



Department of Justice  
Canada

Ministère de la Justice  
Canada

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# **REPORT OF THE CANADIAN DELEGATION**

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**CRIME**

**Tenth United Nations Congress  
on the Prevention of Crime and the Treatment of Offenders**

**Crime and Justice:  
Meeting the Challenges of the Twenty-first Century**

**Vienna, Austria, 10-17 April 2000**

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## **PREFACE**

The report of the Canadian delegation to the 10th United Nations Congress on the Prevention of Crime and the Treatment of Offenders is divided into nine parts. The first part, the introduction, traces the history of the quinquennial Congresses on the Prevention of Crime and the Treatment of Offenders and summarizes the events which took place during the 10th Congress. The second part explains the organization of the Congress from an international and national perspective. The third part provides an overview of Canada's participation at the Congress.

Parts four, five and six provide, respectively, an overview of each of the four agenda items which were discussed during the Congress, the Canadian participation during the Congress plenary meetings and during the Congress workshops.

Part seven refers to the report of the Canadian non-governmental organizations on the Congress. The follow-up that was given by the United Nations Commission on Crime Prevention and Criminal Justice, by the Economic and Social Council and the General Assembly is included in Part eight. Areas deserving future emphasis are noted in Part nine.

The Annexes contain the list of the Canadians who attended the 10th Congress, the main speeches delivered during the Congress, the Report of National Associations Active in Criminal Justice Non-Governmental Organization representatives, and the Vienna Declaration on Crime and Justice: Meeting the Challenges of the Twenty-First Century which was adopted by the Congress on April 17, 2000.

It is hoped that this report will be helpful and interesting to those who wish to gain a better understanding of the role of the United Nations in the field of crime prevention and criminal justice and the role which Canada plays within the United Nations in this respect.

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**THE 10TH UNITED NATIONS CONGRESS  
ON THE PREVENTION OF CRIME  
AND THE TREATMENT OF OFFENDERS  
(Vienna, Austria, April 10-17, 2000)**

**REPORT OF THE CANADIAN DELEGATION**

**1. INTRODUCTION**

**1.1 PREVIOUS CONGRESSES**

The United Nations Congresses on the Prevention of Crime and the Treatment of Offenders trace their origin to the international penitentiary congresses, which had been organized by the International Penal and Penitentiary Commission since the nineteenth century. In 1950, the United Nations (UN) assumed the functions of the Commission and, by a General Assembly resolution, undertook to convene a worldwide congress every five years, commencing in 1955, to discuss the prevention of crime and the treatment of offenders.

These quinquennial Congresses provide a forum for the discussion of criminal justice priorities by policy-makers, administrators, academics and other professionals. Participants include delegates appointed by their governments, observers from national liberation movements, representatives of international, inter-governmental (IGOs) and non-governmental organizations (NGOs), representatives of bodies and specialized agencies of the United Nations, individual experts invited as observers, expert consultants invited by the United Nations Secretariat, and officials of the Secretariat.

Through the Congresses, the United Nations has set standards concerning human rights within the criminal justice system, crime prevention, criminal justice and the rehabilitation of offenders. The first three Congresses, held in Geneva (1955), London (1960) and Stockholm (1965), gave primary attention to penal and correctional systems. The 4th Congress, in Kyoto (1970), addressed social defence policies and development. The 5th Congress, in Geneva (1975), introduced policing issues. The 6th Congress, in Caracas (1980), emphasized crime prevention in the context of development. The 7th Congress, in Milan (1985), focused on transnational crime and crime prevention through international cooperation. The 8th Congress, in Havana (1990), dealt with international cooperation in crime prevention and criminal justice. The 9th Congress, in Cairo (1995), addressed transnational crime, international cooperation and crime prevention issues.

As an important international governmental forum, the Congress requires from its participants a high degree of expertise in criminal justice policy. The voting procedure is formal although efforts are made to develop consensus. In the past, resolutions adopted by the Congress have been forwarded for consideration or approval to the Third Committee of the General Assembly, which is responsible for Social, Humanitarian and Cultural Matters, and then to the General Assembly. Previous

Congresses have resulted in the adoption of several international instruments. Some of the most noteworthy include the Standard Minimum Rules for the Treatment of Prisoners, Code of Conduct for Law Enforcement Officials, Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, and Basic Principles on the Independence of the Judiciary. Post-Congress activities have domestic political implications since Member States are urged to implement, through their national legislation or practice, the resolutions and the other instruments adopted at the Congress.

## **1.2 RESTRUCTURING OF THE UNITED NATIONS CRIME PREVENTION AND CRIMINAL JUSTICE PROGRAMME**

In the 1980s, there were growing concerns about the effectiveness and ability of the United Nations crime prevention and criminal justice programme to meet the emerging demands of Member States, particularly developing countries, for assistance in developing and implementing crime prevention and control policies, and in addressing the growing threat of sophisticated forms of transnational crime, while at the same time respecting and promoting human rights in the administration of justice.

Many Member States (including Canada) wanted to see some major changes. On December 18, 1991, the General Assembly adopted a resolution concerning the Creation of an effective United Nations crime prevention and criminal justice programme (46/152). One of the main purposes of the resolution was to establish the United Nations Commission on Crime Prevention and Criminal Justice (CCPCJ) as a new functional commission of the Economic and Social Council (ECOSOC). This occurred in February 1992. On April 19, 1994, Canada was elected to the 40 member Commission for the term 1995-98. Canada was again re-elected on January 1, 2000, for a three year term, 2000-2003. The Department of Justice has the lead substantive responsibility for Canada's representation on the Commission.

The Commission, which meets annually, is the main preparatory body for the United Nations Congresses. It is assisted by the Centre for International Crime Prevention (CICP) of the Office for Drug Control and Crime Prevention (ODCCP), which is the permanent secretariat to the Commission.

As decided by the General Assembly, in 1991, in consequence of the creation of the new Commission, the United Nations Congresses on the Prevention of Crime and the Treatment of Offenders now play a new role within the crime prevention and criminal justice programme. The purpose is now to provide a forum in which relevant information will be exchanged and emerging trends will be identified.

## **1.3 GENERAL INFORMATION CONCERNING THE 10TH CONGRESS**

Participants from 137 countries attended the Congress. Among the governmental representatives were Ministers of Justice, Ministers of the Interior, Attorneys General, chief justices, ambassadors, directors-general, heads of prison administrations and police services, as well as a large number of representatives of inter-governmental and non-governmental organizations. Over 300 individual experts participated in the Congress as observers. Mr. Pino Arlacchi, Under-Secretary-General of the United Nations, Executive Director of the Office for Drug Control and Crime Prevention of the United Nations Office at Vienna, served as Secretary-General of the 10th Congress. His Excellency Mr. Pennell Mpapa Maduna, Minister of Justice of South Africa and head of the delegation of South Africa, was elected as President of the Congress.

## A. Substantive Issues

The theme of the 10<sup>th</sup> Congress was "Crime and Justice: Meeting the challenges of the 21<sup>st</sup> Century". The following four agenda items were discussed under this theme:

- Promoting the rule of law and strengthening the criminal justice system;
- International cooperation in combating transnational organized crime: new challenges in the twenty-first century;
- Effective crime prevention: keeping pace with the new developments; and,
- Offenders and victims: accountability and fairness in the justice process.

In addition to the general discussion on these issues, practically oriented workshops were held during the Congress. These workshops were chosen on the basis of certain criteria: they represent a subject of interest to both developing and developed countries; they are multidisciplinary and display a balance among the various disciplines interested in the criminal justice system (law, police, corrections and social sciences); they take into account issues which have already been dealt with as well as emerging issues; they are oriented towards practical problems and solutions; and, finally, each of the priority items which were determined by the Commission are represented in the workshops. The following issues were addressed during the workshops:

- Combating corruption;
- Community involvement in crime prevention;
- Women in the criminal justice system;
- Crimes related to the computer network.

The main purpose of the 10<sup>th</sup> Congress was not to examine or elaborate draft legal instruments, as did Congresses before 1991. The purpose of this Congress was to provide a forum in which relevant information was exchanged, emerging trends were identified and suggestions made for future issues to be considered within the work programme of the Crime Commission. However, as decided by the United Nations Commission on Crime Prevention and Criminal Justice in 1998, the 10<sup>th</sup> Congress adopted a declaration, the Vienna Declaration on Crime and Justice: Meeting the Challenges of the 21<sup>st</sup> Century that was submitted to the Millennium Assembly of the United Nations, through the Commission at its ninth session which was held April 18-20, 2000, for consideration and action.

For the first time in the history of the Congresses, the 10<sup>th</sup> Congress included a high-level segment, on April 14 and 15, 2000 that allowed heads of State or Government or Ministers to focus on the main theme of the Congress. In addition, an overview of the state of crime and criminal justice worldwide was presented at the beginning of the Congress.

## B. Ancillary and Professional Meetings

During the Congress, non-governmental and inter-governmental organizations held several ancillary and professional meetings, as well as meetings with a practical orientation, in cooperation with the United Nations Secretariat, concerning the following issues which were related to the Congress topics:

- Tackling Prison Overcrowding: Solutions that Work
- Overview of Restorative Justice



- Impact of the Victims' Declaration on National and International Law and Standard Setting
- Medical/Mental Health Treatment of Offenders
- Transnational Organized Crime against Women: Trafficking in Women
- Juvenile Offenders as Citizens
- Preventing Human Rights Violations: Training and Accountability
- Promoting the rule of law and strengthening the criminal justice system through ratification and implementation of the Rome Statute for an International Criminal Court
- Promoting the Role of the Prosecutor in the fight against Transnational Organized Crime
- Prison Conditions: Getting Them Right
- Restorative Justice for Police
- Cross-Sectoral Panel on Corruption, Financial Crimes and Drug Trafficking
- Making Standards Work: Monitoring and Action
- Capital Punishment: New Frontiers in Abolition

These meetings provided an opportunity for exchanges between the professional and scientific community and some of the delegates involved in the official deliberations of the Congress. A number of ad hoc meetings and working groups were also held on specific issues, such as a meeting of Member States and organizations focused on crime prevention councils organized by the Canadian National Crime Prevention Centre.

### **C. Communications Coordination**

Interdepartmental meetings were held with communication representatives of several departments and agencies in preparation for the Canadian delegation's participation to the 10<sup>th</sup> United Nations Congress on the Prevention of Crime and the Treatment of Offenders. Issues addressed during those meetings included the overall government communications strategy for the event, the Government of Canada exhibit at the Congress, media relations and speeches (with policy/program officials).

At the invitation of the Department of Justice, the following departments and agencies took part in the meetings: National Crime Prevention Centre, Canada Information Office, Citizenship and Immigration, Foreign Affairs and International Trade, Health Canada, Industry Canada, Intergovernmental Affairs, Solicitor General (Correctional Services of Canada, RCMP, National Parole Board), Statistics Canada and Status of Women Canada.

The Interdepartmental Communications Committee set out the framework for the exhibit at the Congress. In its planning, the Committee identified a very large number of Canadian activities and initiatives in support of the Congress themes that would be valuable to share with other countries.

While supporting materials were available for all of these, the cost of printing large quantities and shipping, as well as manageability were convincing restraining factors. A consensus was reached to only send documentation on UN themes for which Canada would directly contribute during the Congress and to have Theme Days which would focus on issues being discussed by Congress participants on each day. Access to other documentation of interest to Congress participants would be provided through an Internet link set up at the Canadian exhibit where searches for information could be provided as well as URLs for documents of interest. Participating departments assisted in

identifying web sites and pages that would be of interest to the Congress themes.

The Canadian exhibit was held from April 10 to 17, 2000. The exhibit itself, provided by the National Crime Prevention Centre, was strategically located near a coffee/food counter, which attracted participants whenever the Congress was not in session. Joined later in the week by the Mexican exhibit, the Canadian exhibit, with its third presence at UN Congresses, showed leadership and a desire to share information with participants from around the world.

The theme-day approach chosen for the exhibit was again very successful. The first two days featured the materials on Canada's system of justice, crime trends, restorative justice, statistics and corruption. Participants were invited to visit the exhibit to view or obtain recent documentation on these issues and told that subject matter would change as the week went on and new Congress themes were being discussed. This ensured constant flow of visitors to the Canadian exhibit and many return visits throughout the week. Other themes during the week included international cooperation in criminal justice issues, crime prevention (programs and tools), women in the criminal justice system, offenders and victims programs, and computer crimes.

The number of visitors at the kiosk was estimated at approximately 700 from at least 80 different countries. Most visits were in the 5 to 10 minute range, but many lasted over 15 minutes, as participants were seeking to find specific information from Canada on subjects not directly addressed by the Congress. The Internet link to the Government of Canada site (and to all government departments) proved most useful. Once a subject matter was identified by Congress participants, a search would be done on the Internet to find the required information. Then a bibliography, the table of contents of a large document or other references including URLs were printed, and a folder with the pertinent information was prepared for later pick-up by Congress participants. Issues most researched in this context were money laundering, family violence, guides for prosecutors and aboriginal issues.

#### **D. Relations with the Press**

Members of the Canadian delegation were solicited to conduct media interviews with local and international media. Canadian representatives were available to the media, which enhanced Canada's ability to transmit its messages on the international scene as well as to Canadians. The requests primarily focused on organized crime and computer crimes. Although monitoring of these articles was sometimes difficult, the coverage reviewed was fairly positive.

The Minister conducted a few interviews on Canada's presence at the Congress, underlining the importance of international cooperation to fight against transnational organized crime.

#### **1.4 CANADIAN DELEGATION TO THE 10TH CONGRESS**

The list of the fifteen delegates composing the Canadian delegation is included in Annex B. Five criteria guided the choice of the proposed nominees: the issues to be discussed during the Congress, more particularly in respect of the Draft Vienna Declaration and the workshops; the level of expertise of the nominee; a proper balance of experts from departments having an interest in attending; the main objectives for Canadian participation at the Congress; and, the structure of the Congress (i.e., a plenary and two committees, including workshops, that operate simultaneously).

The Honourable Anne McLellan, Minister of Justice and Attorney General of Canada led the Canadian delegation. The experts were from the federal government and provincial/territorial governments. The Ministers of Justice, Foreign Affairs and the Solicitor General of Canada approved the delegation.

Some representatives of non-governmental organizations also attended the Congress at the expense of Justice Canada and Solicitor General Canada. The departments made a financial contribution toward the attendance of three experts whom, although not official delegates acted as special advisors to the delegation.

A list of the Canadian participants to the 10th Congress is included in Annex B.

## **2. ORGANIZATION**

### **2.1 INTERNATIONAL ORGANIZATION**

Regional Preparatory Meetings with representatives from national governments of all regions of the world (except Europe and North America) were held in 1998 and 1999: Bangkok, in cooperation with the Economic and Social Commission for Asia and the Pacific (ESCAP) (November 2-4, 1998); Beirut, in cooperation with the Economic and Social Commission for Western Asia (ESCWA) (November 11-13, 1998); Kampala, at the invitation of the Government of Uganda and in cooperation with the African Institute for the Prevention of Crime and the Treatment of Offenders (UNAFRI) (December 7-9, 1998); and, San José, at the invitation of the Government of Costa Rica and in cooperation with the Latin American Institute for the Prevention of Crime and the Treatment of Offenders (ILANUD) (February 22-24, 1999).

The results of the Regional Meetings were transmitted to the Commission at its 8<sup>th</sup> Session in 1999, and were made available to the Congress.

### **2.2 NATIONAL ORGANIZATION**

An interdepartmental committee composed of Justice (chair), Solicitor General and Foreign Affairs was established to prepare the Canadian delegation for the 10th Congress. The main purpose of the committee was to develop the position that Canada would take in relation the Vienna Declaration, the only instrument that was before the Congress. The Committee also approved Canada's speeches and information notes in relation to the agenda items and workshops, as well as the communication strategy.

#### **A. Provinces and territories**

For two years before the Congress, the provinces and territories were kept informed of the preparations for the 10th Congress through the Coordinating Committee for Senior Officials (CCSO). As was the case for non-governmental organizations and other interested parties, provinces/territories were asked to comment on the Vienna Declaration and were canvassed in relation to their interest in participating in the Congress. One delegate from the province of British Columbia and two delegates from the province of Québec attended the 10th Congress.

## B. Non-governmental organizations

As was the case for previous Congresses, ancillary and professional meetings for intergovernmental, non-governmental and professional organizations were held during the 10th Congress, on the same site as the Congress.

The Department of Justice and the Ministry of the Solicitor General jointly funded the participation of three NGOs who were chosen by the National Associations Active in Criminal Justice (NAACJ). NAACJ established a panel that surveyed candidates from their membership. The Department of Justice provided funding in the amount of \$3,000.00 to help offset the cost of providing simultaneous interpretation services for the ancillary meetings at the 10th Congress.

Concerning the substantive preparations, an information session for non-governmental organizations was held on October 18, 1999, followed by a consultation on March 28, 2000.

## 3. CONGRESS ACHIEVEMENTS

### 3.1 SUMMARY

At the opening of the 10<sup>th</sup> Congress, an interesting presentation was made by the UN Secretariat on the state of crime and criminal justice worldwide. It was noted that while crime had decreased during the 1990s in Western Europe and North America, the crime reported elsewhere tended to increase and that developed countries could also face high crime rates.

The importance of international cooperation in the prevention and control of transnational organized crime was emphasized throughout the Congress, especially in reference to the draft Convention against transnational organized crime and its protocols. The three protocols are 1) Protocol against the smuggling of migrants by land, sea and air; 2) Protocol to prevent, suppress and punish trafficking in persons, especially women and children; and, 3) Protocol against the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition.

Broad discussions on crime prevention took place both under an agenda item on that issue and during the workshops dealing with community involvement in crime prevention. Governments and the Crime Commission were urged to intensify their efforts to identify the successful elements of effective community mobilization, including the roles of all levels of government, and to provide increased technical assistance in this respect.

Although they were considered as separate issues during the Congress, the promotion of the rule of law and the importance of combating corruption were both discussed as steps linked to the decrease in crime, including transnational organized crime.

Participants at the Congress agreed that the interest in victims had grown, in part, due to the growth of interest in restorative justice, which had received a substantial impetus from the penal crisis of recent years. No firm conclusion, however, was reached in regard to the rights of offenders vis-à-vis the role of victims in the criminal justice system.

The Congress contributed to emphasizing that the issue of women in crime and the criminal justice

system was growing in importance and should be addressed at the national and international levels.

Crimes in the computer network were also to be tackled at both the national and international levels given the increased reliance on new information technology.

### **3.2 ROLE PLAYED BY CANADA**

The head of the Canadian delegation was the Honourable Anne McLellan, Minister of Justice and Attorney General of Canada and, following her departure, Richard G. Mosley, Assistant Deputy Minister, Criminal Law Policy and Community Justice Branch. The Canadian delegation played an active and constructive role on select agenda issues.

Donald K. Piragoff, General Counsel, and Lucie Angers, Counsel, both from the Criminal Law Policy Section, Department of Justice, coordinated the substantive and procedural positions of the Canadian delegation, and represented Justice Canada at the regional meetings of the Western European and Other Groups Member States (WEOG). Charlene Cardinal, Canadian Coordinator for the 10th Congress, Department of Justice, coordinated the administrative and logistical arrangements for the delegation.

The Canadian delegation made a substantial number of interventions in relation to each of the four agenda items, as well as during the workshops, and participated in unofficial consultations to improve the Draft Vienna Declaration.

## **4. REPORT OF THE CANADIAN DELEGATION ON CONGRESS TOPICS**

### **4.1 AGENDA ITEM 3: Promoting the rule of law and strengthening the criminal justice system**

Promoting the rule of law and strengthening the criminal justice system was discussed over three half-day workshops held from Monday, April 10, to Wednesday April 12, 2000 within the programme of work of Committee I. Dr. R. K. Raghavan, Vice-President of the Indian Society of Victimology, chaired the works of Committee I.

The meeting was opened by the Chairman who underlined the importance of providing participants with the opportunity to share respective national and international experience in promoting the rule of law and strengthening the criminal justice system. After a brief presentation of the panelists and the structure of the workshop, a number of delegations made their presentations on specific topics, with participants making several interventions thereon.

Over the three half-day sessions, participants heard presentations from twenty-seven countries: Monday - Sweden, China, Austria, Croatia, Australia, South Africa, Cameroon, and Namibia; Tuesday - Thailand, Cuba, Turkey, USA, Korea, France, Poland, Slovakia, Argentina, and Mexico; Wednesday - Bolivia, Peru, Egypt, Canada, Ukraine, Oman, Sudan, Swaziland and Madagascar.

Madame Louise Fréchette, Deputy Secretary-General of United Nations, set the tone for the Tenth Congress by saying, in her opening address, that people face unprecedented challenges posed by an increasingly global criminal world. In the words of Mr. Pino Arlacchi, Conference Secretary-General,



the task of the Tenth Congress was to "examine how, in the face of a globalized threat from organized crime, we can guarantee to the people of the world a life under the rule of law".

In summary, many countries that made presentations to Committee I had the same message: the globalization is leading to criminal activities that are increasingly international or transnational in their nature. Some forms of crime have taken on such global dimensions that we must now think of global solutions.

International cooperation, both in the form of mutual legal assistance in criminal matters and technical assistance, is seen as an efficient way of sharing information and experience, strengthening the criminal justice systems at the national level and, ultimately, promoting the rule of law around the world.

International cooperation is particularly in demand in countries in transition. These countries face the daunting task of trying to fight increased crime while undertaking in-depth reforms of their justice systems necessary for the full democratization and transition to market economy. South Africa, Croatia, Poland, Slovakia, and Ukraine all stressed in their presentations the value of international cooperation in the area of legal and judicial reform.

International cooperation is also of vital importance to developing countries which often lack the adequate resources, human (lack of judges), material (lack of court houses) and financial, to undertake comprehensive reforms of their system of justice. This statement was eloquently made by the delegate from Cameroon and echoed by Sudan, which appealed for more technical assistance.

Indeed, many countries stated in their presentations that technical assistance is necessary to make the rule of law a reality. International cooperation - especially at the level of investigation and prosecution - is an effective means of combating crime at the global level. Lack of cooperation will inevitably lead to the creation of safe havens.

Speaking on behalf of the Canadian delegation, Mr. Michel Roy stated that in Canada the rule of law is not only a legal concept, but also a social and cultural value. He added that legal cooperation is one of the key instruments for the promotion of democracy, human rights and the rule of law. Mr. Roy described briefly the contribution of key Canadian organizations to international legal cooperation and cited some practical examples. Given the necessity to better manage the limited resources and coordinate the efforts in the area of legal cooperation, Canada expressed its support for the creation of the database on the needs and resources in the area of crime prevention and criminal justice, which had been initiated with the help of HEUNI. Finally, Canada urged all participant countries to work together to further increase international cooperation, and support the United Nations programme on crime prevention and criminal justice.

The USA called on all countries to support the Convention on Transnational Organized Crime that is currently being negotiated. Several countries expressed their support for this initiative. The USA also indicated its intention to propose a separate instrument on anti-corruption strategy. France asked the participant countries to speed up the process of ratification of the Rome Statute on the International Criminal Court. Austria stressed the importance of achieving the right balance between the fight against crime and the protection of human rights.

There were also excellent presentations by three panelists: Prof. Xavier Raufer, de l'Institut de criminologie, de Paris, France, Mr. Bulelani Njcuka, National Director, Public Prosecutions, South Africa, and Mr. Nihal Jayawickrama, Executive Director, Transparency International, London, UK.

Prof. Raufer made a presentation on criminal consequences of armed conflicts using as an example the case of Kosovo. He stated that conflicts in the region have been accompanied by a dramatic increase in criminal activities.

Mr. Ngcuka talked about the challenges facing South Africa as it strives to establish the rule of law. In his opinion, the greatest challenge is to establish the "rights culture", but the failure to do so would lead to problems with the whole justice system. Based on his country experience - which is representative of other transitional countries - the most important elements are the loyalty and commitment of the law enforcement personnel inherited from the previous regime, the loss of public confidence in law and law enforcement, corruption, and breakdown of social structures.

Mr. Jayawickrama addressed the issues of corruption and judicial independence. In his opinion, the judicial independence should not be viewed as a privilege enjoyed by judges, but rather as protection for the whole society. However, the judiciary should be accountable to people. One possible way of achieving the accountability for the judiciary without compromising their independence could be a code of ethics. Mr. Jayawickrama suggested that the code of ethics could be drafted by the judiciary itself and administered by the representatives of the judiciary with some form of participation from the broader community.

In his conclusion, the Chairman made a number of remarks on the state of the rule of law in today's world. Dr. Raghavan stressed that there is more to the rule of law than enacting statutes -- the rule of law is achieved when there is acceptance of principle in the whole society and administration by police, judges and others in the justice system. He talked about the challenges facing the transitional countries such as changing the attitudes of judges and prosecutors, and multiple problems that must be solved to establish the rule of law. He repeated the statement made by several countries that we must strive to achieve balance between combating crime and protecting human rights. Finally, he said that for an effective penal system it is not enough to punish crime; it is important to study its causes and work on crime prevention.

#### **4.2 AGENDA ITEM 4: International cooperation in combating transnational organized crime: new challenges in the twenty-first century**

##### General

The effect of globalization on transnational organized crime was a major theme during the plenary sessions. The impacts of the opening of markets, movements of capital, increased mobility of the world's populations, and the effects of technology, have lead to greater challenges for those involved in the fight against transnational organized crime.

Pino Arlacchi's address to the Plenary described the scope of transnational organized crime in today's world. He suggested that the main challenge in the global fight against organized crime is dealing with human suffering due to drug trafficking. He also mentioned that worldwide profits to finance armed conflict and terrorism are enormous. The Secretary-General of the Congress offered several solutions, including a need for consistent intelligence-sharing, continued judicial cooperation, and the rapid completion of the draft Transnational Organized Crime Convention and its protocols. Mr. Arlacchi stated that there could not be any weak links among countries in the fight against organized crime. He made a plea for all countries to sign the Convention, since good progress is being made and must continue. He also suggested that the international community must accelerate the pace of work to fight

corruption and drugs, both at the national and international levels. This fight requires resources. Judicial systems must be supported, training of law enforcement around the world must improve, and money for technical assistance to developing countries is essential.

There was a general sense of optimism among delegates during the plenary. Most countries spoke of their own problems with organized crime, and their domestic actions such as new laws, improved sanctions, and judicial cooperation, all aimed as solutions to the many problems. In his statement to the Plenary, Jack Blum, a Washington lawyer, stated that tools of international cooperation very often break down on issues of nationality, definition of crime and the resources of the government. The need for international cooperation in combating transnational organized crime was consistently iterated. Canada, the Slovak Republic, South Africa, and Portugal on behalf of the European Union encouraged other United Nations' members to push for the scheduled completion of the Convention before its year 2000 deadline. A consensus was apparent regarding the need for a global partnership among all stakeholders and regions.

Austria suggested that universal values and ethics must be discussed at a separate international conference. Similarly, the International Scientific and Professional Advisory Council explained that there should evolve a global consensus on principles of justice and respect for human rights.

