

## Chapter XII

## Social and cultural development, crime prevention and human resources

The United Nations continued in 1990 to disseminate data on the world social situation, particularly in regard to the developing countries, in order to promote policy measures based on accurate knowledge of the specific interrelationships among economic growth, human development and social progress in the achievement of overall development. It moreover continued to examine the question of social justice and ways in which it could be achieved for all.

A major event of the year was the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, held in Havana, Cuba, in August/September. It adopted 28 substantive resolutions and recommended to the General Assembly 13 draft instruments and resolutions that emerged from its deliberations on international co-operation in crime prevention and criminal justice; criminal justice policies in relation to problems of imprisonment, other penal sanctions and alternative measures; effective national and international action against organized crime and terrorist criminal activities; and policy approaches to delinquency prevention, juvenile justice and protection of the young.

The Assembly welcomed the Congress resolutions and instruments and invited Governments to be guided by them when formulating legislation and policy directives. In adopting the Congress recommendations on international co-operation for crime prevention and criminal justice in the context of development, the Assembly called for the Crime Prevention and Criminal Justice Branch of the Centre for Social Development and Humanitarian Affairs, as the only professional and specialized entity within the UN system with overall responsibility for its crime prevention and criminal justice programme, to be strengthened in terms of both human and financial resources. On the basis of a report of the Committee on Crime Prevention and Control, the Assembly established an intergovernmental working group to elaborate proposals for an effective crime prevention and criminal justice programme and to suggest how it could be implemented.

In taking note of the Secretary-General's report on developing human resources for devel-

opment and of the human-centred approach to the development process set out in the Human Development Report 1990, sponsored by the United Nations Development Programme (UNDP), the Assembly called on the international community to support the efforts of developing countries in human resources development, in accordance with their national priorities and plans, through, among other means, operational activities of the UN system. It encouraged the Secretary-General to continue to explore new modalities for greater interfacing among autonomous UN research bodies in order to enhance co-operation among them. It also appealed for financial contributions to the Endowment Fund of the United Nations University and to the University for Peace to ensure their smooth operation.

In observance of 1990 as International Literacy Year, the World Conference on Education for All was held in Jomtien, Thailand, in March. Sponsored by the United Nations Educational, Scientific and Cultural Organization, UNDP, the United Nations Children's Fund and the World Bank, the Conference adopted the World Declaration on Education for All and a Framework for Action to Meet Basic Learning Needs.

### Social and cultural development

#### Social aspects of development

##### World social situation

In March, the Secretary-General submitted to the General Assembly, through the Economic and Social Council, a supplement [A/45/137-E/1990/35] to the 1989 Report on the World Social Situation [Sales No. E.89.IV.1]. Prepared in response to Council resolution 1989/72 [YUN 1989, p. 602], the supplementary report provided an overview of general trends in the main indicators of the social situation and living standards world wide in the 1980s—output, consumption and investment per capita, government expenditure on social services, literacy and education levels, nutrition levels, infant mortality and life expectancy at

birth—particularly in developing countries. It analysed the relationship between trends in the world economy and in the social situation, including projections in economic conditions, population, health and education to the year 2000, traced the impact of structural adjustment and of the developing countries' external indebtedness on the social situation and examined the likely impact on the 1990s of developments in the 1980s, especially the substantially changed perceptions as to the nature of policies to address economic and social problems and public demand for government accountability.

The report found that although sustained high growth in Asia's larger countries ensured that one third of the total population in developing countries benefited from a growth rate in gross domestic product (GDP) per capita exceeding 3 per cent a year in the 1980s, in the remaining two thirds it grew by no more than 1 per cent a year. At the end of the decade, some 20 per cent of the world's population, or about 1 billion people, lived in conditions of absolute poverty, of whom 55 per cent were concentrated in Asia and 38 per cent in Africa. There was ample evidence of a deterioration in living conditions and an aggravation of problems of poverty in virtually all major regions of developing countries; on the other hand, progress was possible in some areas in spite of economic difficulties, notably in health.

The report noted the strong correlation between economic and social conditions; thus, in countries where the GDP per capita was high, so were the social indicators. Several developing countries with low GDP per capita, however, had been able to secure some social conditions not far distant from those in high-income developed countries, due especially to public intervention to secure more egalitarian patterns of growth and access to social services, including provision of nutrition, health and education. New priorities arising from growth in population and changes in its composition, as well as a rapidly growing labour force and the increasing complexity and technical sophistication of all economies, would require involvement principally of Governments but also of private institutions in economic and social development.

Slow growth, stagnation and declines in per capita income adversely affected the social situation in developing countries, especially in Africa and Latin America, in many of which living conditions were lower in 1989 than they were in 1970. Apart from natural disasters, military conflicts and other calamities, structural adjustment and external indebtedness also had distinct effects on

the social situation. Transfers abroad to service debt directly reduced resources for domestic use. All these contributed to reducing current and future levels of investment and living standards.

Prospects for improvements in social conditions at the beginning of the 1990s, however, seemed far more propitious than at the beginning of the previous decade. Regional conflicts that caused enormous social misery had concluded or were proceeding to conclusion. Dramatic new opportunities had been opened for reducing armaments and expenditures on them. There was a fresh wind bringing countries together in co-operative endeavour seeking solutions to such global problems as acquired immunodeficiency syndrome (AIDS), illicit drug production and trafficking and drug abuse, and environmental degradation. The evolution of the European Economic Community into one market presaged opportunities for faster growth in the Community's economies. Rapid changes in political and economic institutions in the USSR and Eastern Europe were likely to release new energies spurred by new incentives. The widespread application of new technologies that came into their own in the 1980s were expected to raise productivity, especially in developed countries.

The principal challenge of development in the 1990s, the report stated, was to reverse the negative trends that characterized the 1980s—problems of poverty on a mass scale, persistent malnutrition, recurrent starvation of large masses in sub-Saharan Africa—the necessary condition for which lay in the lightening of international debt burdens, as well as in a more open trading system. While the case for State provision of certain essential functions to improve social conditions remained unquestioned, a more dynamic private initiative had increasingly been seen as an important source of impulses to social and economic development. Barrier-breaking communications technologies and economic changes that accelerated the movement of ideas, capital and people in the 1980s had resulted in the emergence of a strengthened perception of a shared destiny of all mankind.

#### ECONOMIC AND SOCIAL COUNCIL ACTION

On 24 May, the Economic and Social Council adopted resolution 1990/28.

#### World social situation

The Economic and Social Council, Recalling its resolution 1989/72 of 24 May 1989 and taking note of General Assembly resolution 44/56 of 8 December 1989,

Bearing in mind that in paragraph 10 of General Assembly resolution 44/56 the Secretary-General was requested to submit an interim report on the world social

situation to the Assembly in 1991, through the Commission for Social Development and the Economic and Social Council,

Bearing in mind also paragraph 3 of Council resolution 1989/72,

Having considered the supplement to the 1989 Report on the World Social Situation,

Noting with satisfaction that the supplement takes into account the concerns and guidelines specified in Council resolution 1989/72.

Bearing in mind the importance of the report on the world social situation for increasing awareness of the advances made towards the goals of social progress and better standards of living, established in the Charter of the United Nations, and of the obstacles to further progress,

Concerned about the worsening economic situation in many developing countries, particularly that of the least developed countries, including the significant decline in living conditions, the persistence and increase of widespread poverty in a large number of countries and the decrease of the main social and economic indicators of those countries,

Believing that there is a need for greater efforts by the United Nations system to study and disseminate data on the existing world social situation, particularly in regard to the developing countries,

1. Decides to include in the agenda of its first regular session of 1991, bearing in mind paragraph 13 of General Assembly resolution 44/56, an item entitled "World social situation", for the purpose of considering, *inter alia*, the interim report on the world social situation and the report requested in paragraph 3 of Council resolution 1989/72;

2. Requests the Secretary-General, in preparing the interim report, to take into account paragraph 4 of Council resolution 1989/72, in which the Secretary-General was requested, in preparing the 1993 report, to give high priority to an analysis of the main indicators of social progress and standards of living, and to make a comprehensive analysis of the main causes and circumstances that explain negative trends in those indicators; chapters devoted to the study of specific social problems were to be related to global economic and social situations, taking into account both national and international conditions.

Economic and Social Council resolution 1990/28  
24 May 1990 Meeting 13 Adopted without vote

Approved by Second Committee (E/1990/69) without vote, 16 May (meeting 14); draft by Bolivia for Group of 77 (E/1990/C.2/L.7), orally revised; agenda item 5.

#### GENERAL ASSEMBLY ACTION

On 14 December, the General Assembly adopted resolution 45/87.

#### World social situation

The General Assembly,

Recalling its resolutions 1392(XIV) of 20 November 1959, 2542(XXIV) of 11 December 1969, 40/98 and 40/100 of 13 December 1985, 42/49 of 30 November 1987, 43/113 of 8 December 1988 and 44/56 of 8 December 1989 and Economic and Social Council resolutions 1987/39, 1987/40, 1987/46 and 1987/52 of 28 May 1987, 1989/72 of 24 May 1989 and Council decision

1989/113 of 28 July 1989, and taking note of Council resolution 1990/28 of 24 May 1990.

