E/CN.15/1995/6/Add.1) prepared for the consideration of the Commission at its fourth session, it was stated that owing to the lack of funds in the regular programme budget, the Secretariat had been obliged to identify alternative sources of funding and, in cooperation with the School of Criminal Justice, State University of New York (Albany, New York), had established in 1989 the United Nations Crime and Justice Information Network. Since its creation, the Network has been operated on an extrabudgetary basis by the School of Criminal Justice at Albany which, in the period 1990-1993, received funding for the Network from the United States Bureau of Justice Statistics and from the University itself. Since September 1994, the Network has been maintained by the efforts of members of the School of Criminal Justice, at Albany. See "Progress made in the improvement of computerization in criminal justice management, with emphasis on strengthening national capacities for the collection, collation, analysis and utilization of data" (E/CN.15/1994/3), paras. 10-20.

With the help of the United States National Institute of Justice, a needs assessment study was made of the information exchange and clearing-house capability, present and potential, of the United Nations crime prevention and criminal justice programme. From the discussion held at the Ninth Congress, it emerged that, notwithstanding the potential of the electronic exchange of information, and although much information exists already in a computerized form in the criminal justice field, few attempts have been made to deal with the collection and provision of information systematically and to make it accessible to requesting parties. Technological advantages can only be enjoyed by those who have basic skills and technical capacities in electronic networking and, clearly, the developed world has an advantage in this regard. See Ugljesa Zvekic and Donald James Weatherburn, *Papua New Guinea: Crime and Criminal Justice Information*, Issues and Reports No. 3 (Rome, United Nations Interregional Crime and Justice Research Institute, 1994), pp. 5 and 13-16. In this connection, it is necessary not only to collect and disseminate information on crime prevention and criminal justice, but also to provide assistance to developing countries in the use of electronic networking tools so that national and international materials can be distributed worldwide.

Another difficulty identified was that, despite the overall influence of the electronic exchange of information on the decentralization of bureaucracy and the strengthening of the role of local communities, the use of such information has been monopolized by English-language countries, which makes non-English-language countries dependent on the information produced by them. While recent developments in automatic text translation have started to redress this imbalance, combating crime at the international level requires accurate and timely information on crime and justice that can be not only safely and securely used, but also widely shared among all interested countries, developed and developing.

The report went on to state that the international dissemination of data and other relevant materials is common to any system of recipients and producers of information. On the recommendation of the Commission on Crime Prevention and Criminal Justice at its second session, the Economic and Social

Council, in its resolution 1992/22, requested the Secretariat to determine, in cooperation with Governments and interregional and regional institutes, the categories of crime prevention and criminal justice information to be supplied to and exchanged through the Network, with a view to ensuring a more effective functioning of the Network. The report also stated that several agencies had made efforts to establish international electronic networks in the developing world. For example, UNDP had instituted electronic connections throughout the developing world for its resident representative offices. The 94 UNDP offices connected via the Internet include 27 in Africa, 27 in Asia, 20 in Latin America and 14 in eastern Europe. Also, as an attempt to improve the transmission of documents between its headquarters and member States, IMO had initiated among its 154 member States a pilot scheme for the establishment of an electronic bulletin board containing all pre-session documents of forthcoming meetings as well as notes verbales, circulation letters and circulars dispatched by IMO in a printed version in the three working languages (English, French and Spanish). By 1 April 1995, the scheme covered 16 developed and developing countries that had opted to join the experiment, which was being supported by the Government of Canada. UNESCO had assisted the Pan African News Agency in organizing a network linked by satellite that will allow its bureaux in 13 African countries to have Internet linkage. See "United Nations Crime and Justice Information Network: present and future dimensions; towards the establishment of a United Nations crime and justice clearing-house" (A/CONF.169/13/Add.1), annex. UNESCO had also been promoting international education through the electronic exchange of information between 3,300 primary and secondary schools in 113 countries. See United Nations Educational, Scientific and Cultural Organization, "Associated schools project for promoting international education for peace, human rights, democracy and international understanding: list of participating institutions" (ED.94/WS.32). By 6 May 1995, the United Nations International Drug Control Programme (UNDCP) had established a network of Internet connections between 17 field offices.

In an overview of the worldwide criminal justice database, presented to the Commission at its fourth session, it was stated that the Network would be further developed through the establishment of the United Nations on-line crime and justice clearinghouse on the initiative of the United States National Institute of Justice. The Network, it was pointed out, was available to anyone who had a computer and a modem and was connected to the Internet; at the time of the convening of the fourth session, it had some 700 users. Its function was that of a global clearing-house of crime and justice information. Some of the areas available included current crime and justice information through reports, manuals and publications; a discussion forum for criminal justice professionals; assistance on criminal policy questions; and a gateway to other databases.

The Economic and Social Council, on the recommendation of the Commission at its fourth session, requested the Secretary-General to initiate a project to establish a regional database on international training and technical assistance projects in the field of crime prevention and criminal justice which, upon completion would provide interested Governments, international organizations and other entities with information on concluded, ongoing or planned international projects.

### **OTHER WORK ACCOMPLISHED**

Further issues discussed by the Commission at its third session included a review of the progress made on the worldwide surveys of crime trends and operations of criminal justice systems, as well as other initiatives under way to acquire, process and distribute crime-related data. It examined the status of efforts to computerize criminal justice management, focusing on ways of strengthening national capacities to collect, collate, analyse and utilize data. It also discussed the question of strengthening cooperation with UNDCP and the Commission on Narcotic Drugs. Resolutions, subsequently adopted by the Economic and Social Council were on the African Institute for the Prevention of Crime and the

Treatment of Offenders; on criteria and procedures for the affiliation with the United Nations of institutes or centres and the establishment of United Nations subregional institutes in the field of crime prevention and criminal justice; on the information management functions of the United Nations crime prevention and criminal justice programme; and on the succession of States in respect of international treaties on combating various manifestations of crime. Resolutions adopted by the Commission at its fourth session, and subsequently by the Economic and Social Council, were on action against corruption and on the provision of information in accordance with the plan for strategic management by the Commission on Crime Prevention and Criminal Justice of the United Nations crime prevention and criminal justice programme.