#### Canada's Intervention

In her speech to the Plenary, the Honourable Anne McLellan, Minister of Justice and Attorney General of Canada, highlighted many manifestations of organized crime. She explained that governments must help raise public awareness and identify solutions. Combating organized crime must not be left only to the criminal justice system, but is a task that must be shared broadly within society. Canada strongly advocated for a cooperative effort to ensure that the three protocols of the main convention (smuggling of migrants, trafficking in persons, and illicit firearms trade) are completed by the year 2000 deadline. Canada believes that it is in the collective interest to have the Convention, and particularly its core mutual legal assistance and extradition provisions, deal broadly with organized crime. Specifically, Canada is proud of the lead role it has been able to play in helping to co-ordinate work on the firearms protocol.

Minister McLellan highlighted specific problems linked to organized crime, such as high-tech crime over the Internet and the use of telecommunications for illicit purposes. She explained that Canada is involved in ongoing discussions within the Council of Europe to elaborate a legal instrument to deal with transborder computer crime, and is also involved with initiatives in the Organization of American States and among Commonwealth countries on transborder computer crime.

Canada believes that education, training and information exchanges regarding high-tech crime should be an early priority for the United Nations. It also supports the negotiation of a global instrument against corruption and the criminalization of corruption as a predicate offence in the context of money laundering and the possession of proceeds of crime.

Canada continues to be committed to building international police and law enforcement partnerships. These partnerships have and will include joint operations targeting the upper echelons of transnational criminal organizations and the exchange of both evidence and criminal intelligence on criminal groups. Minister McLellan strongly advocated continued global cooperation to effectively combat transnational organized crime.

### Technical Assistance

Most developing countries were in favor of the Convention, but made it clear that they require technical assistance and other relevant aid to implement many of its sections (several Latin American countries, Thailand, Egypt, Southern African countries, Cameroon, Togo, Burkina Faso Nations, Malaysia, Libya, Uganda, Ghana, Namibia, Cambodia, Argentina). Botswana stated that the fight against organized crime is far from over because of the disparity in legislation, high technology, and the disappearance of trade barriers. As well, many developing countries asked the United Nations to establish a special technical assistance fund. Guatemala, on behalf of the Latin American and Caribbean group, requested more time to implement the Convention. Most delegations agreed that increased global cooperation would help narrow this operational and technical divide. Barbados and Syria suggested that developed countries should assist developing countries by sharing information on what crime prevention techniques are proven effective.

Namibia commented on its need for assistance and explained that there is a link between organized crime and underdeveloped countries. Zimbabwe further explained that several African countries have become homes to many organized crime groups due to their weak legal systems and poor economic situations. These statements reflected the situations of many undeveloped countries.

### Systemic Threat to Government

Many countries explained their need to deal with the most basic prevention of crime within their borders. One Middle Eastern state, along with the Russian Federation, added that organized crime has penetrated the infrastructure of developing countries in transition and undermined their governments. The Russian Federation's main concern at the moment is fighting arms trafficking and terrorism. Nigeria and Croatia, since their independence, have focused primarily on establishing the most basic principles of the rule of law. Similar statements were made by other developing countries and those with transitional economies.

### Terrorism

Several Middle Eastern, former Soviet, and South Asian states, along with the European Union, pushed for more discussions on terrorism. Libya defended each state's sovereign right to make internal decisions. China and Cuba made similar statements to the plenary. China explained that the contents of the Convention should fully manifest the principle of state sovereignty, equality and mutual benefit, and should take into consideration the difference in global economic, political, cultural and legal backgrounds. Uzbekistan suggested that law enforcement needs to go after the source of funding for terrorist groups, and that an international centre against terrorism should be established.

### Drugs

The global drug war was raised by many states. Barbados made a very good presentation on the situation of small states in the post-Cold War era. It emphasized that Caribbean states are vulnerable as the first line of defence against drugs heading to the consuming states of North America. Middle Eastern states made similar comments explaining that many of them are transit countries for the drug consuming markets of Europe (Iran, Tajikistan). Chili highlighted judicial assistance and cooperation in the fight against drugs as major issues that should be pursued through the United Nations.

### Child Pornography

An interesting set of presentations by Austria, the European Union and the United States with NGOs Children International, Drogenik (Austria), Sorcca (European Union), Tour Burowes (U.S.), and Child Net (U.S.), with an ensuing lively debate, occurred on the issue of Internet child pornography. The clear message from all delegates was that the international community has "zero tolerance" towards child pornography on the Internet.

Clear and strong legislation, along with global enforcement, was widely viewed as an essential tool to combat this universally opposed form of crime. Global partnerships between states and the Internet industry were consistently cited as the most effective preventative measure to combat Internet child pornography. Also, voluntary self-regulating mechanisms for industry must be strengthened. A very positive outlook was expressed regarding the constant improvement in cooperation and networking amongst law enforcement, civil society and industry in their fight to end child pornography.

Recommendations from some participants during the debate also included: the world-wide criminalization of child pornography distribution, measures to accelerate international legal standards through legal assistance, increased law enforcement, and the continued cooperation among law enforcement, industry and NGOs.

Furthermore, the inventor of Child Net, a United States NGO, discussed user hotlines as key elements in fighting Internet child pornography. Hotlines were described as a primary defence against Internet child pornography. Public and Industry awareness of the problem was raised as a key issue for further discussion.

### Video Link

Italy made a very good presentation on the use of video link testimony in the courtroom. First introduced to protect state witnesses in 1998, it has now been expanded to almost every trial stage. Video link is used at trial, in front of a judge, and for the examination of witnesses. In all cases the presiding judge must approve the use of video link technology. The benefits of this new technology include both cost-saving and increased efficiency in the administration of trials and in advancing successful prosecutions.

### Sentencing

Brazil made an interesting presentation on the use of sentencing alternatives. Their primary point was to develop alternatives to incarceration. Public service community work was noted as one alternative.

## **4.3 AGENDA ITEM 5: Effective crime prevention: keeping pace with new developments**

### General

This agenda item was discussed over three half-day sessions on April 11-12 and April 14.

For this agenda item, a Working Paper was prepared by the Secretariat which addressed the following topics: current status; new challenges; challenge of preventing organized crime; a description of the various approaches to crime prevention including environmental/situational, community development, and social development; implementation difficulties; ethical issues, rights and responsibilities; and evaluation



of crime prevention. An Annex included a draft of the key elements necessary for effective and responsible crime prevention, prepared by the Expert Group Meeting on Elements of Responsible Crime Prevention: Addressing Traditional and Emerging Crime Problems, held in Buenos Aires from September 8-10, 1999. A Canadian delegate, M.A. Kirvan, had been the Rapporteur for this experts meeting.

In summary, the UN Paper was useful in capturing the challenges with respect to effective implementation and the section on evaluation was well-done. Canadian delegates were, however, concerned that some information could inappropriately serve as a disincentive for concerted action in the arena of crime prevention through social development, and that this approach might only be seen as relevant to developing countries and those in transition. Canada has embraced this approach and the evidence in support of it comes from various international sources provided this approach is blended with others where appropriate.

The session was opened by a panel presentation involving the National Crime Prevention Council (USA), European Forum for Urban Safety, Crime Concern (UK), South Africa, UN Centre for Human Settlements, and Naif Arab for Security Sciences. The key messages of the opening panellists were as follows:

- National Crime Prevention Centre: Large reductions in crime have occurred in certain cities where comprehensive approaches have been taken, with key success criteria including commitment for the long term, higher investment, leadership of mayors and senior police and meaningful involvement of the public;
- European Forum for Urban Safety: mayors are an essential element to the successful implementation of crime prevention strategies, endorsed a role for the International Centre for the Prevention of Crime (Montreal) between governments and NGOs, must look at immigration and prisons issues and policies when developing crime prevention policy;
- Crime Concern (UK, the largest NGO with a key role for implementing UK safer cities programmes) noted their priorities – to invest in training to ensure effective implementation, and find ways to share best/promising practices
- South Africa – its challenges for crime prevention were dealing with a weak criminal justice system, insufficient governance and capacity building for crime prevention; national and regional competencies and the need to also have these at the local level where the strategies are implemented and monitored;
- UN Centre for Human Settlement – which runs various technical assistance projects in Africa, spoke of the high and unmet demand for assistance, and referenced the challenges of tensions with police and the lack of specialized programming to prevent youth crime;
- Naif Arab for Security Sciences – is responsible for coordinating crime prevention in Arab states, and is giving priority to consultative services with a focus on social development.

Interventions were then made by the following countries and organizations: Chile, Hungary, The Netherlands, the European Commission, France, Belarus, Argentina, Egypt, Finland, Sweden, Cuba, Mexico, India, Belgium, USA, China, Argentina, Sudan, Canada, Latvia, and Botswana. Interventions were made by the following organizations and institutes: Japan Federation of Bar Associations, International Association for the Legal Rights of Women.

The need for crime prevention was not at issue. Comments are made below, following a summary of the Canadian intervention, under a number of headings, with the most candid and backed up assertions being made by USA and UK with respect to governance of crime prevention, and the evidence of repeated failures to apply knowledge to decision-making.

### Canada's Intervention

This intervention was made by Mary-Anne Kirvan, National Crime Prevention Centre (Department of Justice). The intervention outlined briefly the Government of Canada's commitment to crime prevention, and the recent opening of the National Crime Prevention Centre in 1998 and its mandate. The remainder of the presentation focused on recent international activity that confirmed the level of consensus about the need to consolidate existing knowledge about effective crime prevention and to accelerate our collective efforts to share this knowledge. To this end, appreciation was expressed to the UN Commission and the Government of Argentina for having hosted an Experts Meeting to develop a draft of key elements for successful crime prevention in September of 1999 in Buenos Aires. This meeting benefited from the participation of experts from numerous countries (Brazil, Canada, Chile, China, Czech Republic, France, Portugal, South Africa, United States, and Uruguay) and specialist institutes (UN Habitat, International Centre for the Prevention of Crime (ICPC)). The end product of this Experts Meeting was a document entitled (Draft) Elements of Responsible Crime Prevention, which set out basic principles necessary for successful crime prevention as well as key tools and methodologies. Additionally, it was noted that Canada, along with the Netherlands and France, had hosted an international colloquium on crime prevention in Montreal in October of 1999 to celebrate the fifth anniversary of the International Centre for the Prevention of Crime (Montreal), at which over 25 countries participated, with one of its key goals being to plan for the Congress. Finally, the representative spoke of Canada's commitment to technical assistance, broadly by supporting the synthesis and dissemination of crime prevention knowledge through its ongoing financial support of the ICPC, and more directly, through a recent initiative with La Francophonie by which the National Crime Prevention Centre had begun working with the ICPC and the Government of Mali on an initiative to prevent youth violence.

With this information as background, the representative signalled Canada's intention first, to continue its efforts to have crime prevention remain a focus of the work of the Commission alongside criminal justice and transnational organized crime issues; second, to seek incorporation of a reference to the Draft Elements of Responsible Crime Prevention into the Draft Vienna Declaration so that there would be international norms and standards to guide this field; third, to speak to the need for international collaboration and the sharing of successes and failures, and the identification of priority areas for such collaboration; and finally, to indicate Canada's commitment to technical assistance.

Below is a summary of the key points of other interventions under the headings of Types of Crime and Insecurity, Approaches to Crime Prevention, Capacity to Develop, Implement and Evaluate/Measure Results of Crime Prevention Activity, and Technical Assistance.

### Types of Crime and Insecurity

The commentaries reflected virtually universal consensus for the need for crime prevention strategies to address a wide variety of crimes such as household theft, drug-related offences, domestic violence, and to address risk factors for certain vulnerable populations. Countries in transition, notably Hungary spoke to the profound impact of regime change and rising crime, and while indicating its preoccupation with organized crime, also identified as key challenges, the need for interventions for youth and families at risk. A few countries, notably France, spoke of the need to develop crime prevention strategies based on actual risks versus unsubstantiated insecurity.

Several countries (Hungary, Egypt, Japan, The Netherlands), and multilateral organizations (European Commission, International Association for the Legal Rights of Women) identified the need to address organized crime in its various forms, including trafficking in persons, and to determine how best to support local communities to fight organized crime.

### Approaches to Crime Prevention

Numerous countries in development or in transition spoke to the need to address the risk factors such as the absence of educational opportunity for many children and youth, the particular vulnerabilities of street children and minors in trouble with the law, the absence of employment, and the necessity of a multi-sectoral and developmental approach.

#### Capacity to Develop, Implement and Evaluate/Measure Results of Crime Prevention Activity

Various countries (Argentina, South Africa) spoke about practices being undertaken to ensure a focus, such as a victim survey defining the focus of the crime prevention work in a UN Habitat for Safer Cities Initiative funded by the Netherlands and occurring in 5 African cities. The need for data to accurately assess the current situation, including current victimization rates, was also noted.

The UK and US spoke unequivocally about the importance of applying evidence-based knowledge to crime prevention policies and programmes. The USA representative spoke about a landmark study (Sherman et al) that demonstrated the repeated failure in many jurisdictions to apply existing knowledge to crime prevention decision-making, with the result that resources were being inappropriately directed to practices that at minimum, would do no good, and at worse, could do harm. The message about evidence or knowledge-based work was also central to the presentations of Finland, Sweden. The UK also spoke about the need for clear tools for local crime prevention partners, and the need for prevention plans to focus on the pressing crime problems and deliver on short as well as longer term results.

### Technical Assistance

Several countries and organizations spoke to the need for increased assistance, including South Africa, UN Habitat. In this regard, a strong presentation was done by the Netherlands and South Africa concerning a crime prevention program for 5 African cities. Notably, notwithstanding the multiple issues present in these cities, the approach was rigorous with respect to a thorough assessment of the most pressing problems, and a plan to target these.

As will be seen from the report of the Workshop on Community Involvement in Crime Prevention, the messages emanating from both of these items were similar: agreement that crime and victimization could be significantly reduced through the application of evidence-based approaches, and that these need to be much better known and applied.

#### **4.4 AGENDA ITEM 6: Offenders and victims: accountability and fairness in the justice process**

Three panelists, Mr. M. Groenhuisen of Netherlands, Mr. Paul Rock of United Kingdom and Mr. John Braithwaite of Australia, representatives from countries such as South Africa, USA, New Zealand, Sweden, Cuba, Finland, Turkey, Italy, Germany, UK, China, Canada, Croatia and Poland, as well as spokespersons from a number of NGO's presented their views on issues relating to offenders and victims of crime. These sessions were dominated by references to restorative justice philosophy and practices.

Many speakers mentioned the problems commonly identified by critics of the current criminal justice system: the lack of meaningful involvement of the victims and the community, and the resulting frustration, cynicism and lack of faith in the justice system, the offender-centered procedures, over-reliance on incarceration and one of its consequences, - prison overcrowding. Most speakers,

while endorsing the significant promise of restorative justice in producing more satisfaction with justice and healing for all parties, and taking note of a wide-spread 'paradigm shift' in criminal justice, also emphasized the need for caution in practising restorative justice, especially, the needs for truly informed and uncoerced involvement of victims, for balancing the interests of victims and offenders, and for ensuring community safety. It was also observed that the research base for restorative justice was still relatively small, and needed to be expanded.

The USA informed the Congress that the Department of Justice (DOJ) has produced two documents: "Handbook on Justice for Victims" and "Guide for Policy Makers" which will be available soon on the website "[www.oit.usdoj.goe/occ](http://www.oit.usdoj.goe/occ)". South Africa cited the "Truth and Reconciliation Committees" as an example of victim-oriented restorative justice, and said that new legislation aimed at improving victims' situation, especially, those of women, children and persons' with disabilities would come into effect in the near future. Namibia confirmed the need for a well-balanced criminal justice system that would ensure that justice is not only done, but is also perceived as done, and that offenders are effectively rehabilitated. New Zealand stated that it has undertaken victims' involvement for the last two decades, that 60% of juvenile offenders are diverted by police through Family Group Conferencing, 20% of minor offences are handled by 'caution', and new restorative options are being developed for adults and violent offenders - but repeat family violence issues deserve serious attention. Sweden focused on the needs for developing special strategies for dealing with long-term prisoners, some of whom are from national or international gangs.

Cuba indicated that it provides meaningful employment opportunities to prisoners, to enable them to support their families. Cuba suggested that in order to combat crime, there is a need for international collaboration that takes into consideration socio-economic conditions, especially of developing countries, while respecting their national sovereignty. Turkey's comments pertained to the difficulty of respecting human rights and balancing public safety and security in the context of transnational organized crime, and pointed to the need for standards, for utmost clarity in laws regarding victims' rights to provide and receive information. Italy reported that in spite of mandatory prosecution requirements by law, Italy has experienced positive results and increased cases in a [restorative justice] experiment that started in 1995 in five cities through a Memorandum of Understanding between the local authorities and the DOJ, with formal consent of the Judge of the Juvenile court. Special laws were enacted to meet the victims' needs. Germany also spoke about the positive results of Victim Offender Mediation - such cases have increased from 2000 in 1990 to 9000 in 1995. China proclaimed that there should be a balance between due process and victims' rights, and suggested that both judiciary and international cooperation needed to be strengthened, especially to deal with transnational organized crime. Canada spoke about the unprecedented growth witnessed during the last decade in restorative justice approaches; practiced through a diverse range of methods at various points in the justice continuum and the high level of participant satisfaction with both the process and the outcome of the approach. In view of the serious concerns expressed by many, especially by some victims' groups about improper use of restorative justice practices, Canada indicated that it was co-sponsoring with Italy, a restorative justice resolution to the Commission on Crime Prevention and Criminal Justice at its Ninth session to ensure that the rights and interests of all parties are respected. In the UK, the police provide support services for victims when no other support is available. More than 200 million pounds a year are ordered by court for compensating victims, and the likelihood of additional funding is expected to improve the situation. The role of victims in assisting prosecution is being examined in Croatia. A new penal law enacted in January 1998 is expected to improve the victims' position. The sanctions (e.g., damage compensation) are victim-related.

Poland reported that it has been working towards improving and expanding the Criminal Code since 1998, to ensure more active involvement of victims of crime. Victims can ask a case to be sent to

Mediation, ask for compensation in various forms and get it more quickly. France explained that the Criminal Justice system there clearly recognizes and includes the rights of both victims and offenders. Victims have a limited opportunity to speak about damage and compensation, but not regarding sentencing and not as a witness, which reduces the fear of reprisal. Efforts to apply restorative justice principles have been made since 1980's. Austria drew attention to the special vulnerability of children, highlighting the need for training for police and judges, and for increasing public awareness. Austria thinks that the role of CICP, supported by Austria, remains crucial.

The World Society of Victimology described the key research themes: definition of victims and victimology, UN declaration and the law, impact of politics and policy, power inequality, help for victims, restorative justice and victims, repeat victimization, and transnational victims such as refugees and illegal immigrants. Their website is "[www.victimology.nl](http://www.victimology.nl)". The Friends' World Committee for Consultation (Quakers) talked about the basic principles of restorative justice: it addresses harm and adheres to intrinsic values of forgiveness and healing; they also mentioned the need for standards, creativity and flexibility. The US-based Prison Fellowship International observed that there has been a remarkable growth of restorative justice practices, but warned of potential threats: poorly run restorative justice programs can damage people; therefore, standards and guidelines as Canada was planning to sponsor, are necessary to ensure that restorative justice values are carefully incorporated into national laws. The Penal Reform International of South Africa described how having offenders work in communities, for communities, solved the problem of prison overcrowding in Zimbabwe and supervised by communities on a voluntary basis. The project has been extraordinarily successful, and was being replicated in nine other countries. Prof. Chokalingam of India commented that victims are still not a recognized entity in some countries, but the Indian Society of Victimology (established in 1992) has been working toward improving the situation. Gabrielle Maxwell, an internationally known researcher of New Zealand spoke of the positive results of Family Group Conferencing for rape victims, for example, when they are often re-victimized by police, defence lawyers and media. She stressed the need for training for police and medical practitioners, and for other necessary measures to alleviate these problems.

In making his final comments, Mr. Groenhuizen summarized the session and raised the following issues: (i) Where do the rights of victims and offenders really conflict? Should victims have the final 'say', or simply an opportunity to provide input to help criminal authorities make the final decision? (ii) The issue of class-action for victims of new computer crime need more discussion; (iii) Transnational crime: a very difficult problem to tackle because of linguistic/cultural disparity etc. (iv) Corollary: ECOSOC and the Dutch government have set up an International Victim Fund, and other nations too should consider doing the same.

## **5. REPORT OF THE CANADIAN DELEGATION ON THE CONGRESS WORKSHOPS**

Canada played a major role in the preparation and organization of three of the four workshops: Community involvement in crime prevention; Women in the criminal justice system; and, Crimes related to the computer network. Canada also participated in the other workshop: Combating corruption.

### **5.1 COMBATING CORRUPTION**

The United Nations Interregional Crime and Justice Research Institute prepared a background paper for the Workshop on Combating Corruption, which set out steps that should be taken to address corruption at various levels. The paper sets out the elements that characterize those societies relatively free of



corruption: economic development, democracy, and transparency of processes and rule of law. The Workshop focussed on these elements as present to a greater or lesser extent in nations attempting to battle corruption.

The range of issues set out in the Workshop included background on forms of corruption (e.g., 'grass-eaters' and 'meat-eaters' within police agencies), analyses of why corruption exists within specific agencies (personal corruption or structural/systemic failures), and specific steps that may be taken to address high level corruption within nations. Of particular interest was the effectiveness of various measures that have been proposed in various anti-corruption fora, and which are listed in the background paper. For example, Spain, Italy and several other countries described their efforts to attack corruption using anti-corruption commissions. It was clear from these representations that anti-corruption agencies were more effective when politically independent and yet supported by the government of the day. Other practical measures were featured by representatives of developing nations, such as the use of the Internet to increase transparency in government contracting (i.e., all contracts to be let are listed on the Internet). Delegates were quite candid in describing their progress in this area. For example, Russia outlined the many barriers to making any significant progress against high-level, government-endorsed corrupt practices. Columbia, on the other hand, profiled the measures that it had taken to increase its anti-corruption rating by the UN to the 'most improved' nation. The importance of democracy and the rule of law as a basis for combating corruption were consistent themes throughout the presentations and representations. The Centre for International Crime Prevention and the UN Interregional Crime and Justice Research Institute presented research on factors associated with successful measures to fight corruption, including research on public attitudes toward bribery of officials, which was found to decrease significantly following local media exposure of corrupt practices.

The Institute's research showed the critical role of public tolerance of corruption. This, in turn, varies with media focus on corrupt practices, and transparency of processes such as government contracting. In fact, the role of a free press may be as significant as an anti-corruption agency, and may, in fact, result in similar outcomes.

Canada's concern in attending the Workshop was to balance Canada's support for anti-corruption measures against the need for a permissive rather than a prescriptive approach to this issue. Specific initiatives, such as establishing an independent anti-corruption commission, may be essential in battling corruption in some nations, particularly where elements such as economic development, rule of law and democratic processes are not present. However, in nations where these elements are well established, there may also be structures in place that render the need for an anti-corruption agency unnecessary. Similarly, other measures, such as shifting the burden of proof regarding confiscation of illicit enrichment, may be unconstitutional in Canada and other nations. Furthermore, there are concerns regarding the resource implications of some of the measures proposed in the background document, particularly when the expenditures required to put these measures in place may not be easily justified.

The wording of the Draft Vienna Declaration was therefore a concern to Canada, as it proposed a commitment to the 'global programme of action against corruption developed by the Centre for International Crime Prevention and the United Nations Interregional Crime and Justice Research Institute'. Canada's support for international action against corruption has been strong, and is evidenced in submissions made to international fora, Canada's co-sponsorship of the UN Declaration against Corruption and Bribery, and ratification of other instruments such as the OECD Convention on

Combating Bribery of Officials in International Business Transactions. However, Canada's position is that anti-corruption initiatives should be appropriate to the needs of the particular nation that is struggling with this issue, and that these needs vary according to the presence, absence or level of development of the four elements mentioned previously (democracy, economic development, transparency of processes and rule of law). Therefore, any International Code of Conduct should be seen as a useful guide rather than a mandatory course of action.

Delegates at the Workshop agreed with the basic principles set out in the background paper, such as the underlying structures that must be in place for a society to combat corruption. Participants also agreed that the measures that must be taken to address corruption must be adapted to the particular needs of the society. Given that nations are at very different stages of economic development, democratic reform and embracing the rule of law, the measures that are effective will vary significantly from nation to nation. However, this should not be seen as a barrier to international agreement on the value of, for example, an international instrument against corruption. Rather, it suggests that nations may be more willing to accept an international instrument if it is sufficiently flexible so that it may be adapted to the particular conditions of a nation.

Given the complexity of the problem of corruption, it was clear that a multi-faceted approach is required, involving major reforms of systems (e.g., economic, justice) as well as specific management practices in key sectors (e.g., 'integrity tests' of public officials, social rewards for police who do not engage in corrupt practices). The general framework for addressing corruption would involve increasing the barriers to engaging in corrupt practices and increasing the rewards for transparent and fair practices. At the same time, the existing rewards for corruption must be removed, through specific measures such as seizing the assets of corrupt practices and through generally raising the level of public expectation, so that the official with integrity is seen as the expected norm, and the official who seeks a bribe is considered an outrageous exception.

Finally, the participants were favourable to the proposal for an international convention on corruption, but noted the need to ensure that appropriate support is in place in order for it to have an impact. In addition to financial resources, the importance of clear support from governments in power was noted. Without such support from the highest levels, any measures to fight corruption would be either directly undermined or ineffective.

## **5.2 COMMUNITY INVOLVEMENT IN CRIME PREVENTION**

This workshop was held on April 12 and 13, 2000, and was organized by the International Centre for the Prevention of Crime (Montreal), a centre which was co-founded by the Governments of Canada, Quebec, and France, and which is annually supported by the National Crime Prevention Centre. Twenty-nine panellists addressed the Workshop with interventions following from 13 states, 2 NGOs and 2 individual experts.

The stage for the workshop was set with the opening remarks: a summary of the high human and financial costs of crime, which represented up to 5% of GDP for some developed countries, and up to 14% for some developing countries; the high rates of crime and victimization around the world; the need to establish a balance between traditional criminal justice responses which are reactive in nature, and preventive approaches; and finally, the strong body of knowledge that now existed with respect to the risk factors, and how they had been addressed effectively and crime reduced through well-evaluated strategies.

Accordingly, the workshop focussed on two issues: identification of models of good practice, and how States and others could share best practices.

The first panel consisted of presentations from The Netherlands, France, UK, Argentina and the United States:

The Netherlands representative focused on street violence and the doubling of arrests for this crime over a decade, and spoke to the creation of a specific Task Force to address this issue and its focus on schools, nightlife, sports, in addition to its ongoing crime prevention activity. Rigorous evaluation is applied to all crime prevention initiatives.

The representative from France spoke its efforts to mobilize the various public sectors, and its work with 850 local councils that focused on prevention of delinquency, with the national support to these local councils being through contracts with the local government. The priority areas for these local crime prevention contracts involved support for parents, substance abuse prevention, prevention of recidivism, and support for victims.

