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CRIME PREVENTION AND CRIMINAL JUSTICE

Implementation of the resolutions and recommendations of the  
Seventh United Nations Congress on the Prevention of Crime  
and the Treatment of Offenders

Report of the Secretary-General

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## I. INTRODUCTION

1. The Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders in its resolution 22, requested that at the Eighth Congress there be an examination of the new dimensions of criminality in the context of development on the basis of the information provided by Member States on the results achieved in the implementation of the resolutions and decisions of the Seventh Congress. 1/
2. In its resolution 40/32 of 29 November 1985, the General Assembly endorsed the resolution and approved the Milan Plan of Action, 2/ as a useful and effective means of strengthening international co-operation in the field of crime prevention and criminal justice. It also recommended the Guiding Principles for Crime Prevention and Criminal Justice in the Context of Development and a New International Economic Order 3/ for national, regional and interregional action.
3. In pursuance of the request of the Assembly in paragraph 8 of that resolution, the Committee on Crime Prevention and Control, at its ninth session, made recommendations on the implementation of decisions of the Seventh Congress, 4/ which were approved by the Economic and Social Council in its resolution 1986/10 of 21 May 1986. Furthermore, the Council, in paragraph 4 of resolution 1987/49 of 28 May 1987, invited Member States to submit, for consideration by the Eighth Congress, information to the Secretary-General on the implementation of the recommendations of the Seventh Congress in order to ensure continuity. On 23 August 1989, the Secretary-General requested Member States to provide the relevant information.
4. In accordance with General Assembly resolutions 42/59 of 30 November 1987 and 43/99 of 8 December 1988, reports of the Secretary-General were submitted to the General Assembly on the progress in implementing the Milan Plan of Action (A/43/572 and A/44/400). They included information from 26 Governments.
5. The General Assembly, in resolution 44/72 of 8 December 1989, invited those Governments which had not yet done so to provide relevant information, and requested the Secretary-General to submit to the Eighth Congress and to the Assembly at its forty-fifth session a report on the implementation of the recommendations of the Seventh Congress. As at the end of April 1990, replies had been received from the following 23 States: Argentina, Australia, Czechoslovakia, Egypt, Finland, Germany, Federal Republic of, Holy See, Indonesia, Iraq, Israel, Japan, Kenya, Mexico, Norway, Panama, Philippines, Poland, Rwanda, Singapore, Sweden, Tunisia, Union of Soviet Socialist Republics and United Kingdom of the Great Britain and Northern Ireland.
6. The present report is based on the new information received from those States and is structured according to the substantive agenda items of the Seventh Congress. It also contains information submitted by six Governments, i.e., Austria, Byelorussian Soviet Socialist Republic, China, Netherlands, Spain and Togo, after July 1989, which, owing to its late receipt, could not be included in the previous report to the General Assembly (A/44/400). It will be appreciated

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that the receipt of so few replies makes this report far from comprehensive. No information has been received from 142 Governments.

## II. NEW DIMENSIONS OF CRIMINALITY AND CRIME PREVENTION IN THE CONTEXT OF DEVELOPMENT: CHALLENGES FOR THE FUTURE

7. One of the major achievements of the Seventh Congress was the adoption of the Milan Plan of Action and the Guiding Principles for Crime Prevention and Criminal Justice in the Context of Development and a New International Economic Order. Seven other resolutions were adopted under topic 1 on the following subjects: organized crime; the struggle against illicit drug trafficking; international co-operation in drug abuse control; establishment of an African Regional Institute for the Prevention of Crime and the Treatment of Offenders; technical co-operation in the field of crime prevention and criminal justice; criminal justice in the context of development; and criminal acts of a terrorist character.

### A. The Milan Plan of Action and the Guiding Principles for Crime Prevention and Criminal Justice in the Context of Development and a New International Economic Order

8. Responding Governments emphasized their efforts to strengthen national policies, in line with the Milan Plan of Action and other recommendations of the Seventh Congress, and international co-operation in crime prevention and criminal justice. They indicated that those provisions were either already fully implemented in national legislation and policies or that efforts were being made to do so. The Government of Norway reported that the Milan Plan of Action had been implemented in "its totality". The Government of the Federal Republic of Germany confirmed that it fully endorsed the recommendations of the Seventh Congress. The Governments of Iraq and Tunisia stated that their concepts regarding the prevention of crime and the treatment of offenders were fully in line with the guidelines and rules adopted by the Seventh Congress.

9. The Guiding Principles were reflected in the new Constitution of the Philippines. The Government of Rwanda stated that its legislation was entirely in harmony with the resolutions of the Seventh Congress. In Czechoslovakia, a number of measures had been adopted to apply the Milan Plan of Action to the country's crime prevention strategies. In the Netherlands, prevention of large-scale crime was emphasized in line with the Milan Plan of Action.

10. China attached great importance to the Milan Plan of Action and stated that it was a useful tool for enhancing crime prevention measures to improve criminal justice systems and strengthen international co-operation. It had taken steps to implement them.

11. Sweden observed that many of the recommendations contained in the Milan Plan of Action were substantively similar to its crime prevention and criminal justice goals. The National Council for Crime Prevention had an extensive programme of studies and research on crime and criminal justice.

