



Economic and Social Council

Distr.: Limited
21 May 2003

Original: English

Commission on Crime Prevention and Criminal Justice

Twelfth session
Vienna, 13-22 May 2003

Draft report

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Addendum

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

A. Structure of the debate

1. At its 9th and 10th meetings, on 19 May, the Commission on Crime Prevention and Criminal Justice considered item 7 of its agenda. It had before it the report of the Secretary-General on standards and norms in crime prevention and criminal justice (E/CN.15/2003/10 and Add.1 and 2).
2. At its 9th meeting, following an introductory statement by the Director of the Centre for International Crime Prevention of the United Nations Office on Drugs and Crime¹ of the Secretariat, the Commission heard statements by the observers for Greece (on behalf of the European Union, acceding countries Cyprus, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Slovakia and Slovenia and associated countries Bulgaria, Romania and Turkey), Canada and the Asia Crime Prevention Foundation.
3. At its 10th meeting, the Commission heard statements by the representatives of Algeria, Austria, Uganda and the United States of America. The Commission also heard statements by the observer for Turkey and the observers for the European Institute for Crime Prevention and Control, affiliated with the United Nations, the American Society of Criminology, Amnesty International, the Friends World

¹ Formerly known as the Office for Drug Control and Crime Prevention.



Committee for Consultation, the International Commission of Catholic Prison Pastoral Care and the World Society of Victimology.

B. Deliberations

4. In his opening statement, the Director of the Centre for International Crime Prevention noted that it had long been recognized by the Commission that the standards and norms in crime prevention and criminal justice, developed largely by consensus and adopted by the United Nations over the years, were an invaluable source of guidance to various countries in their efforts to assess their crime prevention and criminal justice reform needs. They represented a set of basic principles serving to upgrade national practice and harmonize legislative provisions. The report of the Secretary-General (E/CN.15/2003/10 and Add.2) before the Commission contained information on actions taken by Member States on the use and application of certain standards and norms that had recently been recommended by the Commission. He recalled the recommendation of the Office of Internal Oversight Services of the Secretariat to the effect that the Centre should, upon completion of the first cycle of reporting on the use and application of the United Nations standards and norms, propose to the Commission, at its twelfth session, a revised mechanism for reporting on their use and application that would minimize the reporting burden. In that connection, he referred to the conclusions and recommendations of the Meeting of Experts on the Application of United Nations Standards and Norms in Crime Prevention and Criminal Justice (E/CN.15/2003/10/Add.1). The Director expressed gratitude to the Governments of Austria, Canada and Germany for their support in organizing the Meeting. In conclusion, he emphasized the need for the Commission to make specific recommendations on the proposed revised mechanism for reporting on the use and application of the standards and norms, as this task might be facilitated by the various recommendations contained in the reports before the Commission.

5. During the debate, participants emphasized the importance of the use and application of the United Nations standards and norms as a positive step towards addressing crime prevention and criminal justice in an effective manner. It was noted that the standards and norms served the purpose of harmonizing legislation, aimed at providing a unified response to crime-related problems. They were considered indispensable tools towards a more effective administration of justice and an international community less threatened by crime. They should therefore continue to be accorded high priority by the Commission, including periodic reviews of their use and application. The value of the standards and norms in training programmes of national institutions and non-governmental organizations was also worth further consideration, in the context of peace-building and peacekeeping operations.

6. Commenting on the viability and significance of the standards and norms, it was noted that the Commission and the United Nations congresses had developed the instruments, ranging from the Standard Minimum Rules for the Treatment of Prisoners (Economic and Social Council resolution 663 (XXIV), annex), adopted over 50 years earlier, to the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power (General Assembly resolution 40/34, annex), Basic

Principles on the Independence of the Judiciary,² the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (The Beijing Rules) (Assembly resolution 40/33, annex), the United Nations Guidelines for the Prevention of Juvenile Delinquency (The Riyadh Guidelines) (Assembly resolution 45/112, annex), the United Nations Rules for the Protection of Juveniles Deprived of their Liberty (Assembly resolution 45/113, annex), the Guidelines on the Role of Prosecutors,³ the Basic Principles on the Role of Lawyers,⁴ the safeguards guaranteeing protection of the rights of those facing the death penalty (Council resolution 1984/50, annex), the basic principles on the use of restorative justice programmes in criminal matters (Council resolution 2002/12, annex) and the Guidelines for the Prevention of Crime (Council resolution 2002/13, annex). This body of principles influenced government practices and contributed to the development of more workable crime prevention and criminal justice policies. The role of the United Nations in that field was considered indispensable, as it was the only universal organization that could provide a global perspective, also mobilizing the support of intergovernmental and non-governmental organizations. Some speakers stressed the need to use the principles as a tool to develop an effective crime prevention and criminal justice policy to respond to the increasingly transnational nature of crime, which had negative consequences for the political, social and economic stability of countries. Therefore, such standards and norms should be considered as the foundation for the reform of criminal justice systems, in particular in developing viable approaches to alternatives to imprisonment, the prevention of juvenile delinquency, the protection of victims, the training of law enforcement officials, the judiciary and correctional personnel and the prevention of violence against women and their treatment by the criminal justice system. The efforts of the European Institute for Crime Prevention and Control, affiliated with the United Nations, and the United Nations Interregional Crime and Justice Research Institute in the field of combating violence against women were acknowledged. The international survey on violence against women being developed and the statistics that were expected to result from it would facilitate the development of appropriate policies in line with the internationally recognized instruments related to that problem. Member States should be encouraged to participate in the international survey and to consider the possibility of providing financial assistance for it.