Bearing in mind the objective of improving the well-being of the world's population on the basis of the full and equal participation of all members of society in the process of development and the fair distribution to them of the benefits therefrom,

Conscious that each country has the sovereign right freely to adopt the economic and social system that it deems the most appropriate and that each Government has the primary responsibility of ensuring the social progress and well-being of the people,

Convinced of the urgent need to eradicate policies and practices that hinder social progress, including racism and racial discrimination, in particular apartheid,

Convinced also that the pace of development in the developing countries should be accelerated substantially in order to enable them to achieve that objective, especially to meet the basic needs for food, housing, education, employment and health care and to struggle against scourges which endanger the health and well-being of their population,

Deeply concerned about the worsening economic situation in many developing countries, particularly in the least developed countries, as evidenced by the significant decline in living conditions, the persistence and increase of widespread poverty in a large number of countries and the decline of the main social and economic indicators of those countries,

Bearing in mind the importance of the 1989 Report on the World Social Situation for increasing awareness of the advances made towards the goals of social progress and better standards of living, established in the Charter of the United Nations, and of the obstacles to further progress,

Believing that there is a need for greater efforts by the United Nations system to study and disseminate data on the existing world social situation, particularly in regard to the developing countries,

Taking note of the deliberations on the question of the world social situation by the Economic and Social Council at its first regular session of 1990,

Having considered the supplement to the 1989 Report on the World Social Situation.

1. Notes with satisfaction that the supplement to the 1989 Report on the World Social Situation takes into account the concerns and guidelines specified in General Assembly resolution 44/56 and Economic and Social Council resolution 1989/72;

2. Recalls the 1989 Report on the World Social Situation, in particular the information on the critical situation in Africa contained in the annex to the report;

3. Notes with satisfaction the increasing awareness of the importance of formulating policy measures at all levels based on the interrelationships between economic growth, human development and social progress in the achievement of overall development;

4. Notes with deep concern the continuing deterioration of the economic and social situation in many developing countries, in particular in the least developed countries, whose numbers have increased over the years;

5. Notes also with deep concern the substantial weakening of the overall position of the developing countries in international trade and finance, which has been made worse by a long-term downward trend in com-

modity prices, a serious deterioration in the terms of trade, the net transfer of resources from developing countries, protectionism and the serious debt burden, combined with high real interest rates;

6. Reaffirms the commitments and policies for international development co-operation as set out in the Declaration on International Economic Co-operation, in particular the Revitalization of Economic Growth and Development of the Developing Countries, adopted by the General Assembly at its eighteenth special session;

7. Reaffirms also the principles and objectives of the Declaration on Social Progress and Development and calls for their effective realization as a means of attaining a more equitable world social situation;

8. Calls upon all Member States to promote economic development and social progress by the formulation and implementation of an interrelated set of policy measures to achieve the goals and objectives established within the framework of national plans and priorities for employment, education, health, nutrition, housing facilities, crime prevention, the well-being of children, equal opportunities for the disabled and the aging, full participation of youth in the development process and full integration and participation of women in development;

9. Requests the Secretary-General to continue monitoring the world social situation in depth on a regular basis and, in accordance with paragraph 10 of resolution 44/56, to submit an interim report to the General Assembly at its forty-sixth session, through the Commission for Social Development and the Economic and Social Council, and a full report in 1993;

10. Endorses the request of the Economic and Social Council, in paragraph 2 of its resolution 1990/28, that the Secretary-General take into account, in preparing the interim report, paragraph 4 of Council resolution 1989/72;

11. Also endorses the request made in paragraph 3 of Council resolution 1989/72 regarding the submission of a report by the Secretary-General to the General Assembly at its forty-sixth session, through the Economic and Social Council, on the work being done within the United Nations system to improve and further develop quantitative and qualitative indicators that measure accurately the social condition and the standard of living of the world's population, particularly in developing countries;

12. Requests the Secretary-General to make the necessary arrangements to ensure the wider dissemination of reports on the world social situation;

13. Invites the organs, organizations and bodies of the United Nations system to co-operate fully with the Secretary-General in the preparation of future reports by making available all relevant information pertaining to their respective areas of competence and, in this connection, requests the Secretary-General to convene an inter-agency meeting before the preparation of the report;

14. Decides to include the item entitled "World social situation" in the provisional agenda of its forty-sixth session for the purpose of considering, inter alia, the interim report and the report mentioned in paragraph 11 above, and in the provisional agenda of its forty-eighth session for the purpose of considering the next full report in 1993.

General Assembly resolution 45/87

14 December 1990 Meeting 68 146-1-4 (recorded vote)

Approved by Third Committee (A/45/746) by recorded vote (112-1-4), 9 November (meeting 37); draft by Bolivia for Group of 77 (A/C.3/45/L.18/Rev.1), orally corrected: agenda item 90.

Meeting numbers. GA 45th session: 3rd Committee 11-17, 25, 37; plenary 68.

Recorded vote in Assembly as follows:

In favour: Afghanistan, Albania, Algeria, Angola, Antigua and Barbuda, Argentina, Australia, Austria, Bahamas, Bahrain, Bangladesh, Barbados, Belgium, Belize, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Byelorussian SSR, Cameroon, Canada, Cape Verde, Central African Republic, Chad, Chile, China, Colombia, Comoros, Congo, Costa Rica, Côte d'Ivoire, Cuba, Cyprus, Czechoslovakia, Denmark, Djibouti, Dominica, Dominican Republic, Ecuador, Egypt, El Salvador, Ethiopia, Fiji, Finland, France, Gabon, Gambia, Ghana, Greece, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iran, Iraq, Ireland, Italy, Jamaica, Jordan, Kenya, Kuwait, Lebanon, Lesotho, Libyan Arab Jamahiriya, Liechtenstein, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Romania, Rwanda, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Samoa, Saudi Arabia, Senegal, Seychelles, Sierra Leone, Singapore, Solomon Islands, Somalia, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukrainian SSR, USSR, United Arab Emirates, United Republic of Tanzania, Uruguay, Vanuatu, Venezuela, Viet Nam, Yemen, Yugoslavia, Zaire, Zambia, Zimbabwe.

Against: United States.

Abstaining: Germany, Israel, Japan, United Kingdom.

#### Achievement of social justice

On 24 May, the Economic and Social Council adopted resolution 1990/25.

#### Achievement of social justice

The Economic and Social Council,

Recalling General Assembly resolutions 42/49 of 30 November 1987 and 44/55 of 8 December 1989 and Council resolutions 1988/46 of May 1988 and 1989/71 of 24 May 1989,

Recalling also the pledge made by States Members of the United Nations in the Charter to take joint and separate action to promote higher standards of living, full employment and conditions of economic and social progress and development,

Recognizing that more extensive international and regional co-operation is important for promoting social justice,

Bearing in mind that, in accordance with the Declaration on Social Progress and Development, social progress and development must be founded on respect for the dignity and value of the human person and must ensure the promotion of human rights and social justice,

Mindful of the Guiding Principles for Developmental Social Welfare Policies and Programmes in the Near Future, the Nairobi Forward-look Strategies for the Advancement of Women, the World Programme of Action concerning Disabled Persons and the International Plan of Action on Aging,

Persuaded of the importance of taking measures to ensure co-ordination within the United Nations system in order to develop a comprehensive approach to developmental social welfare, including better integrated and mutually supportive economic and social development policies, aimed at the achievement of social justice,

1. Confirms that social justice is one of the most important goals of social progress;
2. Reaffirm that the common purpose of the international community must be to forge from varied economic, social and political conditions a global environment of sustained development, full enjoyment of human rights and fundamental freedoms and social justice and peace;
3. Reaffirms the importance of co-operation among countries in the promotion of a climate conducive to the achievement by individual countries of the goals of development and social justice and progress;
4. Considers that such co-operation and the promotion thereof should continue to be a major focus of activities of the United Nations in accordance with the principles of the Charter;
5. Calls upon Member States, in elaborating policies in the field of social development and the social situation of all population groups, to take into consideration the importance of achieving social justice for all;
6. Recommends that the Secretary-General, in preparing studies and reports on social problems, examine the question of social justice and the ways in which it can be achieved;
7. Requests the Commission for Social Development to consider the question of social justice and possible avenues of international co-operation for promoting social progress.

Economic and Social Council resolution 1990/25  
24 May 1990 Meeting 13 Adopted without vote  
Approved by Second Committee (E/1990/69) without vote, 16 May (meeting 13); B-nation draft (E/1990/C.2/L.4) orally revised; agenda item 5.  
Sponsors: Algeria, Byelorussian SSR, Colombia, Ecuador, Ukrainian SSR, USSR.

#### GENERAL ASSEMBLY ACTION

On 14 December, the General Assembly adopted resolution 45/86.

#### Achievement of social justice

The General Assembly,

Recalling its resolutions 42/49 of 30 November 1987 and 44/55 of 8 December 1989, as well as Economic and Social Council resolutions 1988/46 of 27 May 1988 and 1989/71 of 24 May 1989, and taking note of Council resolution 1990/25 of 24 May 1990.

Recalling also the pledge made by States Members of the United Nations in the Charter to take joint and separate action to promote higher standards of living, full employment and conditions of economic and social progress and development,

Recognizing that more extensive international and regional co-operation is important for promoting social progress at the national level,

Bearing in mind that, in accordance with the Declaration on Social Progress and Development, social progress and development shall be founded on respect for the dignity and value of the human person and shall ensure the promotion of human rights and social justice,

Mindful of the Guiding Principles for Developmental Social Welfare Policies and Programmes in the Near Future, the Nairobi Forward-looking Strategies for the Advancement of Women, the World Programme of Action concerning Disabled Persons and the International Plan of Action on Aging,

Persuaded of the importance of taking measures to ensure co-ordination within the United Nations system in order to develop a comprehensive approach to developmental social welfare, including better integrated and mutually supportive economic and social development policies, aimed at the achievement of social justice,

1. Confirms that social justice is one of the most important goals of social progress;
2. Reaffirms that the common purpose of the international community must be to forge from varied economic, social and political conditions a global environment of sustained development, full enjoyment of human rights and fundamental freedoms, and social justice and peace;
3. Reaffirm the importance of co-operation among countries in promoting a climate conducive to the achievement by individual countries of the goals of development and social justice and progress;
4. Considers that such co-operation and its promotion should continue to be a major focus of activities of the United Nations, in accordance with the principles of the Charter of the United Nations;
5. Calls upon Member States, in elaborating policies in the field of social development and for the improvement of the social situation of all population groups, to take into consideration the importance of achieving social justice for all;
6. Recommends that the Secretary-General, in preparing studies and reports on social problems, should examine the question of social justice and ways in which it could be achieved;
7. Requests the Commission for Social Development, at its next regular session, to consider the question of achieving social justice.