B. Crime prevention and law reform

12. Other Governments reported on new crime prevention measures, recent law reform initiatives and a number of other activities, including reforms of criminal law and procedure recently effected. In Austria, the Criminal Law Amendment Act (1987) comprised the first major reform of substantive criminal law since the new Austrian Penal Code had been adopted in 1974. In addition, a number of changes had been brought about to the Code of Criminal Procedure and to the Act on the Execution of Sentences. The provisions of the new Penal Code reduced prison sentences, exempted minor cases from punishment, facilitated conditional release, penalized computer fraud and data damage and promoted environmental protection. The Code of Criminal Procedure was amended by several new provisions, including the protection of victims, the right of defendants in remand to confidential communications with defence counsels, and the right to have the decisions of criminal courts reviewed by a higher court.

13. The Government of Finland reported that it was revising its Penal Code, primarily in regard to property offences. The criminal sanctions for theft and other traditional offences had been reduced. New forms of crime, such as computer crime and misuse of public grants, had led to redefining existing offences and introducing new offence categories. The reform dealt also with crimes of violence, crimes against the State, environmental crimes, and work regulation violations. The new law on police investigation, which came into force on 1 January 1989, specified police powers and introduced shortened maximum periods for holding a suspect in police detention. The Finnish prison population has steadily decreased over the past 13 years.

14. The Government of Panama reported that a new Code of Civil and Penal Procedure had been adopted in 1987 and described its efforts to reduce crime through the rehabilitation and reintegration of offenders in society, as provided by article 28 of its Constitution.

15. In Spain, new laws were passed amending the Criminal Code and the Criminal Prosecution Law. Constitutional Law 3/1989, updated the Criminal Code, reduced the number of criminal offences, limited the scope of criminal law to the most serious forms of unlawful behaviour, modified the rules for prosecution in cases of careless driving, and strengthened measures to protect the most vulnerable parties in cases of family desertion and non-compliance with maintenance obligations.

16. The Government of the United Kingdom of Great Britain and Northern Ireland reported that a major programme of legislative reform had defined police powers, increased penalties for drug trafficking and tackled issues of public order and the misuse of firearms. This programme had also created the Crown Prosecution Service, through the Prosecution of Offences Act, an entirely new structure applying nationally consistent standards. The programme responded to the changing nature of crime by providing the police and courts with the requisite powers and penalties, while protecting individual freedom. Major new acts of recent years were the following: the Police and Criminal Evidence Act 1984; the Prosecution of Offences Act 1985; the Public Order Act 1986; the Drug Trafficking Offences Act 1986; the

Fire Arms (Amendments) Act 1988; the Criminal Justice Act 1988; and the Prevention of Terrorism Act 1989.

17. In many of the replies, it was underlined that the enforcement of criminal law was only one of the means of crime prevention and control and that a more effective programme required a cross-sectoral approach in planning and implementation by establishing co-ordinating mechanisms with representatives of the criminal justice sub-systems and other experts and with the community. For example, in Finland, a national board for crime prevention was set up by a Government decree of 1989. Its tasks would include the co-ordination of crime prevention activities, promotion of projects aimed at crime prevention and collection and dissemination of information on crime prevention options. Israel had created the following national organizations to co-ordinate efforts to combat crime and promote the rehabilitation of offenders: the National Council for Crime Reduction; the Anti-Drug Authority of Israel; and the Prisoner Rehabilitation Authority. In the Netherlands, the policy plan on "Co-operation and Criminality" was adopted. More than 200 crime prevention projects related to physical planning, education, welfare and judicial intervention, as well as on scientific evaluation of the results achieved, had been undertaken. A department was formed in the Ministry of Justice to promote crime prevention and formulate government policy on the private security industry and the organization of assistance to victims of crime and to maintain links with the local authorities.

C. Crime prevention and socio-economic development

18. In several of the responses it was noted that criminal justice should be seen in connection with socio-economic development and the changing conditions and requirements of society. Indonesia stressed that changes in the economic and social fields were accompanied by appropriate criminal justice reforms, that is, through the reform of the Code of Criminal Procedure. More acceptable and humane concepts regarding the treatment of offenders were being introduced. Alternatives to incarceration and judicial intervention had been established. Crime prevention strategies were formulated in the present socio-economic context appropriate to the society's developmental stage, its traditions and customs.

19. Iraq gave special attention to the relationships between criminality and such factors as poverty, inequality, illiteracy and unemployment. It reported the enactment of the Social Welfare Law, the Public Health Law, and the Compulsory Education and Literacy Law. Rwanda reported that efforts to improve living conditions and the delivery of justice and to eliminate discrimination had contributed to the curtailment of crime.

20. Panama underlined the direct relationship between the increase in crime and certain aspects of development such as demographic changes, population growth, urbanization, industrialisation, housing, migration and job opportunities. Unemployment, which was a persistent problem, particularly among youth, was considered by Tunisia as a key contributory factor to crime. It would be necessary, therefore, to use national organizations and co-ordinated efforts by the

Government to create employment opportunities for youth in order to prevent deviant behaviour.

21. Kenya emphasized that, since independence, it had witnessed rapid socio-economic and political changes resulting in new patterns of criminal behaviour. Crimes such as robbery had increased and new types of crime had developed. The Government had embarked on crime-related research and planning. A national committee on crime prevention and control was being considered to formulate appropriate policies with the assistance of a national crime research institute. The Kenya Law Reform Commission was working on depenalizing a wide range of minor offences. Court procedures were being simplified and legal aid centres were being made available.