7. The role of the Commission in promoting the use and application of the standards and norms was considered essential. It should take stock of the review of such applications. As the principal United Nations body providing guidance in the field of crime prevention and criminal justice, the Commission was duty-bound to pursue its role in promoting the rule of law and criminal justice reform. It should also ensure the existence of a workable reporting system by States, so as to enrich the exchange of information and experience on problems encountered and successes achieved. The reporting requirements should not be seen as a burden on Member

² *Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Milan, 26 August-6 September 1985: report prepared by the Secretariat* (United Nations publication, Sales No. E.86.IV.1), chap. I, sect. D.2, annex.

³ *Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Havana, 27 August-7 September 1990: report prepared by the Secretariat* (United Nations publication, Sales No. E.91.IV.2), chap. I, sect. C.26, annex.

⁴ *Ibid.*, sect. B.3, annex.

States, but rather as a yardstick against which they could assess the progress made in introducing innovative approaches in their laws and practice.

8. A number of participants informed the Commission of their experience in the use and application of the standards and norms and highlighted reform efforts undertaken in response to the principles contained in the instruments, which had led to the upgrading of criminal justice capabilities to cope with the challenges of crime and to protect their societies with due observance of human rights and fundamental freedoms. An integrated approach should be pursued by aligning all relevant human rights instruments with those dealing with criminal justice matters. Emphasis was placed on ensuring the quality of access to justice, the rights of the accused during the various stages of criminal proceedings and ensuring compensation of victims for damage done. Other participants reported that efforts would continue to be made in order to reform their penal codes in line with newly emerging standards and norms, thus ensuring up-to-date legislation that would enable the criminal justice system to respond to new challenges. Efforts to undertake prison reform and the development of new legislation and measures designed to create better conditions for prisoners to facilitate their rehabilitation and reintegration into society were being pursued. It was also noted that the United Nations should place great emphasis on the interrelationship between human rights and the criminal justice aspects of standards and norms, for example by setting out more explicitly the fundamental rights of prisoners, focusing on the gender perspective, alleviation of poverty and access to justice as cross-cutting priorities. Efforts were also being made to provide convicted juvenile offenders with education and training, as also social services for children in need of care and protection.

9. The view was expressed that the intense debate on crime policy had taken a new turn as a result of rising taxes and the decline in public services. Policy makers were being presented with difficult choices, which would determine the infrastructure of States and the future of crime prevention and criminal justice policies. Violent crimes, such as murder, rape, robbery and assault, were considered as having serious negative effects on the internal security and peace of societies. Experience showed that existing prevention programmes had proved to be effective in reducing the amount of harm that violent crime generated. Equally important was the tendency to resort to alternatives to imprisonment in order to redirect available resources from incarceration programmes.

10. It was noted that, in view of the interrelationship between crime and development, changes in economic and social structures should be accompanied by appropriate reforms in criminal justice, so as to ensure the responsiveness of the penal system to the basic values and goals of society. Policies on crime prevention and criminal justice should take into account the structural causes of injustice, including socio-economic causes of which criminality was often but a symptom. In that regard, it was suggested that an integrated approach should be pursued and properly implemented on the basis of a combination of various factors, including fair policies in criminal justice. Research, data collection and analysis of crime trends and the performance of criminal justice should be undertaken regularly since the results would be of assistance in the formulation and implementation of policy, using, as appropriate, United Nations standards and norms.

11. Initiatives such as the development of guidelines on the role of criminal law in the protection of the environment and on simplifying extradition procedures,

enhancing the role of prosecutors by harmonizing practices of civil and common law countries, together with the organization of workshops focusing on the role of the criminal justice system in alleviating extreme poverty, had been undertaken. Exchange of information on experience through the Internet was highlighted, in particular as regards best practices and successful endeavours in reducing victimization. The Eleventh United Nations Congress on Crime Prevention and Criminal Justice would also be an opportunity for Member States to exchange such experience at the international level.

12. The efforts of the Centre for International Crime Prevention in organizing the Meeting of Experts on the Application of United Nations Standards and Norms in response to Economic and Social Council resolution 2002/15 of 24 July 2002 were commended (see E/CN.15/2003/10/Add.1). The Meeting brought together experts from various regions of the world to evaluate the results achieved and the progress made in the application of existing United Nations standards and norms, to review the present system of reporting, to assess the advantages to be expected in using the cross-sectoral approach and to make concrete proposals to be considered by the Commission. The Meeting was seen as a timely initiative and its recommendations would serve as the basis for action by the Commission and future activities of the Centre on the subject. It was noted, however, that the implementation of such recommendations might necessitate additional resources, which might not be available owing to budgetary constraints. It was therefore recommended that the implications of the recommendations of the Meeting should be carefully examined, taking into account that it might be possible to implement some of the recommendations using existing resources.

13. The Centre for International Crime Prevention was called upon to continue providing technical assistance and advisory services, in particular training in the application of the standards and norms. It should also establish close collaborative ties with the World Health Organization, especially in combating violence and the protection of victims, as well as with other relevant intergovernmental and non-governmental organizations, so as to ensure coordination of efforts and to maximize the use of resources.