The United Kingdom representative presented an overview of the national *Crime and Disorder Act*, which requires local governments to forge partnerships with police, and to pursue the necessary steps for strategic crime prevention including audits or diagnostics of the crime issues, development of a plan to address these, implementation and ongoing evaluation. Lessons learned after several hundreds million pounds invested included: the need to clearly identify the crime problem(s) and respond to it applying the best evidence of what will work; the necessity of partnerships among professionals involved as well as those with diverse communities; and the need for crime prevention to be viewed as a profession with the standards for training and performance expected of a professional group.

The representative from Argentina summarized a strategy being tested in Buenos Aires which involved the creation of 130 block zones, with each of these being a distinct operational unit for the purposes of crime prevention. Within these zones, meetings were held to identify the issues and develop the solutions. While the 1998 results were good, the need to deliver more rigorous analysis and evaluation was identified.

The USA representatives spoke of the absence of a national crime prevention strategy but the capacity, nevertheless, at the federal level through the Bureau of Justice Assistance, to distribute \$4 billion annually to state, local and NGO organizations. Several carefully evaluated examples were provided where comprehensive, city-wide strategies were developed and resulted in significant drops in victimization and crime rates. Each of the successful cities had undertaken a solid assessment of their local crime problem(s); developed a plan with clear targets; involved the police and mayor.

The afternoon panel consisted of representatives from Canada (Barbara Hall, Chair of the Steering Committee for the National Crime Prevention Strategy), Portugal, Belgium and Chile:

Given its less than two year old strategy, the presentation by the representative from Canada focussed on describing the key elements such as an emphasis on crime prevention through social development, and thus a focus on at-risk groups among children, youth and Aboriginal

communities, and on the personal security of women; and the various funding mechanisms for advancing these goals.

The representative from Belgium outlined the prevention policy that had been in place since 1991 which centred on the mechanism of security contracts between the national government and local communities with financing from the national, regional and local governments. The development of these contracts involved local and national policy as well as the judiciary, and citizens had to be involved at the local level. Affected communities needed to maintain data on security issues, and this extended beyond police to ministries responsible for substance abuse.

The representative from Chile indicated the growing public insecurity due to child victimization, and increases in youth crime and in violence, including domestic violence. Presentation focused on their goal of fostering safe school communities, and the focus therein on high risk factors. Through a collaborative effort involving political authorities, educators, and police, the schools requiring focused attention are identified, followed by efforts to strengthen links within these schools between principals, teachers and parents and between these schools and services, including social services in their communities. Key lessons were that schools have credibility as an institution, the crime prevention strategy must be complementary and integrated with the education strategy; and finally, there is a need to focus on positive leadership and meaningful engage talented community members.

An international panel involving Italy and US-Mexico and School Centred Prevention Strategy, focused on extremely vulnerable youth presently involved or at high risk of becoming involved in crime, including organized crime. Emphasis was on law enforcement and on promoting a culture of lawfulness with emphasis on the relevance of rule of law, methods to resist criminality, the role of senior school officials including in relation to employment for these youth; and specialized training for teachers in these high risk communities.

The New Zealand representative summarized country's crime prevention goals – reducing family violence, targeting youth at risk and minimizing formal intervention, and coordinating a crime prevention strategy across the country. Structural decisions have been made including the establishment of a Crime Research Unit in the Prime Minister's Office, the development of a national strategy, and an expansion of the Safer Community Council Model. Results to date include a shift from more reactive to proactive strategies; greater leverage due to the placement of the Research Unit in the Prime Minister's Office; and the development of a network of Safer Community Councils.

The South African strategy was updated in 1999 with the new President identifying priorities for the eight highest crime areas that included government investment in delinquency prevention, development of situation crime prevention in addition to their policies in respect of crime prevention through social development; an investment in young people and mothers; and investment in jobs creation. Specific problems such as violent crime have resulted in specific prevention strategies with the focus in this case being on families, alcohol; people who know their attackers, and young males.

### Conclusions of the Workshop and Recommendations

A number of core issues for the involvement of the community in crime prevention were identified. While it was recognized that there were no simple and short-term solutions given the multiplicity of risk factors associated with crime, victimization and insecurity, integrated, comprehensive and sustainable responses could be formulated based on examples of good practice. The need to develop more knowledge-based approaches drawn from well-monitored and evaluated initiatives, including their cost effectiveness, and from replication studies was clearly identified.

Workshop participants sought action in the following areas, which are set out in fuller detail in the Report of this Workshop:

- a) Local communities should be the focal point for delivery of crime prevention initiatives, and Member States should assist in developing local capacity.
- b) Governments and international bodies should be invited to provide increased technical assistance and financial aid to countries to support their crime prevention work.
- c) Crime prevention should be an integral part of anti-crime strategies, and governments should intensify their efforts to identify the successful elements of effective community mobilization, and collaborate to develop common benchmark indicators.
- d) More systematic effort should be made to implement successful prevention strategies and actions. International networks should be tasked with furthering the development of knowledge-based strategies, identifying elements of their transferability, and disseminating this information broadly.
- e) The key elements of successful strategies to prevent and reduce crime identified by the UN Expert Group Meeting held in Buenos Aires should be given appropriate consideration by the Commission, Member States and relevant entities.
- f) Member States, intergovernmental organizations, and UN Institutes should be invited to consider the recommendations and findings from the Workshop.

### **5.3 WOMEN IN THE CRIMINAL JUSTICE SYSTEM**

The workshop lasted one and a half days and was held parallel to other sessions in the Plenary, Committees Ancillary and NGO meetings. The attendance at the workshop was approximately 70 to 100 people.

#### Research & Policy Issues

The workshop began on Thursday afternoon with a number of presentations, which covered ground familiar to the Canadian delegation. Representing Canada in this segment was Holly Johnson from Statistics Canada, who made a presentation on the need to enhance victimization surveys. The main themes, which emerged from the presentations, were as follows:

1. There is recognition that the numbers of female offenders are increasing at twice the rate of male offenders and there is a need to address the causes;
2. There is still an urgency to incorporate women's perspectives and needs into our criminal justice system and recognition of the challenges involved in this process;



3. The incidence and the negative impact of domestic violence in the US and elsewhere is staggering and not being adequately addressed;
4. The trafficking in women and children (the average age of entry into prostitution is 13 or 14 years) is one of the fastest growing global crimes generating a \$5-\$7 billion industry which subsidizes other criminal activities;
5. There is a strong need for public education on all these issues focusing on the cost of crime and effective crime prevention; and
6. There is a need for more research which should be done in conjunction with research partnerships on key topics such as: a) the causes of increased female crime rates; b) how to handle prisoners with children; c) the gendered nature of crime; and d) the need for properly executed victimization surveys.

The following participants made statements:

- Israel: hostels for female offenders with children
- Finland: trafficking of women on transit from Russia
- Croatia: domestic violence
- Egypt: obtaining a divorce
- Austria: family violence
- Japanese Bar Association: seriously considering violence against women; providing different services to women offenders; increasing research; promoting gender perspective training; and increasing education and awareness such as translating the Model Strategies into Japanese

#### Women in the Criminal Justice System

Friday morning witnessed two compelling sessions: the first on Women as Offenders & Prisoners, and the second on Women as Victims and Survivors. A number of videos on the specific situations of women in the criminal justice system demonstrated how women are simultaneously treated as victims and offenders. Here are some of the salient issues, which emerged from the morning's presentations.

- The UK presented a video on women "mules" from Africa who were apprehended as drug traffickers in Heathrow Airport. It was clear that the imprisonment of these women, who are often tricked into their circumstances, amounted to cruel and unusual imprisonment. This was because they were away from their families, language and culture, and they did not have access to the services and programs available to UK offenders, such as home visits and parole.
- Costa Rica's presentation reinforced the attitudes of sexism and racism prevalent in the trafficking of narcotics. The delegation also criticized the Catholic Church for its silence and detachment from the problems faced by women.
- There was an excellent video presentation from Australia on the use of theatre in prisons to rehabilitate women offenders and combat racism
- The US presented an excellent video on the SAGE program which aims to heal prostitutes with a "wrap-around service" designed, implemented and now franchised by a former drug addict and

prostitute. The program detailed how human waste and medical costs to society can be reduced. There was discussion about states profiting from the "industry" of prostitution and confronting male clients with the harsh facts that it is their demand for these services that create the supply.

- India's presentation focused on how women internalize societal attitudes. The current use of "sex worker" was perceived as a dangerous term because it ignores the fraudulent expectations that propel women into this occupation.
- The Filipino slide presentation discussed the components of their national drug prevention program. The Philippines has also established a database, accessible to its citizens, about international trafficking problems.

Friday afternoon's presentations focused on Women in the Criminal Justice System. Two Canadians, Yvon Dandurand and Vivienne Chin from the ICCLR and CJP, discussed the difficulties of making equality real – beyond laws and instruments. They described the Model Strategies as a failure because of inappropriate use. There was a British presentation on reforming its rape law to address the inherent gender bias. Next, our Minister spoke passionately of the continued need to act on women's equality and particularly on violence against women and the fact that both crime prevention and criminal justice are important. She emphasized the importance of the Convention and Protocols on organized crime and concluded with the need to build just and equitable societies and reverse the downward spiral of violence. Dr. Zellerer, Florida State University urged delegates to take action and respond to the situation of millions of women being beaten every day. She highlighted the difficulties of researching key questions when women, victimized by the criminal justice system, are afraid to participate. Renée Collette, National Parole Board, in her closing remarks as moderator, indicated that women tend to be both victims and offenders at the same time and also tended to react to existence of crime rather than initiate it.

Finally, there was an extensive intervention, from the (female) Minister of Justice of Australia about networking and other informal promotion methods, such as mentoring, to ensure the presence of more women in decision-making positions in the criminal justice system. She has created an organization called WILES (Women in Law Enforcement Strategy) to promote women within the criminal justice system – particularly law enforcement. The Australian moderator of the intervention stressed two themes: that increased international efforts are required to remove women from prostitution and that the criminal justice and service agencies should strive to empower women.

Other interventions were made by the following delegations:

- Penal Reform International was in favour of more crime prevention and less prison use particularly for women;
- Chile outlined the national family violence program;
- UK spoke on family violence and the fact that it should be considered an aggravating factor in any other offence instigated by the abuser;
- Kuwait lead a prayer and focused on women's right to vote and drive there;
- Czech Republic discussed violence against women and the need for education in the schools; and
- Egypt complained about the victimization of women and stressed that research should highlight women as offenders in transnational crimes. They favoured increased representation of women in the criminal justice system.

Jim Finkenhour summarized the following key themes, which emerged from the workshop:

1. The recognition of fundamental rights for women and the need to empower;
2. The need to raise public awareness and empower women;
3. That cultural victimization of women is unacceptable and should be strongly opposed;
4. That currently women, not the predominantly male drug traffickers are apprehended;
5. There was a call for a civil remedy for women caught drug trafficking;
6. The need for a collective response and a funded global effort; and
7. The need for more research and analysis.

#### 5.4 CRIMES RELATED TO THE COMPUTER NETWORK

A workshop organised by the U.N. Asia and Far East Institute (UNAFEI) was held on the subject of computer-related crime. It had originally been planned for 2-3 days, but the time allocated was reduced to a single day due to pressures from other Congress activities. Canada, along with the United States, the United Kingdom and Japan played a significant role in supporting the work of UNAFEI on the workshop, and A. Anne McLellan, the Canadian Minister of Justice also delivered the opening address at the beginning of the workshop, emphasizing the new criminal opportunities and the need for effective domestic and international action to control crime, while at the same time preserving the benefits of the new technologies for legitimate users.

Many Congress delegations had not previously considered computer-related crime and the unique jurisdictional and technical issues it raises, and the workshop was intended as an introduction to the subject-matter and the major issues for many participants. The materials consisted of a 10-page technical paper by Dr. Henryk Kaspersen of the Netherlands (A/CONF.187/L.10) summarising these issues and the present state of international action on them, in all 6 official U.N. languages. Experts from Australia, Canada, China (SAR Hong Kong), Germany, India, Ireland, Japan, the Netherlands, the United Kingdom, and the United States took an active part in the development and presentation of an incident scenario which formed the main element of the workshop. This consisted of a hypothetical scenario in which a major computer crime was committed, detected, investigated and prosecuted by a number of countries connected in different ways to the offence. Successive panels of experts then took the floor in sequence, with each expert explaining to delegations how a particular stage of the investigative and prosecutorial response would work, and what issues for possible reforms or future actions were raised. The major stages of the presentation included: a) the prevention, definition and criminalisation of computer-related crime; b) issues relating to the tracing of communications and search for and seizure of evidence in transnational computer networks and c) issues relating to the fact that the basic infrastructure of computer networks is owned and operated by companies from the private sector.

At the conclusion of the workshop, there was general agreement among participants that there was a need for countries to act in developing adequate criminal offences and procedural laws, that there was a need for effective cooperation between governmental entities and the private sector in combating computer-related crime, that there was a need for greater international cooperation, and that the UN should take further action with regard to the provision of technical assistance.

The proceedings from the workshop were subsequently published in English by UNAFEI (ISBN-87033-260-4, UNAFEI, Tokyo, April 2001).

## 6. ADOPTION OF THE VIENNA DECLARATION ON CRIME PREVENTION

Immediately following the conclusion of the Congress and finalization of the political declaration (Vienna Declaration on Crime and Justice: Meeting the Needs of the Twenty-first Century), the Commission on Crime Prevention and Criminal Justice convened for its 9<sup>th</sup> Session. The Commission produced two draft resolutions concerning the Vienna Declaration, which were subsequently adopted by the Economic and Social Council and the General Assembly. In the first resolution (GA/RES/55/59), the Assembly endorses the Vienna Declaration, which is annexed to the resolution. In the second resolution (GA/RES/55/60), it calls upon the Secretary General to prepare a series of plans of action for the implementation and follow up of the various commitments contained in the Declaration, and calls upon the Crime Commission to consider these at its tenth (May 2001) session.

As requested, the secretariat prepared a series of some 12 individual plans of action on subjects which included many of the major themes of the Congress, and which reflected the major commitments in the Vienna Declaration. A draft of the Plans of Action document was circulated for an intersessional meeting of the Commission, and drew comments from only two delegations. Both Canada and Finland indicated that they felt that the plans placed too much emphasis on reactive criminal justice topics such as the control of transnational organized crime and terrorism, and insufficient emphasis on the more proactive topics favoured by Canada and Finland, such as crime prevention, gender mainstreaming, and restorative justice. No other delegation commented, and the draft Plans were revised along the lines requested by Canada and Finland, with the finished product processed and placed on the agenda for the Commission at its 10<sup>th</sup> plenary session.

At the 10<sup>th</sup> session, it became apparent in the Committee-of-the-Whole that many delegations which had not previously expressed concerns in fact had concerns, and about six full days was spent negotiating changes to take such concerns into consideration. There was not sufficient time to complete the work, and during the closing session of the Commission, it was decided to continue deliberations at a renewed tenth session, to be held in September 2001 to finalise and submit to the ECOSOC and General Assembly the convening resolution and mandate for the open-ended intergovernmental ad hoc committee for the negotiation of the United Nations Convention against Corruption. This provided several additional days of deliberations, and also allowed several months for delegations which had not previously prepared to consider their positions and obtain instructions. The Plans of Action were duly finalised by the Commission in September 2001, and subsequently placed before the General Assembly. It did not adopt them, but took notice of them in its resolution 56/261, to which the full plans are annexed.

The plans of action include segments under each topic calling for action on the part of both Member States and the secretariat. To the extent to which the plans call for action on the part of States which exceeds previously-agreed commitments, especially the binding commitments of the UN. Convention against Transnational Organized Crime, they are couched in non-mandatory language. It was not the intention of States to enter into further binding obligations and there was little enthusiasm for this following immediately after the adoption of the Convention against Transnational Organized Crime (GA/RES/55/25 and 55/255), and during the course of the negotiation of the Convention against Corruption (subsequently completed in October 2003 and adopted as GA/RES/58/4). States are called upon to carefully consider and use, as appropriate, the plans of action as a guide for developing domestic policy and legislation.

In the face of extensive commitments on the part of the secretariat, several delegations, led by the US, took the position that the commitments would interfere with ongoing work especially in the areas of organised crime and corruption, and that the new mandates should therefore be made contingent on the availability of resources to do the necessary work, and this was done (GA/RES/56/261, para.5). As a result, in the opinion of some, the implementing resolution effectively establishes a wide range of mandates for the secretariat, effectively holding each in abeyance pending the availability of the resources necessary to carry it out. Informally, the U.S. delegation has challenged this interpretation, claiming that further political authority would also be needed before work could be undertaken. Canada generally supports the first interpretation, but might have concerns about some of the mandates, especially with respect to terrorism, as these may well have been superseded by subsequent developments (the plans were finalised by the Commission about 10 days prior to the 2001 terrorist attacks on the US, and the resolution was adopted by the General Assembly, without amendment, in January 2002).

## **7. GENERAL AREAS DESERVING FUTURE EMPHASIS**

Canada is well-respected internationally by the criminal justice community, as a result of our criminal justice initiatives, our policy support for international initiatives, and our personnel and financial support to United Nations agencies. Domestically, policy advances within Canada on firearms, violence against women, environment, computerization of the administration of criminal justice, alternatives to incarceration, young offenders, transfer of prisoners, and correctional policy have been enhanced and reinforced by our participation in United Nations bodies.

Canada will continue to work in close collaboration with the United Nations and its Member States in the struggle against crime towards the establishment of a fair and humane criminal justice system nationally as well as internationally.

### **7.1 RECOMMENDATIONS FOR FUTURE CONGRESSES**

Canada was generally satisfied with the outcome of the 10th Congress, as well as its venue, organization and content. However, Canada hopes that the venue and dates of the 11th Congress will be decided further in advance than was the case for the 10th Congress in order to permit the opportunity for better planning by the organizing country, as well as by the participating ones.

The 10th Congress was a congress of transition following the restructuring of the United Nations crime prevention and criminal justice programme. In accordance with its mandate, the 10th Congress fulfilled its role as a forum for the exchange of information and the identification of new trends.

Canada believes that the workshops were the highlight of the 10th Congress, even though some workshops were not as well attended as expected, perhaps related in part to the extensive time devoted to negotiations on resolutions outside the formal setting. Canada believes that the Congress workshops are so important and crucial in the exchange of information and the identification of new trends, which constitute the basis of the new role of congresses, that the Congress rules of procedure should be amended to reflect their role and importance for future Congresses.

The rules should reflect that any interested party, including Member States, the interregional and regional institutes and non-governmental organizations, working in close collaboration to bring

forward their different perspectives on the issues to be addressed, could with the approval of the Commission, organize these workshops. Such a participatory process fulfils more thoroughly the main objectives of congresses and permits them to bring forward a different perspective than that of the Commission.

The Congress rules of procedure should also reflect that the number of workshops to be presented during a congress be limited. Furthermore, the rules should mention that all workshops held during the Congress should fulfil five objectives during future Congresses:

- 1) deal with items of interest to both developing and developed countries;
- 2) be multidisciplinary and display a balance among the various disciplines (law, police, corrections and social sciences) and entities (Member States, interregional and regional institutes and non-governmental organizations) interested in the criminal justice system;
- 3) endeavour to identify emerging issues;
- 4) stimulate discussion, rather than rely upon prepared speeches by being oriented towards practical problems and solutions; and, finally,
- 5) have a multiplier effect in stimulating work which would continue following the Congress.

Concerning the topics that could be discussed at the 11th Congress, Canada believes that the interest demonstrated at the 10th Congress and by the international community in general on the issues of violence against women, violence in society, computer-related crime and organized crime confirms the need for more work to be done at the 11th Congress on these pressing issues.

## **7.2 FROM A NATIONAL PERSPECTIVE**

For this reason, Canada will monitor compliance with the standards established at the Congress in relation to research, public education, information systems and other types of initiatives in criminal justice and crime prevention. It will endeavour to review existing, and to develop new legislation, procedures, policies and practices in conformity with the existing United Nations norms and standards. It will continue to develop and provide specialized training programs for law enforcement, custodial and other criminal justice personnel in areas where such training is required. Canada will facilitate the organization of conferences, workshops and training sessions to promote the implementation and the promotion of United Nations instruments on criminal justice and crime prevention.

## **7.3 FROM AN INTERNATIONAL PERSPECTIVE**

As one of the forty members of the CCPCJ, Canada will continue to actively participate in elaboration of the United Nations crime prevention and criminal justice programme. It will endeavour to report periodically to the United Nations on the resolutions that require follow-up. It will also contribute to greater coordination among criminal justice agencies, both nationally and internationally.





## LIST OF ABBREVIATIONS USED IN THE REPORT

CCPCJ	United Nations Commission on Crime Prevention and Criminal Justice (Commission)
CCSO	Coordinating Committee of Senior Officials
CICP	Centre for International Crime Prevention
DOJ	Department of Justice
ECLAC	Economic Commission for Latin America and the Caribbean
ECOSOC	Economic and Social Council
ESCAP	Economic and Social Commission for Asia and the Pacific
ESCWA	Economic and Social Commission for Western Asia
HEUNI	European Institute for Crime Prevention and Control, affiliated with the United Nations
ICCLRCJP	International Centre for Criminal Law Reform and Criminal Justice Policy
ICPC	International Centre for the Prevention of Crime
IGO	Inter-governmental organizations
ILANUD	United Nations Latin American Institute for the Prevention of Crime and the Treatment of Offenders
NAACJ	National Associations Active in Criminal Justice
NGO	Non-governmental organization
ODCCP	United Nations Office for Drug Control and Crime Prevention
OECD	Organization of Economic Cooperation and Development
PRI	Penal Reform International
RCMP	Royal Canadian Mounted Police
UK	United Kingdom

<b>UN</b>	United Nations
<b>UNAFEI</b>	United Nations Asia and Far East Institute for the Prevention of Crime and the Treatment of Offenders
<b>UNAFRI</b>	United Nations African Institute for the Prevention of Crime and the Treatment of Offenders
<b>UNCJIN</b>	United Nations Crime and Justice Information Network
<b>UNICRI</b>	United Nations Interregional Crime and Justice Research Institute
<b>USA or US</b>	United States of America or United States
<b>WEOG</b>	Western European and Other Groups Member States

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**LIST OF CANADIAN PARTICIPANTS TO THE  
TENTH UNITED NATIONS CONGRESS ON THE  
PREVENTION OF CRIME AND THE TREATMENT OF OFFENDERS  
Vienna, Austria, April 10-17, 2000**

**Official Canadian Delegation**

Honourable Anne McLellan	Minister of Justice and Head of Delegation
John Reynolds	Member of Parliament
Richard Mosley	Department of Justice and Alternate Head of Delegation
Paul Dubois	Ambassador of Canada to Vienna
Donald Piragoff	Department of Justice
Lucie Angers	Department of Justice
Jacques Brind'Amour	Ministère de la Sécurité publique, Québec
Barbara Hall	National Crime Prevention Council
Jacquelyn Nelson	Ministry of the Attorney General, British Columbia
Paul Kennedy	Solicitor General Canada
Giuliano Zaccardelli	Royal Canadian Mounted Police
Renée Collette	National Parole Board
Michel Roy	Correctional Services Canada
Terry Cormier	Foreign Affairs and International Trade
Susan Tanner	Department of Justice

**Individual Expert Observers  
(Staff supporting the Canadian Delegation)**

Hilary Geller	Office of the Minister
Sharon Colbert	Office of the Minister
Mary-Anne Kirvan	Department of Justice, National Crime Prevention Centre
Michel Vallée	Department of Justice, National Crime Prevention Centre
Jacques Lemire	Department of Justice, International Assistance Group
Jim Hayes	Department of Justice, Canadian Firearms Centre
Margaux Polanski	Department of Justice, International Cooperation Group
Yvette Aloisi	Solicitor General, Policing and Law Enforcement
Robert Cormier	Solicitor General, Corrections Research and Development
Jharna Chatterjee	Royal Canadian Mounted Police, Restorative Justice
David Allen	Health Canada, Family Violence Prevention Unit
Mario Tremblay	Ministère de la Justice, Québec
Charlene Cardinal	Department of Justice, Conference Administrative Coordinator
Irène Arseneau	Department of Justice, Public Relations/Kiosk
Antoinette Jones	Department of Justice, International Liaison and Visits
Joumana Hanna	Department of Justice, Minister's Office

**Non-Governmental Organizations in consultative status**  
(Participation Financially Supported by Federal Government)

Jim Johnson  
Kim Pate  
Martha Campiou

NAACJ, Salvation Army  
NAACJ, Canadian Association of Elizabeth Fry  
NAACJ, National Assoc. of Friendship Centres

**Other Delegates Attending as Individual Expert Observers**

Daniel Bellemare  
David Daubney  
Holly Johnson  
Marie-Andrée Cyrenne

Department of Justice, Criminal Law  
Department of Justice, Sentencing Reform Team  
Canadian Centre for Justice Statistics  
Correctional Service Canada

**Non-Governmental Organizations, Participation Not Financially Supported**

Irvin Waller  
Patti Pearcey  
Michel Patenaude  
Major David Howell  
Laurence Mawhinney  
Jim Hilborn

International Centre for the Prevention of Crime  
British Columbia Coalition for Safer Communities  
International Centre for the Prevention of Crime  
Salvation Army  
Federation of Canadian Municipalities  
Canadian Training Institute



**Tenth United Nations Congress  
on the Prevention of Crime and the Treatment of Offenders**

**Dixième Congrès des Nations Unies  
pour la prévention du crime et le traitement des délinquants**

**SPEECH  
delivered by Michel Roy**

**DISCOURS  
prononcé par Michel Roy**

**April 12, 2000  
le 12 avril 2000**

**AGENDA ITEM 3  
Promoting the rule of law and strengthening the criminal justice system**

**POINT 3 DE L'ORDRE DU JOUR  
Promotion de l'état de droit et renforcement du système de justice pénale**

**10<sup>e</sup> CONGRÈS DES NATIONS UNIES  
SUR LA PRÉVENTION DU CRIME  
ET LE TRAITEMENT DES DÉLINQUANTS  
VIENNE, AUTRICHE - DU 10 AU 17 AVRIL 2000**

**PROMOTION DE L'ÉTAT DE DROIT ET  
RENFORCEMENT DU SYSTÈME DE JUSTICE PÉNALE**

**Monsieur le Président,**

Nous aimerions d'abord remercier le Secrétariat pour son intéressant document de travail sur la « Promotion de l'état de droit et renforcement du système de justice pénal ». Nous sommes persuadés qu'il enrichira le débat sur l'état de droit et, en particulier, sur la mise en place et le maintien de systèmes efficaces de justice pénale.

La coopération technique est l'un des instruments clés dans la promotion de la démocratie, du respect des droits de la personne et de l'état de droit. C'est d'ailleurs à ce titre qu'au paragraphe 4 de la Déclaration politique que nous adopterons à la fin du Congrès, « nous reconnaissons la nécessité d'élaborer et de promouvoir des activités de coopération technique afin d'aider les pays dans les efforts qu'ils déploient pour renforcer



leurs systèmes de justice pénale internes et leurs capacités en matière de coopération internationale ». Or, compte tenu des problèmes financiers auxquels sont confrontés tant les Nations Unies que les États Membres, il est essentiel de poursuivre nos efforts en recherchant des moyens pratiques et financièrement responsables de promouvoir des activités de coopération technique.