22. The Mexican Government's policies for the promotion, protection and effectiveness of social justice, fundamental liberties and human rights had been incorporated into the National Development Plan for 1989-1994.

#### D. Improvements in the criminal justice system

23. The Government of the Philippines reported that the United Nations guidelines and norms for the treatment of offenders, juvenile justice, independence of the judiciary and other standards had been reflected in its legal reforms. A National Crime Prevention Programme had been formulated, which aimed at ensuring due process, reducing judicial delay and safeguarding the rights of both victims and offenders.

24. In Czechoslovakia, the system of criminal justice and the quality of its functioning were considered essential conditions for protection against criminality and for safeguarding civil rights and freedoms. The sweeping political change had accelerated progress and had made possible legislative reforms. The Act of the Federal Assembly, of 13 December 1989, codified amendments to the Penal Code and the Code of Penal Procedure. Some criminal offences were deleted - abuse of religious office, penetration into the territory of the Republic and obstructing supervision over churches and religious organizations; prison penalties were reduced, for example, for leaving the Republic illegally, obstructing the duties of a public agent, and "parasitism"; new criminal offences were established, for example, interfering with the independence of courts and endangering the environment; and safeguards protecting personal freedom were strengthened, for example, by limiting the maximum duration of detention. Work on improving the quality of the criminal justice system was being undertaken. Problems were being studied, such as the structure and status of criminal courts, the nature and competence of prosecutors, the jurisdiction and structure of police, and the protection of citizens' rights in the envisaged system of court administration. It was expected that the Basic Principles on the Independence of the Judiciary, 5/ the Code of Conduct for Law Enforcement Officials 6/ and the new guidelines on the role of the prosecutor would be incorporated.

25. In 1989, Poland set up the Criminal Law Reform Commission to elaborate a new draft criminal code and code of criminal procedure. At the same time, amendments

were introduced into the criminal legislation to humanize penalties. For instance, new Rules of Execution of the Penalty of Deprivation of Liberty entered into force. Financial resources and police staff were reallocated in order to strengthen crime prevention efforts and new "prevention detachments" of the civic police were created.

26. The Union of Soviet Socialist Republics reported a broad process of legislative reforms in substantive criminal law, criminal procedure and correctional matters. Measures had been taken to democratize and humanize the law and its enforcement. The Soviet Union was formulating an all-Union programme for 1990-1995 to provide for improving the Constitution, fundamental legislative instruments and other legal documents that affect personal rights. In accordance with the Decree of the Supreme Soviet of 4 August 1989, "On the decisive intensification of measures to combat crime", a Temporary Crime Control Committee and local temporary committees were established aiming at eradicating conditions that breed crime and at improving machinery for protecting citizens' rights and interests. To promote the democratization of social processes, openness (glasnost) and the free exchange of information, the provisions criminalizing "anti-Soviet agitation and propaganda" were deleted from the criminal codes of the Union republics.

27. In the Byelorussian Soviet Socialist Republic, the criminal justice system was being reviewed and efforts made to ensure the widest possible participation of the community in crime prevention. Reorganization of the criminal justice system was in progress to buttress the authority of the courts and to guarantee their independence. Draft fundamentals of criminal legislation had been prepared for general public discussion. A considerable degree of decriminalization, a sharp reduction in the number of offences punishable by death, the shortening of sentences involving deprivation of liberty, and the extension of non-custodial penalties were proposed.

#### E. Measures against national discrimination and apartheid

28. Several of the responding States reported on measures to eradicate racial discrimination and other forms of oppression and discrimination. Austria reported measures according to which any person would be liable for punishment who, publicly or in a way that could endanger public order, induced or provoked someone to commit a hostile act against a church or a religious society or against any group who belonged to such a church or religious society, or against a group of any race, any people, any tribe or of any other State. Even though racial discrimination was not thought to be a major problem in Finland, it was proposed to introduce a new, more extensive statute covering all kinds of discrimination on the basis of race, ethnic characteristics, sex and political beliefs. Indonesia stated that since independence, racial discrimination or apartheid was incompatible with the Constitution. Panama underlined that it was party to the International Convention on the Suppression and Punishment of the Crime of Apartheid (General Assembly resolution 3068 (XXVIII), annex) and that its Penal Code provided for punishment of behaviour directed towards or connected with apartheid. Rwanda's legislation raised to the level of a constitutional principle the equality of all citizens

before the law, without any discrimination on grounds of colour, origin, ethnic group or tribe. Spain stated that the prohibition of racial discrimination was reflected in its Constitution. Although racial discrimination was not deemed to be a problem in Poland, it was criminalized by the Penal Code.