General Assembly resolution 45/86  
14 December 1990 Meeting 68 Adopted without vote  
Approved by Third Committee (A/45/746) without vote, 9 November (meeting 37); 3-nation draft (A/C.3/45/L.16); agenda item 90.  
Sponsors: Byelorussian SSR, Ecuador, Ukrainian SSR.  
Meeting numbers. GA 45th session: 3rd Committee 11-17, 25, 37; plenary 68.

## Social welfare

### Guiding Principles for Social Welfare Policies and Programmes

#### Negative social consequences of alcohol use

On 18 September, Norway transmitted to the Secretary-General a report on the Expert Meeting on the Negative Social Consequences of Alcohol Use (Oslo, 27-31 August) [A/C.3/45/3]. The Meeting was organized in response to Economic and Social Council resolution 1989/49 [YUN 1989, p. 609], which had requested the Secretary-General to consider following up the recommendations of the 1987 Interregional Consultation on Developmental Social Welfare Policies and Programmes [YUN 1987, p. 616] by, inter alia, carrying out a study on the negative social consequences of alcohol use, based on the report of an

expert meeting. Convened by Norway's Ministry of Health and Social Affairs with substantive support by the UN Centre for Social Development and Humanitarian Affairs in Vienna, the Meeting sought to identify those social measures that might appropriately be taken in different national circumstances, as well as at the international level, to meet the challenges posed by the negative social consequences of alcohol use. It discussed trends in alcohol consumption and the economic importance of production and trade in alcohol; the economic and social costs of alcohol consumption; the socio-cultural differences in alcohol-related behaviour; and prevention and limitation of alcohol-related damage.

The Meeting recommended that the Secretary-General assign high priority to questions concerning the negative social consequences of alcohol use in the work programmes related to social development, advancement of women, crime prevention, youth, children and human settlements; include the topic in the follow-up to the Guiding Principles for Developmental Social Welfare Policies and Programmes in the Near Future [YUN 1987, p. 616]; initiate studies and organize technical meetings aimed at developing improved indicators of social problems related to alcohol use and at increasing understanding of the prevalence and causes of such problems in order to facilitate prevention; incorporate alcohol-related themes in the preparatory work for the International Year of the Family in 1994; initiate preparations to convene by 1994 a global conference on the social, economic and environmental impact of alcohol production and consumption on development; and undertake studies, provide technical advisory services and organize policy-oriented meetings targeted to wards developing countries' needs in alcohol control. Other recommendations called for seeking donor assistance for the foregoing activities and for bringing the Meeting's report and recommendations to the attention of the Commission for Social Development and other relevant commissions, committees and specialized agencies for appropriate follow-up action.

#### GENERAL ASSEMBLY ACTION

On 14 December, the General Assembly adopted resolution 45/134.

Follow-up to the Guiding Principles for Developmental Social Welfare Policies and Programmes in the Near Future, and the negative social consequences of alcohol use

The General Assembly,

Recalling its resolution 42/125 of 7 December 1987, in which, *inter alia* it endorsed the Guiding Principles for Developmental Social Welfare Policies and Pro-

grammes in the Near Future, adopted by the Interregional Consultation on Developmental Social Welfare Policies and Programmes,

Recalling also Economic and Social Council resolution 1989/49 of 24 May 1989 concerning the follow-up to the Guiding Principles, in which the Council requested the Secretary-General, *inter alia*, to carry out a study on the negative social consequences of alcohol use, based on the report of an expert meeting to be convened on the question,

Convinced that the dangerous dimension of alcohol use requires sustained action for the implementation of a comprehensive international response, based on a common-effort by all States,

1. Notes with appreciation the holding of the Expert Meeting on the Negative Social Consequences of Alcohol Use at Oslo from 27 to 31 August 1990, which was convened by the Government of Norway with the substantive support of the Centre for Social Development and Humanitarian Affairs of the Secretariat;

2. Takes note of the report of the Expert Meeting and requests the Secretary-General to make the report available to the Commission for Social Development at its thirty-second session;

3. Invites Member States to submit their comments on the report of the Expert Meeting to the Commission for Social Development at its thirty-second session;

4. Requests the Commission for Social Development to report on its discussions of the report and the comments from Member States to the Economic and Social Council at its first regular session of 1991 with proposals for future action.

General Assembly resolution 45/134

14 December 1990 Meeting 68 Adopted without vote  
Approved by Third Committee (A/45/760), 9 November (meeting 37); 7-nation draft (A/C.3/45/L.15), orally revised; agenda item 104.

Sponsors: Iceland, Libyan Arab Jamahiriya, Morocco, Norway, Philippines, Poland, Sweden.

Meeting numbers. GA 45th session: 3rd Committee 11-17, 25, 37; plenary 68.

#### The family

international Year of the Family (1994)

In response to General Assembly resolution 44/82 [YUN 1989, p. 612], which had proclaimed 1994 as the International Year of the Family, the Secretary-General reported in August [A/45/365] regarding preparations for the Year's observance. He explained that, as at 1 July, the responses received from Governments, the UN system and intergovernmental and non-governmental organizations (NGOs) to his invitation for suggestions on a draft programme for the Year were insufficient to serve as the basis for formulating a representative programme. Follow-up action was undertaken, however, and consultations had begun with a selected number of NGOs, as well as with the NGO Standing Committee of the United Nations Educational, Scientific and Cultural Organization (UNESCO). Contacts had been established with organiza-

tions and agencies of the UN system for the development of a system-wide co-ordinated approach and action. A number of research institutes were being identified to co-operate with the United Nations in disseminating information on their work relating to the family.

In addition, the Secretary-General had designated the Director of the Social Development Division of the United Nations Office at Vienna as Co-ordinator for the Year and had established an organizational secretariat within the Social Development Division of the Centre for Social Development and Humanitarian Affairs of the Secretariat. Negotiations with Governments had begun for the temporary loan of experts and consultants to work closely with the Secretariat on specific family-related issues.

In December 1990, the Secretary-General submitted the requested draft programme [E/CN.5/1991/2] to the Commission for Social Development for its consideration in February 1991.

#### GENERAL ASSEMBLY ACTION

On 14 December, the General Assembly adopted resolution 45/133.

#### International Year of the Family

The General Assembly,

Guided by the resolve of the peoples of the United Nations to promote social progress and better standards of life in larger freedom, with a view to the creation of conditions of stability and well-being, which are necessary for peaceful and friendly relations between nations,

Guided also by the relevant provisions of the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights and the Declaration on Social Progress and Development, according to which the widest possible protection and assistance should be accorded to the family,

Bearing in mind the Nairobi Forward-looking Strategies for the Advancement of Women and recalling that by its resolution 42/125 of 7 December 1987 it endorsed the Guiding Principles for Developmental Social Welfare Policies and Programmes in the Near Future, which called for social welfare policies to give greater attention to the family,

Welcoming the entry into force on 2 September 1990 of the Convention on the Rights of the Child and the successful conclusion of the World Summit for Children, held in New York on 29 and 30 September 1990, in particular the adoption of the World Declaration on the Survival, Protection and Development of Children and the Plan of Action for Implementing the World Declaration on the Survival, Protection and Development of Children in the 1990s,

Recalling its resolutions 42/134 of 7 December 1987 and 43/135 of 8 December 1988 on the need to enhance international co-operation in the field of the protection of and assistance to the family, as well as Economic and Social Council resolutions 1983/23 of 26 May 1983, 1985/29 of 29 May 1985 and 1989/54 of 24 May 1989,

Recalling, in particular, its resolution 44/82 of 8 December 1989, in which it proclaimed 1994 as the International Year of the Family and requested the Secretary-General to prepare a draft programme for the preparation for and observance of the Year,

Confident that the Year will offer a unique opportunity for mobilizing efforts, particularly at the local and national levels, to highlight the importance of the family, promote a better understanding of its functions and problems and strengthen national institutions to formulate, implement and monitor policies in respect of the family,

Aware that for the Year to be successful and for its impact and practical efficiency to be maximized, adequate preparation and the widespread support of all Governments, specialized agencies, intergovernmental and non-governmental organizations and the public are required.