En effet, une grande partie de l'aide apportée au niveau international dans le domaine de la prévention du crime et de la justice pénale l'a été jusqu'à présent sur une base bilatérale ad hoc. Il nous faut trouver des façons de coordonner les ressources existantes en matière de coopération technique. Une des façons de ce faire préconisée par la Commission pour la prévention du crime et la justice pénale et qui sera considérée lors sa session de 2001, est la création de banques de données sur les besoins et les ressources des États Membres dans le domaine de la prévention du crime et de la justice pénale.

Une telle base de données, dont un modèle a déjà été développé par l'Institut européen pour la prévention et le contrôle du crime, permettra tant aux États donateurs qu'aux États bénéficiant de l'aide internationale d'adopter une approche plus stratégique au plan des ressources tant

humaines que financières, de promouvoir les projets complémentaires et de prévenir le dédoublement tant au niveau national qu'international.

Nous savons tous que les problèmes auxquels est confrontée la communauté de la justice pénale sont d'une complexité telle que ni les Nations Unies ni les États Membres ne peuvent s'attaquer seuls à tous leurs aspects. Aussi, le Canada se réjouit du rôle de plus en plus actif que jouent, dans le domaine de la coopération technique, les instituts régionaux et inter-régionaux des Nations Unies, dont le Centre international pour la réforme du droit pénal et de la politique en matière de droit pénal, situé à Vancouver, certains autres instituts spécialisés, dont le Centre international pour la prévention du crime, situé à Montréal, ainsi que les organisations non-gouvernementales dans le cadre du Programme des Nations Unies pour la prévention du crime et de la justice pénale.

**Monsieur le Président,**

Au Canada, la primauté du droit est une valeur sociale et culturelle, et un concept juridique bien établi dans la société. Notre plus haut tribunal a d'ailleurs reconnu que la primauté du droit est l'une des normes non écrites intrinsèques de la Constitution qui nous régit. La Charte canadienne des droits et libertés, qui constitue une partie essentielle de notre

Constitution, consacre et protège les garanties juridiques à la base de la primauté du droit, dont celles auxquelles il est fait référence dans le document du Secrétaire, notamment le droit à l'avocat, le droit à la protection contre la détention ou l'emprisonnement arbitraire, le droit d'être présumé innocent et le droit d'être jugé dans un délai raisonnable.

Le régime combiné de la common law et du droit civil dont a hérité le Canada a permis de jeter les bases d'une structure juridique qui s'adapte à l'évolution du tissu social. Cette structure s'appuie également sur un pouvoir judiciaire dont l'indépendance par rapport aux pouvoirs exécutifs et législatifs est protégée par la Constitution. Par l'entremise d'un système de révision judiciaire de l'action gouvernementale, ces tribunaux renforcent la primauté du droit en assurant l'égalité de tous devant la loi.

Tel que préconisé dans le document du Secrétariat, la promotion de l'état de droit est l'un des aspects essentiels des politiques de développement canadiennes. En ce sens, le Canada a beaucoup à offrir en termes de coopération technique.

Depuis plus de dix ans, **le ministère de la Justice du Canada** a eu l'occasion de travailler avec plusieurs pays de l'Europe

centrale et de l'Europe de l'Est et, plus récemment, avec les pays dans d'autres parties du monde, surtout en Afrique. **En matière criminelle**, le ministère de la Justice du Canada a déjà élaboré, de concert avec les autorités des pays concernés, des programmes de coopération sur la justice applicable aux jeunes, le crime organisé, la lutte contre la corruption, la protection des témoins, la détermination de la peine, et les méthodes de prévention du crime.

La réforme des institutions nécessaires au bon fonctionnement de tout système de justice est une autre sphère dans laquelle le Canada peut partager son expérience. A titre d'exemple, mentionnons la réforme des tribunaux, incluant les tribunaux administratifs, les réformes visant l'indépendance de la magistrature, la mise en place de systèmes d'aide juridique et les méthodes de rédaction des lois.

**Monsieur le Président,**

**Le Centre canadien de la statistique juridique** est un autre organisme qui contribue dans une large mesure à la coopération internationale et à la promotion de l'état de droit. Au cours des deux dernières années, le Centre canadien de la statistique juridique, de concert avec le Bureau de statistique des Nations Unies à New York et un groupe d'experts internationaux, a rédigé une édition révisée d'un Manuel pour

l'élaboration de statistiques de la justice pénale. Le *Manuel*, qui sera publié cet automne par les Nations Unies, présente certains aspects techniques, politiques et organisationnels, à prendre en considération pour l'instauration d'un système national de collecte de données à l'intention des pays en développement. Préconisant la mise en place de statistiques rigoureuses favorisant le développement de politiques, la planification de programmes et un système d'évaluation adéquat, le *Manuel* constituera un instrument de plus dans la prévention du crime et la lutte contre la criminalité.

**Monsieur le Président,**

Nous aimerions maintenant nous pencher sur les services correctionnels. Troisième pilier de la triade qu'ils constituent avec la police et le pouvoir judiciaire, les services correctionnels ont souvent été relégués à l'arrière-plan. Dans le cadre de ses activités internationales, le **Service correctionnel du Canada** espère faire ressortir l'importance de services correctionnels professionnels à titre d'élément essentiel du système de justice pénale. Le **Service correctionnel du Canada** croit fermement à l'importance de sa contribution à la réforme globale de la justice pénale au moyen de la promotion des droits de la personne et de la primauté du droit.

Au cours de la dernière année, par exemple, le Service correctionnel a participé activement aux efforts de consolidation de la paix au Kosovo et il a contribué à la réforme correctionnelle en Lituanie.

Au Kosovo, les Nations Unies, avec l'aide du Canada et de plusieurs autres pays, doivent relever le défi colossal que constitue le rétablissement du système correctionnel dans une région toujours en proie à des conflits internes. Le Canada est néanmoins parvenu à aider le Service correctionnel du Kosovo à élaborer un énoncé de mission, à établir des objectifs à long terme, à concevoir une stratégie de dotation en personnel pour le personnel correctionnel et les directeurs d'établissement et un programme de formation du personnel correctionnel de première ligne. Pendant la prochaine année, le Canada prévoit maintenir sa présence au Kosovo, et il continuera de donner un coup de main dans le domaine de la planification stratégique et de la formation correctionnelle.

Le Service correctionnel canadien s'est également engagé auprès des Lituaniens, pour une période de trois ans, à collaborer à l'établissement d'un système correctionnel moderne, qui respectera les normes internationales établies.

Il s'agit là de deux initiatives et des projets d'aide technique très importants auxquels le Service correctionnel a participé sur la scène internationale. Il collabore également avec d'autres pays, dont plusieurs en Afrique, visant à instaurer des pratiques correctionnelles solides.

**Monsieur le Président,**

Nous aimerions profiter de la présence de nombreuses delegations reunies ici aujourd'hui, pour vous informer au sujet d'une organisation non-gouvernementale qui a récemment vu le jour au Canada. **L'Association internationale des affaires correctionnelles et pénitenciaires (AIACP)** a été créée à la demande de nombreux spécialistes de la justice pénale du monde entier qui voulaient disposer d'un forum international pour échanger des idées, des travaux de recherche et des pratiques exemplaires en matière correctionnelle. Nous encourageons toutes les délégations à appuyer les efforts que déploie cette organisation pour faire progresser les services correctionnels à travers le monde.

**Monsieur le Président,**

Avant de conclure nos remarques, nous aimerions attirer votre attention sur l'intérêt accru, que nous observons, pour le concept de la libération conditionnelle comme élément essentiel d'un système efficace de justice pénale.

**La Commission nationale des libérations conditionnelles du Canada** est reconnue comme une source importante de renseignements et d'expertise. Au cours de la dernière année, plusieurs pays ont demandé une aide technique à la Commission nationale des libérations conditionnelles afin d'appuyer leurs efforts visant à créer une commission des libérations conditionnelles ou à restructurer leur commission.

Nous aimerions profiter de l'occasion pour faire état d'une conférence qui aura lieu le mois prochain. La Commission nationale des libérations conditionnelles, de concert avec ses partenaires provinciaux, organise la 16<sup>ème</sup> **Conférence internationale sur la libération conditionnelle** de l'Association internationale des autorités en matière de libérations conditionnelles. Le thème de cette conférence, qui se tiendra à Ottawa, du 7 au 10 mai 2000, est : « La promotion de la libération conditionnelle dans le monde : une contribution à la sécurité publique globale au XXI<sup>e</sup> siècle ».

Dans le cadre de cette conférence, l'Association espère promouvoir l'idée d'un réseau international permanent de partage de renseignements et d'expertise dans le domaine de la libération conditionnelle et de la prise de décisions à cet égard.



À la suite des contacts établis à ce jour, nous constatons qu'un certain nombre de pays ont récemment soit institué un système de libération conditionnelle ou restructuré leur système existant ou projettent activement de le faire. En fait, il y aura un atelier à la conférence décrivant plusieurs de ces expériences.

**Monsieur le Président,**

En conclusion, le Canada fait appel à la communauté internationale et il encourage fortement ses partenaires de la justice pénale à conjuguer leurs efforts aux siens pour accroître la coopération internationale dans le domaine de la prévention du crime et la justice pénale.

Nous devons cesser de penser à la coopération technique en tant que geste purement humanitaire. Au contraire, la coopération technique offerte dans le développement de systèmes de prévention du crime et de justice pénale mène à long terme à l'amélioration de la situation économique, à une stabilité sociale accrue, au respect des droits de la personne et de l'état de droit et à la mise en place de gouvernements démocratiquement élus. C'est cette infrastructure même qui nous permettra à long terme de combattre et de prévenir la criminalité à l'échelle mondiale.

**Merci de votre attention, Monsieur le Président.**



**Tenth United Nations Congress  
on the Prevention of Crime and the Treatment of Offenders**

**Dixième Congrès des Nations Unies  
pour la prévention du crime et le traitement des délinquants**

**SPEECH**

**delivered by The Honourable Anne McLellan  
Minister of Justice and Attorney General of Canada**

**DISCOURS**

**prononcé par L'Honorable Anne McLellan  
Ministre de la Justice et Procureure générale du Canada**

**April 14, 2000  
le 14 avril 2000**

**AGENDA ITEM 4**

**International cooperation in combating transnational crime:  
New challenges in the twenty-first century**

**POINT 4 DE L'ORDRE DU JOUR**

**Coopération internationale pour lutter contre la criminalité transnationale:  
Nouveaux défis au XXI<sup>e</sup> siècle**

NOTES FOR A SPEECH

BY

THE HONOURABLE ANNE McLELLAN

MINISTER OF JUSTICE

ATTORNEY GENERAL OF CANADA

AT

THE HIGH-LEVEL SEGMENT

OF

10TH CONGRESS ON PREVENTION OF CRIME

AND THE TREATMENT OF OFFENDERS

APRIL 14<sup>th</sup>, 2000

Mr. Chairman, it is well recognized that organized crime is a real and pressing problem for our societies. It has profound social and economic impacts. Insidious and pervasive, it affects the lives of each of us, directly or indirectly. It is a global and fluid force that slips across borders and uses these borders to better achieve its many purposes.

Manifestations of organized crime include drug-related violence, murder and bombings, the victimization of the elderly through telemarketing fraud, as well as credit card fraud, prostitution and the smuggling of migrants.

The true nature, extent and impact of organized crime are often invisible to the public. Even the illegal drug trade, where suppliers and users network in a far-reaching international web, can seem remote to many citizens.

Clearly, it is our responsibility, as elected officials, to help raise public awareness and to identify solutions that will help communities respond to and prevent organized crime.

Organized crime thrives on social and economic inequity. This means that the task of combating organized crime must not be left only to the criminal justice system. It is a task that must be shared broadly within society. Communities, social service agencies and the private sector must focus their attention on this problem. All have a role to play and must be part of a strategy that includes prevention.

It is critical that all of us work together to strengthen the security, and the economic, the political systems in all countries, so that the conditions which give rise to organized crime do not emerge. Nations cannot be expected to deal effectively with these growing problems alone.

With this thought in mind, let me turn now to the work underway at the international level on the convention on transnational organized crime and its related protocols on trafficking in humans, migration and firearms issues.

The scope of the various provisions in the convention has been under discussion for some time. Canada believes that it is in our collective interest to have the convention, and particularly its core mutual legal assistance and extradition provisions, deal broadly with organized crime.

We take this position for very practical reasons. Canada believes such international cooperation is essential to tackle organized crime. Canada, for example, acknowledged this by enacting new extradition legislation in 1999, allowing for the surrender of persons to a variety of extradition partners and for a variety of offences.

We see broad cooperation as a matter of shared interest, and we do not want to lose the opportunity that the current negotiations present. We hope these negotiations will gain support for a wide basis of cooperation through extradition and mutual legal assistance.

Mr. Chairman, we must maintain our momentum and meet our agreed timetable, in elaborating the three protocols to the main convention;

Canada is particularly proud of the lead role that we have been able to play in helping to co-ordinate work on the Firearms protocol, in cooperation with other countries. The Firearms protocol is essential to our human security.

The two migration-related protocols will give us the tools and international legal framework necessary to combat the smuggling and trafficking in humans.

There is still important work to be done. Nevertheless, we must remain committed to meeting our established deadline of year 2000 for the conclusion of negotiations on all four instruments.

Mr. Chairman, I would like to talk about some specific problems that are linked to organized crime. high-tech crime over the internet and the use of telecommunications for illicit purposes are serious problems that grow with new advances in technology and afford criminals opportunities to victimise our citizens.

Novel forms of high-tech crime and global communications require innovative approaches. Traditional concepts of cooperation need to be revisited in order to enhance international action. We need to identify solutions that will protect our citizens and support global communications and commerce.

Canada is involved in ongoing discussions within the Council of Europe to elaborate a legal instrument to deal with transborder computer crime. We are pleased to see the progress that is being achieved. We have also been involved in initiatives in the organization of American states and the commonwealth.

Canada believes, though, that education, training and information exchange regarding high-tech crimes should be an early priority for the U.N.

Corruption is a challenge that no country can ignore. We must address it, taking into account its many facets. Canada, therefore, supports the negotiation of a global instrument against corruption.

In addition, Canada would also encourage the criminalization of corruption as a predicate offence in the context of money laundering and the possession of the proceeds of crime.

Money laundering is a key part of the organized crime cycle and used by criminals to hide illegal conduct, while assuming a guise of respectability. As with high-tech crime, money laundering is also borderless and on the increase. Funds are moved quickly between countries, often through complex and legitimate channels to hide their illicit sources and ultimate beneficiaries. This threat must be met by all of us, working together.

Finally, Mr. chairman, let me state that Canada continues to be committed to building international police and law enforcement partnerships. We encourage initiatives to make these links even stronger.

These partnerships will be active and highly focused. They will include joint operations targeting the upper echelons of transnational criminal organizations, as well as the exchange of both evidence and criminal intelligence on criminal groups. This partnership must also encourage initiatives designed to prevent crime.

In conclusion, let me reiterate that international cooperation is imperative. Indeed, **only** a collective approach will ensure that our global response to transnational crime is better organized than the criminal groups themselves.

Thank you.





**Tenth United Nations Congress  
on the Prevention of Crime and the Treatment of Offenders**

**Dixième Congrès des Nations Unies  
pour la prévention du crime et le traitement des délinquants**

**SPEECH**

**DISCOURS**

**AGENDA ITEM 5**

**Effective crime prevention: keeping pace with new developments**

**POINT 5 DE L'ORDRE DU JOUR**

**Prévention efficace de la criminalité:  
comment suivre le rythme des innovations**

10<sup>th</sup> UNITED NATIONS CONGRESS  
ON THE PREVENTION OF CRIME  
AND THE TREATMENT OF OFFENDERS  
VIENNA, AUSTRIA – APRIL 9-17, 2000

SPEECH FOR AGENDA ITEM 5 (April 3, 2000)  
*Effective crime prevention: keeping pace with new developments*

**Prepared By:**

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Mr./Madame Chairperson,

Canada notes with pleasure the international attention being given to community-based crime prevention at this Congress. We are optimistic that our collective deliberations on crime prevention, and the commitments that will emanate from them, will enable us to take our place as partners in the *Cultivation of Peace* – in the spirit of the International Year for Cultivating Peace that is now upon us.

Canada is of the view that the agenda to promote community-based crime prevention and the emphasis on targeting the causal factors of crime, have been advanced considerably since the 8<sup>th</sup> Session of the Commission on Crime Prevention and Criminal Justice just less than a year ago. We would like to thank the Government of Argentina for the leadership role it has played in convening two Experts Meetings, one to plan the Workshop and the other to further refine the *Elements of responsible crime prevention: standards and norms*. We also wish to express our appreciation to the UN Secretariat for its support of these meetings. These draft *Elements* are contained in the Annex to the Working Paper prepared by the Secretariat for this Agenda item.

Canada participated, as Rapporteur, in the Experts Meeting to refine the *Elements*. We will, at the forthcoming Commission, be seeking to incorporate a reference to these *Elements* into the Vienna Declaration to ensure that the current momentum is maintained. We believe that the changes made to the *Draft Elements* reflect the best knowledge about what works in crime prevention and how best to put this knowledge to work. Quite simply, knowledge developed worldwide identifies a certain number of factors that increase the risk of individuals becoming either offenders or victims, or both. This international body of knowledge and experience clearly demonstrates that well-designed interventions, targeting known risk factors, result in increased levels of safety and security.

The *Elements* set out in the *Basic Principles* speak to several key ingredients for successful crime prevention:

- governments must play a leadership role in promoting safety;
- strategies must involve all levels of government and be multi-sectoral in nature - social, economic, health and educational sectors must be included;
- these strategies must address the risk factors of crime and victimization, including social marginalization and exclusion, with particular emphasis on families and children at risk, and youth at risk of becoming offenders or of re-offending;
- members of the community, in full recognition of social, cultural and gender diversity, must be integral partners at all stages of planning and implementation;
- governments should seek sustainability for crime prevention strategies, and
- finally, national crime prevention strategies should foster commonalities between local/domestic crime problems and transnational ones, where appropriate.

In keeping with the goal of being practically oriented, the *Draft Elements* include several paragraphs on key *Tools and Methodologies*. Various paragraphs reflect the convergence of experience with respect to the key elements for effective implementation. These include rigorous safety diagnoses which identify risk factors and community resources, a plan with clear priorities, targeting of actions to risks, implementation and, lastly, evaluation and feedback.

The *Draft Elements* conclude with a brief section on *International Cooperation*. We would like to bring your attention to three key provisions:

1. a focus on meaningful, achievable and concrete tasks,
2. international exchange of the most promising practices in crime prevention, and
3. the need for technical assistance.

Mr./Madame Chairperson

Let me conclude my comments on the *Draft Elements* by saying that it is Canada's hope that the other Member States will seriously consider the adoption of the *Elements*

as a Resolution at the 10<sup>th</sup> Session of the Commission. Adoption of such a resolution, followed swiftly by a plan of action, would demonstrate commitment to a balanced approach, with a focus on implementation of norms and standards for both domestic/national crime and transnational crime.

Given the theme of this Congress, permit me to say a few words about Canada's National Strategy on Community Safety and Crime Prevention which was launched less than two years ago. The Strategy is designed to address crime principally through a social development approach which tackles the root causes of crime.

The focus at the national level is

- to exercise leadership
- identify what works best in prevention
- disseminate this knowledge
- demonstrate how successful interventions can be delivered and sustained, and
- support building and sustaining effective partnerships at the community level.

Resources will be directed to high needs communities with special attention at this stage on the most vulnerable - at risk children and youth and their families, women and Aboriginal peoples. We invite you to visit Canada's kiosk for more information.

Suffice it to say that our national strategy is seen as a vital complement to the Government's criminal justice laws, policies and programs, particularly in the fields of youth justice, domestic violence, victims and corrections. **Our shared goals are straightforward - less crime, less victimization, more individual and community safety and security.**

To accomplish these goals, we know that a comprehensive approach to crime prevention must include primary, secondary and tertiary prevention. While the Strategy's focus is essentially primary and secondary, Canada also recognizes the critical importance of tertiary prevention. In this regard, Canada has been a leader in

research and policy development to support offender rehabilitation and their safe re-integration into the community. Our approach has the support of Canadians. Canada has also sought to advance the development of restorative justice policies and programs which seek to address the harm caused by crime to individuals and communities, and to promote healing for both victims and offenders. This being said, we acknowledge the benefits of an internationally recognized framework such as that proposed in the annexed *Draft Elements*. We have much to learn and we vitally count on our international affiliates, institutes and colleagues.

For this and other reasons, including preparations for the Workshop on *Community Involvement In Crime Prevention* for this Congress, Canada was delighted to participate with the Governments of the Netherlands, France and the Province of Quebec, and the International Centre, in the planning of a recent international conference held in Montreal, Quebec.

The theme was *Putting Our Knowledge About Crime Prevention to Work*. This forum attracted 170 participants from 25 countries with all regions of the world represented. It provided an ideal opportunity to consolidate and celebrate what is known about crime prevention, identify gaps and explore means to fill them, and push an agenda to increase community safety and reduce insecurity or fear of crime through preventive means.

Canada would like to commend and acknowledge the very comprehensive Background Paper prepared by the International Centre in Montreal for the Workshop on Crime Prevention. The Workshop is seeking concrete outcomes and is intended to serve as a forum to bring countries together to share and invest more in technical assistance.

Through La Francophonie, Canada's National Crime Prevention Centre is proud to be partnering with Mali in the development of a strategy at the national level, and in one particular community, around the problem of youth violence. The International Centre for the Prevention of Crime will be assisting in the delivery of this technical assistance.

In conclusion, Mr./Madame Chairperson, permit me, on behalf of the Canadian delegation, to express our interest in moving the international crime prevention agenda forward into the 21<sup>st</sup> century. Canada wishes the *Draft Elements* to be considered by the Commission at its 10<sup>th</sup> Session in 2001. The first step to this end is to include in the *Declaration* an invitation to the Commission to consider the adoption of the *Draft Elements*. Canada will be seeking this change. We also look forward to the deliberations of the Workshop on the *Promotion of Effective Community Involvement in Crime Prevention* given its action-oriented approach. We are confident that concerted international action will yield concrete results and enable community-based crime prevention to play a greater role in a comprehensive approach to reducing crime and victimization.

Thank you Madame/Mr. Chairperson





**Tenth United Nations Congress  
on the Prevention of Crime and the Treatment of Offenders**

**Dixième Congrès des Nations Unies  
pour la prévention du crime et le traitement des délinquants**

**SPEECH**

**DISCOURS**

**AGENDA ITEM 6**

**Offenders and victims: accountability and fairness in the justice process**

**POINT 6 DE L'ORDRE DU JOUR**

**Délinquants et victimes: obligation redditionnelle et équité  
dans le processus judiciaire**

CANADA

**10<sup>e</sup> CONGRÈS DES NATIONS UNIES  
SUR LA PRÉVENTION DU CRIME  
ET LE TRAITEMENT DES DÉLINQUANTS  
DU 10 AU 17 AVRIL 2000**

**POINT 6 : DÉLINQUANTS ET VICTIMES : OBLIGATION  
REDDITIONNELLE ET ÉQUITÉ DE LA PROCÉDURE  
JUDICIAIRE**

- Lorsqu'un crime est commis, la vie des personnes qui sont directement touchées n'est plus jamais la même. De façon moins évidente, et avec le temps, les actes de violence et les autres crimes changent à jamais la vie de tous les membres de la collectivité.
- La façon dont la société choisit de réagir à la criminalité afin d'aider à panser les blessures et à rétablir le sentiment d'équilibre est aussi importante que le tort causé par le crime.

- **La justice réparatrice est une philosophie ou une approche qui nous fait voir le crime, non pas uniquement comme un acte contre l'État, mais d'abord et avant tout comme une violation des relations inter-personnelles.**
- **Cette philosophie repose plus particulièrement sur le fait que le tort causé aux victimes, aux collectivités et aux délinquants eux-mêmes peut être réparé ou rectifié, et ces efforts ont pour effet d'encourager les délinquants à assumer la responsabilité de leurs actes.**
- **Le choix de la justice réparatrice offre de l'espoir :**
  - ♦ **l'espoir de tenir les délinquants imputables d'une façon qui favorise la réparation du tort qu'ils ont causé et qui favorise leur croissance personnelle et leur réinsertion sociale;**
  - ♦ **l'espoir d'aider les victimes à avoir la possibilité de s'exprimer et à obtenir l'information et le soutien dont elles ont besoin pour surmonter le traumatisme;**
  - ♦ **l'espoir de faire participer toutes les parties concernées au processus de guérison;**

- ♦ l'espoir de rendre la collectivité plus saine, plus sûre, plus harmonieuse et plus forte.
- Et nous avons de bonnes raisons d'espérer. Partout au monde, on a recours à des approches réparatrices fondées sur les enseignements des collectivités autochtones, sur les apprentissages douloureux des périodes de conflit, sur l'insatisfaction croissante à l'égard des limites des systèmes de justice pénale et de leur incapacité fréquente à trouver des solutions qui soient satisfaisantes pour les victimes, les délinquants et la collectivité.
- En fait, monsieur le président, la justice réparatrice est essentiellement une affaire de la collectivité. Elle concerne la façon dont nous entendons vivre ensemble. Chaque fois que nous nous réunissons dans un esprit de collaboration pour essayer de réparer le tort causé par le crime, en utilisant des moyens qui mettent toutes les parties à contribution, des moyens qui reposent sur notre capacité d'écoute, de résoudre des problèmes, de présenter des excuses et de rétablir les choses d'une façon réelle ou symbolique, nous renforçons nos collectivités.

- Dans un examen effectué récemment au Canada des approches réparatrices utilisées dans plusieurs pays, il fut constaté que lorsqu'on a recours à des méthodes réparatrices, la victime et le délinquant sont très satisfaits du processus et des résultats, et ils ont le sentiment que le processus est équitable.
- En outre, la plupart des personnes qui participent à un programme de justice réparatrice réussissent le plus souvent à conclure des ententes de restitution. Une forte proportion des délinquants respectent les conditions de l'entente, et ils sont plus susceptibles de s'y tenir que les délinquants qui font l'objet d'une ordonnance judiciaire de restitution.
- Voilà de bonnes nouvelles!

- On the other hand, victims in Canada and elsewhere have expressed some concerns about restorative justice. These include:
  - possible power imbalances,
  - instances of being pressured into participating in such programs, and
  - inadequate training of facilitators.
- These are serious concerns, Mr. Chairman, and they speak to the need to develop basic principles to ensure that the rights and interests of all parties are respected.
- To this end, Canada and Italy are co-sponsoring a resolution to the Commission on Crime Prevention and Criminal Justice at its Ninth Session, to initiate a process aimed towards the adoption of a Declaration of Basic Principles on the Use of Restorative Justice Programmes in Criminal Matters at a future Session of the Commission. These Basic Principles would create a framework to guide the development and implementation of Restorative Justice around the world.