#### F. International co-operation

29. Improved bilateral and multilateral co-operation was regarded as a crucial part of crime prevention and criminal justice policies. International co-operation was being developed through international instruments and their implementation at the regional and interregional levels. Austria had ratified the conventions of the Council of Europe on mutual assistance and the transfer of proceedings in criminal matters, extradition, and the supervision of offenders, and has concluded corresponding bilateral agreements. Finland took part in the crime prevention activities of the Nordic countries. Czechoslovakia was incorporating in its internal legislation all commitments assumed under international conventions and agreements on crime prevention and the treatment of offenders. Israel reported that it had signed memoranda of understanding with other States regarding co-operation in law enforcement and public safety. In Indonesia, international co-operation became more effective, especially with regard to extradition, but it was felt that its national crime prevention programme did not receive appropriate international assistance. The Government of Rwanda had concluded judicial co-operation agreements with neighbouring countries, through the Judicial Co-operation Agreement on Extradition and Commissions Rogatory, signed between the member countries of the Economic Community of the Great Lakes Countries and the Protocol thereto on assistance between those countries in criminal matters. Similar agreements had also been concluded with Uganda. The Government of Togo reported that it had signed and ratified conventions on extradition and mutual judicial assistance with many African States: a multilateral treaty with Benin, Ghana and Nigeria was in force. Spain had signed a number of multilateral instruments and bilateral treaties on co-operation and mutual assistance in criminal matters. As a result of the Criminal Justice Act 1988, the United Kingdom had become a full party to the European Convention on Extradition.

30. Several of the 29 responding Governments expressed appreciation for the role of the United Nations in the preparation of model instruments suitable for use as international and regional conventions and as guides for national legislation. Mexico indicated that the draft model treaty on mutual assistance in criminal matters had guided the preparation of a legal treaty signed with the United States of America.

31. Other responding countries had strengthened their collaborative relations with United Nations bodies, including the regional and interregional institutes. The Union of Soviet Socialist Republics concluded an agreement with the Centre for Social Development and Humanitarian Affairs of the United Nations Office at Vienna, the United Nations Interregional Crime and Justice Research Institute (UNICRI) and the Helsinki Institute for Crime Prevention and Control affiliated with the United Nations (HEUNI). The memorandum of understanding signed between the Australian Institute of Criminology and the Centre for Social Development and Humanitarian

Affairs is another example of increased collaboration between the United Nations and interested scientific institutions.

32. Finland is the host country of the Helsinki Institute for Crime Prevention and Control. The Institute is financed by that Government and by contributions from Denmark, Norway and Sweden. Several Polish institutions have co-operated closely with the Helsinki Institute and the United Nations Interregional Crime and Justice Research Institute, as well as with national crime prevention and control organs in various ways (seminars, exchange of data, collaborative research, scholarships etc.). The Ministry of Justice and the Research Institute on Judicial Law had organized, in co-operation with HEUNI, the European Seminar on the Computerization of Criminal Justice Information System, which had been held at Popowo, Poland, in 1987.

33. Panama considered that United Nations regional and interregional institutes should be strengthened, expressing the view that a strengthened United Nations Latin American Institute for the Prevention of Crime and the Treatment of Offenders (ILANUD) would be able to extend greater assistance to the region.

34. Japan concentrated its efforts on the implementation of the resolutions and recommendations of the Seventh Congress mainly through the United Nations Asia and Far East Institute for the Prevention of Crime and the Treatment of Offenders (UNAFEI), which enjoys the full administrative and financial support of its Government. The Philippines considered UNAFEI to be a model of effective international co-operation. It cited as an example a joint Japan-Philippines seminar on crime prevention and criminal justice, funded by the Japan International Co-operation Agency.

35. The Government of Uganda is host to the African Institute for the Prevention of Crime and the Treatment of Offenders (UNAFRI) at Kampala. It is to be financed by African States, according to the Organization of African Unity scale of assessments, with initial support from the United Nations Development Programme (UNDP). Togo expressed its interest in participating in the work of UNAFRI. It also welcomed the possibility of technical assistance, particularly a UNDP-supported programme, to improve the country's criminal justice system.

#### G. Measures against the most serious forms of crime

36. The responses expressed concern about the escalation of organized crime, particularly illicit drug trafficking, and its enormous social and economic costs as especially harmful forms of criminal activity that required new and improved legal remedies and administrative action at the national and international levels. Intensified efforts were reported to prevent, prosecute and control those forms of criminal activity through the modernization of national criminal laws and procedures, national campaigns against drug abuse, strengthening law enforcement authorities, national crime prevention councils and anti-corruption commissions, revised tax laws, and stringent regulations on the transfer of funds or proceeds of organized crime across national boundaries.

37. In Argentina, a new law on narcotic drugs amended the relevant rules in the Criminal Code and the previous law. Its article 42 provided for action to inform teachers, organized community groups and the public in general of the international treaties signed by Argentina, the policies and strategies of the relevant international organizations and the progress of scientific research on narcotic drugs.

38. Australia had contributed to the formulation of the draft bilateral model treaty on mutual assistance in criminal matters to be considered by the Eighth Congress. During 1987 and 1988, a legislative package of more sweeping measures to deal with organized crime was introduced into the Australian Federal Parliament. It consisted of the Telecommunications (Interception) Amendment Act, the Proceeds of Crime Act, the Cash Transaction Reports Act, the Extradition Act, and the Mutual Assistance in Criminal Matters Act. The main purpose was to strike at the heart of organized crime by depriving persons involved of the profits and instruments of their crimes.

39. Government and community agencies in Egypt were giving considerable attention to the protection of both individuals and society from the harmful effects of addiction. A modern social and psychological approach had been developed for the treatment of addicts and care for their families. The first Arab Conference on Countering the Problems of Addiction (Prevention, Treatment and Follow-up) was held in Cairo from 13 to 16 September 1988 and its recommendations were being implemented.