Recognizing the efforts made by Governments at the local and national levels in carrying out specific programmes concerning the family, in which the United Nations may have an important role to play, and in raising awareness, increasing understanding and promoting policies that improve the position and well-being of the family,

Stressing the significant role that non-governmental organizations may play in the preparation and implementation of the programme for the Year,

Taking into account its decision 35/424 of 5 December 1980 and Economic and Social Council resolution 1980/67 of 25 July 1980 concerning guidelines for international years and anniversaries,

1. Takes note of the note by the Secretary-General, prepared in pursuance of its resolution 44/82;

2. Welcomes the designation by the Secretary-General of a Co-ordinator for the International Year of the Family and the establishment of an organizational secretariat for the Year within the Social Development Division of the Centre for Social Development and Humanitarian Affairs of the Secretariat;

3. Invites Governments to contribute resources, including staff, to the organizational secretariat;

4. Affirms that the major activities for the observance of the Year should be concentrated at the local and national levels and assisted by the United Nations and its system of organizations, with a view to creating among Governments, policy-makers and the public a greater awareness of the family as the natural and fundamental unit of society;

5. Invites all Governments, specialized agencies, intergovernmental and non-governmental organizations concerned, as well as interested national organizations, to exert all possible efforts in the preparation for and observance of the Year and to co-operate with the Secretary-General in achieving the objectives of the Year;

6. Appeals to the Governments that have not yet done so to make known to the Secretary-General their views on the preparation for and observance of the Year in order to ensure an adequate basis for formulating the programme for the Year;

7. Requests the Secretary-General to finalize a draft programme for the preparation for and observance of the Year and to submit it for consideration by the Commission for Social Development at its session in

1991 and by the General Assembly at its forty-sixth session;

8. Requests the Commission for Social Development to give priority consideration at its session in 1991 to the draft programme for the Year;

9. Invites the Commission for Social Development to ensure that all plans, programmes and activities related to the family accord with the concept of equality between women and men as expressed in the Nairobi Forward-looking Strategies for the Advancement of Women, and with the Convention on the Elimination of All Forms of Discrimination against Women and to ensure the incorporation of the principles relating to policies aimed at fostering equality between women and men, as outlined in the report of the Secretary-General, into the programme for the Year;

10. Requests the Commission for Social Development to inform the Commission on the Status of Women on the preparations for the Year;

11. Invites all States to take prompt action to establish national mechanisms, such as co-ordinating committees, to prepare for, observe and follow up the Year, in particular for the purpose of planning, stimulating and harmonizing the activities of the governmental and non-governmental agencies and organizations concerned with the preparation for and observance of the Year;

12. Requests the Secretary-General to establish a voluntary fund for the preparation for and observance of the Year and invites all States and interested organizations to contribute to that fund,

13. Also requests the Secretary-General to continue taking specific measures, through all the communication media at his disposal, to give widespread publicity to the activities of the United Nations system in the area of family issues and to increase the dissemination of information on the family;

14. Further requests the Secretary-General to submit a report to the General Assembly at its forty-sixth session on the progress made in the preparations for the Year, and to include therein recommendations and comments made by the preparatory and co-ordinating bodies for the Year;

15. Decides to include in the provisional agenda of its forty-sixth session the item entitled "International Year of the Family".

General Assembly resolution 45/133

14 December 1990 Meeting 68 Adopted without vote

Approved by Third Committee (A/45/760), 9 November (meeting 37); 22-nation draft (A/C.3/45/L.14/Rev.1); agenda item 104.

Meeting numbers. GA 45th session: 3rd Committee 11-17, 25, 37; plenary 68.

### Institutional machinery

#### UN Research Institute for Social Development

The United Nations Research Institute for Social Development (UNRISD) continued in 1990 to implement the research programme approved by its Board of Directors in 1988 [YUN 1988, p. 609], to expand and diversify financial support for the Institute's activities and to widen technical co-

operation with international agencies and other research institutes.

According to its November report [E/CN.5/1991/6] to the Commission for Social Development, UNRISD completed its country case-studies for projects dealing with food policy in the world recession and with patterns of consumption and related qualitative indicators of development. Studies were under way on projects dealing with crisis, adjustment and social change; ethnic conflict and development; sustainable development through people's participation in resource management; and the two continuing projects on refugees. The ground was laid for launching studies under projects concerning social participation and the social impact of changes in ownership relations in production; political violence and social movements; women, environment and population; and the social dynamics of deforestation in developing countries. The initial phase of a new project dealing with the socio-economic and political consequences of the international trade in illicit drugs was completed, and preparations for case-studies on that project were under way.

UNRISD continued to carry out its research programme in collaboration with national research teams and scholars drawn from local universities and other research institutes from all parts of the world, with strong representation from developing countries.

During the year, UNRISD published a number of reports, three monographs and eight discussion papers. It also published the second and third issues of UNRISD News, providing information on UNRISD research and other activities.

The 1990 budget and cash flow of UNRISD reflected a sound financial position resulting from increased core contributions and project funding, a continuing effort to control expenses and growing co-operation with other organizations in programme implementation. Funds available for expenditure were expected to total \$2,709,526. Expenditure was expected to total \$2,650,000, including the transfer of an additional \$50,000 into the operating reserve, bringing that reserve to \$250,000.

#### Commission for Social Development

The Commission for Social Development, which met biennially, was not convened in 1990.

By decision 1990/286 of 9 November, the Economic and Social Council decided that the Commission's thirty-second session, which was to have been held in Vienna from 13 to 22 February 1991, would be held from 11 to 20 February,



## Cultural development

### World Decade for Cultural Development

In May, the Secretary-General submitted a report [A/45/277-E/1990/77] to the General Assembly through the Economic and Social Council relating to the World Decade for Cultural Development (1988-1997), proclaimed by Assembly resolution 41/187 [YUN 1986, p. 624]. The report summarized replies received from nine Governments and seven UN organs and specialized agencies to the Secretary-General's request for views on the objectives and scope of the global mid-Decade review in 1993. The Secretary-General said that, due to the small number of replies received, it was difficult to arrive at definitive conclusions that would be representative of the world community's view on the subject. Nevertheless, the information received supported in principle the idea of conducting a mid-term review and evaluation of the implementation of the goals of the Decade. Some replies proposed the convening of an international conference in 1993 for that purpose, with the Intergovernmental Committee for the Decade, established within UNESCO, to serve as the preparatory body. Other replies proposed carrying out the evaluation in the form of seminars, expert meetings, consultations and other forums at the regional level under UN and UNESCO auspices. Some Governments, referring to the very broad spectrum of objectives in the Decade's action plan, as well as to the lack of financial resources, suggested that a mid-Decade review should concentrate on reconsidering some of the objectives and setting out concrete tasks for the second half of the Decade. Suggested for discussion during the review were objectives such as the cultural aspects of the socio-economic development of developing countries, especially the least developed among them, questions of cultural identity, cultural property and heritage, and problems of a great number of ethnic groups within a single State.

In an October addendum [A/45/277/Add.1-E/1990/77/Add.1], the Secretary-General submitted a summary of the views received from an additional six Governments.

#### ECONOMIC AND SOCIAL COUNCIL ACTION

On 27 July, the Economic and Social Council adopted resolution 1990/88.

#### World Decade for Cultural Development

The Economic and Social Council,

Recalling General Assembly resolution 44/238 of 22 December 1989, in which the Assembly expressed its support for the conduct of an evaluation at the mid-point of the World Decade for Cultural Development,

in 1993, under the auspices of the United Nations and the United Nations Educational, Scientific and Cultural Organization,

Taking into account its own resolution 1989/107 of 27 July 1989,

1. Takes note of the report of the Secretary-General on the mid-term review of the World Decade for Cultural Development;

2. Invites the Secretary-General and the Director-General of the United Nations Educational, Scientific and Cultural Organization to continue their inquiry into the appropriate means for undertaking a mid-term review of the World Decade for Cultural Development.

Economic and Social Council resolution 1990/88

27 July 1990 Meeting 37 Adopted without vote

Approved by Third Committee (E/1990/116) without vote, 24 July (meeting 17); draft by Bolivia for Group of 77 (E/1990/C.3/L.15), revised following informal consultations; agenda item 10.

#### GENERAL ASSEMBLY ACTION

On 21 December, the General Assembly adopted resolution 45/189.

#### World Decade for Cultural Development

The General Assembly,

Recalling its resolution 41/187 of 8 December 1986, in which it proclaimed the period of 1988-1997 the World Decade for Cultural Development,

Taking into account its resolution 44/238 of 22 December 1989, in which it expressed its support for the conduct of an evaluation at the mid-point of the World Decade for Cultural Development, in 1993, under the auspices of the United Nations and the United Nations Educational, Scientific and Cultural Organization, in order to evaluate the implementation of the Plan of Action for the Decade,

Taking into account paragraph 87 of the International Development Strategy for the Fourth United Nations Development Decade, in which it was stated, inter alia, that each country has to choose its approach to human resource and institutional development in accordance with its national priorities, values, traditions and culture and stage of development,

Taking note of Economic and Social Council resolution 1990/88 of 27 July 1990,

Welcoming the progress made by Member States, organizations and programmes of the United Nations system and international non-governmental organizations in the implementation of the Plan of Action for the World Decade for Cultural Development,

1. Takes note with appreciation of the report of the Secretary-General on the mid-term review of the World Decade for Cultural Development;

2. Reaffirms its support for a mid-term review to assess the progress made in implementing the Plan of Action for the Decade and to make proposals to further strengthen activities in this area, taking into account the changing circumstances and the new realities in the international community;

3. Invites the regional commissions, in consultation with Governments and intergovernmental and non-governmental organizations, to carry out, within existing resources, an evaluation of the cultural factors influencing the development of the cultural sector as a

potential creator of jobs and generator of income, for consideration at the mid-term review of the Decade, in 1993;

4. Recommends that the organs, organizations and bodies of the United Nations system consider including activities relating to the Decade in the programme for the biennium 1992-1993, and requests them to co-ordinate those activities;

5. Invites the Secretary-General of the United Nations and the Director-General of the United Nations Educational, Scientific and Cultural Organization to include specific proposals on the modalities of a mid-term review, taking into account the views of Governments, in the second biennial report on progress in the implementation of the World Decade for Cultural Development, to be submitted to the General Assembly at its forty-sixth session, through the Economic and Social Council;

6. Decides to include, on a biennial basis in its provisional agenda for subsequent sessions, a sub-item entitled "World Decade for Cultural Development" under the item entitled "Development and international economic co-operation".

General Assembly resolution 45/189

21 December 1990 Meeting 71 Adopted without vote

Approved by Second Committee (A/45/848) without vote, 5 December (meeting 51); draft by Chairman (A/C.2/45/L.64) based on informal consultations on draft by Bolivia for Group of 77 (A/C.2/45/L.33); agenda item 12.

Meeting numbers. GA 45th session: 2nd Committee 13-16, 43, 51; plenary 71.