- **These principles, Mr. Chairman, are necessary to provide guidance to policy makers and program developers in this burgeoning field throughout the world.**
- **The adoption of this resolution will continue the work initiated by Italy in its resolution last year recommending to the Commission that it consider the desirability of formulating standards in the field of mediation and restorative justice.**
- **From a procedural point of view, the resolution requests the Secretary General to seek comments from Member States, relevant intergovernmental and non-govenmental organizations, as well as institutes comprising the United Nations Crime Prevention and Criminal Justice Programme network, on a preliminary draft of Basic Principles on the Use of Restorative Justice Programmes in Criminal Matters.**
- **It also contemplates the convening of an experts' meeting to review the comments received and to report to the Commission at its Tenth Session with a view to seeking**

the adoption of the Declaration of Basic Principles.

- We are pleased to have this opportunity to learn from each other and we have listened with interest to the presentations of other Member States on this subject.
- In this regard, I would now like to highlight a few key developments in Canada in relation to Restorative Justice.
- Canada has seen unprecedented growth in restorative approaches in the last 10 years. A recent inventory of Restorative Justice programs in Canada indicates over 400 self-identified initiatives in 154 communities across the country.
- These initiatives range from pre-charge diversion to the post-sentence stage and incorporate the following models: Victim Offender Mediation, Family Group Conferencing or, as the Royal Canadian Mounted Police call them, Community Justice Forums, Sentencing and Healing Circles, Community Assisted Parole Hearings, and community-based support for offenders following release



which we call Circles of Support and Accountability. Some programs are delivered through community agencies, while others are administered by government departments. These programs require strong partnerships among the police, courts, corrections, victims services, community and voluntary sector organizations.

- This diversity demonstrates well our desire to apply the principles of restorative justice at all stages of the criminal justice system and recognizes that the effective use of restorative justice requires a flexible approach adapted to the local needs, cultures, socio-political and legal realities.
- An important step in Canada came in 1996 when the sentencing principles were introduced in Canada's criminal legislation. These principles encourage the use of community-based sentencing and draw on key restorative elements such as the need to promote a sense of responsibility in offenders and for them to acknowledge and make reparation for the harm they have done to their victims and to the community.

- Canada's proposed *Youth Criminal Justice Act* endorses restorative principles by requiring that measures to deal with youth crime should encourage repair of harm to victims and communities.
- A National Policy Centre on Victim Issues has been established at the Department of Justice to develop, in co-operation with the Provinces and Territories, policies, programs and services for victims of crime. Part of the Centre's work will be to ensure that restorative justice policies and programs are sensitive to victims' interests.
- Aboriginal justice teachings, traditions and practices have greatly influenced the development of restorative justice in Canada. Specific initiatives within Aboriginal communities include Elder's Panels, sentencing and healing circles and peacemaking processes. All of these are designed to empower communities, promote accountability and healing in offenders and address the special circumstances of victims.
- There is currently a broad range of demonstration projects

that are operating in Canada, sponsored by a variety of partners, including the Aboriginal Justice Strategy and the National Strategy on Community Safety and Crime Prevention, and delivered in community - largely by non-governmental agencies. Many of these projects have evaluation and research components that will help us to better understand the various applications of restorative justice and their impacts on people.

- There is, however, a clear need to take stock of what we are learning and to ensure that we are addressing the challenges and issues in a thoughtful way. Numerous papers, conferences and studies have pointed to some of the unresolved issues and challenges to restorative justice and these are promoting a useful national dialogue and a good exchange with other countries around the world.
- Canada's Law Commission, for example, recently published a discussion paper on Restorative Justice that was informed by an international on-line consultation with experts in the field of Restorative Justice.

- **Canada will be hosting the Tenth International Symposium on Victimology from August 6 to 11, 2000 in Montreal. This conference, which will bring together experts in the areas of victim assistance and crime prevention from all regions of the world, will be an occasion to commemorate the 15<sup>th</sup> anniversary of the adoption of the United Nations Declaration of Basic Principles on Justice for Victims of Crime and Abuse of Power.**
- **In closing, we believe that restorative justice offers much promise in our collective efforts to reduce levels of conflict, promote healing and contribute to more peaceful and safer communities around the globe.**
- **Mr. Chairman, the time has come to work to establish United Nations Basic Principles to guide policy and program development in the area of Restorative Justice.**

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**Tenth United Nations Congress  
on the Prevention of Crime and the Treatment of Offenders**

**Dixième Congrès des Nations Unies  
pour la prévention du crime et le traitement des délinquants**

**SPEECH**

**delivered by The Honourable Anne McLellan  
Minister of Justice and Attorney General of Canada**

**DISCOURS**

**prononcé par L'Honorable Anne McLellan  
Ministre de la Justice et Procureure générale du Canada**

**April 14, 2000  
le 14 avril 2000**

**HIGH-LEVEL SEGMENT**

NOTES FOR A SPEECH

BY

THE HONOURABLE ANNE McLELLAN

MINISTER OF JUSTICE

ATTORNEY GENERAL OF CANADA

AT

THE HIGH-LEVEL SEGMENT

OF

10TH CONGRESS ON PREVENTION OF CRIME

AND THE TREATMENT OF OFFENDERS

APRIL 14<sup>th</sup>, 2000

Mr. Chairman, it is well recognized that organized crime is a real and pressing problem for our societies. It has profound social and economic impacts. Insidious and pervasive, it affects the lives of each of us, directly or indirectly. It is a global and fluid force that slips across borders and uses these borders to better achieve its many purposes.

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Mr. Chairman, we must maintain our momentum and meet our agreed timetable, in elaborating the three protocols to the main convention;

Canada is particularly proud of the lead role that we have been able to play in helping to co-ordinate work on the Firearms protocol, in cooperation with other countries. The Firearms protocol is essential to our human security.

The two migration-related protocols will give us the tools and international legal framework necessary to combat the smuggling and trafficking in humans.

There is still important work to be done. Nevertheless, we must remain committed to meeting our established deadline of year 2000 for the conclusion of negotiations on all four instruments.

Mr. Chairman, I would like to talk about some specific problems that are linked to organized crime. high-tech crime over the internet and the use of telecommunications for illicit purposes are serious problems that grow with new advances in technology and afford criminals opportunities to victimise our citizens.

Novel forms of high-tech crime and global communications require innovative approaches. Traditional concepts of cooperation need to be revisited in order to enhance international action. We need to identify solutions that will protect our citizens and support global communications and commerce.

Canada is involved in ongoing discussions within the Council of Europe to elaborate a legal instrument to deal with transborder computer crime. We are pleased to see the progress that is being achieved. We have also been involved in initiatives in the organization of American states and the commonwealth.

Canada believes, though, that education, training and information exchange regarding high-tech crimes should be an early priority for the U.N.

Corruption is a challenge that no country can ignore. We must address it, taking into account its many facets. Canada, therefore, supports the negotiation of a global instrument against corruption.

In addition, Canada would also encourage the criminalization of corruption as a predicate offence in the context of money laundering and the possession of the proceeds of crime.

Money laundering is a key part of the organized crime cycle and used by criminals to hide illegal conduct, while assuming a guise of respectability. As with high-tech crime, money laundering is also borderless and on the increase. Funds are moved quickly between countries, often through complex and legitimate channels to hide their illicit sources and ultimate beneficiaries. This threat must be met by all of us, working together.

Finally, Mr. chairman, let me state that Canada continues to be committed to building international police and law enforcement partnerships. We encourage initiatives to make these links even stronger.

These partnerships will be active and highly focused. They will include joint operations targeting the upper echelons of transnational criminal organizations, as well as the exchange of both evidence and criminal intelligence on criminal groups. This partnership must also encourage initiatives designed to prevent crime.

In conclusion, let me reiterate that international cooperation is imperative. Indeed, **only** a collective approach will ensure that our global response to transnational crime is better organized than the criminal groups themselves.

Thank you.



**ANNEXE H**

**Tenth United Nations Congress  
on the Prevention of Crime and the Treatment of Offenders**

**Dixième Congrès des Nations Unies  
pour la prévention du crime et le traitement des délinquants**

**SPEECH**

**DISCOURS**

**WORKSHOP**

**Community involvement in crime prevention**

**ATELIER**

**Participation de la communauté  
à la prévention de la criminalité**

**CANADA**

**TENTH UNITED NATIONS CONGRESS ON  
THE PREVENTION OF CRIME AND  
THE TREATMENT OFFENDERS  
VIENNA, AUSTRIA – APRIL 10-17, 2000**

**PRESENTATION TALKING POINTS**

**WORKSHOP B**

**COMMUNITY INVOLVEMENT IN CRIME PREVENTION**

**BLOCK 3- BLOCK 4 YOUTH & SCHOOLS**

**Slide 1  
Cover**

- I am very honoured to have the opportunity this afternoon to introduce you to Canada's national approach to crime prevention.

**Introduction****Slide #2  
Story  
Picture****Burnaby Story:**

- This story is a good illustration of what Canada is trying to accomplish in its efforts to reduce crime and victimization.

It highlights the importance of focusing on the root causes of crime, investing in early intervention, and giving special attention to children, youth and their families.

- During the next fifteen minutes or so, I would like to introduce you to some of Canada's crime realities and the steps we are taking to reduce crime and victimization.

## Realities of Crime and Victimization

- Canada, like many other countries, has dealt with crime primarily through the apprehension, sentencing, incarceration and rehabilitation of offenders.

### Slide #3 Crime Rates

- Crime rates in Canada have decreased in recent years but they are still among the highest in industrial countries.
- As you see in this graph, violent and property crime rates have gone down but the problem is still serious in cities, in isolated areas and in the North.
- Traditional crime control strategies have had some impact on reducing crime and victimization. However, there are four compelling reasons why Canada is augmenting these approaches with a strong crime prevention component.
- First, we need a different approach to reach the vulnerable who are often hidden victims. This includes women, children, youth, aboriginal people, racial and religious minorities, and groups who experience victimization by virtue of their sexual orientation.

**Slide #4**  
**Costs**

- **Second**, the costs – direct and indirect – of crime, and the community decay linked with it, are a burden on Canadian society.

Crime and insecurity can be barriers to communities determining their quality of life.

- **Third**, Canada has one of the highest incarceration rates in the developed world. This over-reliance on prison impedes investment in early intervention and in the "front-end" of the criminal justice system.
- **Fourth**, in spite of drops in crime rates, the public fear of crime has increased and confidence in those who administer justice has decreased.
- Dissatisfaction on these four fronts has led us to embark on a comprehensive approach to reduce crime, victimization and insecurity.

**Canada's Efforts to Prevent Crime and Victimization**

- Canada has proceeded on the belief that the most effective way to reduce crime and victimization is to "tackle" root causes.



**So, in recent years, Canada has invested resources in encouraging governments, non-governmental agencies and individual citizens to consider new ways of dealing with crime.**

- **The first major step was taken in a 1993 report by the House of Commons Standing Committee on Justice and Legal Affairs.**
- **This Committee recommended that the federal government, in co-operation with other levels of government,**
  - **develop a national crime prevention policy**
  - **encourage a partnership approach to prevent crime**
  - **foster community involvement and, above all,**
  - **concentrate on addressing the root causes of crime.**
- **Endorsing these recommendations, the Government of Canada established the National Crime Prevention Council in 1994.**

- The Council had broad representation from key stakeholders including community crime prevention experts, law enforcement specialists, children and youth service providers, and academics.
- It was mandated to
  - seek agreement on the critical risk factors that are linked to crime and victimization,
  - identify comprehensive strategies to deal with them, and
  - obtain a more precise picture of the costs of crime and victimization in Canada.
- The Council selected the social development approach as an economically and socially effective means to address the risk factors associated with crime and victimization, particularly with respect to children and youth.
- Building on the excellent work of the Council, the Government of Canada launched Phase II of its National Strategy on Community Safety and Crime Prevention in June 1998.

- The National Strategy continues the commitment of the Council to a social development approach. It places a particular emphasis on the root causes of crime - for example, families in difficulty, physical and sexual abuse, problems in school, poverty and high unemployment for youth.

**Slide #6  
Objectives**

- Our aims to reduce crime and victimization by :
  - promoting the integrated action of key governmental and non-governmental partners;
  - assisting communities in developing and implementing community-based solutions; and,
  - increasing public awareness, support and participation in effective approaches to crime prevention.

**Slide #7  
Priorities**

- At this stage, we are placing particular emphasis on children, youth, the personal security of women and girls, and Aboriginal peoples.
- To fulfil its function, the National Crime Prevention Centre- the operating arm of the National Strategy- is reaching out to stakeholders, the obvious and the not-so-obvious, who are critical in preventing crime and victimization.

**Slide #8  
Continuum  
of crime  
prevention**

- **Given our commitment to a social development approach, our Strategy must foster interventions along a continuum that favours support:**
  - **For very young at risk children and their families;**
  - **For children and youth at risk of or already offending, and their families; and**
  - **For the safe reintegration of offenders into the community.**
- **This requires programs that support those in need at the most appropriate time and in the most effective manner.**

**Who are our Key Partners in this Endeavour?**

**Slide #9  
Partners**

- **Complex problems require equally complex solutions. We should not let our imagination be limited by the “narrow” mandate of the criminal justice system.**
- **From our restorative justice experiences, we have learned about the importance of including all the**

players, in particular youth, victims and their communities.

- Like of all you, we recognize the importance of learning new ways of working and co-operating to find long-term solutions to the factors that lead our children and youth to offend, or to become victims of crime.
- Let me now say a few words about our partners and the programs we support.

### The Community:

- Community engagement and involvement are essential elements of any comprehensive and successful intervention.

We can and should be as creative as we need to be in finding ways to involve our stakeholders in community activities that are of benefit to them.

- “Community” is defined broadly to be inclusive and foster legitimacy.
- In a civil society, members need to go beyond securing just their own personal safety and well-being. We need to foster a sense of collective responsibility for what happens to all who live in the community, and in particular, for those who are more at risk.
- Numerous examples abound of “community-based” crime prevention approaches that have been

successful because of citizen engagement. Our strategy is to support and develop more of such initiatives. To this end, we have targeted resources towards community mobilization and partnership development.

### NGOs

- The involvement of the non-governmental and private sectors is critical to any crime prevention strategy. Community activists, service organizations and the business community all have a role to play in developing strategies to prevent with crime and victimization.
- To encourage their participation, our strategy has a Business Action Alliance on Crime Prevention. Members include the Insurance Council of Canada and the Retailers Council. Workplace violence and car theft is one area that have been identified by this Alliance for collaborative work.

### Governments and their agencies:

- All levels of government and their agencies have critical roles. They must:
  - provide leadership;
  - promote and disseminate information on promising practices relating to root causes of crime;
  - support communities that want to resolve their long-term crime and victimization problems; and,

- advocate the involvement of the educational, health, and social service sectors as essential partners with traditional criminal justice players in supporting community crime prevention efforts.

## **What Types of Crime Prevention Strategies Are We Implementing?**

- We would now like to provide you with a few concrete examples of programs that we support.
- We have included more details on these and other programs in your folder and we would be pleased to discuss them further with you.
- These examples illustrate the different stages at which interventions can occur along the crime prevention continuum.

### **Example #1: Primary Prevention**

Slide #10  
Early Int.  
Picture

- The first example highlights an early intervention program providing support to children (birth-6 years old), and their parents who are living in high-risk situations. The goal is to reduce child abuse and neglect - known risk factors associated with both anti-social behaviour and victimization.

- The program is based on the Hawaii Healthy Start Program which has proved to be quite successful.
- The specific approach includes an initial screening by public health nurses, and an intensive home visitation program for new parents to help their children have a healthy start and a healthier future.
- The program provides practical skills and supports to parents, including:
  - primary infant care;
  - access to information;
  - referrals to existing support programs and services;
  - strengthening the network of support around infant and parents; and,
  - literacy training and career planning.
- The program also attempts to expand the traditional health services intake/assessment mechanism to include:
  - police referral for new mothers who are victims of violence in the home; and,
  - correctional official referral for children of offenders.
- Finally, the program is being tested in three different but complementary environments:



- An urban setting (Success by 6 – Edmonton Healthy Families Program);
- A semi-urban setting ( C.H.A.N.C.E.S. – Family Resources Centre in Charlottetown, PEI); and,
- A Northern Aboriginal community (Kwanlin Dun First Nation's Healthy Families Program in Whitehorse, Yukon).

### **Example #2: Primary and Secondary Prevention**

Slide 11  
Pre-delin.  
& delin.  
Picture

- The second example focuses on adolescents who exhibit pre-delinquent and delinquent characteristics.
- These are youth who are occasionally or repetitively suspended from school and who live in higher risk areas.
- The youth attend a local community centre run by the YMCA of Metropolitan Montreal. They take part in activities to reduce the number of suspensions and transform the suspension period into a positive experience.
- Centre staff, in partnership with schools, police, private sector and other community agencies, provide a range of services including:
  - conflict resolution training;

- enhanced listening skills;
  - group discussions on drug use and alcohol consumption;
  - visits to businesses; and,
  - school work support.
- Even in its early stages, there are clear indications that the program is having a positive impact on the behaviour of the youth and on co-ordination between youth-serving agencies.

### **Example #3: Tertiary Prevention**

Slide #12  
Treat-Reha.  
Picture

- Lastly, we would like to profile a pilot project that shows the preventive potential of judicial intervention.
- In co-operation with social and health serving agencies, this program can be an effective means of reducing the risk factors associated with serious criminal behaviour.
- An addiction research and treatment institute in Toronto, in partnership with the judiciary and the federal prosecution service, has set-up Canada's first specialized drug treatment court.
- The Toronto Drug Treatment Court brings a unique social development approach to the traditional criminal justice system.

- It targets high risk and high needs inner-city adult and youth offenders who are cocaine and heroin addicts. This pilot offers
  - judicial supervision
  - medical and psycho-social treatment, and
  - community service support for the addicts and their immediate families.
- This pilot project is intended to increase diversion and non-custodial community dispositions and reduce recidivism thereby reducing victimization and saving money.
- After 15 months of operation, preliminary evaluation data indicate that clients remain in the treatment program at a rate similar to that in the United States. (55-60%). The Toronto Pilot Project, however, generally accepts clients that have a longer criminal history.
- Also, the results to date indicate that the Toronto Program is having an impact on the clients and their families, as well as on the social support systems. For example, two crack-cocaine free babies have been born of mothers who are participating in the program, giving the babies a better start and society thousands of dollars in savings. We all win!

## Concluding Messages

Slide #13  
Picture with  
Stakeholders

- Through its comprehensive and balanced approach to the prevention of crime and victimization, Canada's National Strategy is investing in the future (at least \$1 CDN per citizen).
- Our National Strategy is devoted to "tackling" root causes of crime. But in doing so, we face significant challenges.
- I am sure many of these are familiar to you.
- We must demonstrate from a cost-effectiveness point of view, that crime prevention has potential savings and/or cost-containment for the health, social, educational and criminal justice systems;
- We must recognize that real change takes time and find the required level of resources for this long-term investment in an era of "smaller government" and limited resources;
- Another challenge is to find ways to sustain crime prevention efforts in communities facing deep-rooted crime and victimization problems;
- We must also support the transferability of knowledge and experience, and foster greater public understanding and involvement.

- Finally, we recognize that developing multi-level government, agencies and community partnerships is easier said than done.
- We are committed to meeting these challenges and we believe that Canadians will reap the rewards of individual and collective well-being through concerted efforts to reduce crime and victimization.
- Let us conclude by saying how excited and pleased we are to work with Canadians, and with you our international partners, in our common quest – safer, healthier communities. To that end, sharing our ideas and experiences is invaluable.
- Thank you.



**Tenth United Nations Congress  
on the Prevention of Crime and the Treatment of Offenders**

**Dixième Congrès des Nations Unies  
pour la prévention du crime et le traitement des délinquants**

**SPEECH**

**delivered by The Honourable Anne McLellan  
Minister of Justice and Attorney General of Canada**

**DISCOURS**

**prononcé par L'Honorable Anne McLellan  
Ministre de la Justice et Procureure générale du Canada**

**April 14, 2000  
le 14 avril 2000**

**WORKSHOP**

**Women in the criminal justice system**

**ATELIER**

**Les femmes dans le système pénal**

**NOTES FOR A SPEECH**

**BY**

**THE HONORABLE ANNE MCLELLAN**

**MINISTER OF JUSTICE**

**ATTORNEY GENERAL OF CANADA**

**TO**

**THE 10TH CONGRESS ON PREVENTION OF CRIME AND THE  
TREATMENT OF OFFENDERS**

**ON**

**WOMEN IN THE CRIMINAL JUSTICE SYSTEM**

**April 14, 2000**

Check against delivery



As we begin the 21<sup>st</sup> century, it is disheartening to realize that the battle for women's equality has still not been won. In all regions of the world, women are still forced in prostitution, coerced in situations of exploitation, considered as mere commodities and sexually abused. Internationally, it has been estimated that two million women are trafficked world-wide each year for the sex trade, and that this trafficking has replaced narcotics as the favoured activity of illegal trade.

Equal rights are the basis for women's fair and equitable treatment in society and are critical to establishing the legitimacy of women's claims to equal opportunities in the full range of society's endeavors. As long as women live with the fear of violence, their options will be restricted, their movements curtailed and their lives vitally affected. Any analysis of violence against women must include recognition of the complex ways in which inequality and power imbalances structure the lives of women.

Violence against women cuts across all spectrums of society including age, race, religion, culture, economic status and sexual orientation. It is at once a violation of women's fundamental human rights, a reflection of structural and systemic inequality in society and a contributing factor to that inequality. The harm caused by violence undermines their ability to lead autonomous lives, free of fear and coercion, and imposes great costs on society. It has significant repercussions not only on the health and well being of women, but also impacts on their community as a whole since it leaves them unable to achieve their full human and economic potential. In many parts of the world, violence both within and outside the home has been identified as a barrier to the full participation of women in society.

Because of the multifaceted nature of gender-based crimes, a variety of strategies have to be developed which encompass human rights, criminal justice and other perspectives. Crime prevention and criminal justice systems at both the national and the international levels have a central role to play in this respect. They need to be reassessed in order to better address the needs, rights and interests of women and offer them real and effective protection against violence and exploitation occurring within our countries and across international borders.

It is only quite recently that the international community decided to address the elimination of violence against women in the context of the criminal justice system. In 1995, the United Nations Commission on Crime Prevention and Criminal Justice included the elimination of violence against women as a priority item and invited the 9<sup>th</sup> United Nations Congress on the Prevention of Crime and the Treatment of Offenders to consider this matter. At that Congress, Canada was one of two principal sponsors that introduced a resolution urging Member States to develop and promote crime prevention strategies that reflect the realities of women's lives and address their distinct needs. This prompted the adoption of the Model Strategies and Practical Measures by the United Nations Commission on Crime Prevention and Criminal Justice in 1997. Canada was proud to play a leadership role in the formulation and adoption of this essential instrument that is before you today.

The Model Strategies are to be used as guidelines by governments and other entities in their efforts to address the various manifestations of violence against women. They refer to all aspects of the criminal justice system, including sentencing and corrections, victim support and assistance and crime prevention. They provide a new impetus for concrete reform and international cooperation.

An example of the implementation of the Model Strategies, on a national level, is Canada's Policy Framework for Addressing Personal Security Issues Concerning Women and Girls. In 1998, Canada launched the second phase of its National Strategy on Community Safety and Crime Prevention, which is aimed at developing community-based responses to crime and victimization. The Crime Prevention Policy Framework addresses the personal security concerns of women and girls in Canada which is central to their physical, emotional and economic sense of well-being.

The Components of our Policy Framework include:

- public awareness and education;
- research on projects and evaluation mechanisms that advance gender-specific approaches to prevention and intervention;
- the development of crime prevention models for both girls and women;
- improving the development of research and knowledge; and
- the development of tools and resources to safeguard women's and girl's personal security.

This program is designed to combat gender-based violent crimes, as well as property crimes, affecting women's economic well-being.

Another example of the implementation of a United Nations norm in the field of crime prevention and criminal justice, is Canada's Policy Centre for Victims' Issues. This Centre is an office within the Department of Justice whose mandate is to develop and co-ordinate federal initiatives to strengthen the voice of victims in the criminal justice system. It reflects recommendations that were made in the Guide to Policy Makers on the Use and Application of the United Nations Declaration of Basic Principles of Justice for Victims of Crime, which has been made available at this Congress.

Canada's recognition of the needs of victims is also reflected in the *Handbook for Police and Crown Prosecutors on Criminal Harassment*, which was released by the Department of Justice this past December. The handbook, which is available at the Canadian kiosk, promotes an integrated criminal justice response to cases of criminal harassment, and identifies the safety of the victim as a priority.

Canada is deeply convinced that national measures must attack the deeply rooted societal attitudes, behaviours and institutions which make girls and women "acceptable" targets for crime. International efforts must achieve the same goal. While the Model Strategies are an important and valuable international tool, further international measures are required. We need to ensure that criminal justice institutions adopt strong measures to protect women against gender-based exploitation and violence, including that associated with organized criminal activities, and do not result in further criminalization of those already victimized.

The growing threat posed by transnational organized crime makes it necessary to consider specifically the protection of women against organized crime. Transnational organized crime, by its nature, calls for distinct responses from criminal justice systems. Among other things, it requires greater international cooperation than is usually necessary to control and prevent other forms of crime. It also requires measures that recognize the special needs of women victims, who are made more vulnerable to violence because of multiple factors, such as race or ethnic background or their status as illegal migrants or refugees.

According to the Special Rapporteur on Violence Against Women, little has been accomplished to combat effectively the flourishing trade in women, despite the fact that trafficking has been of international concern since the beginning of this century.

The Beijing Platform for Action, developed at the Fourth World Conference on Women in 1995, formulated a strategic objective aimed at eliminating trafficking in women and helping those who are its victims by addressing the root factors encouraging trafficking in women and allocating resources for programmes to help victims. The Platform for Action also advocates increased cooperation and action by law enforcement authorities in order to dismantle trafficking networks. We look forward to the Special Session on Beijing Plus Five to review progress made on the Platform for Action in June 2000.

More specifically in the field of criminal justice, the International Convention Against Transnational Organized Crime, which will hopefully be submitted for adoption to the Millennium United Nations General Assembly this year, will enable Member States to fight the various aspects of international organized crime more effectively. As we all know, a draft protocol, which will supplement the Convention, is being developed to prevent, suppress and punish the trafficking in women and children. The proposed new protocol is significant because it will provide, for the first time, a universal instrument that addresses all aspects of trafficking in persons. The protocol includes a broad and comprehensive definition of slavery — which involves trafficking for the purpose of sexual exploitation and forced prostitution — as well as all forms of servitude generally.