40. In Israel, amendments to the Dangerous Drug Ordinance, passed in Parliament in July 1989, extended police authority to conduct searches and increased penalties for illicit drug trafficking, provided for asset forfeiture and treatment of drug users. In Czechoslovakia, penal legislation was being amended to provide expanded protection against the spread of AIDS, hostage taking, vandalism and drug abuse, as well as for increased environmental protection. In Indonesia, a major effort to control illicit drug trafficking and abuse was launched by enforcement of the Narcotics Act, an anti-narcotic campaign and control of prisoners and their visitors.

41. Mexico reported amendments to the Criminal Code, under which maximum imprisonment for membership in a criminal association or organization was increased from six to eight years. The Government had strengthened its capacity to combat illicit drug trafficking through the creation of a new office of the Assistant Attorney-General. The President of the Republic, on 14 December 1988, proposed to the National Congress a package of reforms to the Federal Criminal Code aimed at increasing punishment for drug trafficking and violations of the Federal Firearms and Explosives Act. Though drug abuse was not yet a serious problem in Mexico, measures to promote research, education, community participation, medical care and legal assistance had been adopted and were co-ordinated by the National Council against Addiction, chaired by the Secretary of Health. The Office of the Attorney-General of the Republic had set up committees presided over by government authorities and drawing their membership from among parents, teachers, neighbourhood organizations, civic associations, and health, educational, justice and public security institutions. More than 1,000 such committees, along with some

10,000 sub-committees, were at work throughout the country in the areas of greatest risk with preventive programmes.

42. The Netherlands outlined the following three main aspects of its drug policy: reducing demand through information campaigns and by deglamourizing drug use and decriminalizing certain forms of drug use; adopting more effective criminal law measures against those trafficking in drugs; and international co-operation. In Spain, constitutional laws 1/1988 of 24 March and 3/1988 of 25 May had been enacted, which amended the provisions of the criminal code on illicit drug trafficking and on the activities of armed gangs, terrorists and insurgents. A special office of the Public Prosecutor for the Prevention and Suppression of Illicit Drug Trafficking had been established. New provisions of the Penal Code were being elaborated in Poland to prevent and control opportunities for that type of criminality that might arise from the changes in its economic system. A national campaign against drug abuse had been conducted.

43. In reaction to increasing drug abuse, the Philippines had adopted a Programme of Action for the Prevention and Control of Drug Abuse. Initiatives had been taken to combat organized crime and terrorism. A national council, composed of governmental and non-governmental organizations, serves as a unified mechanism entrusted with carrying out a national programme to prevent criminality, terrorism and the disruption of public order.

44. Rwanda reported that its Criminal Code provided for severe penalties for the cultivation, sale, transport, possession and consumption of narcotic drugs, as well as for armed robbery. The Government of Togo was implementing the Law on Illicit Drug Trafficking of 1989. A law on money counterfeiting had been promulgated in 1988. National campaigns against drug abuse had been organized in co-operation with the National Commission for the Prevention of Drug Abuse and with youth and workers' organizations.

45. In the Soviet Union, a range of legislative measures to combat organized crime was being formulated. Consideration was being given to introducing criminal liability for creating and directing crime syndicates and to the admissibility of evidence obtained by means of modern technology. The Presidium of the Supreme Soviet of the Russian Federal Soviet Socialist Republic had adopted a decree to counter racketeering. The Second Congress of People's Deputies (December 1989) resolved to regard the struggle against crime, particularly its organized forms, as a task of the greatest importance to the State as a whole. The Council of Ministers had been instructed to formulate measures to eliminate the conditions giving rise to the shadow economy, corruption, mismanagement and wastefulness, all recognized as a breeding ground for organized criminality.

H. International collaboration against organized crime, illicit drug trafficking and terrorism

46. Responding Governments reported increased activity at the international level in order to combat organized crime, illicit drug trafficking and terrorism, including becoming parties to relevant multilateral treaties and entering into

bilateral treaties on extradition and mutual legal assistance. The Mexican Government stated that drug trafficking was an international crime that must be fought through multilateral action by the affected countries and within the framework of the United Nations. At the regional level, Mexico had increased its participation in the work of the Inter-American Drug Abuse Control Commission. Rwanda reported that it had become party to the single Convention on Narcotic Drugs of 1961 7/ and the Convention on Psychotropic Substances of 1971. 8/

47. The Netherlands Government had adopted a bill on new procedures for tracing, freezing and confiscating criminal assets. In the operational sphere, 13 foreign drug liaison officers are based in the Netherlands, while drug liaison officers of the Netherlands are stationed in Thailand, Pakistan and Venezuela and with INTERPOL. The seizure and confiscation of illegal funds were discussed by the Philippines Dangerous Drugs Board, in collaboration with other Asian countries in a seminar held at Manila from 9 to 29 February 1988, with the financial support of the United Nations Fund for Drug Abuse Control.

48. The United Kingdom indicated that the Drug Trafficking Offences Act 1986 provided police and customs with important new powers to trace, freeze and confiscate the proceeds of drug trafficking and to combat money laundering. The Act provided for restraint and confiscation orders made by courts in England and Wales against offenders convicted there, to be enforced against assets held overseas, and vice versa. This would apply to countries and areas with which mutual enforcement agreements had been concluded: Australia, the Bahamas, Bermuda, Canada, Spain, Switzerland and the United States. Under this law, the police also had new powers to investigate bank accounts and other possible sources of terrorist funds; assets could be frozen as soon as criminal proceedings began and, if a conviction followed, the court could order the forfeiture of money or property intended for terrorist use.