#### Revival of the Library of Alexandria

On 12 March [A/45/169-E/1990/45], Egypt transmitted to the Secretary-General the text of the Aswan Declaration on the revival of the Library of Alexandria, issued by the inaugural session of the International Commission for the Revival of the Ancient Library of Alexandria (Aswan, 13 February). By the Declaration, the Commission stated that, under the patronage of the President of Egypt, Hosni Mubarak, the Government was seeking, in co-operation with UNESCO and financial support from the United Nations Development Programme (UNDP) and other public and private sources, to revive the ancient library in Alexandria by restating its legacy in modern terms. The ancient Library of Alexandria and its associated museum, the Commission continued, gave birth to a new intellectual dynamic. By gathering together all the known sources of knowledge and organizing them for the purposes of scholarly study and investigation, they marked the foundation of the modern notion of the research foundation.

The new Alexandria Library, to be constructed on the site of the palace of the Ptolemies, would give modern expression to an ancient endeavour. A contemporary design had been adopted through an international architecture competition and plans had been drawn up for a facility with the latest computer technology to serve as a

research library, open to researchers from all over the world. Its specialized collections would relate to Egyptian, Middle-Eastern and Greek civilizations, the birth of Coptic Christianity, and the theo-Islamic heritage, with special emphasis on the history of science and on works that likely would have been contained in the original library. Bibliotheca Alexandrina would be a link with the past and an opening into the future. It would be unique in being the first library on such a scale to be designed and constructed with the assistance of the international community, acting through the UN system.

The International Commission reiterated the 1987 appeal made by the UNESCO Director-General to all Governments, international organizations and NGOs, public and private institutions, funding agencies, librarians, archivists and the people of all countries to participate by means of voluntary contributions of all kinds in the effort to revive the Library of Alexandria.

#### ECONOMIC AND SOCIAL COUNCIL ACTION

On 11 May, the Economic and Social Council adopted resolution 1990/2.

##### Revival of the ancient Library of Alexandria

The Economic and Social Council,

Bearing in mind Articles 13, 55 and 57 of the Charter of the United Nations concerning the promotion of international co-operation in cultural and educational fields,

Affirming the vital importance of preserving the cultural heritage of societies,

Aware of the four main objectives of the World Decade for Cultural Development set out in General Assembly resolution 41/187 of 8 December 1986,

Welcoming the progress made by Member States and by international, regional, governmental and non-governmental organizations towards the development of activities within the framework of the Decade,

Taking note of the Aswan Declaration, regarding the project undertaken by the Government of Egypt aimed at the revival of the ancient Library of Alexandria,

1. Welcomes the goals of the project, which are outlined in the Aswan Declaration;

2. Expresses its deep appreciation for the valuable support provided by the organs and organizations of the United Nations system, in particular the United Nations Educational, Scientific and Cultural Organization and the United Nations Development Programme, as well as by donor countries, for the efforts of the Government of Egypt aimed at the revival of the historical heritage of the Library of Alexandria, which, owing to its multidisciplinary and international character, will serve Egypt as well as the world at large;

3. Invites the international community to continue to lend support for the efforts of the Government of Egypt to fulfil the various goals set out in the Aswan Declaration.

Economic and Social Council resolution 1990/2  
 11 May 1990 Meeting 9 Adopted without vote  
 115-nation draft (E/1990/L.20); agenda item 1.  
 Meeting numbers. ESC 8, 9.

## Crime prevention and criminal justice

### Implementation of Seventh (1985) Crime Congress recommendations

In response to General Assembly resolution 44/72 [YUN 1989, p. 615], the Secretary-General submitted a July report [A/45/324] on the implementation of the resolutions and recommendations of the Seventh (1985) United Nations Congress on the Prevention of Crime and the Treatment of Offenders [YUN 1985, p. 738]. It was prepared on the basis of new information received from 23 Governments on the subject and on information previously received from six other Governments which, because of timing, could not be included in the Secretary-General's 1989 report [YUN 1989, p. 615]. The report updated information on: the Milan Plan of Action and the Guiding Principles for Crime Prevention and Criminal Justice in the Context of Development and a New International Economic Order [YUN 1985, p. 738 & 742]; crime prevention in connection with law reform and socio-economic development; improvements in national criminal justice systems; measures against national discrimination and apartheid and against the most serious forms of crime; and international collaboration against organized crime, illicit drug trafficking and terrorism. Also updated were measures taken towards the effective organization of criminal justice systems and administration of justice, as well as towards the implementation of the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power and of the United Nations Standard Minimum Rules for the Administration of Juvenile Justice [YUN 1985, pp. 743 & 747].

The Secretary-General stated that criminal code and procedure reforms had been undertaken in a large number of countries and widely disseminated. The police and the judicial and corrections systems were being restructured to strengthen their efficacy in upholding the rule of law. There was also an evident trend towards decriminalization of minor offences so as to allow greater attention to the control of more serious crime. Member States had intensified their struggle against the most serious forms of crime, including organized crime, terrorism, illicit drug

trafficking and environmental and economic offences. The promulgation and application of laws and regulations to control and combat such crimes had often resulted from international treaties and instruments. Developing countries, however, had voiced concern about serious handicaps in their implementation efforts, such as the lack of skilled personnel and the absence of training opportunities and of technological and material means, compounded by the economic, social and human costs of crime. The information received underlined interest in UN advisory services and other types of aid and pointed out that national programmes had not always received appropriate international assistance. The report noted that the UN recommendations constituted policy guidelines by which Governments could assess and direct their efforts and provided a basis for harmonizing national legislations and for viable cooperation among States.

### Eighth UN Crime Congress

#### Congress preparations

The Secretary-General's 1989 report [E/AC.57/1990/51] on preparations for the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders was submitted to the Economic and Social Council through the Committee on Crime Prevention and Control at its eleventh session in February 1990. That report described the substantive preparations, including regional preparatory meetings, as well as the organizational preparations, setting out, among other arrangements, the proposed organization of work of the Congress and details of proposed workshops and ancillary meetings to be held during the Congress.

As the preparatory body for the Eighth Congress, the Committee on Crime Prevention and Control recommended for transmission to the Congress, through the Council, draft resolutions on: international co-operation for crime prevention and criminal justice in the context of development; the functioning and programme of work of the United Nations in crime prevention and criminal justice; a draft model treaty for the prevention of crimes that infringed on the cultural heritage of peoples in the form of movable property; the role of criminal law in the protection of nature and the environment; UN standard minimum rules for non-custodial measures (the Tokyo rules); prevention of urban crime; management of criminal justice and the development of sentencing policies; basic principles for the treatment of prisoners; computerization of

criminal justice; prevention and control of organized crime; terrorist criminal activities; other draft model treaties on extradition, on the transfer of proceedings and mutual assistance in criminal matters, and on the transfer of supervision of offenders conditionally sentenced or conditionally released; UN guidelines for the prevention of juvenile delinquency; UN rules for the protection of juveniles deprived of their liberty; basic principles on the use of force and firearms by law enforcement officials; basic principles on the role of lawyers; and guidelines on the role of prosecutors. In addition, the Committee adopted a resolution recommending that the Eighth Congress consider the establishment, under UN auspices, of a world foundation on crime control and assistance to victims.

An April report [E/1990/36] of the Secretary-General noted that the new draft instruments annexed to some of those draft resolutions should make a significant contribution to the development of international law and standards in crime prevention and criminal justice.

#### ECONOMIC AND SOCIAL COUNCIL ACTION

On 24 May, the Economic and Social Council adopted resolution 1990/23.

#### Continuation of preparations for the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders

The Economic and Social Council,

Recalling General Assembly resolutions 415(V) of 1 December 1950, 32/60 of 8 December 1977, 41/107 of 4 December 1986, 42/59 of 30 November 1987, 43/99 of 8 December 1988 and 44/72 of 8 December 1989,

Recalling also Economic and Social Council resolutions 1987/49 of 28 May 1987 and 1989/69 of 24 May 1989,

Bearing in mind that the General Assembly and the Economic and Social Council have reaffirmed in numerous resolutions the importance of the United Nations congresses on the prevention of crime and the treatment of offenders as global events providing a forum for the exchange of expertise and experience in priority areas and for the development of policy options and international co-operation in the field of crime,

Having considered the report of the Secretary-General on the continuation of preparations for the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders,

1. Takes note of the reports of the regional preparatory meetings for the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, held in 1989;

2. Approves the organization of work for the Eighth Congress, as proposed by the Secretary-General in his report;

3. Commends the Secretary-General of the Eighth Congress for the important work done in preparing for the Congress, in spite of the limited resources available;

4. Expresses its appreciation to the Committee on Crime Prevention and Control, which, as the preparatory body for the Congress, has provided overall guidance;

5. Endorses the recommendations contained in the reports of the regional preparatory meetings for the Eighth Congress, as reviewed by the Committee on Crime Prevention and Control, and recommends that the Congress approve them;

6. Approves the documentation for the Eighth Congress, which was reviewed by the Committee on Crime Prevention and Control at its tenth and eleventh sessions;

7. Notes with satisfaction the preparations for the two workshops to be held during the Eighth Congress, one on alternatives to imprisonment and the other on computerization of the administration of criminal justice;

8. Invites all Governments to attend the Eighth Congress at the highest appropriate level;

9. Invites Governments to finalize their national preparations for the Eighth Congress, including the submission of national papers, and to consider including members of the Committee on Crime Prevention and Control and national correspondents in their delegations to the Congress;

10. Welcomes the organization of ancillary meetings of professional groups during the Congress;

11. Urges the regional commissions, the regional and interregional institutes for crime prevention and the treatment of offenders, the specialized agencies and other entities within the United Nations system, other intergovernmental organizations concerned, non-governmental organizations in consultative status with the Economic and Social Council, professional organizations and experts to attend the Eighth Congress;

12. Decides to transmit to the Eighth Congress the draft resolutions recommended by the Committee on Crime Prevention and Control at its eleventh session.

