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## Commission on Crime Prevention and Criminal Justice

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### Draft report

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#### Addendum

### Use and application of United Nations standards and norms in crime prevention and criminal justice

1. At its 8th meeting, on 27 April 2006, the Commission on Crime Prevention and Criminal Justice considered agenda item 8, entitled “Use and application of United Nations standards and norms in crime prevention and criminal justice”. For its consideration of the item, the Commission had before it the following documents:

- (a) Report of the Secretary-General on United Nations standards and norms in crime prevention and criminal justice (E/CN.15/2006/13 and Corr.1);
- (b) Report of the Secretary-General on protection against trafficking in cultural property (E/CN.15/2006/14);
- (c) Report of the Secretary-General on combating the spread of HIV/AIDS in criminal justice pre-trial and correctional facilities (E/CN.15/2006/15);
- (d) Report of the Intergovernmental Expert Group Meeting to develop an information-gathering instrument on standards and norms primarily related to crime prevention, held in Vienna from 20 to 22 March 2006 (E/CN.15/2006/CRP.1).

2. The Director of the Division for Treaty Affairs and the Deputy Executive Director, Director of the Division for Operations of UNODC, made a joint introductory statement. The Commission also heard statements by the representative of Austria (on behalf of the States Members of the European Union) and by the observer for Panama (on behalf of the Group of Latin American and Caribbean States). The Commission also heard statements by the representatives of Canada, the



Libyan Arab Jamahiriya, Germany, Egypt and the United States. Statements were also made by the observers for Azerbaijan, Algeria, Sweden and Australia. The observers for the World Society of Victimology and the American Society of Criminology also made statements.

### **Deliberations**

3. The Director of the Division for Treaty Affairs presented the report of the Secretary-General on United Nations standards and norms in crime prevention and criminal justice (E/CN.15/2006/13 and Corr.1), which contained an analysis of the replies received from Governments on the use and application of the standards and norms related primarily to persons in custody, non-custodial measures and juvenile and restorative justice. She stressed that the analysis of the replies received showed that while certain standards and norms, such as the Standard Minimum Rules for the Treatment of Prisoners or the ones related to juvenile justice, were generally known by the majority of the responding Member States and were incorporated at the national level, the ones related to non-custodial measures and restorative justice were less familiar. The replies received further showed that there might be limited awareness about the possibility of receiving technical assistance on the use and application of standards and norms.

4. She also referred to Economic and Social Council resolution 2004/34 of 21 July 2004 on protection against trafficking in cultural property and the request included therein for the convening, subject to the availability of funds, of an expert group meeting to explore and assess the challenges posed and the difficulties encountered in the fight against trafficking in cultural property, noting that the Secretariat was consulting with interested Governments to secure the necessary funding to that effect and renewing the appeal to Member States to consider making voluntary contributions towards the organization of such a meeting.

5. The Director of the Division for Operations drew attention to the continuing spread of HIV/AIDS in pre-trial and correctional facilities. As a co-sponsor of the Joint United Nations Programme on HIV/AIDS (UNAIDS) and in its capacity as the lead agency for matters referring to HIV/AIDS in prisons, UNODC offered a range of expertise and services to requesting States in order to improve the situation for HIV/AIDS prevention, care and support in pre-trial and correctional facilities. The Director outlined the expanding programme of technical assistance offered by UNODC, highlighting in particular advisory missions, the provision of opportunities for policy debate, the development of training materials and training seminars and the provision of support for national efforts to implement specific projects.

6. Some speakers expressed their support for the role played by United Nations standards and norms in crime prevention and criminal justice in strengthening the criminal justice system of States, in particular those of developing countries and countries with economies in transition, as well as in post-conflict situations. One representative stated that one of the key prerequisites to preventing and fighting transnational organized crime, terrorism or corruption was the existence of a fair, efficient and effective criminal justice system, based on the rule of law and staffed by personnel properly trained in standards and norms in crime prevention and criminal justice.

7. A number of speakers reported on the measures taken by their States to implement the standards and norms through national legislation and training of judicial and law enforcement officers. In that regard, particular reference was made to the Standard Minimum Rules for the Treatment of Prisoners, the United Nations Standard Minimum Rules for Non-custodial Measures (The Tokyo Rules) as well as the Vienna Declaration on Crime and Justice: Meeting the Challenges of the Twenty-first Century and the Bangkok Declaration on Synergies and Responses: Strategic Alliances in Crime Prevention and Criminal Justice. One speaker stated that developing countries suffered from a dearth of means to implement United Nations standards and norms and called for technical and financial assistance to ensure the widest implementation of those instruments. In particular, he stressed the importance of the Round Table for Africa, held in Abuja on 5 and 6 September 2005, and urged the international community to provide financial resources to allow the implementation of the Programme of Action, 2006-2010, adopted at that meeting.

8. A number of speakers welcomed the periodic review of selected standards and norms undertaken by the Commission on Crime Prevention and Criminal Justice as a process allowing for the exchange of information among States on the use and applications of standards and norms and the identification of areas in which new instruments were needed. However, some speakers expressed concern that Governments were often overburdened by many and detailed questionnaires and, thus, called for a rationalization of the information-gathering requests sent to Member States. One speaker noted the importance of convening intergovernmental expert group meetings to develop standards and norms and draft survey instruments, but cautioned that the deliberations of such expert groups should be seen as informing rather than replacing consultations by Governments. In that regard, the speaker stressed the fact that Governments, especially those with federal systems, required adequate time to consult properly with State or provincial governments having constitutional responsibility for much of the criminal justice system.