49. Spain reported that the Hispano-Portuguese agreement on co-operation in the struggle against drugs had been signed in Lisbon on 27 January 1987, and an agreement had been signed with the United Kingdom on 27 June 1989 for the prevention and suppression of illicit drug trafficking and drug abuse. In 1988 Spain signed the Convention of the Conference of Justice Ministers of Spanish and Portuguese-American countries and the Philippines on the communication of criminal records and information on criminal judgements for illicit trafficking in narcotic drugs and psychotropic substances. It also signed a number of multilateral instruments within the Council of Europe and bilateral treaties with Argentina, Austria, Brazil, Canada, Costa Rica, Ecuador, Hungary, Mexico, Peru, the United Kingdom, the United States and Venezuela.

50. The Soviet Union stressed that success in controlling transnational crime depended to a large extent on the united efforts of all States, both bilateral and multilateral. It is a party to all current conventions against international terrorism. With a view to increasing the effectiveness of measures to combat international terrorism and illicit drug trafficking, the concerned law enforcement agencies of the Soviet Union were stepping up bilateral co-operation with police organizations in the United States of America, the Federal Republic of Germany, the United Kingdom, Italy and other countries, as well as with other States, in ways that include the use of United Nations channels.

51. Spain had signed and the Soviet Union had ratified the Protocol for the suppression of unlawful acts of violence at airports serving international civil aviation, supplementing the Montreal Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, 9/ adopted on 23 September 1971. Both countries signed the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation of 1988 and also its Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf of 1988. 10/

52. Austria reported that it had ratified the Convention for the Suppression of Unlawful Seizure of Aircraft, signed at The Hague on 16 December 1970, 11/ and the Montreal Convention. Within the Council of Europe, the 1977 European Convention on the Suppression of Terrorism 12/ had also been ratified by Austria. In 1989, Israel signed an agreement with several Governments on co-operation in combating terrorism, drugs and organized crime. It is party to multilateral treaties on the prevention of terrorism in civil aviation.

53. Several countries, such as Austria, Israel, the Netherlands, Sweden, Togo and the United Kingdom, emphasized the importance of the early entry into force of the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, 1988. 13/

#### I. Other initiatives

54. With reference to the implementation of the Guiding Principles for Crime Prevention and Criminal Justice in the Context of Development and a New International Economic Order, new regulations had been enacted in Sweden for a more efficient auditing of companies and for strengthening the competence of the district courts and courts of appeal in cases concerning economic crimes. In its draft customs code, the Soviet Union was implementing the recommendation of the Seventh Congress that liability for economic crimes should extend not only to natural persons acting on behalf of a particular institution but also to that judicial entity. The Government of Mexico reported that it had undertaken extensive measures to reduce the rate of unpunishable offences in the areas of tax fraud and illegal transactions involving credit and exchange institutions. The Philippines had adopted the following strategies to combat economic crimes: (a) intensive reorientation and retraining of the personnel of concerned agencies; (b) improvement of technical services through computerization programmes; (c) introduction of measures to reduce corruption; and (d) raising public awareness against corruption. In Austria, the Criminal Law Amendment Act 1987 empowered courts to seize profits acquired by transactions involving legal assets and to freeze assets in order to prevent their removal or concealment.

55. Three Governments described measures to protect the environment. Austria reported that the Strafrechtsänderungsgesetz 1987 updated and completed the criminal offences of the Penal Code in this area. Environment, animals and plants were qualified as legal values protected under criminal jurisdiction without regard to property rights or claims. Soil was expressly included. Even the causing of noise could, in serious cases, result in criminal prosecution. In Israel, a number

of new laws dealt with the pollution of the world's seas. The dumping of debris and spilling of oil were defined as punishable offences subject to particularly heavy fines, and supervisory bodies and inspectors had been installed to enforce those laws. In the Soviet Union, on 3 March 1988, the Presidium of the Supreme Soviet of the USSR adopted a decree on criminal liability for unlawful actions involving radioactive materials which amended criminal legislation to take into account the Soviet Union's obligations as a party to the Convention on the physical protection of nuclear materials.

### III. CRIMINAL JUSTICE PROCESSES AND PERSPECTIVES IN A CHANGING WORLD

56. The Seventh Congress adopted four resolutions under this agenda item, relating to the effective organization of criminal justice systems and the administration of justice: fair treatment of women by the criminal justice system; prosecution; criminal justice systems - development of guidelines for the training of criminal justice personnel; and development of crime and criminal justice information and statistical systems.

57. In its resolution 6, the Seventh Congress recommended that the fair treatment of females should be a continuing and regular activity of the programme of work of the United Nations in the field of crime prevention and criminal justice work, and that, in the implementation of Congress resolutions, the particular situations of women should be recognized.

58. In its resolution 7, on prosecution, the Seventh Congress called upon the Committee on Crime Prevention and Control to consider the need for guidelines on the selection, professional training and status of prosecutors, their expected tasks and conduct, ways of enhancing their contribution to the smooth functioning of the criminal justice system and their role in criminal proceedings. The Eighth Congress will have before it proposed guidelines on the role of prosecutors recommended by the Committee on Crime Prevention and Control at its eleventh session (see E/1990/31, decision 11/116).