Economic and Social Council resolution 1990/23

24 May 1990 Meeting 13 Adopted without vote

Approved by Second Committee (E/1990/69) without vote, 11 May (meeting 11); draft by Committee on Crime Prevention and Control (E/1990/31), orally amended by Italy; agenda item 5.

#### Convening of Congress

The Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders was held in Havana, Cuba, from 27 August to 7 September 1990, in conformity with Economic and Social Council resolution 1989/69 [YUN 1989, p. 620]. At its opening meeting on 27 August, the Congress elected Juan Escalona Reguera, President of the National Assembly of the People's Power of the Republic of Cuba, as President of the Congress. The Director-General of the United Nations Office at Vienna served as Secretary-General of the Congress and the Chief of the Crime Prevention and Criminal Justice Branch of the Centre for Social Development and Humanitarian Affairs served as Executive Secretary.

In attendance were delegations from 127 States, observers from Palestine and the African National Congress, officials of 19 UN offices and organs and of two UN specialized agencies, and representatives of six intergovernmental organizations and 46 NGOs. The participants numbered over 1,200, among whom were 350 experts.

In his message to the Congress, the Secretary-General highlighted the importance of UN congresses such as the current one in that they influenced national policies on crime prevention and treatment of offenders. He called for devising new and more effective means of international co-operation to prevent crime, reduce victimization and improve the quality of justice. He emphasized that the Congress provided a unique opportunity to examine such key problems as terrorism, organized crime and corruption, as well as the penal protection of the environment, to assess the measures taken and to devise a global strategy.

Under the overall theme of "International co-operation in crime prevention and criminal justice for the twenty-first century", the agenda included five topics: crime prevention and criminal justice in the context of development: realities and perspectives of international co-operation; criminal justice policies in relation to problems of imprisonment, other penal sanctions and alternative measures; effective national and international action against organized crime and terrorist criminal activities; prevention of delinquency, juvenile justice and the protection of the young; policy approaches and directions; and UN norms and guidelines in crime prevention and criminal justice: implementation and priorities for further standard-setting.

During the Congress, two workshops were held: one, on alternatives to imprisonment, focusing on research; the other, on computerization of criminal justice information, with practical demonstrations. A special meeting on technical co-operation for participants from developing and potential donor countries was held, as was a meeting of national correspondents. A series of ancillary meetings was organized by intergovernmental and non-governmental organizations, which dealt with community participation in corrections; local crime prevention policies; children deprived of their liberty; conditions of prisoners awaiting trial in Latin America and Western Europe; priorities for penal reform; prevention and prosecution of computer crime; domestic violence; strategies for increasing the use of alternatives to imprisonment; abolition of the death penalty; recidivism; implementation of the basic principles embodied in the UN declaration on victims; independence of

the judiciary; drugs and drug-related crime; implementation of UN standards and rules; and restoration as an alternative approach to justice. Meetings of regional groups and of special professional interest groups were also held.

The Congress recommended 13 draft instruments and resolutions for adoption by the General Assembly and adopted 3 other instruments and 30 resolutions and a decision. One resolution concerned the approval of the Credentials Committee report and another expressed thanks to the people and Government of Cuba for their hospitality. (See below for other resolutions.)

The Congress, on 7 September, adopted its report as a whole [A/CONF.144/28/Rev.1].

#### Congress instruments and resolutions

Following its deliberations on the agenda item on crime prevention and criminal justice in the context of development: realities and perspectives of international co-operation, the Eighth Congress recommended two draft resolutions for General Assembly action and adopted 15 resolutions, one of which annexed an international instrument.

One of the two draft resolutions subsequently adopted by the Assembly was on international co-operation for crime prevention and criminal justice in the context of development, which embodied 29 recommendations for a wide range of measures addressed to Governments, as well as for concerted action to strengthen international scientific and technical co-operation in combating crime and to improve mechanisms for crime prevention and criminal justice (resolution 45/107). The other was on the review of the functioning and programme of work of the United Nations in crime prevention and criminal justice (resolution 45/108).

The Congress, by its resolution on prevention of urban crime, recommended that Member States develop appropriate policies and strategies relating to the family, children, youth, urban housing and community development, police and community co-operation, the justice system, the prevention of violence and recidivism as well as of alcohol, drugs and other substance abuse, crime victims, and publicizing existing social programmes in those areas. It invited the Secretary-General to develop the role of the UN Secretariat in initiating and co-ordinating crime prevention by various means, including establishing an international data bank and a foundation for crime prevention.

The resolution annexing the instrument on a model treaty for the prevention of crimes that infringed on the cultural heritage of peoples in the form of movable property recommended that Member States consider the model treaty as a

framework for negotiating and drawing up bilateral agreements designed to improve co-operation in the prevention of such crimes and periodically to inform the Secretary-General of efforts to conclude such agreements. The related resolution on the use of an automated information exchange to combat crimes against movable cultural property requested the Secretary-General to arrange, in co-operation with Member States, intergovernmental, non-governmental and other organizations, for the creation of national and international computer data bases to be used in preventing and combating crime against cultural heritage and to contain information on stolen or illegally exported movable cultural property around the world, national legislation and international instruments on the protection of cultural heritage and measures to combat international traffic in movable cultural property; it further requested the Secretary-General to facilitate access to those data bases and to examine the feasibility of establishing a fund to be supported by revenues generated from their use.

The resolution on the role of criminal law in the protection of nature and the environment called on Member States to recognize the need to modify or enact and to enforce national criminal laws designed to protect nature and the environment, as well as people threatened by their deterioration; it asked the Secretary-General to encourage the incorporation, in future international conventions for the protection of the environment, of provisions under which States would be expected to enact sanctions under national criminal law, and to prepare a report every five years on developments in environmental criminal law.

In its resolution on computer-related crimes, the Congress, concerned by the increase of the abuse of computers as a modality of economic crime, recommended that the Committee on Crime Prevention and Control promote international efforts and dissemination of comprehensive guidelines and standards to assist Member States to deal with such crimes nationally and internationally; it requested the Secretary-General to convene an ad hoc expert meeting to submit proposals for national and international action to the Committee and to consider producing a technical publication on the prevention and prosecution of computer-related crimes. The resolution on corruption in government recommended that Member States devise administrative and regulatory mechanisms for the prevention of corrupt practices on the abuse of power; endorsed the manual on practical measures against corruption and called for its wide dissemination; and requested the Crime Prevention and Criminal Jus-

tice Branch to develop a draft international code of conduct for public officials for submission to the Ninth (1995) United Nations Congress and to keep the issue of government corruption under constant review.

The resolution on organized crime invited the Committee on Crime Prevention and Control to study the possible establishment of a universal and/or regional register of judicial sentences imposed for offences of trafficking in arms, drugs and persons, of terrorism, and against ecosystems and cultural property involving transnational modalities, or to explore the possibility of setting up an improved system of data and information exchange. In two related resolutions, one on racketeering and illicit trafficking in narcotic drugs and psychotropic substances called for intensified international response against such organized crimes, with due regard for human rights and States' sovereignty and territorial and political integrity; the other resolution, on measures against drug addiction, called on States to strengthen their national policies to combat drug addiction and called also on UN Members to develop and strengthen international co-operation to that end.

The resolution on international co-operation and mutual assistance through training programmes and exchange of expertise invited Member States to map out training programmes on crime prevention and criminal justice within their sphere of expertise and to make them available to Member States seeking training, irrespective of regional affiliation; it recommended that the United Nations act as the co-ordinating body, matching Members requiring specific training with those able to provide it. In its resolution on consolidation of the role of national correspondents, the Congress, recognizing that the current system of activating national correspondents with a view to gathering and exchanging information on criminal justice systems and crime patterns needed to be more effective, recommended defining the specific tasks expected of those correspondents and urged that, in fulfilling their functions, they pay particular attention to updating regularly the United Nations Crime and Justice Information Network. The resolution on development of UN criminal justice statistical surveys called for the active involvement of Member States in the design and development of such surveys and requested the Secretary-General to appoint an ad hoc expert group to advise him on survey design, development, implementation and analysis and to make recommendations to the Committee on Crime Prevention and Control on how to involve Member States in survey development.

The resolution on the social aspects of crime prevention and criminal justice in the context of development appealed to Member States to develop their economic policies with, *inter alia*, the aim of reducing crime by combating corruption, drug trafficking and any form of exploitation; considered that the social aspects of development, being an important factor in the achievement of the objectives of the strategy for crime prevention and criminal justice, should be given higher priority within the UN system; supported international action to protect the environment from further deterioration to ensure better living conditions and to harmonize existing international instruments entailing penal sanctions under national criminal law; and requested the Secretary-General to consider the preparation of a manual on enhancing the role of education in criminal justice policies at all educational levels in the training of criminal justice staff, taking into account the relevant recommendations by the Economic and Social Council.

The resolution on support for the UN African Institute for the Prevention of Crime and the Treatment of Offenders urged those African Member States that had acceded to the statute of the Institute to meet their financial obligations, thereby providing a sound basis for its functioning, and urged those that had not acceded to do so in order to broaden its support base. The resolution on the support for the UN Latin American Institute for the Prevention of Crime and Treatment of Offenders requested the UN Secretariat to support and promote technical and financial co-operation between developed and developing countries with regard to crime prevention, criminal justice and human rights; appealed to the Latin American and Caribbean Governments to make technical and financial contributions towards sustaining and expanding the Institute's programmes; and urged developed countries outside the Latin American region, UNDP, the Department of Technical Co-operation for Development and other international agencies and funds to offer greater technical and financial support to the region through the Institute.