9. One speaker welcomed the work done in the field of crime prevention by the Commission on Crime Prevention and Criminal Justice. The same speaker noted that it was time to intensify the crime prevention work of the Commission and that the development of effective crime prevention strategies could significantly contribute to the reduction of crime and victimization. Crime prevention should be a natural and integral component of technical assistance programmes provided to Member States, which should draw on knowledge-based recommendations and best practices. In that context, Member States and interested entities were invited to participate in the Stockholm Criminology Symposium, to be held in Stockholm from 15 to 17 June 2006.

10. One observer stressed the importance of addressing the needs of victims and recalled that the Commission on Crime Prevention and Criminal Justice was committed to the prevention of victimization and the promotion of principles of justice for victims. In that connection, she invited Member States to organize an intergovernmental expert group meeting to prepare actionable recommendations on how best to implement United Nations standards and norms on victims.

11. Another observer expressed support for the Guidelines for the Prevention of Crime (Economic and Social Council resolution 2002/13, annex) and further announced that her organization, together with the Alliance of Non-Governmental

Organizations at United Nations Headquarters in New York and members of the United Nations Crime Prevention and Criminal Justice Programme network, had started the preparation of a report on how to make the guidelines work, which would be an in-kind technical assistance contribution to the UNODC crime prevention activities.

12. Many representatives noted that there had been a vast increase in theft and trafficking in all types of art and antiquities with the potential for denuding entire cultures and nations of their cultural heritage. Several representatives also expressed alarm at the increasing involvement of organized criminal groups in the theft of and trafficking in cultural property.

13. Other representatives provided information on the legislative and administrative measures taken at the national level to combat trafficking in cultural property, including training of staff and sharing of information among the agencies involved in the fight against that criminal activity. It was pointed out, in that connection, that appropriate domestic action should combine both law enforcement and preventive measures, including monitoring of registered cultural objects. One representative also stressed the need for the provision of technical assistance to States lacking the necessary capacity to deal effectively with the problem.

14. Several representatives stressed the importance of strengthening international cooperation to combat trafficking in cultural property in view of its transnational nature. In that connection, some speakers referred to the need for further promoting and effectively implementing the 1970 Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property, as well as the 1954 Convention for the Protection of Cultural Property in the Event of Armed Conflict and its two protocols. Reference was also made to the Cairo Declaration on the Protection of Cultural Property, made at the international conference held on the occasion of the fiftieth anniversary of the 1954 Convention, held in Cairo in 2004, as an additional manifestation of the political will of Member States to promote effective action at both the national and the international level for ensuring better protection of cultural property.

15. Many speakers considered the convening of the expert group meeting on protection against trafficking in cultural property as a necessary initiative geared towards assessing the substantial parameters of the problem in a more comprehensive manner and making recommendations on the adoption of appropriate legislative and administrative measures to curb the phenomenon effectively.

16. While remaining alarmed at the continuing spread of HIV/AIDS in pre-trial and correctional facilities, a number of speakers expressed support for the work being carried out by UNODC in that area. Many speakers also noted that UNODC was well placed to offer a broad range of expertise and services to respond to increasing requests for technical assistance. Attention was further drawn to the special needs of vulnerable groups, such as incarcerated women, children and youth. In view of the fact that UNAIDS and other United Nations entities were also providing technical assistance in the area of HIV/AIDS prevention, UNODC was further encouraged to continue work within its mandate.

17. In order to limit the spread of the pandemic, several speakers recognized that efforts were needed to reduce prison overcrowding and to curb violence. In that

regard, activities and educational programmes were being made available by some States to provide an environment conducive to a culture of non-violence.

18. Several representatives welcomed the work done by UNODC in implementing Economic and Social Council resolution 2004/35 of 21 July 2004, as well as the recommendations of the Global Task Team on improving AIDS coordination among multilateral donors and international donors. Acknowledging the importance of coordinating and streamlining the global response to HIV/AIDS, many speakers expressed full support for the identification of UNODC as the lead United Nations agency for addressing HIV/AIDS in prisons.

19. The importance of providing prisoners with access to prevention, treatment and care services and health education, as well as providing training for prison staff, was further emphasized.

20. One representative highlighted the ongoing national efforts for criminal justice reform, including specific measures for addressing the situation of HIV/AIDS in prison settings, as well as prevention, care and treatment initiatives. It was further noted that national legislation provided for a range of options for addressing prison overcrowding.

21. Another representative made reference to the Programme of Action, 2006-2010, for Africa, noting that the management of infectious diseases such as HIV, could only be achieved through the implementation of a range of prevention, treatment and harm reduction strategies. The control and management of infectious diseases in correctional facilities was essential in order to protect the health of inmates, staff and ultimately the community. One representative also expressed support for the Programme of Action as a way of enhancing national capacity in a number of areas, including responding to HIV/AIDS in prisons.

22. Recalling the linkages between injecting drug use and the spread of HIV/AIDS, one representative reiterated the need for education and prevention programmes, access to HIV testing and treatment and training of prison personnel.

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