59. In addition to the active participation of many Governments in the elaboration of that draft instrument, some reported on measures already taken in line with the proposed guidelines. The Government of Iraq stated that appropriate training was provided to public prosecutors by enrolling graduates of law schools in the judicial institute for two academic years.

60. In Mexico, preparatory courses are regularly organized by the Office of the Attorney-General of the Republic for persons wishing to join the Department through the National Institute of Penal Sciences.

61. In order to increase the efficiency of prosecutors and to improve their legal and professional training, seminars and courses were organized in Rwanda or abroad. In Togo, upon graduation from the National Judicial College, prosecutors were given special training, including special courses and court placements abroad, particularly in France.

62. In response to resolution 8, entitled "Criminal justice systems - development of guidelines for the training of criminal justice personnel", Indonesia reported the establishment of an Academy of Corrections. In Kenya, measures had been taken to increase the professionalism of lawyers and police officers through more efficient training in law schools and police colleges. The Government of Iraq reported that it had devoted maximum attention to raising the standard of the criminal justice agencies, especially the police. It reviewed their structures, adopting modern methods of administration and organizational specialization. The Government of Poland stated that judges and other criminal justice personnel underwent both induction courses and permanent training, which was organized mainly by the courts, under the supervision of the Research Institute on Judicial Law.

63. In the Philippines, an Institute of Judicial Administration had been established under the supervision of the Supreme Court to train judges and court personnel. Through seminars, workshops and conferences, judges were kept abreast of developments in law. In Togo, the National School of Administration (Judicial section) recruited and provided comprehensive training for criminal justice personnel. In the United Kingdom, all police officers, whatever their specialization, received thorough training in community and race relations. The Home Office sponsored national courses for community liaison officers and police managers. Community and race relations were being fully integrated with training on other policing aspects to reinforce the principle that community liaison was central to good operational policing.

64. In resolution 9, entitled "Development of crime and criminal justice information and statistical systems", the Seventh Congress requested the Secretary-General to initiate work on the use of information systems in the administration of criminal justice for those Member States requesting such assistance and to report to the Committee on Crime Prevention and Control.

65. In the same resolution the Seventh Congress also recommended that the Committee should review the results of the United Nations surveys of crime trends, operations of criminal justice systems and crime prevention strategies and should identify problems experienced by Member States in responding to the survey and propose solutions thereto. An interim report (A/CONF.144/6), based on the preliminary analysis of information provided by 93 countries on the Third United Nations Survey of Crime Trends, Operations of Criminal Justice Systems and Crime Prevention Strategies, will be before the Eighth Congress.

66. Also in the same resolution the Seventh Congress requested the Secretary-General to initiate work on the use of an information system in criminal justice administration. The Economic and Social Council, in resolution 1986/11, requested him to establish, in co-operation with the United Nations institutes and other entities concerned, a global crime and criminal justice information network, with the Crime Prevention and Criminal Justice Branch serving as focal point, including a mechanism for centralizing inputs from non-governmental organizations and scientific institutions.

67. Pursuant to those requests the Secretariat put into operation, in March 1989, the United Nations Criminal Justice Information Network, a computerized clearing

house for exchanging crime related information, including an electronic mailing system. The functions, goals and structure of the Network are outlined in the report entitled "Computerization of criminal justice administration" (A/CONF.144/14), which will be before the Eighth Congress.

68. Several of the responding Governments reported on the use of information systems in the administration of criminal justice and the development of national statistical data bases. The Austrian Federal Ministry of Justice, in co-operation with the Central Office for Statistics and the University of Vienna, was in the process of computerizing statistics on recidivist offenders. Work continued in Czechoslovakia on expanding the information base for criminal justice bodies and on reviews and analyses of the trends, dynamics and structure of criminality. Criminological research was playing an important part in these efforts. Providing more accurate information to the personnel participating in crime prevention was also proposed.

69. Israel reported that the Central Bureau of Statistics had published annual statistics on crime, courts, employment, population growth, urbanization, industrialization and housing. This data facilitated research on the interrelationships of criminality and socio-demographic factors. The Henrietta Szold Foundation, sponsored by the Ministry of Education and Culture, had set up a computerized data base on all social science research undertaken in Israel, including crime prevention and delinquency.

70. In 1988, the Soviet Union established, under the USSR State Committee on Statistics, a department of social statistics whose functions include the collection and analysis of state and departmental statistics on crime and convictions, administrative infractions, suicides, drunkenness and alcoholism. In the Byelorussian Soviet Socialist Republic, measures were being taken to develop the necessary data bases on crime and criminal justice.

#### IV. VICTIMS OF CRIME

71. The Eighth Congress will have before it two reports on the implementation of the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power (E/AC.57/1988/3 and A/AC.57/1990/3), which summarize the efforts made to implement the Declaration. The Congress will also have before it a guide on the implementation of the Declaration (A/CONF.144/20).