Under the agenda item on criminal justice policies in relation to problem of imprisonment, other penal sanctions and alternative measures, the Congress recommended three draft resolutions for Assembly action and adopted eight resolutions, all aimed at the more effective and humane treatment of offenders in institutions and in the community, with emphasis on the wider use of alternatives to incarceration.

The draft resolutions later adopted by the Assembly were on the United Nations Standard Minimum Rules for Non-custodial Measures

(The Tokyo Rules) (resolution 45/110), basic principles for the treatment of prisoners (resolution 45/111) and a computerization of criminal justice (resolution 45/109).

The Congress, by its resolution on management of criminal justice and development of sentencing policies, adopted recommendations for further action at the national, regional and inter-regional levels on the application of criminal law, on ensuring fair treatment and coherent sentencing policies, on management of imprisonment, especially in crisis situations, and on management and staff training in the criminal justice system. By its resolution on principles and directions for research on non-custodial sanctions, the Congress endorsed a set of principles and directions for policy-oriented research on the subject, encouraged the use of the resultant findings as resource material for conferences and training courses for criminal justice personnel, and also encouraged UN interregional and regional institutes for crime prevention and treatment of offenders to provide technical assistance to Member States in implementing the principles and directions. The resolution on pre-trial detention recommended that, in criminal proceedings, Member States use pre-trial detention only if strictly necessary and as a last resort and called on the Committee on Crime Prevention and Control to examine the question in all its aspects. The resolution on assessment for the release of life-sentence prisoners requested the Committee to examine the legal position as to the rights and duties of prisoners serving life sentences and the various systems for reviewing their suitability for conditional release, to give special consideration to assessment procedures and decision-making in cases of life sentences, and to examine the need for such sentences.

The resolution on infection with HIV and AIDS in prison requested the Secretary-General, in collaboration with the World Health Organization, to assist prison administrations, at the request of the Member States concerned, in the development of national AIDS prevention and control programmes for the prison population, to encourage international co-operation in the elaboration and exchange of educational materials designed to prevent the further spread of HIV infection in prison, and to elaborate guidelines for the institutional and clinical management of HIV-infected prisoners and those with AIDS.

The resolution on international and inter-regional co-operation in prison management and community-based sanctions and other matters contained recommendations relating to the custodial and non-custodial treatment of offenders; prison labour, education, leisure and family vis-

its; the treatment of drug-dependent offenders; health care for those physically disabled and mentally disturbed; the treatment of juveniles; and international co-operation in penal administration and related matters. The resolution on the activities of the International Committee of the Red Cross (ICRC) with regard to detention invited the Secretary-General to maintain regular contacts with ICRC in order to share its experiences in the treatment of detainees within the framework of its specific mandates. A further resolution proposed that the Assembly proclaim an international year for the protection of victims of crime and the rehabilitation of offenders.

Under the agenda item on effective national and international action against organized crime and terrorist criminal activities, the Congress, in addition to adopting two resolutions, recommended for Assembly action three major international instruments, each annexed to a draft resolution-model treaties on extradition, on the transfer of proceedings in criminal matters, and on mutual assistance in criminal matters-all subsequently adopted by the Assembly (resolutions 45/116, 45/118, 45/117, respectively).

The Congress resolution on prevention and control of organized crime annexed guidelines for national measures for preventive strategies, criminal legislation and investigation, and law enforcement and criminal justice administration, as well as for the development of international co-operative arrangements to tackle the transnational dimensions of organized crime. The resolution on terrorist criminal activities agreed that the series of measures annexed to the resolution represented valuable guidance for concerted action against international terrorism and urged Member States to give favourable consideration to implementing them nationally and internationally. Those measures covered various aspects of the problem, including the definition of terrorist behaviour; identification of problems hindering the prevention and control of all forms of terrorist violence; the questions of jurisdiction, extradition and non-applicability of defence; the conduct of States; the protection of vulnerable targets, as well as of victims and witnesses; the control of weapons, ammunition and explosives; the treatment of offenders; and the role of the mass media.

In connection with the agenda item on prevention of delinquency, juvenile justice and the protection of the young: policy approaches and directions, the Congress recommended to the Assembly four draft resolutions, which the Assembly later adopted: one annexing draft United Nations Guidelines for the Prevention of Juvenile Delinquency (resolution 45/112), another annexing

draft United Nations Rules for the Protection of Juveniles Deprived of their Liberty (resolution 45/113), and two others, on the instrumental use of children in criminal activities (resolution 45/115) and on domestic violence (resolution 45/114).

Under the agenda item on UN norms and guidelines in crime prevention and criminal justice: implementation and priorities for further standard-setting, the Congress, in addition to adopting six resolutions, recommended for Assembly consideration a draft resolution annexing a model treaty on the transfer of supervision of offenders conditionally sentenced or conditionally released, later adopted by the Assembly (resolution 45/119).

The Congress adopted a resolution to which were annexed Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, containing general and special provisions governing the lawful use of force and firearms by law enforcement officials, the policing of unlawful non-violent or violent assemblies, as well as of persons in custody or detention, the qualifications and professional training in the use of force or firearms by law enforcement officials, as well as stress-counselling for such officials, and an effective system of reporting and review of all incidents involving the use of force and firearms. Another resolution annexed Basic Principles on the Role of Lawyers governing access by all to legal services, safeguards for the accused, arrested or detained in criminal justice matters; the education of lawyers, including awareness of their ethical duties and of the human rights and fundamental freedoms recognized by national and international law; the duties and responsibilities of lawyers towards their clients; guarantees for the functioning of lawyers, including freedom of expression and association; and disciplinary proceedings against lawyers. By the resolutions annexing the two sets of Basic Principles, the Congress recommended them for national, regional and interregional implementation, taking into account the political, economic, social and cultural circumstances and traditions of each country; invited Member States to inform the Secretary-General every five years, beginning in 1992, of the progress achieved in the implementation of those principles, including their incorporation into domestic legislation, practice and policies; and requested the Secretary-General to give the Basic Principles the widest possible dissemination.

A set of guidelines on the role of prosecutors, formulated to assist Member States in securing and promoting the effectiveness, impartiality and fairness of prosecutors in criminal proceedings, was annexed to the Congress resolution of



the same title, which urged Governments to take the guidelines into account within the framework of their national legislation and practice, and to bring them to the attention of prosecutors, judges, lawyers, members of the executive and legislative branches of Government and the public at large; it also requested the Secretary-General to prepare every five years, beginning in 1993, a report on the guidelines' implementation. The guidelines addressed prosecutors' qualifications, selection and training, status and conditions of service, entitlement to freedom of expression and association, role in criminal proceedings, discretionary functions including with regard to alternatives to prosecution, and relations with other government agencies or institutions. Also addressed were disciplinary proceedings against prosecutors and their responsibilities as to the observance of the guidelines.

By its resolution on the protection of human rights of victims of crime and abuse of power, the Congress recommended that Governments consider making available public and social support services for such victims and foster programmes for victim assistance, information and compensation; it requested the Secretary-General to study the feasibility of setting up an international fund, within the framework of the UN crime prevention and criminal justice programme, for the compensation of and assistance to victims of transnational crimes and for the promotion of international research, data collection and dissemination, as well as to formulate relevant policy guidelines. In its resolution on the transfer of enforcement of penal sanctions, the Congress invited Member States to consider concluding agreements on the subject, called on the Secretary-General to facilitate the provision of professional advice and technical support for Member States interested in concluding such agreements, and requested the Committee on Crime Prevention and Control to consider formulating a model agreement for submission to the Ninth Congress. In its resolution on the development of future procedures for evaluating the extent to which Member States implemented UN norms and guidelines in criminal justice and crime prevention, the Congress requested the Secretary-General to convene an ad hoc group of experts to submit proposals to the Committee on Crime Prevention and Control at its 1991 session for promoting the implementation of existing standards, consolidating and rationalizing arrangements for such evaluation, and improving techniques for the effective evaluation and monitoring of the implementation of those norms and guidelines.

#### Follow-up to Congress

On 6 September, the Congress adopted a decision by which it requested the Secretary-General, in carrying forward its conclusions, to give priority attention to practical measures to combat international crime and to promote the implementation of norms, standards and instruments adopted by the international community, as well as to the provision, where practicable, of technical co-operation to Member States at their request.

In an October report [A/45/629], prepared in response to Assembly resolution 44/72 [YUN 1989, p. 615], the Secretary-General summarized the recommendations and conclusions of the Eighth Congress. He further made proposals for fulfilling the new Congress mandates, especially with respect to transnational criminality, crime prevention planning and criminal justice management, the application of UN norms and guidelines, and strengthening international co-operation and the UN crime and justice programme. The report stated that additional new activities had to be undertaken as soon as possible in order to respond to the requests of the Eighth Congress, which had identified a wide spectrum of requirements unmet because of the limitations of national and international capacity to deal with the worsening crime situation. It called for progress reports on several matters to be submitted to the Committee on Crime Prevention and Control in early 1992, necessitating intensive work during 1991. The new tasks mandated by the Congress included the preparation of a dozen manuals, guidelines, compendia or technical publications, a series of periodic reports to the Committee and 16 reports on new subjects for the Ninth (1995) Congress. In addition to the establishment of nine data banks, the convening and servicing of eight working groups and the provision of technical assistance to Member States in the implementation of almost all resolutions were requested. The report outlined the activities related to the accomplishment of those tasks.

The Secretary-General stated that the Eighth Congress had not only pointed the way but outlined the directions for concrete action. How to give tangible effect to its recommendations and expectations was a matter before the Assembly. The consensus by which the Governments at the Congress had adopted all the resolutions reflected agreement that incisive steps had to be taken and that the United Nations had to respond more vigorously to the dangers and the challenge of crime. The nefarious links between organized criminality, especially illicit drug trafficking, corruption, violence and a vast array of other crimes, having revealed the futility of

piece-meal measures, called for a global strategy to confront those critical issues in a coherent and far-sighted manner.