In all countries, the message must be clear: no matter what the context is — trafficking, slavery sexual abuse, forced prostitution- violence against women is never acceptable. Both at home and within the international community, we must continue working to ensure that women's rights are recognized as human rights and that in concept and practice, these rights acknowledge the realities of women's lives and women's continuing efforts to achieve equality. We must step out of the vicious circle of violence to build just and equitable societies based on respect for individuals. By working together to achieve this goal, we will ensure that the spiral of violence is not irreversible.

**NOTES FOR A SPEECH**

**BY**

**THE HONORABLE ANNE MCLELLAN**

**MINISTER OF JUSTICE**

**ATTORNEY GENERAL OF CANADA**

**TO**

**THE 10TH CONGRESS ON PREVENTION OF CRIME AND THE  
TREATMENT OF OFFENDERS**

**ON**

**WOMEN IN THE CRIMINAL JUSTICE SYSTEM**

**April 14, 2000**

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As we begin the 21<sup>st</sup> century, it is disheartening to realize that the battle for women's equality has yet to be won. In all regions of the world, women are still forced into prostitution, coerced into situations of exploitation, considered as commodities and sexually abused. It was suggested, as recently as yesterday, at the Congress, that two million women are trafficked world-wide each year for the sex trade, and that this trafficking has replaced narcotics as the favoured activity of illegal trade.

As long as women live with the fear of violence, their options will be restricted and their movements curtailed. Any analysis of violence against women must include recognition of the complex ways in which inequality and power imbalances affect the lives of women.

Violence against women is a reality regardless of age, race, religion, culture, economic status and sexual orientation. It is at once a reflection of structural and systemic inequality in society and a contributing factor to that inequality. The harm caused by violence undermines women's ability to lead autonomous lives, free of fear and coercion, and imposes great costs on society. It has significant repercussions not only on the health and well being of women, but also impacts on their community as a whole, since it leaves them unable to achieve their potential through full participation in society.

Because of the their multifaceted nature, gender-based crimes must be addressed through human rights strategies, criminal justice processes and other perspectives. Crime prevention and criminal justice systems, at both the national and the international levels, have a central role to play in this respect. At both the national and international levels, these systems need to be reassessed, in cooperation with organizations seeking women's equality, to better address the needs, rights and interests of women.

It is only quite recently that the international community decided to address the elimination of violence against women in the context of the criminal justice system. In 1995, the United Nations Commission on Crime Prevention and Criminal Justice included the elimination of violence against women as a priority item, and invited the 9<sup>th</sup> United Nations Congress to consider this matter. At that Congress, Canada was one of two principal sponsors that introduced a resolution urging Member States to develop and promote crime prevention strategies that reflect the realities of women's lives and address their distinct needs. This prompted the adoption of the Model Strategies and Practical Measures by the United Nations Commission on Crime Prevention and Criminal Justice in 1997. Canada was proud to play a leadership role in the formulation and adoption of this essential instrument that is before you today. We are also pleased to announce the release of the Resource Manual on the Model Strategies, produced by the Vancouver-based International Centre for Criminal Law Reform and Criminal Justice Policy, in cooperation with other United Nations institutes and the United Nations Secretariat.

The Model Strategies are to be used as guidelines by governments, and other entities, in their efforts to address the various manifestations of violence against women. They refer to all aspects of the criminal justice system, including sentencing and corrections, support and assistance for those victimized and crime prevention. They provide a new impetus for concrete reform and international cooperation.

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Canada is convinced that national measures must attack the deeply rooted societal attitudes and behaviours which make girls and women "acceptable" targets for crime. International efforts must achieve the same goal. While the Model Strategies are an important and valuable international tool, further national and international measures are required. We need to ensure that criminal justice institutions adopt strong measures to protect women against gender-based exploitation and violence, including that associated with organized criminal activities. We also have to ensure that our criminal justice systems do not result in further victimization of women. We must also remember that the majority of women in prisons have themselves been victims of violence. Canada's correctional policies take this reality into account.

The growing threat posed by transnational organized crime makes it necessary to consider specifically the protection of women against organized crime. Transnational organized crime, by its nature, calls for innovative responses from criminal justice systems. Among other things, it requires greater international cooperation than is usually necessary to control and prevent other forms of crime. It also requires measures that recognize the special needs of women victims, who are made more vulnerable to violence because of multiple factors, such as race or ethnic background or their status as illegal migrants or refugees.

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More specifically in the field of criminal justice, the International Convention against Transnational Organized Crime, which we hope will be submitted for adoption to the millennium United Nations general assembly this year, will enable member states to fight more effectively the various aspects of international organized crime. As we all know, a draft protocol, which will supplement the Convention, is being developed to prevent, suppress and punish the trafficking in women and children. The proposed new protocol is significant because it will provide, for the first time, a universal instrument that addresses all aspects of trafficking in persons. The protocol includes a broad and comprehensive definition of slavery — which involves trafficking for the purpose of sexual exploitation and forced prostitution — as well as all forms of servitude generally.

In all countries, the message must be clear: No matter what the context — trafficking, slavery, sexual abuse or forced prostitution — violence against women is not acceptable. Both at home and within the international community, we must continue working to ensure that women's rights are recognized as human rights. In concept and practice, these rights must acknowledge the realities of women's continuing efforts to achieve equality. We must step out of the vicious circle of violence to build just and equitable societies based on respect for individuals. By working together to achieve this goal, we will ensure that the downward spiral of violence is stopped and reversed.





**Tenth United Nations Congress  
on the Prevention of Crime and the Treatment of Offenders**

**Dixième Congrès des Nations Unies  
pour la prévention du crime et le traitement des délinquants**

**SPEECH**

**as delivered by**

**The Honourable Anne McLellan  
Minister of Justice and Attorney General of Canada**

**DISCOURS**

**tel que prononcé par**

**l'Honorable Anne McLellan  
Ministre de la Justice et Procureur général du Canada**

**April 15, 2000**

**le 15 avril 2000**

**WORKSHOP**

**Crimes related to the computer network**

**ATELIER**

**Criminalité liée aux réseaux informatiques**

NOTES FOR A SPEECH

BY

THE HONOURABLE ANNE McLELLAN

MINISTER OF JUSTICE

ATTORNEY GENERAL OF CANADA

TO

10TH CONGRESS ON PREVENTION OF CRIME

AND THE TREATMENT OF OFFENDERS

ON

COMPUTER CRIME WORKSHOP

APRIL 15<sup>th</sup>, 2000

Thank you Mr. Chair. Good morning everyone. It is a pleasure to be here.

Today's workshop will be looking at the relatively new problem of internet and computer crime. A short ten years ago the internet was in its commercial infancy. Now, the proliferation of the internet and the technologies associated with it has, in a very real manner, revolutionized our world. It has changed the way we communicate with one another, the way we share information, the way we relate to each other.

Computer networks, and the internet in particular, have managed to shrink our vast world. Today's technology allows us to share information with people in other countries, and on other continents with minimal expense.

With the internet the possibility now exists for people all over the world to have access to the stores of knowledge and products and services that were once only accessible by a very few. This possibility has provided new opportunities to draw the world together. The emergence of e-commerce is allowing small businesses around the world to compete with their larger competitors.

But, the internet has also created corresponding opportunities for criminals. Like everyone else, criminals have embraced high technology to further their goals.

We are becoming increasingly aware of the threats posed by the internet. Hate literature and child pornography can be disseminated easily. Even traditional crimes, such as fraud and forgery, can now be committed with the aid of the internet. Hackers can wreak havoc on our economic infrastructure by bringing down critical systems. Serious havoc can even result from a prank. There have been incidents where teenagers, either unknowingly or without understanding the full implications of their actions, have hacked into sensitive sites. That being said, the potential damage from a concerted attack by cyber-terrorists on a country's critical infrastructure could be catastrophic.

However, we cannot allow these threats to overshadow the immense benefits of the internet. Creative and innovative thinkers have dominated the computer age, and our solutions will also require creativity and innovative thinking. Our job, as lawmakers, law enforcement personnel, and industry representatives, is to work together to find solutions to deal with the threats posed by those who would abuse the internet, so as to preserve its benefits for the rest of society. We must take a multi-faceted approach.

First, we need laws that will criminalize computer-related crime. Second, we need to develop adequate procedural laws to enable us to investigate and prosecute cyber criminals. Third, we need government and industry to work together toward the common goal of controlling computer crime so as to make the internet as safe a place as possible. Finally, we need improved international cooperation in order to trace criminals on the internet.

Many countries have recognized the need to criminalize offences committed against or with the aid of computers. It is imperative, however, that all countries co-ordinate their efforts so that no country becomes a safe haven for criminals. If some countries criminalize certain conduct, and other countries do not, effective enforcement will be hindered.

Criminals will learn quickly which countries are the weak links in the enforcement chain and will take advantage of our inability to investigate, prosecute or extradite them. We must therefore work together to develop an international consensus as to what types of technology-related conduct should be criminalized and subject to extradition.

Our second task is to develop consensus with respect to procedural laws. This must all be accomplished in the new internet context, where many of our traditional law enforcement methods may not be applicable. The internet is everywhere and instant. These two very positive characteristics are also the source of almost all procedural impediments to internet related law enforcement.

We need to develop laws that will give law enforcement the ability to conduct computer crime investigations in a timely and efficient manner. The current measures in place for mutual legal assistance can hinder an investigation. These measures need to be improved.

The immediate nature of the internet and fragility of computer evidence requires that many crimes be investigated in "real time"; that is, investigated while the crime is occurring. We need laws that will enable us to trace communications throughout our own territories, but also into and throughout other countries with improved international cooperation.

Not only must law enforcement have the ability to trace communications while they are occurring, but they also must be able to trace the activity of criminals for past crimes. This requires, however, that traffic data - that is, data about the time and route of communications - be kept for a period of time by service providers. One impediment to effective tracing is that such traffic data is often not retained by service providers, or only retained for a short time.

In some cases, privacy laws require its expeditious deletion.

It is important that we come to some agreement, and with the participation of industry, as to the appropriate period of retention that will assist law enforcement in performing its duties to the public while still protecting the privacy of individual citizens. In order to retain the cooperation of industry, we need to keep their interests, such as compatibility of systems and financial and technical burdens, in mind when developing new laws.

In Canada, we have recently dealt with the issue of the retention and use of personal information in the private sector. In a recent bill before parliament concerning electronic commerce, we had to balance the privacy of personal data, its retention and deletion, and the needs of government and law enforcement to access that data in the fulfillment of their public duties.

In doing so, we consulted broadly with industry, law enforcement and other interested groups in order to achieve this balance.

Search and seizure of electronic data poses a variety of domestic cyber crime problems. The intangible nature and transience of computer data, the complex and continuously evolving equipment, the possibility of networks existing in multiple jurisdictions, and the shortage of adequately trained law enforcement personnel combine to make the proper collection of evidence a perpetual challenge.

The ability to conduct transborder searches is another key component to a global solution. Unlike traditional crimes where evidence is generally in close proximity to the perpetrator or to the scene of the crime, the internet allows criminals to store evidence in computers great distances away. Complicating this matter is the fact that a criminal can delete all or most evidence of a crime in a matter of keystrokes.

The transborder tracing of communications and search of data implicate many of the ideals specific to our own countries; the protection of human rights, democratic freedoms, privacy, and probably most importantly, our own sovereignty.

With these factors in mind the G8 has been working toward finding solutions to transborder computer related crime issues. In December 1997, justice and interior ministers of the G8 adopted a statement of principles and an action plan to address high-tech crime.

Since then, they have created a network with points of contact to provide law enforcement with rapid assistance on a 24-hour basis. Our aim should be to expand this network to every country so as to enable law enforcement personnel to investigate high-tech crime wherever and whenever in the world it might occur.

In October 1999, the G8 ministers of justice and the interior adopted a set of principles on transborder access to stored computer data. The principles cover many issues relevant to computer evidence; including, the secure rapid preservation of data, and transborder access to data through expedited mutual assistance, and in some cases direct transborder access in cases of public internet sites or with consent of an authorized user.

The Council of Europe is currently negotiating a convention on cyber-crime, which will address many of the issues that I have mentioned, such as criminalization, procedural laws and international cooperation.

In March 2000, justice ministers of Member States of the Organization of American States adopted a set of recommendations to address computer related crime.

The Commonwealth is also planning to undertake initiatives to assist its members in addressing high-tech crime problems. Some work was done by the United Nations a few years ago, such as the UN Manual on the Prevention and Control of Computer-Related Crime, published in 1994 and which the government of Canada sponsored financially.

However, we believe that it is now time for the UN again to become more active. In this regard I would like to thank the UN Asia and far east institute for the prevention of crime and the treatment of offenders for inviting me here to address you, and for showing leadership by organizing this workshop.

It is clear from what I have said that solutions will not only be legal, but technological as well. Government must foster an environment in which industry is encouraged to develop the tools we need to keep pace with high-tech crime. We must also ensure that internet service providers become partners rather than adversaries in the detection and investigation of high-tech crime. Next month in Paris, representatives from industry and law enforcement have been invited by the

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G8 governments to discuss issues relating to industry and law enforcement cooperation. This is a good beginning, but dialogue with industry must be expanded throughout the world.

We also need to develop highly trained experts. Continuous training is therefore necessary for any experts in this area. Along with highly-skilled personnel, we require state-of-the-art equipment. Criminals adopt the latest technologies, and so must those of us who seek to apprehend them.

It is also clear, that on an individual level, our own personal privacy is most threatened by some of the new technologies and by some of the proposed solutions. A balance must be struck.

We must encourage the development of new technologies and enact laws that safeguard our privacy while at the same time giving full consideration to other societal values which may be implicated. Often these values compete with each other.

For example, deletion of traffic data, which is not required to be retained for business purposes by a service provider, is a measure to protect the privacy of users. However, without the retention of such data for some period of time, the tracing of criminals who violate the integrity or confidentiality of computer systems, can be rendered impossible.

The underlying reality is that any legislative measures we adopt, whether domestically or internationally, to address high-tech crime will have to involve a re-thinking of our basic notions of sovereignty, human rights and privacy. While it is imperative that we continue to protect all of those rights, we must also recognize that our current notions were formed in a context that is much different from the world in which we live today.

The landscape in which law enforcement now operates, when investigating computer-related crime looks quite different from that of the past. Therefore we have to adapt our laws and change our thinking to accommodate this new reality. Without dispensing with our conceptions of human rights and sovereignty, we must find a way to adapt these notions to a new environment so that they apply to the world in which we live now.

In addition to creativity, our new challenges require courage. Courage to re-think our firmly held assumptions about how the world and our legal systems must operate, and courage to forge ahead with the bold steps necessary to confront the challenges facing us in this new age. With creativity and courage, we can overcome these challenges, make the internet safe and preserve our basic freedoms and values.

Thank you.

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**Tenth United Nations Congress  
on the Prevention of Crime and the Treatment of Offenders**

**Dixième Congrès des Nations Unies  
pour la prévention du crime et le traitement des délinquants**

**Vienna Declaration on Crime and Justice:  
Meeting the Challenges of the Twenty-first Century**

**Déclaration de Vienne sur la criminalité et la justice :  
relever les défis du XXI<sup>e</sup> siècle**

## Chapter I

### Resolutions adopted by the Congress

1. The Tenth United Nations Congress on the Prevention of Crime and the Treatment of Offenders adopted the following resolutions:

#### 1. Vienna Declaration on Crime and Justice: Meeting the Challenges of the Twenty-first Century

*We the Member States of the United Nations,*

*Concerned* about the impact on our societies of the commission of serious crimes of a global nature and convinced of the need for bilateral, regional and international cooperation in crime prevention and criminal justice,

*Concerned in particular* about transnational organized crime and the relationships between its various forms,

*Convinced* that adequate prevention and rehabilitation programmes are fundamental to an effective crime control strategy and that such programmes should take into account social and economic factors that may make people more vulnerable to and likely to engage in criminal behaviour,

*Stressing* that a fair, responsible, ethical and efficient criminal justice system is an important factor in the promotion of economic and social development and of human security,

*Aware* of the promise of restorative approaches to justice that aim to reduce crime and promote the healing of victims, offenders and communities,

*Having assembled* at the Tenth United Nations Congress on the Prevention of Crime and the Treatment of Offenders in Vienna from 10 to 17 April 2000 to decide to take more effective concerted action, in a spirit of cooperation, to combat the world crime problem,

*Declare as follows:*

1. We note with appreciation the results of the regional preparatory meetings for the Tenth United Nations

Congress on the Prevention of Crime and the Treatment of Offenders.<sup>1</sup>

2. We reaffirm the goals of the United Nations in the field of crime prevention and criminal justice, specifically the reduction of criminality, more efficient and effective law enforcement and administration of justice, respect for human rights and fundamental freedoms and promotion of the highest standards of fairness, humanity and professional conduct.

3. We emphasize the responsibility of each State to establish and maintain a fair, responsible, ethical and efficient criminal justice system.

4. We recognize the necessity of closer coordination and cooperation among States in combating the world crime problem, bearing in mind that action against it is a common and shared responsibility. In this regard, we acknowledge the need to develop and promote technical cooperation activities to assist States in their efforts to strengthen their domestic criminal justice systems and their capacity for international cooperation.

5. We shall accord high priority to the completion of the negotiation of the United Nations convention against transnational organized crime and the protocols thereto, taking into account the concerns of all States.

6. We support efforts to assist States in capacity-building, including in obtaining training and technical assistance and in developing legislation, regulations and expertise, with a view to facilitating the implementation of the convention and the protocols thereto.

7. Consistent with the goals of the convention and the protocols thereto, we shall endeavour:

(a) To incorporate a crime prevention component into national and international development strategies;

(b) To intensify bilateral and multilateral cooperation, including technical cooperation, in the areas to be covered by the convention and the protocols thereto;

(c) To enhance donor cooperation in areas with crime prevention aspects;

(d) To strengthen the capability of the Centre for International Crime Prevention, as well as the United Nations Crime Prevention and Criminal Justice Programme network, to assist States, at their request, in

<sup>1</sup> See A/CONF.187/RPM.1/1 and Corr.1, A/CONF.187/RPM.2/1, A/CONF.187/RPM.3/1 and A/CONF.187/RPM.4/1.

building capacity in areas to be covered by the convention and the protocols thereto.

8. We welcome the efforts being made by the Centre for International Crime Prevention to develop, in cooperation with the United Nations Interregional Crime and Justice Research Institute, a comprehensive global overview of organized crime as a reference tool and to assist Governments in policy and programme development.

9. We reaffirm our continued support for and commitment to the United Nations and to the United Nations Crime Prevention and Criminal Justice Programme, especially the Commission on Crime Prevention and Criminal Justice and the Centre for International Crime Prevention, the United Nations Interregional Crime and Justice Research Institute and the institutes of the Programme network, and resolve to strengthen the Programme further through sustained funding, as appropriate.

10. We undertake to strengthen international cooperation in order to create an environment conducive to the fight against organized crime, promoting growth and sustainable development and eradicating poverty and unemployment.

11. We commit ourselves to taking into account and addressing, within the United Nations Crime Prevention and Criminal Justice Programme, as well as within national crime prevention and criminal justice strategies, any disparate impact of programmes and policies on women and men.

12. We also commit ourselves to the development of action-oriented policy recommendations based on the special needs of women as criminal justice practitioners, victims, prisoners and offenders.

13. We emphasize that effective action for crime prevention and criminal justice requires the involvement, as partners and actors, of Governments, national, regional, interregional and international institutions, intergovernmental and non-governmental organizations and various segments of civil society, including the mass media and the private sector, as well as the recognition of their respective roles and contributions.

14. We commit ourselves to the development of more effective ways of collaborating with one another with a view to eradicating the scourge of trafficking in persons, especially women and children, and the smuggling of migrants. We shall also consider supporting the global

programme against trafficking in persons developed by the Centre for International Crime Prevention and the United Nations Interregional Crime and Justice Research Institute, which is subject to close consultation with States and review by the Commission on Crime Prevention and Criminal Justice, and we establish 2005 as the target year for achieving a significant decrease in the incidence of those crimes worldwide and, where that is not attained, for assessing the actual implementation of the measures advocated.

15. We also commit ourselves to the enhancement of international cooperation and mutual legal assistance to curb illicit manufacturing of and trafficking in firearms, their parts and components and ammunition, and we establish 2005 as the target year for achieving a significant decrease in their incidence worldwide.

16. We further commit ourselves to taking enhanced international action against corruption, building on the United Nations Declaration against Corruption and Bribery in International Commercial Transactions,<sup>2</sup> the International Code of Conduct for Public Officials,<sup>3</sup> relevant regional conventions and regional and global forums. We stress the urgent need to develop an effective international legal instrument against corruption, independent of the United Nations convention against transnational organized crime, and we invite the Commission on Crime Prevention and Criminal Justice to request the Secretary-General to submit to it at its tenth session, in consultation with States, a thorough review and analysis of all relevant international instruments and recommendations as part of the preparatory work for the development of such an instrument. We shall consider supporting the global programme against corruption developed by the Centre for International Crime Prevention and the United Nations Interregional Crime and Justice Research Institute, which is subject to close consultation with States and review by the Commission on Crime Prevention and Criminal Justice.

17. We reaffirm that combating money-laundering and the criminal economy constitutes a major element of the strategies against organized crime, established as a principle in the Naples Political Declaration and Global Action Plan against Organized Transnational Crime.<sup>4</sup> We are convinced that the success of this action rests upon

<sup>2</sup> General Assembly resolution 51/191, annex.

<sup>3</sup> General Assembly resolution 51/59, annex.

<sup>4</sup> A/49/748, annex.

setting up broad regimes and coordinating appropriate mechanisms to combat the laundering of the proceeds of crime, including the provision of support to initiatives focusing on States and territories offering offshore financial services that allow the laundering of the proceeds of crime.

18. We decide to develop action-oriented policy recommendations on the prevention and control of computer-related crime, and we invite the Commission on Crime Prevention and Criminal Justice to undertake work in this regard, taking into account the ongoing work in other forums. We also commit ourselves to working towards enhancing our ability to prevent, investigate and prosecute high-technology and computer-related crime.

19. We note that acts of violence and terrorism continue to be of grave concern. In conformity with the Charter of the United Nations and taking into account all the relevant General Assembly resolutions, we will together, in conjunction with our other efforts to prevent and to combat terrorism, take effective, resolute and speedy measures with respect to preventing and combating criminal activities carried out for the purpose of furthering terrorism in all its forms and manifestations. With this in view, we undertake to do our utmost to foster universal adherence to the international instruments concerned with the fight against terrorism.

20. We also note that racial discrimination, xenophobia and related forms of intolerance continue, and we recognize the importance of taking steps to incorporate into international crime prevention strategies and norms measures to prevent and combat crime associated with racism, racial discrimination, xenophobia and related forms of intolerance.

21. We affirm our determination to combat violence stemming from intolerance on the basis of ethnicity and resolve to make a strong contribution, in the area of crime prevention and criminal justice, to the planned World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance.

22. We recognize that the United Nations standards and norms in crime prevention and criminal justice contribute to efforts to deal with crime effectively. We also recognize the importance of prison reform, the independence of the judiciary and the prosecution authorities and the International Code of Conduct for Public Officials.<sup>3</sup> We shall endeavour, as appropriate, to use and apply the United Nations standards and norms in crime

prevention and criminal justice in national law and practice. We undertake to review relevant legislation and administration procedures, as appropriate, with a view to providing the necessary education and training to the officials concerned and ensuring the necessary strengthening of institutions entrusted with the administration of criminal justice.

23. We also recognize the value of the model treaties on international cooperation in criminal matters as important tools for the development of international cooperation, and we invite the Commission on Crime Prevention and Criminal Justice to call upon the Centre for International Crime Prevention to update the compendium in order to provide the most up-to-date versions of the model treaties to States seeking to utilize them.

24. We further recognize with great concern that juveniles in difficult circumstances are often at risk of becoming delinquent or easy candidates for recruitment by criminal groups, including groups involved in transnational organized crime, and we commit ourselves to undertaking countermeasures to prevent this growing phenomenon, to including, where necessary, provisions for juvenile justice in national development plans and international development strategies and to including the administration of juvenile justice in our funding policies for development cooperation.

25. We recognize that comprehensive crime prevention strategies at the international, national, regional and local levels must address the root causes and risk factors related to crime and victimization through social, economic, health, education and justice policies. We urge the development of such strategies, aware of the proven success of prevention initiatives in numerous States and confident that crime can be reduced through applying and sharing our collective expertise.

26. We commit ourselves to according priority to containing the growth and overcrowding of pre-trial and detention prison populations, as appropriate, by promoting safe and effective alternatives to incarceration.

27. We decide to introduce, where appropriate, national, regional and international action plans in support of victims of crime, such as mechanisms for mediation and restorative justice, and we establish 2002 as a target date for States to review their relevant practices, to develop further victim support services and awareness campaigns on the rights of victims and to consider the establishment

of funds for victims, in addition to developing and implementing witness protection policies.

28. We encourage the development of restorative justice policies, procedures and programmes that are respectful of the rights, needs and interests of victims, offenders, communities and all other parties.

29. We invite the Commission on Crime Prevention and Criminal Justice to design specific measures for the implementation and follow-up of the commitments that we have undertaken in this Declaration.

## 2. Credentials of representatives to the Tenth United Nations Congress on the Prevention of Crime and the Treatment of Offenders

*The Tenth United Nations Congress on the Prevention of Crime and the Treatment of Offenders,*

*Having examined the report of the Credentials Committee,<sup>5</sup>*

*Approves the report of the Credentials Committee.*

## Chapter II

### Background of and preparations for the Congress

2. The Tenth United Congress on the Prevention of Crime and the Treatment of Offenders was convened in accordance with paragraph (d) of the annex to General Assembly resolution 415 (V) of 1 December 1950, which provided for the convening every five years of an international congress in the field, as well as in pursuance of Assembly resolutions 46/152 of 18 December 1991, 52/91 of 12 December 1997, 53/110 of 9 December 1998 and 54/125 of 17 December 1999.

3. On the recommendation of the Commission on Crime Prevention and Criminal Justice, as the preparatory body of the Congress, the General Assembly adopted resolution 52/91, in which it decided that four workshops should be held within the framework of the Tenth Congress. In its resolution 53/110, the Assembly welcomed the offer of the

institutes of the United Nations Crime Prevention and Criminal Justice Programme network to assist in the preparations for the workshops. In its resolution 54/125, the Assembly encouraged States, other entities concerned and the Secretary-General to work together in order to ensure that the four workshops focused clearly on the respective issues and achieved practical results, and invited interested Governments to follow up with concrete technical cooperation projects or activities; and invited donor countries to cooperate with developing countries to ensure their full participation in the workshops.

4. Regional preparatory meetings for the Tenth Congress were held in Bangkok from 2 to 4 November 1998, in cooperation with the Economic and Social Commission for Asia and the Pacific; in Beirut from 11 to 13 November 1998, in cooperation with the Economic and Social Commission for Western Asia; in Kampala from 7 to 9 December 1998, at the invitation of the Government of Uganda and in cooperation with the African Institute for the Prevention of Crime and the Treatment of Offenders; and in San José from 22 to 24 February 1999, at the invitation of the Government of Costa Rica and in cooperation with the Latin American Institute for the Prevention of Crime and the Treatment of Offenders.<sup>6</sup> A number of preparatory activities related to the organization of the workshops were also undertaken.