#### V. YOUTH, CRIME AND JUSTICE

72. Five resolutions, including a new international instrument, the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (General Assembly resolution 40/33, annex), were adopted under this item. The Eighth Congress will have before it a report of the Secretary-General on the implementation of the Rules (A/CONF.144/4). The report contains information received from 51 Governments, as well as from United Nations offices, United Nations institutes and intergovernmental and non-governmental organizations concerned. The Congress will

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also have before it a new set of guidelines for the prevention of juvenile delinquency and the draft rules for the protection of juveniles deprived of their liberty, as recommended by the Committee on Crime Prevention and Control at its eleventh session (see E/1990/31, decisions 11/117 and 11/118).

#### VI. FORMULATION AND APPLICATION OF UNITED NATIONS STANDARDS AND NORMS IN CRIMINAL JUSTICE

73. Under this agenda item, two instruments were adopted at the Seventh Congress: the Basic Principles on the Independence of the Judiciary and the Model Agreement on the Transfer of Foreign Prisoners and recommendations for the treatment of foreign prisoners. <sup>14/</sup> The Eighth Congress will have before it a report of the Secretary-General on the implementation of the Basic Principles on the Independence of the Judiciary (A/CONF.144/19), based on replies of 72 States and several United Nations institutes and non-governmental organizations, and the fifth quinquennial report of the Secretary-General on the implementation of the Standard Minimum Rules for the Treatment of Prisoners (A/CONF.144/11), required by Economic and Social Council resolutions 663 C (XXIV) and 1984/47, which includes issues relating to the Model Agreement on the Transfer of Foreign Prisoners and recommendations on the treatment of foreign prisoners, the status of prisoners and the human rights of prisoners. The report is based on replies from 49 Governments and several United Nations institutes as well as non-governmental organizations.

74. The Eighth Congress will also have before it the following reports prepared in accordance with the other resolutions adopted under this agenda item: report of the Secretary-General on extra-legal arbitrary and summary executions (E/AC.57/1988/5 and Corr.1 and 2), based on the replies of 57 States; (b) report on the implementation of the code of conduct for law enforcement officials (E/AC.57/1988/8 and Add.1/Rev.1), based on the replies of a total of 78 States; (c) the fourth quinquennial survey on capital punishment (E/1990/38/Rev.1 and Add.1), based on the replies of 60 countries; (d) report of the Secretary-General on the implementation of the safeguards guaranteeing protection of the rights of those facing the death penalty (E/AC.57/1988/9 and Corr.2), based on the replies of 74 Governments; and (e) report of the Secretary-General on alternatives to imprisonment and reduction of prison population (A/CONF.144/12), based on the replies of 70 Governments.

#### VII. CONCLUSIONS

75. The information contained in those reports should be complemented by the reports of the regional preparatory meetings for the Eighth Congress held in 1989 (A/CONF.144/RPM.1-5), which also reviewed implementation of the recommendations made by the Seventh Congress. They were attended by over 600 participants, representing 129 Member States, and their debates attest to the impact of those recommendations on national policies and practices.

76. Successful implementation depends above all on the efforts made by Governments within their domestic jurisdictions. Criminal code and procedure reforms have been

undertaken in recent years in a large number of countries and widely disseminated. The police, the judicial system and corrections systems are being restructured to strengthen their efficacy in upholding the rule of law. There is an evident trend towards decriminalization of minor offences so as to allow greater attention to be paid to the control of more serious crime. There is also an increasing use of non-penal measures and of alternative, non-custodial sanctions in an ever larger number of countries.

77. Member States have intensified their struggle against the most serious forms of crime, including organized crime, terrorism, illicit drug trafficking and environmental and economic offences. The promulgation and application of appropriate laws and regulations to control and combat those forms of crime have often resulted from international treaties and instruments.

78. However, developing countries have voiced their concern that they have to struggle against serious handicaps such as the lack of skilled personnel and the absence of training opportunities and of technological and material means. The economic crisis that they are facing has compounded the problem, as has the economic, social and human cost of crime, which is impairing sustainable growth and the quality of life.

79. The replies received underlined the interest in the United Nations advisory services and other types of aid and pointed out that national programmes had not always received appropriate international assistance. They also emphasized that the regional and interregional crime prevention institutes could play an important role in contributing to the successful implementation of the United Nations crime prevention and criminal justice programme.

80. The United Nations recommendations constitute a set of policy guidelines in the light of which Governments can assess and direct their own efforts. They also provide a basis for harmonizing national legislations and, increasingly, for viable co-operation between States. Effective future action, both nationally and internationally, requires that existing problems be recognized, that ways be found of overcoming them and that the commitment and assistance of the international community be fully mobilized.

#### Notes

1/ See 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).

2/ Ibid., chap. I, sect. A.

3/ Ibid., sect. B.

4/ See Official Records of the Economic and Social Council, 1986, Supplement No. 5 (E/1986/25).

Notes (continued)

- 5/ See 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.
- 6/ General Assembly resolution 34/169, annex.
- 7/ United Nations, Treaty Series, vol. 520, No. 7515, p. 204.
- 8/ United Nations publication, Sales No. E.78.XI.3, p. 7.
- 9/ United Nations, Treaty Series, vol. 974, No. 14118.
- 10/ See International Maritime Organization documents SUA/CONF/15/Rev.1 and SUA/CONF/16/Rev.2.
- 11/ United Nations, Treaty Series, vol. 860, No. 12325.
- 12/ Council of Europe, European Treaty Series, No. 90.
- 13/ E/CONF.82/15 and Corr.2.
- 14/ See 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.

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