5. In its resolution 52/91, the General Assembly invited Member States to be represented at the Tenth Congress at a high political level, for example by heads of State, government ministers and attorneys-general. In accordance with Assembly resolution 54/125, the high-level segment of the Tenth Congress was held on 14 and 15 April 2000 to allow heads of State or Government or government ministers to focus on the main theme of the Congress.

<sup>5</sup> A/CONF.187/14 and Corr.1.

<sup>6</sup> For the reports of the regional preparatory meetings, see A/CONF.187/RPM.1/1 and Corr.1, A/CONF.187/RPM.2/1, A/CONF.187/RPM.3/1 and A/CONF.187/RPM.4/1.

## Chapitre premier

### Résolutions adoptées par le Congrès

1. Le dixième Congrès des Nations Unies pour la prévention du crime et le traitement des délinquants a adopté les résolutions ci-après:

#### 1. Déclaration de Vienne sur la criminalité et la justice: relever les défis du XXI<sup>e</sup> siècle

*Nous, États Membres de l'Organisation des Nations Unies,*

*Préoccupés* par l'impact qu'a sur nos sociétés la commission d'infractions graves à caractère mondial et convaincus qu'une coopération bilatérale, régionale et internationale est nécessaire en matière de prévention du crime et de justice pénale,

*Préoccupés en particulier* par la criminalité transnationale organisée et les liens qui existent entre ses diverses formes,

*Convaincus* de l'importance fondamentale de programmes de prévention et de réadaptation adéquates pour une stratégie efficace de lutte contre le crime et de la nécessité de tenir compte, dans ces programmes, du fait que les facteurs économiques et sociaux peuvent rendre les personnes plus exposées à un comportement criminel et plus susceptibles d'adopter un tel comportement,

*Soulignant* qu'un système de justice pénale juste, fiable, moral et efficace est un facteur important pour la promotion du développement économique et social et de la sécurité des personnes,

*Conscients* de la promesse qu'offrent les conceptions réparatrices de la justice visant à réduire la criminalité et promouvoir la guérison des victimes, des délinquants et des communautés,

*Réunis* à Vienne du 10 au 17 avril 2000 pour le dixième Congrès des Nations Unies pour la prévention du crime et le traitement des délinquants, afin de décider de prendre des mesures concertées plus efficaces, dans un esprit de coopération, pour lutter contre le problème de la criminalité dans le monde,

*Déclarons ce qui suit:*

1. Nous prenons note avec satisfaction des résultats des réunions régionales préparatoires au dixième

Congrès des Nations Unies pour la prévention du crime et le traitement des délinquants.<sup>1</sup>

2. Nous réaffirmons les objectifs de l'Organisation des Nations Unies dans le domaine de la prévention du crime et de la justice pénale, en particulier la réduction de la criminalité, le renforcement de l'efficacité de l'application des lois et de l'administration de la justice, le respect des droits et des libertés fondamentales de la personne humaine et la promotion des normes les plus élevées d'équité, d'humanité et d'éthique professionnelle.

3. Nous soulignons la responsabilité qui incombe à chaque État de mettre en place et de maintenir un système de justice pénale juste, fiable, moral et efficace.

4. Nous reconnaissons la nécessité d'assurer entre États une coordination et une coopération plus étroites dans la lutte contre le problème de la criminalité dans le monde, sachant que cette lutte est une responsabilité commune et partagée. À cet égard, nous reconnaissons la nécessité d'élaborer et de promouvoir des activités de coopération technique, afin d'aider les pays dans les efforts qu'ils déploient pour renforcer leurs systèmes de justice pénale internes et leurs capacités en matière de coopération internationale.

5. Nous accorderons un rang de priorité élevé à la conclusion des négociations sur la Convention des Nations Unies contre la criminalité transnationale organisée et ses protocoles additionnels, en tenant compte des préoccupations de tous les États.

6. Nous soutenons les efforts déployés pour aider les États à renforcer leurs capacités, notamment à obtenir une formation et une assistance technique, à élaborer des lois et des réglementations et à créer des connaissances spécialisées, l'objectif étant de faciliter l'application de la Convention et de ses protocoles additionnels.

7. Conformément aux objectifs de la Convention et de ses protocoles additionnels, nous nous efforcerons:

a) D'intégrer un volet prévention du crime dans les stratégies nationales et internationales de développement;

b) D'intensifier la coopération bilatérale et multilatérale, y compris la coopération technique, dans les domaines qui seront visés par la Convention et ses protocoles additionnels;

<sup>1</sup> Voir A/CONF.187/RPM.1/1 et Corr.1, A/CONF.187/RPM.2/1, A/CONF.187/RPM.3/1 et A/CONF.187/RPM.4/1.

c) De renforcer la coopération des donateurs dans des domaines qui, par certains aspects, touchent à la prévention du crime;

d) De doter le Centre pour la prévention internationale du crime et le réseau du Programme des Nations Unies pour la prévention du crime et la justice pénale de moyens supplémentaires leur permettant d'aider les États Membres, sur leur demande, à renforcer leurs capacités dans les domaines qui seront visés par la Convention et ses protocoles additionnels.

8. Nous constatons avec satisfaction les efforts faits par le Centre pour la prévention internationale du crime pour dresser, en coopération avec l'Institut interrégional de recherche des Nations Unies sur la criminalité et la justice, un tableau complet de la criminalité organisée dans le monde qui servira d'outil de référence, et pour aider les gouvernements à élaborer leurs politiques et programmes.

9. Nous réaffirmons notre appui et notre attachement constants à l'Organisation des Nations Unies et au Programme des Nations Unies pour la prévention du crime et la justice pénale, en particulier la Commission pour la prévention du crime et la justice pénale et le Centre pour la prévention internationale du crime, l'Institut interrégional de recherche des Nations Unies sur la criminalité et la justice et les instituts qui composent le réseau du Programme, ainsi que notre volonté de renforcer davantage encore le Programme grâce à un financement soutenu, selon qu'il conviendra.

10. Nous nous engageons à renforcer la coopération internationale en vue de créer un environnement propice à la lutte contre la criminalité organisée, qui permette de promouvoir la croissance et le développement durable et d'éliminer la pauvreté et le chômage.

11. Nous nous engageons à prendre en compte et à traiter, dans le cadre du Programme des Nations Unies pour la prévention du crime et la justice pénale, ainsi que dans le cadre des stratégies nationales pour la prévention du crime et la justice pénale, le problème de l'impact différent des programmes et des politiques sur les femmes et sur les hommes.

12. Nous nous engageons aussi à élaborer des recommandations pratiques fondées sur les besoins particuliers des femmes en tant que praticiennes de la justice pénale, victimes, détenues et délinquantes.

13. Nous soulignons qu'une action efficace pour la prévention du crime et la justice pénale exige l'intervention, comme partenaires et comme protagonistes, des gouvernements, des institutions nationales, régionales, interrégionales et internationales, des organisations intergouvernementales et non gouvernementales, et de divers segments de la société civile, y compris les médias et le secteur privé, ainsi que la reconnaissance de leurs rôles et contributions respectifs.

14. Nous nous engageons à mettre en œuvre des moyens plus efficaces de collaborer entre nous afin d'éradiquer le fléau que constituent le trafic de personnes, en particulier de femmes et d'enfants, et le trafic de migrants. Nous envisagerons également de soutenir le programme mondial de lutte contre le trafic d'êtres humains élaboré par le Centre pour la prévention internationale du crime et l'Institut interrégional de recherche des Nations Unies sur la criminalité et la justice, qui fait l'objet d'étroites consultations avec les États et est soumis à l'examen de la Commission pour la prévention du crime et la justice pénale, et fixons à 2005 la date butoir pour parvenir à une diminution sensible de l'incidence de ces formes de criminalité dans le monde et, lorsque cet objectif n'aura pas été atteint, pour évaluer le degré de mise en œuvre effective des mesures préconisées.

15. Nous nous engageons aussi à renforcer la coopération internationale et l'entraide judiciaire dans la lutte contre la fabrication et le trafic illicites d'armes à feu, de leurs pièces, éléments et munitions, et fixons à 2005 la date butoir pour parvenir à une diminution sensible de l'incidence de cette fabrication et de ce trafic dans le monde.

16. Nous nous engageons en outre à intensifier la lutte internationale contre la corruption en faisant fond sur la Déclaration des Nations Unies sur la corruption et les actes de corruption dans les transactions commerciales internationales,<sup>2</sup> le Code international de conduite des agents de la fonction publique,<sup>3</sup> ainsi que les conventions régionales pertinentes et les instances régionales et mondiales. Nous insistons sur le fait qu'il est nécessaire d'élaborer d'urgence un instrument juridique international efficace de lutte contre la corruption, indépendant de la Convention des Nations Unies contre la criminalité transnationale organisée, et nous invitons la Commission pour la prévention du crime et la justice pénale à prier le Secrétaire général de lui présenter, à sa dixième session, en consultation avec les États, une étude et une analyse

<sup>2</sup> Résolution 51/191 de l'Assemblée générale, annexe.

<sup>3</sup> Résolution 51/59 de l'Assemblée générale, annexe.

approfondies de l'ensemble des recommandations et instruments internationaux pertinents dans le cadre des travaux préparatoires à l'élaboration d'un tel instrument. Nous envisagerons de soutenir le programme mondial de lutte contre la corruption élaboré par le Centre pour la prévention internationale du crime et l'Institut interrégional de recherche des Nations Unies sur la criminalité et la justice, qui fait l'objet d'étroites consultations avec les États et est soumis à l'examen de la Commission pour la prévention du crime et la justice pénale.

17. Nous réaffirmons que la lutte contre le blanchiment d'argent et l'économie criminelle constitue un élément essentiel des stratégies de lutte contre la criminalité organisée, ainsi que l'ont posé en principe la Déclaration politique de Naples et le Plan mondial d'action contre la criminalité transnationale organisée.<sup>4</sup> Nous sommes convaincus que le succès de cette action réside dans la mise en place de régimes exhaustifs et la coordination de mécanismes appropriés pour lutter contre le blanchiment du produit du crime, y compris l'octroi d'une aide aux initiatives axées sur les États et territoires qui offrent des services financiers offshore permettant le blanchiment du produit du crime.

18. Nous décidons d'élaborer des recommandations concrètes sur la prévention et la répression des délits informatiques et invitons la Commission pour la prévention du crime et la justice pénale à entreprendre des travaux sur cette question, en tenant compte des travaux en cours dans d'autres instances. Nous nous engageons aussi à œuvrer au renforcement des moyens dont nous disposons pour prévenir les délits technologiques et informatiques, d'enquêter sur ces délits et d'en poursuivre les auteurs.

19. Nous notons que les actes de violence et de terrorisme restent très préoccupants. Conformément à la Charte des Nations Unies et en tenant compte de toutes les résolutions pertinentes de l'Assemblée générale, ensemble, dans le cadre des efforts que nous déployons pour prévenir et réprimer le terrorisme, nous prendrons des mesures efficaces, résolues et rapides pour prévenir et réprimer les activités criminelles entreprises dans le but de fomenter le terrorisme sous toutes ses formes et manifestations. À cette fin, nous nous engageons à tout faire pour favoriser une adhésion universelle aux instruments internationaux de lutte contre le terrorisme.

20. Nous notons aussi que la discrimination raciale, la xénophobie et les formes d'intolérance qui y sont

associées persistent et nous reconnaissons qu'il importe de veiller à ce que soient incorporées dans les stratégies et normes relatives à la prévention internationale du crime des mesures de prévention et de répression de la criminalité liée au racisme, à la discrimination raciale, à la xénophobie et aux formes d'intolérance qui y sont associées.

21. Nous affirmons que nous sommes résolus à combattre la violence résultant de l'intolérance fondée sur l'appartenance ethnique et décidés à apporter, dans le domaine de la prévention du crime et de la justice pénale, une contribution importante à la conférence mondiale envisagée contre le racisme, la discrimination raciale, la xénophobie et l'intolérance qui est associée.

22. Nous reconnaissons que les règles et normes des Nations Unies dans le domaine de la prévention du crime et de la justice pénale contribuent aux efforts menés pour lutter efficacement contre la criminalité. Nous reconnaissons également l'importance de la réforme des prisons, de l'indépendance du pouvoir judiciaire et des organismes chargés des poursuites et du Code international de conduite des agents de la fonction publique.<sup>3</sup> Nous nous efforcerons, selon qu'il conviendra, d'utiliser et d'appliquer dans la pratique et le droit nationaux les règles et normes des Nations Unies dans le domaine de la prévention du crime et de la justice pénale. Nous nous engageons à revoir la législation et les procédures administratives pertinentes, selon qu'il conviendra, afin de dispenser aux agents concernés l'éducation et la formation requises et de veiller au nécessaire renforcement des institutions chargées de l'administration de la justice pénale.

23. Nous considérons également que les traités types sur la coopération internationale en matière pénale sont des outils précieux pour le renforcement de la coopération internationale, et nous invitons la Commission pour la prévention du crime et la justice pénale à demander au Centre pour la prévention internationale du crime de mettre à jour le Recueil pertinent, afin de fournir la version la plus récente de ces traités types aux États souhaitant les utiliser.

24. Nous constatons en outre avec une grande préoccupation que les mineurs vivant dans des conditions difficiles risquent souvent de tomber dans la délinquance ou d'être facilement recrutés par des groupes criminels, y compris des groupes impliqués dans la criminalité transnationale organisée, et nous nous engageons à prendre des contre-mesures afin de prévenir ce phénomène qui prend de l'ampleur, à inclure, le cas échéant, des

<sup>4</sup> A/49/748, annexe.



dispositions en faveur de la justice pour mineurs dans les plans nationaux et les stratégies internationales de développement et à inclure l'administration de la justice pour mineurs dans nos politiques de financement de la coopération pour le développement.

25. Nous estimons que les stratégies globales de prévention de la criminalité aux échelons international, national, régional et local doivent s'attaquer aux causes profondes et aux facteurs de risque liés à la criminalité et à la victimisation, par le biais de mesures sociales, économiques, sanitaires, éducatives et judiciaires. Nous demandons instamment que soient élaborées de telles stratégies, conscients du succès avéré des mesures de prévention dans de nombreux États et persuadés que la criminalité peut être réduite en tirant parti de notre savoir-faire collectif et en le partageant.

26. Nous nous engageons à nous employer à titre prioritaire à contenir le surpeuplement carcéral et à limiter l'augmentation du nombre des personnes incarcérées avant et après jugement, selon qu'il conviendra, en favorisant le recours à des mesures sûres et efficaces de substitution à l'incarcération.

27. Nous décidons d'adopter, le cas échéant, des plans d'action nationaux, régionaux et internationaux en faveur des victimes de la criminalité, notamment des mécanismes de médiation et de justice réparatrice, et fixons à 2002 la date butoir pour que les États examinent leurs pratiques en la matière, développent davantage les services de soutien aux victimes, organisent des campagnes de sensibilisation aux droits des victimes et envisagent la création de fonds pour les victimes, outre l'élaboration et l'exécution de mesures de protection des témoins.

28. Nous encourageons l'élaboration de mesures, de procédures et de programmes de justice réparatrice qui respectent les droits, les besoins et les intérêts des victimes, des délinquants, des collectivités et de toutes les autres parties.

29. Nous invitons la Commission pour la prévention du crime et la justice pénale à concevoir des mesures spécifiques pour la mise en œuvre et le suivi des engagements que nous avons pris dans la présente Déclaration.

## **2. Pouvoirs des représentants au dixième Congrès des Nations Unies pour la prévention du crime et le traitement des délinquants**

*Le dixième Congrès des Nations Unies pour la prévention du crime et le traitement des délinquants,*

*Ayant examiné le rapport de la Commission de vérification des pouvoirs,<sup>5</sup>*

*Approuve le rapport de ladite Commission.*

## **Chapitre II Historique et préparatifs du Congrès**

2. Le dixième Congrès des Nations Unies pour la prévention du crime et le traitement des délinquants a été convoqué conformément au paragraphe d) de l'annexe de la résolution 415 (V) de l'Assemblée générale en date du 1<sup>er</sup> décembre 1950, qui prévoit la convocation tous les cinq ans d'un congrès international ayant trait à ce domaine, ainsi qu'en application des résolutions 46/152, de l'Assemblée générale, en date du 18 décembre 1991, 52/91 du 12 décembre 1997, 53/110 du 9 décembre 1998 et 54/125 du 17 décembre 1999.

3. Sur la recommandation de la Commission pour la prévention du crime et la justice pénale, organe chargé de préparer le Congrès, l'Assemblée générale a adopté la résolution 52/91, dans laquelle elle a décidé que quatre ateliers devraient se tenir dans le cadre du dixième Congrès. Dans sa résolution 53/110, l'Assemblée s'est félicitée de l'offre faite par les instituts constituant le réseau du Programme des Nations Unies pour la prévention du crime et la justice pénale d'aider à préparer les ateliers. Dans sa résolution 54/125, l'Assemblée a encouragé les États, les autres entités intéressées et le Secrétaire général à collaborer pour faire en sorte que les quatre ateliers soient clairement orientés sur les thèmes abordés et débouchent sur des résultats concrets, a invité les gouvernements intéressés à donner suite à ces ateliers au moyen de projets ou d'activités pratiques de coopération technique, et invité les pays donateurs à coopérer avec les pays en développement, de manière à leur permettre de participer pleinement aux ateliers.

<sup>5</sup> A/CONF.187/14 et Corr.1.



# General Assembly

Distr.: General  
15 April 2002

Fifty-sixth session  
Agenda item 110

## Resolution adopted by the General Assembly

[without reference to a Main Committee (A/56/L.70)]

### 56/261. Plans of action for the implementation of the Vienna Declaration on Crime and Justice: Meeting the Challenges of the Twenty-first Century

*The General Assembly,*

*Recalling* its resolution 55/59 of 4 December 2000, in which it endorsed the Vienna Declaration on Crime and Justice: Meeting the Challenges of the Twenty-first Century, adopted by the Tenth United Nations Congress on the Prevention of Crime and the Treatment of Offenders,

*Noting* that, in paragraph 29 of the Vienna Declaration, the Tenth Congress invited the Commission on Crime Prevention and Criminal Justice to design specific measures for the implementation of and follow-up to the commitments undertaken in the Declaration,

*Recalling* that, in its resolution 55/60 of 4 December 2000, it urged Governments, in their efforts to prevent and combat crime, to be guided by the results of the Tenth Congress, and requested the Secretary-General to prepare, in consultation with Member States, draft plans of action for the implementation of and follow-up to the commitments undertaken in the Vienna Declaration for consideration and action by the Commission on Crime Prevention and Criminal Justice at its tenth session,

1. *Takes note with appreciation* of the plans of action for the implementation of the Vienna Declaration on Crime and Justice: Meeting the Challenges of the Twenty-first Century,<sup>1</sup> which are contained in the annex to the present resolution;
2. *Notes with appreciation* the work of the Commission on Crime Prevention and Criminal Justice at its ninth and tenth sessions on the preparation of the plans of action for the implementation of the Vienna Declaration;
3. *Requests* the Secretary-General to ensure the widest possible circulation of the plans of action;
4. *Invites* Governments to consider carefully and use, as appropriate, the plans of action as a guide in their efforts to formulate legislation, policies and

<sup>1</sup> Resolution 55/59, annex.

programmes in the field of crime prevention and criminal justice, for the purpose of implementing and following up on the commitments undertaken in the Vienna Declaration;

5. *Invites* the Secretary-General, in close cooperation with relevant inter-governmental organizations and non-governmental organizations, to consider carefully and implement, as appropriate, the plans of action as a guide in developing policies and programmes in the field of crime prevention and criminal justice, in accordance with the medium-term plans and the programme budgets, and subject to available resources;

6. *Invites* the Secretariat to discuss with the institutes of the United Nations Crime Prevention and Criminal Justice Programme network their possible contribution to the implementation of the plans of action, under the coordination of the Commission on Crime Prevention and Criminal Justice;

7. *Invites* Member States and regional and international institutions, including financial institutions, to strengthen the Programme further through sustained funding and other technical support activities in order to assist interested States in the field of crime prevention and criminal justice, as appropriate;

8. *Invites* the Commission on Crime Prevention and Criminal Justice to follow up the implementation of the plans of action and to make any recommendations as appropriate.

*93rd plenary meeting  
31 January 2002*

## **Annex**

### **Plans of action for the implementation of the Vienna Declaration on Crime and Justice: Meeting the Challenges of the Twenty-first Century**

#### **I. Action against transnational organized crime**

1. In order to implement and follow up on the commitments undertaken in paragraphs 5, 6, 7 and 10 of the Vienna Declaration on Crime and Justice: Meeting the Challenges of the Twenty-first Century<sup>1</sup> and to facilitate the signature, ratification, entry into force and progressive implementation of the United Nations Convention against Transnational Organized Crime and the protocols thereto,<sup>2</sup> the specific measures below are recommended.

##### **A. National actions**

2. States that have not signed the Convention and the protocols thereto should do so as soon as possible, and States that have signed those legal instruments should make every effort to ratify them as soon as possible. Each State will set priorities for the effective implementation of the Convention and the protocols thereto and will proceed as appropriate and as expeditiously as possible until all provisions of all of those legal instruments are in full force and operation. Individually and collectively, States will endeavour, as appropriate, to support the following actions:

<sup>2</sup> Resolution 55/25, annexes I to III.

(a) The development of legislation creating or strengthening sanctions, investigative powers, criminal procedures and other matters;

(b) Capacity-building, including for the purpose of cooperation, through the strengthening of crime prevention and criminal justice systems, and the establishment or expansion of agencies responsible for the prevention, detection and control of transnational organized crime;

(c) The establishment or improvement of training programmes for judges, prosecutors, law enforcement personnel and other individuals or agencies responsible for the prevention, detection and control of transnational organized crime;

(d) The development and sharing of information and analytical expertise on methods and activities and general trends in organized crime and on the identities, whereabouts and activities of specific individuals or groups suspected of involvement in organized crime, to the extent consistent with national laws and international agreements and arrangements;

(e) The general promotion of effective crime control strategies.

3. States will also endeavour, as appropriate:

(a) To support the efforts of the Centre for International Crime Prevention of the Office for Drug Control and Crime Prevention of the Secretariat to promote ratification of the Convention and the protocols thereto through regional seminars and provide pre- and post-ratification assistance to signatory States by providing financial contributions, expertise and/or other forms of assistance;

(b) To increase in a sustained manner their overall level of extrabudgetary contributions and strengthen and broaden the donor base of the Centre in order to ensure the availability of adequate material and technical resources for projects in support of the Convention and the protocols thereto, as well as other projects and programmes;

(c) To strengthen international cooperation in order to create a conducive environment for the fight against organized crime, for promoting growth and sustainable development and eradicating poverty and unemployment.

#### **B. International actions**

4. The Centre for International Crime Prevention will, in cooperation with other relevant international and regional organizations, as appropriate, and in accordance with the present resolution:

(a) Organize high-level seminars to increase awareness of the Convention and the protocols thereto on the part of States, intergovernmental and non-governmental organizations and other key groups or individuals;

(b) Assist States in the development of legislation and regulations and provide other expertise or technical cooperation to facilitate the ratification and implementation of the legal instruments, on request;

(c) Assist States in the establishment or intensification of bilateral and multilateral cooperation in the areas covered by the Convention, in particular those involving the use of modern communication technologies, on request;

(d) Carry out the regular collection and analysis of data on transnational organized crime, in consultation with interested States;

(e) Maintain a database to permit a more comprehensive in-depth analysis of patterns and trends and geographical mapping of the strategies and activities carried out by organized criminal groups, and of best practices to combat transnational organized crime, in consultation with interested States;

(f) Maintain a database of relevant national legislation;

(g) Support the Ad Hoc Committee on the Elaboration of a Convention against Transnational Organized Crime in the development of rules and procedures for the Conference of the Parties to the Convention;

(h) Provide secretariat and general support to the Conference of the Parties to the Convention.

## **II. Action against corruption**

5. In order to implement and follow up on the commitments undertaken in paragraph 16 of the Vienna Declaration to develop an effective international legal instrument against corruption and to develop and implement other measures and programmes to prevent and combat corruption, the specific measures below are recommended.

### **A. National actions**

6. Individually and collectively, States will endeavour, as appropriate, to support the following actions:

(a) Full participation in sessions of the Ad Hoc Committee for the Negotiation of a Convention against Corruption established pursuant to General Assembly resolution 55/61 of 4 December 2000;

(b) Promoting the full and effective participation of developing countries, in particular least developed countries, in the deliberations of the Ad Hoc Committee; this may be done through the provision of extrabudgetary resources to the Centre for International Crime Prevention;

(c) Making efforts to finalize the future United Nations convention against corruption by the end of 2003, taking into consideration existing legal instruments against corruption and, whenever relevant, the United Nations Convention against Transnational Organized Crime;

(d) Commencing, when appropriate, the development of domestic legislative, administrative and other measures to facilitate the ratification and effective implementation of the future United Nations convention against corruption, including both domestic measures against corruption and measures to support effective cooperation with other States.

7. States will endeavour, as appropriate, to address domestic corruption with the following measures:

(a) The assessment of domestic types, causes, effects and costs of corruption;

(b) The development of national strategies and action plans against corruption, based on the broad participation of stakeholders from Government and civil society;

(c) The maintenance or establishment of adequate domestic offences, investigative powers and criminal procedures to deal with corruption and related problems;

(d) The strengthening of national governance systems and institutions, in particular criminal justice institutions, to create and/or ensure greater independence from and resistance to corrupt influences;

(e) The maintenance or establishment of institutions and structures to achieve transparency and public accountability in government, business and other key social and economic sectors;

(f) The development of expertise in anti-corruption measures and the education and training of officials about the nature and consequences of corruption and how to combat it effectively.

8. States will endeavour, as appropriate, to address transnational corruption with the following measures:

(a) The signature, ratification and implementation of existing international instruments against corruption, as appropriate;

(b) Proper follow-up to international anti-corruption measures and recommendations at the national level, in conformity with national law;

(c) The development and enhancement of domestic capacity to provide international cooperation in anti-corruption matters, including addressing the question of the repatriation of proceeds of corruption;

(d) Awareness-raising on the part of relevant government departments or ministries such as ministries of justice, the interior, foreign affairs and development cooperation as to the seriousness of the problems posed by transnational corruption and the need to support effective measures against it;

(e) The provision of material, technical or other support to other States in anti-corruption programmes, both directly and through financial support to the global programme against corruption;

(f) The reduction of opportunities for the transfer and concealment of proceeds of corruption, and measures to address the question of returning such proceeds to their countries of origin; actions may include ensuring the implementation of measures against money-laundering, pursuant to the United Nations Convention against Transnational Organized Crime and other international legal instruments, and the development and implementation of new measures.

#### **B. International actions**

9. The Centre for International Crime Prevention will, in cooperation with other relevant international and regional organizations, as appropriate, and in accordance with the present resolution:

(a) Provide substantive expertise and full secretariat services to the Ad Hoc Committee for the Negotiation of a Convention against Corruption in the course of its work;

(b) Ensure, with the assistance of Member States, the full and effective participation of developing countries, in particular least developed countries, in the work of the Ad Hoc Committee, including by covering travel and local expenses;

(c) Provide to States, on request, technical cooperation to facilitate the ratification and implementation of the future United Nations convention against corruption;

(d) Assist States in the establishment or intensification of bilateral and multilateral cooperation in the areas to be covered by the future United Nations convention against corruption;

(e) Maintain a database of existing national assessments of corruption in a standardized format and a kit of best practices against corruption;

(f) Facilitate the sharing of experience and expertise among States;

(g) Revise and update the manual on practical measures against corruption;<sup>3</sup>

(h) Develop technical cooperation projects to prevent and combat corruption in order to assist States, upon request, in implementing such projects under the global programme against corruption.

### III. Action against trafficking in persons

10. In order to implement and follow up on the commitments undertaken in paragraph 14 of the Vienna Declaration to take immediate and effective measures to prevent and combat trafficking in persons, especially women and children, and to promote cooperation between States in this respect, the specific measures below are recommended.

#### A. National actions

11. Individually and collectively, States will endeavour, as appropriate, to support the following actions:

(a) Developing and sharing information and analytical expertise on the nature and extent of domestic and regional trafficking activities and on the identities, means and methods of known traffickers or trafficking organizations, to the extent consistent with national laws and international agreements and arrangements;

(b) Adopting or strengthening, as necessary, effective laws and procedures for the prevention and punishment of trafficking in persons and effective measures for the support and protection of victims of and witnesses to such trafficking;

(c) Considering implementing measures to provide for the protection and physical, psychological and social recovery of victims of trafficking in persons;

(d) Supporting and cooperating with national and international non-governmental and other organizations and elements of civil society, as appropriate, in matters relating to trafficking in persons;

(e) Reviewing and assessing the effectiveness of domestic measures against trafficking in persons, and considering making that information available for comparison and research into the development of more effective measures against such trafficking;

(f) Developing and disseminating public information about trafficking in persons, to educate potential victims of such trafficking;

(g) Strengthening capacity for international cooperation to develop and implement measures against trafficking in persons;

<sup>3</sup> *International Review of Criminal Policy*, Nos. 41 and 42 (United Nations publication, Sales No. E.93.IV.4).

(h) Considering providing voluntary contributions to support the implementation of the global programme against trafficking in human beings;

(i) Providing increased resources to support the development and implementation of national and regional strategies against trafficking in persons.

#### **B. International actions**

12. The Centre for International Crime Prevention will, in cooperation with other relevant international and regional organizations, as appropriate, and in accordance with the present resolution:

(a) Develop technical cooperation projects to prevent and combat trafficking in persons and to protect the victims of and witnesses to such trafficking, in order to assist States, upon request, in implementing such projects under the global programme against trafficking in human beings;

(b) Maintain a global database containing information about the nature and extent of trafficking in persons and best practices for preventing and controlling it, in cooperation with the United Nations Interregional Crime and Justice Research Institute;

(c) Develop tools to assess the effectiveness of measures against trafficking in persons.

#### **IV. Action against the smuggling of migrants**

13. In order to implement and follow up on the commitments undertaken in paragraph 14 of the Vienna Declaration and to take immediate and effective measures to prevent and combat the smuggling of migrants, and to promote cooperation between States in this respect, the specific measures below are recommended.

##### **A. National actions**

14. Individually and collectively, States will endeavour, as appropriate, to support the following actions:

(a) Developing and sharing information and analytical expertise on the nature and extent of domestic and regional activities relating to the smuggling of migrants and on the identities, means and methods of known smugglers or smuggling organizations, to the extent consistent with national laws and international agreements and arrangements;

(b) Enacting and strengthening, as necessary, effective laws for the prevention and punishment of the smuggling of migrants, and measures for the support and protection of the rights of smuggled migrants and of witnesses in smuggling cases, in conformity with the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime;<sup>4</sup>

(c) Implementing measures to protect the basic rights of smuggled migrants and, within their means, of witnesses in smuggling cases, to protect them from violence and take appropriate measures in cases where, in the course of being smuggled, the lives, safety or human dignity of migrants are placed in jeopardy;

<sup>4</sup> Resolution 55/25, annex III.



(d) Supporting and cooperating with national and international non-governmental and other organizations and elements of civil society, as appropriate, in matters relating to the smuggling of migrants;

(e) Reviewing and assessing the effectiveness of domestic measures against the smuggling of migrants, and considering making that information available for comparison and research into the development of more effective measures;

(f) Developing and disseminating public information about the smuggling of migrants, to educate officials, the general public and potential migrants about the true nature of such smuggling, including the involvement of organized criminal groups and the risks posed to smuggled migrants;

(g) Strengthening capacity for international cooperation to develop and implement measures against the smuggling of migrants.

#### **B. International actions**

15. The Centre for International Crime Prevention will, in cooperation with other relevant international and regional organizations, as appropriate, and in accordance with the present resolution, develop technical cooperation projects to prevent and combat the smuggling of migrants, while protecting the rights of smuggled migrants, in order to assist States, upon request, in implementing such projects.

#### **V. Action against the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition**

16. In order to implement and follow up on the commitments undertaken in paragraph 15 of the Vienna Declaration and to take such immediate and effective measures as are appropriate to reduce the incidence of the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition and related criminal activities, in accordance with the terms of the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime,<sup>5</sup> the specific measures below are recommended.

#### **A. National actions**

17. Individually and collectively, States will endeavour, as appropriate, to support the following actions:

(a) Adopting and strengthening, as necessary, national legislation and procedures, and in particular procedures regarding criminal offences and procedures for the confiscation, seizure, forfeiture and disposal of firearms, their parts and components and ammunition;

(b) Implementing requirements to keep records regarding firearms, the marking of firearms and the deactivation of firearms;

(c) Establishing or maintaining effective systems for the licensing or authorization of the import, export and transit of firearms, their parts and components and ammunition;

<sup>5</sup> Resolution 55/255, annex.

(d) Establishing appropriate legal and administrative measures with a view to preventing the loss, theft or diversion of firearms, for the exchange of relevant information relating to firearms and for bilateral, regional and international cooperation, including by means of information exchange and technical assistance;

(e) Considering the establishment of an effective regulatory framework for the activities of those engaged in the brokering of transactions involving the import, export or transit of firearms.

#### **B. International actions**

18. The Centre for International Crime Prevention will, in cooperation with other relevant international and regional organizations, as appropriate, and in accordance with the present resolution:

(a) Develop technical cooperation projects to prevent, combat and eradicate the illicit trafficking in firearms, their parts and components and ammunition and related activities, in order to assist requesting States, in particular developing countries and countries with economies in transition, in implementing such projects;

(b) Establish and maintain a global database of existing national and regional firearms regulations and related law enforcement practices, as well as best practices relating to firearms control measures.

#### **VI. Action against money-laundering**

19. In order to implement and follow up on the commitments undertaken in paragraph 17 of the Vienna Declaration and to develop, adopt and implement effective domestic legislation, regulations and administrative measures to prevent, detect and combat, in cooperation with other States, domestic and transnational money-laundering, in accordance with the relevant international instruments, in particular the United Nations Convention against Transnational Organized Crime, and using as a guideline the relevant initiatives of regional, interregional and multilateral organizations against money-laundering, the specific measures below are recommended.

#### **A. National actions**

20. Individually and collectively, States will endeavour, as appropriate, to support the following actions:

(a) Adopting comprehensive measures to deal effectively with the problem of money-laundering in all its aspects, with the participation of all relevant ministries, departments and agencies and in consultation with representatives of the financial sector;

(b) Making efforts to ensure that domestic legislation adequately criminalizes activities and methods used to conceal, convert or transfer the proceeds of crime in order to disguise the nature or origin of the proceeds, in accordance with article 6 of the United Nations Convention against Transnational Organized Crime;

(c) Making efforts to ensure that adequate regulatory, inspection and investigative powers exist to detect and identify money-laundering activities;

(d) Making efforts to ensure that adequate investigative and judicial powers exist to permit the identification, tracing, seizure, confiscation and disposal of proceeds of crime;

(e) Making efforts to ensure that adequate legal powers exist and administrative resources are available to permit timely and effective responses to be made to requests from other States in cases involving money-laundering;

(f) Supporting and participating in domestic and international research efforts to monitor and analyse trends in money-laundering and international policy responses;

(g) Consistent with existing multilateral arrangements, developing projects or programmes to assist other States in developing, drafting or upgrading legislation, regulations and administrative procedures against money-laundering, including the Global Programme against Money-Laundering and other activities or projects that support the implementation of the United Nations Convention against Transnational Organized Crime;

(h) Activities or programmes to train officials or share expertise in combating money-laundering, such as training workshops and seminars.

#### **B. International actions**

21. The Office for Drug Control and Crime Prevention will, in cooperation with other relevant international and regional organizations, as appropriate, and in accordance with the present resolution, develop technical cooperation activities to prevent and combat money-laundering and assist requesting States in implementing those activities.

### **VII. Action against terrorism**

22. In order to implement and follow up on the commitments undertaken in paragraph 19 of the Vienna Declaration and to take effective, resolute and speedy measures to prevent and combat criminal activities carried out for the purpose of furthering terrorism in all its forms and manifestations, the specific measures below are recommended.

#### **A. National actions**

23. Individually and collectively, States will endeavour, as appropriate, to support the following actions:

(a) Signing and ratifying the international instruments dealing with terrorism;

(b) Conducting research and gathering information about criminal activities carried out for the purpose of furthering terrorism in all its forms and manifestations, including the identities, whereabouts and activities of specific individuals or groups involved in such activities, and supporting similar work at the international level, to the extent consistent with national laws and international agreements and arrangements;

(c) Reviewing their relevant domestic laws and procedures with a view to achieving effective domestic measures against terrorism and related crime, an enhanced ability to cooperate in appropriate cases with other States and the effective implementation of relevant international instruments;

(d) Fostering cooperation between anti-terrorism agencies and agencies fighting crime; this may include the establishment of liaison offices or other channels of communication between anti-terrorism agencies and agencies fighting crime in order to enhance information exchange;

(e) Considering voluntary contributions to support the implementation of the terrorism-prevention activities of the Centre for International Crime Prevention.

#### **B. International actions**

24. The Centre for International Crime Prevention will, in cooperation with other relevant international and regional organizations, in coordination with the Office of Legal Affairs of the Secretariat, as appropriate, and in accordance with the present resolution:

(a) Take steps to raise awareness of the relevant international instruments, encourage States to sign and ratify such instruments and, where feasible, provide assistance in implementing such instruments to States, upon request;

(b) In cooperation with Member States, take measures to raise public awareness of the nature and scope of international terrorism and its relationship to crime, including organized crime, where appropriate;

(c) Continue to maintain existing databases on terrorism;

(d) Offer analytical support to Member States by collecting and disseminating information on the relationship between terrorism and related criminal activities;

(e) If further developments so require, draw up concrete proposals for consideration by Member States to strengthen the capacity of the Centre to develop, within its mandate, and administer the terrorism prevention component of its activities.

#### **VIII. Action on crime prevention**

25. In order to implement and follow up on the commitment undertaken in paragraph 25 of the Vienna Declaration to develop comprehensive international, regional, national and local crime prevention strategies, the specific measures below are recommended.

#### **A. National actions**

26. Individually and collectively, States will endeavour, as appropriate, to support the following actions:

(a) Promotion of close cooperation between the various sectors of society, including justice, health, education, social services and housing, which are necessary to support effective community-based crime prevention;

(b) Close cooperation with and assistance to elements of civil society in the development, adoption and promotion of crime prevention initiatives, taking into account the importance of proceeding on the basis of proven practices wherever possible and of selecting the appropriate balance between various approaches to community-based crime prevention;

(c) Encouragement of assessment of the effectiveness of crime prevention programmes;

(d) Development of practices that seek to prevent crime victims from being victimized once again;

(e) Development and implementation of situational and other crime prevention programmes, bearing in mind the need to avoid any infringement of civil liberties;

(f) Collaboration with other Governments and non-governmental organizations in the development and dissemination of successful and innovative crime prevention initiatives and specialized knowledge and expertise in crime prevention practices, including public awareness and education campaigns about effective crime prevention and the contributions that individuals, families, communities and all levels of government may make to contribute to safer and more peaceful communities;

(g) Consideration of how to contribute to the collective efforts of countries to develop a comprehensive international strategy to advance community-based crime prevention;

(h) Taking steps to incorporate into their national crime prevention strategies measures to prevent and combat crime associated with racism, racial discrimination, xenophobia and related forms of intolerance.

#### **B. International actions**

27. The Centre for International Crime Prevention will, in cooperation with other relevant international and regional organizations, as appropriate, and in accordance with the present resolution:

(a) Develop and promote crime prevention expertise that has been carefully adapted from proven practices to the conditions in the countries where those practices are to be implemented, using seminars, training programmes and other means;

(b) Where requested to do so by the State or States involved, conduct public awareness and education campaigns about effective crime prevention and the respective contributions that individuals, families, communities and all levels of government may make towards safer and more peaceful communities;

(c) Endeavour to contribute to the exchange of information and experience in crime prevention, for the purpose of encouraging new forms of collaboration between countries involving government, the community and non-governmental organizations;

(d) Assess the evolution and globalization of crime and prepare responses to it through innovative and effective crime prevention initiatives that take account of the impact of new technologies on crime and crime prevention;

(e) Continue to coordinate studies on crime in urban areas and measures for its effective prevention, including on the possible cultural and institutional differences in effective crime prevention;

(f) Encourage Member States to incorporate into international crime prevention strategies and norms measures to prevent and combat crime associated with racism, racial discrimination, xenophobia and related forms of intolerance, taking into account measures already taken by Member States;

(g) Develop technical cooperation projects in the area of crime prevention for requesting States and assist in their implementation;

(h) Develop a guide for policy makers and a handbook on proven practices in the area of crime prevention.

## IX. Action on witnesses and victims of crime

28. In order to implement and follow up on the commitments undertaken in paragraph 27 of the Vienna Declaration to review relevant practices by 2002 where possible, to develop action plans, support services and awareness campaigns for victims, to consider the establishment of funds for victims and to develop and implement witness protection policies, the specific measures below are recommended.

### A. National actions

29. Individually and collectively, States will endeavour, as appropriate, to support the following actions:

(a) Conducting national and regional studies on victims of crime in national justice systems;

(b) The use and application of the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power,<sup>6</sup> subject to the domestic legal systems of each State, taking into account the Handbook on Justice for Victims on the use and application of the Declaration<sup>7</sup> and the Guide for Policy Makers on the Implementation of the Declaration.<sup>8</sup>

### B. International actions

30. The Centre for International Crime Prevention will, in cooperation with other relevant international and regional organizations, as appropriate, and in accordance with the present resolution:

(a) In its projects and programmes, take into account measures for the assistance and support of victims and witnesses, including those who are women, children or victims of trafficking in persons;

(b) Promote the establishment of funds for victims of crime;

(c) Promote proven practices in providing support and services for victims and witnesses using, for example, the International Victimology web site;<sup>9</sup>

(d) Translate into the official languages of the United Nations and widely disseminate the Guide for Policy Makers and the Handbook on Justice for Victims, and assist requesting States in using those documents;

(e) Upon request, assist States in the development of new legislation on victims, using, inter alia, the international database established by the Government of the Netherlands;

(f) Where necessary, promote demonstration or pilot projects for the development, further development or establishment of victim services and other related operational activities.

<sup>6</sup> Resolution 40/34, annex.

<sup>7</sup> E/CN.15/1998/CRP.4/Add.1.

<sup>8</sup> E/CN.15/1998/CRP.4.

<sup>9</sup> www.victimology.nl.

**X. Action on prison overcrowding and alternatives to incarceration**

31. In order to implement and follow up on the commitments undertaken in paragraph 26 of the Vienna Declaration to promote safe and effective alternatives to incarceration, the specific measures below are recommended.

**A. National actions**

32. Individually and collectively, States will endeavour, as appropriate, to support the following actions:

(a) The development of specific actions and time-bound targets to address prison overcrowding, recognizing that conditions in overcrowded prisons may affect the human rights of prisoners, including such actions as adopting effective measures to reduce pre-trial detention as far as possible; introducing appropriate alternatives to imprisonment; preferring non-custodial measures to imprisonment where possible; dealing with minor offences using options such as customary practice, mediation between concerned parties or the payment of civil reparations or compensation; and conducting public awareness and education campaigns on alternatives to imprisonment and how they work;

(b) Encouraging international and regional institutions, including financial institutions, to incorporate in their relevant technical cooperation programmes measures to reduce prison overcrowding, in accordance with national laws;

(c) Promoting and implementing good prison practice, taking into account international standards;

(d) Ensuring that national and international actions on prison overcrowding and alternatives to incarceration take into account and address any disparate impact that such actions may have on women and men.

**B. International actions**

33. The Centre for International Crime Prevention will, in cooperation with other relevant international and regional organizations, as appropriate, and in accordance with the present resolution:

(a) Encourage international and regional institutions, including financial institutions, to incorporate into their relevant technical cooperation programmes measures to reduce prison overcrowding, in accordance with national laws;

(b) Promote national and international actions on prison overcrowding and alternatives to incarceration that take into account any disparate impact on women and men, as well as any special needs;

(c) Upon request, provide assistance in the form of advisory services, needs assessment, capacity-building, training or other assistance to States to enable them to improve prison conditions.

**XI. Action against high-technology and computer-related crime**

34. In order to implement and follow up on the commitments undertaken in paragraph 18 of the Vienna Declaration to develop action-oriented policy recommendations for the prevention and control of high-technology and computer-related crime, taking into account the ongoing work in other forums and to enhance abilities to detect, prevent, investigate and prosecute such crimes, the specific measures below are recommended.

**A. National actions**

35. Individually and collectively, States will endeavour, as appropriate, to support the following actions:

(a) Criminalization of the misuse of information technologies, as appropriate and in accordance with national law, including, if necessary, reviewing crimes such as fraud, in order to ensure that they apply to offences in which computer and telecommunication media and networks are used;

(b) The development and implementation of rules and procedures, including on the exercise of jurisdiction, that would ensure that computer- and telecommunication-related crimes can be effectively detected and investigated at the national level and that effective cooperation can be obtained in multinational cases, taking into account national sovereignty, the need for effective law enforcement and the need to maintain effective protections for privacy and other related basic rights;

(c) Ensuring that law enforcement personnel are trained and equipped to be able to respond effectively and expeditiously to requests for assistance in the tracing of communications and other measures necessary for the detection and investigation of transnational high-technology and computer-related crimes;

(d) Engaging in domestic and international discussions on actions against high-technology and computer-related crime and the effects of technological change with industries involved in the development and deployment of computers, telecommunication equipment, network software and hardware and other relevant products and services. These discussions could include key areas such as:

(i) Issues relating to domestic and international regulation of the technologies and networks;

(ii) Issues relating to the incorporation of elements into new technologies, which are intended to prevent crime or facilitate the detection, investigation or prosecution of crime;

(e) Making voluntary contributions, both bilaterally and through international and regional organizations, as appropriate, including in cooperation with the private sector, inter alia, in the form of technical expertise to assist other States in developing and implementing effective measures against high-technology and computer-related crime, including the measures referred to in subparagraphs (c) and (d) above.

**B. International actions**

36. The Centre for International Crime Prevention will, in cooperation with other relevant international and regional organizations, as appropriate, and in accordance with the present resolution:

(a) Support national and international research activities to identify new forms of computer-related criminality and to assess the effects of such criminality in key areas such as sustainable development, the protection of privacy and electronic commerce, and the measures taken in response;

(b) Disseminate internationally agreed materials such as guidelines, legal and technical manuals, minimum standards, proven practices and model legislation to assist legislators and law enforcement and other authorities in the development, adoption and application of effective measures against high-technology and computer-related crime and offenders both in general and in specific cases;



(c) Promote, support and implement, as appropriate, technical cooperation and assistance projects. Such projects would bring together experts in crime prevention, computer security, criminal legislation and procedures, prosecution, investigative techniques and related matters and States seeking information or assistance in those areas.

## **XII. Action on juvenile justice**

37. In order to implement and follow up on the commitments undertaken in paragraph 24 of the Vienna Declaration, the specific measures below are recommended.

### **A. National actions**

38. Individually and collectively, States will endeavour, as appropriate, to support the following actions:

(a) Giving timely assistance to juveniles in difficult circumstances in order to prevent them from resorting to crime;

(b) Supporting the development of crime prevention practices that are focused on juveniles who are at risk of becoming delinquent or who are easy candidates for recruitment by criminal groups, bearing in mind the rights of such juveniles;

(c) Strengthening juvenile justice systems;

(d) Incorporating an integrated strategy for the prevention of youth crime and for juvenile justice in national development plans;

(e) Promoting the re-education and rehabilitation of juvenile offenders;

(f) Encouraging, and where necessary, supporting the participation of civil society in the implementation of practices for the prevention of juvenile crime.

### **B. International actions**

39. The Centre for International Crime Prevention will, in cooperation with other relevant international and regional organizations, as appropriate, and in accordance with the present resolution:

(a) Upon request, develop technical cooperation projects to prevent youth crime, to strengthen juvenile justice systems and to improve the rehabilitation and treatment of juvenile offenders and assist States in implementing those projects;

(b) Ensure effective cooperation among the relevant United Nations entities and the other organizations mentioned in the Guidelines for Action on Children in the Criminal Justice System.<sup>10</sup>

## **XIII. Action on the special needs of women in the criminal justice system**

40. In order to implement and follow up on the commitments undertaken in paragraphs 11 and 12 of the Vienna Declaration, and to review crime prevention and criminal justice strategies in order to identify and address any disparate impact of programmes and policies on women and men, the specific measures below are recommended.

<sup>10</sup> Economic and Social Council resolution 1997/30, annex.

**A. National actions**

41. Individually and collectively, States will endeavour, as appropriate, to support the following actions:

(a) Reviewing, evaluating and, if necessary, modifying their legislation, policies, procedures and practices relating to criminal matters, in a manner consistent with their legal systems, in order to ensure that women are treated fairly by the criminal justice system;

(b) Developing national and international crime prevention and criminal justice strategies that take into account the special needs of women as criminal justice practitioners, victims, witnesses, prisoners and offenders;

(c) Considering sharing with other States, via web sites or other media or forums, any proven practices concerning women as criminal justice practitioners, victims, witnesses, prisoners and offenders that take into account the special needs of women.

**B. International actions**

42. The Centre for International Crime Prevention will, in cooperation with other relevant international and regional organizations, as appropriate, and in accordance with the present resolution:

(a) Collect and disseminate information and materials on violence against women in all its forms and manifestations, as referred to in the Declaration on the Elimination of Violence against Women,<sup>11</sup> for the purpose of implementing its crime prevention and criminal justice programme, including technical assistance at the request of States;

(b) Work on issues relating to violence against women and to the removal of gender bias in the administration of criminal justice;

(c) Cooperate with all other relevant entities of the United Nations system regarding activities on issues relating to violence against women and to the removal of gender bias in the administration of criminal justice, and coordinate work on such issues;

(d) Consolidate and disseminate information on successful intervention models and preventive programmes at the national level;

(e) Continue to improve training concerning criminal justice and crime-prevention aspects of the human rights of women and issues of gender bias and violence against women for relevant United Nations staff members;

(f) Assist Member States, upon request, in utilizing the Model Strategies and Practical Measures on the Elimination of Violence against Women in the Field of Crime Prevention and Criminal Justice.<sup>12</sup>

**XIV. Action on standards and norms**

43. In order to implement and follow up on the commitments undertaken in paragraph 22 of the Vienna Declaration and to promote the use and application, as

<sup>11</sup> Resolution 48/104.

<sup>12</sup> Resolution 52/86, annex.

appropriate, of the United Nations standards and norms in crime prevention and criminal justice in national law and practice, the specific measures below are recommended.

**A. National actions**

44. Individually and collectively, States will endeavour, as appropriate, to use and apply in national law and practice the United Nations standards and norms in crime prevention and criminal justice and to publish the *Compendium of United Nations Standards and Norms in Crime Prevention and Criminal Justice*<sup>13</sup> in the languages of their countries.

**B. International actions**

45. The Centre for International Crime Prevention will, in cooperation with other relevant international and regional organizations, as appropriate, and in accordance with the present resolution:

(a) Update the *Compendium of United Nations Standards and Norms in Crime Prevention and Criminal Justice*;

(b) Promote the use and application of United Nations standards and norms in crime prevention and criminal justice, inter alia, by providing advisory services and technical cooperation to Member States upon request, including assistance to Member States in criminal justice and law reform, organization of training for law enforcement and criminal justice personnel and support to the administration and management of penal and penitentiary systems, thus contributing to the upgrading of their efficiency and capabilities;

(c) Coordinate activities relating to the use and application of United Nations standards and norms in crime prevention and criminal justice between the Centre for International Crime Prevention and other relevant United Nations entities, taking into account bilateral and regional assistance programmes.

**XV. Action on restorative justice**

46. In order to implement and follow up on the commitments undertaken in paragraph 28 of the Vienna Declaration and to encourage the development of restorative justice policies, procedures and programmes, the specific measures below are recommended.

**A. National actions**

47. Individually and collectively, States will endeavour, as appropriate, to support the following actions:

(a) Taking into account Economic and Social Council resolution 2000/14 of 27 July 2000, entitled "Basic principles on the use of restorative justice programmes in criminal matters", when considering the desirability and the means of establishing common principles;

(b) Dealing with offences, especially minor offences, according to customary practice in respect of restorative justice, where available and appropriate, provided that this meets human rights requirements and that those involved so agree;

<sup>13</sup> United Nations publication, Sales No. E.92.IV.1 and corrigendum.

(c) Using amicable means as provided by national law to deal with offences, especially minor offences, for example by using mediation, reparation or agreements whereby the offender compensates the victim;

(d) Promoting a culture favourable to mediation and restorative justice among law enforcement, judicial and social authorities and local communities;

(e) Providing appropriate training for those involved in the development and implementation of restorative justice policies and programmes;

(f) Promoting the re-education and rehabilitation of juvenile offenders by encouraging, where appropriate, the use of mediation, conflict resolution, conciliation and other methods of restorative justice as alternatives to judicial proceedings and custodial-based sanctions;

(g) Developing and implementing restorative justice policies and programmes, taking into account existing international commitments with respect to victims, in particular the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power;

(h) Promoting cooperation between government and civil society, including relevant non-governmental organizations, to implement restorative justice programmes and to ensure public support for the use of restorative justice principles.

#### **B. International actions**

48. The Centre for International Crime Prevention will, in cooperation with other relevant international and regional organizations, as appropriate, and in accordance with the present resolution:

(a) Exchange information on experiences and proven practices in the implementation and evaluation of programmes for restorative justice;

(b) Assist the Commission on Crime Prevention and Criminal Justice in considering the desirability and the means of establishing common principles on the use of restorative justice programmes in criminal matters;

(c) Convene a meeting of experts to examine proposals for further action in relation to restorative justice, including mediation.