#### GENERAL ASSEMBLY ACTION

On 14 December, the General Assembly adopted resolution 45/121.

#### Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders

The General Assembly,

Deeply concerned about the steady rise in crime in many parts of the world, particularly its dangerous new forms and transnational dimensions,

Conscious of the negative effects of crime on the quest for sustained development, a secure environment and a better quality of life,

Recognizing the importance to all countries of more effective crime prevention and criminal justice in furthering socio-economic development, political stability and a propitious climate for national growth and world peace,

Recalling its resolution 40/32 of 29 November 1985, in which it approved the Milan Plan of Action as a useful and effective means of strengthening international co-operation in the field of crime prevention and criminal justice and invited Governments to be guided by it in the formulation of appropriate legislation and policy directives and to make continuous efforts to implement the principles contained in the Caracas Declaration and other relevant resolutions and recommendations, in accordance with the economic, social, cultural and political circumstances of each country,

Recalling also its resolution 44/72 of 8 December 1989, in which it stressed the importance of the programme of work of the United Nations in crime prevention and criminal justice and the necessity of strengthening it in order to make it more responsive to the needs and expectations of Member States, whose stability and social peace, as well as law enforcement and judicial structures, might be undermined by the growing level and impact of criminality, and requested the Secretary-General to ensure that the level of human and financial resources of the Crime Prevention and Criminal Justice Branch of the Centre for Social Development and Humanitarian Affairs of the Secretariat is sufficient for it to carry out its multiple tasks mandated by United Nations policy-making bodies, including the promotion of collaborative action by Governments on problems of mutual concern, evaluation research, the collection and dissemination of information, the preparation of reports and studies and technical co-operation activities, and to ensure that the specialized nature of the programme of work of the Branch is fully reflected in its management and staffing.

Recalling further its resolution 42/59 of 30 November 1987, in which it invited the Committee on Crime Prevention and Control to accord priority to preparations for the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders and to ensure adequate follow-up to the review of the functioning and programme of work of the United Nations in the field of crime prevention and criminal justice

undertaken by the Economic and Social Council and its resolution 43/99 of 8 December 1988, in which it stressed the necessity for Member States to continue to make concerted and systematic efforts to strengthen international co-operation in crime prevention and criminal justice,

Emphasizing the responsibility assumed by the United Nations in crime prevention under General Assembly resolution 415(V) of 1 December 1950, which was affirmed by the Economic and Social Council in its resolutions 731 F (XXVIII) of 30 July 1959 and 830 D (XXXII) of 2 August 1961, and in the promotion and strengthening of international co-operation in this field in accordance with Assembly resolutions 3021(XXVII) of 18 December 1972, 32/59 and 32/60 of 8 December 1977, 35/171 of 15 December 1980, 36/21 of 9 November 1981 and 40/32,

Recalling Economic and Social Council resolutions 1986/10 and 1986/11 of 21 May 1986, 1987/49 and 1987/53 of 28 May 1987, 1988/44 of 27 May 1988 and 1989/68 and 1989/69 of 24 May 1989,

Taking note, in particular, of Economic and Social Council resolution 1990/27 of 24 May 1990, in which the Council invited the General Assembly, at its forty-fifth session, to take appropriate measures to ensure the timely implementation and proper follow-up of the recommendations of the Eighth Congress,

Acknowledging that the United Nations congresses, as major intergovernmental forums, have influenced national policies and practices by facilitating the exchange of views and experiences, mobilizing public opinion and recommending policy options at the national, regional and international levels, thus making a significant contribution to progress and the promotion of international co-operation in this field,

Mindful of the main objectives of the United Nations in the field of crime prevention and criminal justice, which include the promotion of a more effective administration of justice, the strengthening of international co-operation in the fight against international crime, the observance of human rights and the pursuance of the highest standards of fairness, efficiency, humanity and professional conduct,

Reaffirming the validity of the guidelines for setting international standards in the field of human rights: contained in its resolution 41/120 of 4 December 1986, and the need to give due consideration in this work to the established international legal framework,

Emphasizing the importance of continuing to provide Governments with the maximum opportunity to submit written comments and to participate in the formulation of international instruments and model treaties,

Bearing in mind the theme of the Eighth Congress. "International co-operation in crime prevention and criminal justice for the twenty-first century", and the importance of preserving peace, freedom and justice as essential conditions for development and international co-operation,

Noting the fact that the Eighth Congress, in pursuance of that theme, paid particular attention to the question of crime prevention and criminal justice in the context of development and the realities and perspectives of international co-operation in this field: underlined the need for granting this question higher priority at the United Nations system level: recommended major instruments to facilitate inter-State co-operation

against crime, giving particular attention to the linkage between illicit drug trafficking, organized crime and terrorist criminal activities, the efficiency and effectiveness of national systems of criminal justice, the computerization of criminal justice and the non-institutional treatment of offenders, domestic violence and the prevention of juvenile delinquency; and identified other priority areas for practical action, such as environmental protection, in accordance with the requests of the General Assembly,

Noting also that the programme of work of the Crime Prevention and Criminal Justice Branch of the Centre for Social Development and Humanitarian Affairs of the Secretariat has expanded in recent years,

Aware that crime prevention and criminal justice must be considered not only in the context of public systems, social and cultural values and social evolution, but also in the context of consistent economic development, and alarmed by the growing threat of organized crime, whose destabilizing and corrupting influence on basic economic and political institutions poses a challenge that demands more effective international co-operation,

Considering that the formulation and implementation of rules and guidelines in the field of crime prevention and criminal justice provide a basis for the introduction of improvements in criminal justice at the national and regional levels,

Reaffirming its determination to improve regional and international co-operation to foster further progress in this area, including implementation of the recommendations of the Eighth Congress, according to an orderly timetable reflecting priorities, taking into account the results of the meeting of the inter-governmental working group and the ministerial meeting to be held in 1991,

Having considered the report of the Eighth Congress, the report of the Secretary-General on the implementation of the resolutions and recommendations of the Seventh Congress and the report of the Secretary-General on the implementation of the conclusions of the Eighth Congress, submitted in pursuance of resolution 44/72,

1. Expresses its satisfaction with the successful results achieved by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders and the thorough preparations for the Congress, overseen by the Committee on Crime Prevention and Control as the preparatory body, which contributed to its productive outcome, and by the regional and inter-regional preparatory meetings convened in co-operation with the regional commissions, the United Nations institutes for the prevention of crime and the treatment of offenders and interested Governments;

2. Takes note of the report of the Eighth Congress, as well as the report of the Secretary-General on the implementation of the recommendations of the Seventh Congress and his report on the conclusions of the Eighth Congress;

3. Welcomes the instruments and resolutions adopted by the Eighth Congress, and invites Governments to be guided by them in the formulation of appropriate legislation and policy directives and to make efforts to implement the principles contained in them and in the relevant instruments and resolutions approved by previous congresses and other relevant reso-

lutions, in accordance with the economic, social, legal, cultural and political circumstances of each country;

4. Endorses the decision of the Eighth Congress that priority attention should be given to specific practical measures to combat international crime over the forthcoming five-year period, bearing in mind the criteria set out in the relevant regulations and rules governing programme planning;

5. Invites Member States to monitor systematically the steps being taken to ensure co-ordination of efforts in the planning and execution of effective and humane measures to reduce the social costs of crime and its negative effects on the development process, as well as to continue to explore new avenues for international co-operation in this field;

6. Invites the Committee on Crime Prevention and Control at its twelfth session to examine the implications of the resolutions and recommendations of the Eighth Congress for the programmes of the United Nations system and to make specific recommendations on the implementation of the resolutions and recommendations in its report to the Economic and Social Council at its first regular session of 1992, in accordance with the priorities to be set by the ministerial meeting to be held in 1991;

7. Requests the Economic and Social Council to examine, at its first regular session of 1992, the report of the Committee on Crime Prevention and Control referred to in paragraph 6 above, in order to provide, within the United Nations system, overall policy guidance in crime prevention and criminal justice, and to undertake periodically the review, monitoring and appraisal of the resolutions and recommendations of the Eighth Congress, and the priority accorded to them;

8. Emphasizes the urgent need to be responsive to the calls of the Eighth Congress for strengthening the operational aspects of the United Nations programme of work in crime prevention and criminal justice, with a view to assisting interested countries in developing self-reliant and adequate law enforcement and judicial structures;

9. Urges all entities of the United Nations system, including the regional commissions and the institutes for crime prevention and the treatment of offenders and the relevant non-governmental organizations having consultative status with the Economic and Social Council to become actively involved in the implementation of the resolutions and recommendations of the Eighth Congress;

10. Also urges the Department of Technical Co-operation for Development of the Secretariat, the United Nations Development Programme and other pertinent bodies to give full support to projects of technical assistance, in particular to developing countries, in the field of crime prevention and criminal justice and to encourage technical co-operation among developing countries;

11. Requests the Secretary-General to use his best endeavours to translate into action, as appropriate, the resolutions recommended by the Eighth Congress for adoption by the General Assembly and to provide adequate follow-up of the other resolutions unanimously adopted by the Congress, and to do so in accordance with the priorities indicated by the Congress;

12. Invites the Secretary-General to use his best endeavours to review the resources required to enable the

Crime Prevention and Criminal Justice Branch of the Centre for Social Development and Humanitarian Affairs of the Secretariat to discharge its responsibilities in accordance with the mandates and tasks recommended by the Eighth Congress;

13. Requests the Secretary-General to consider including in the proposed programme budget for the biennium 1992-1993 programme and resources proposals to assist with the long-term solution of the problems posed by the implementation of existing mandates;

14. Also requests the Secretary-General to circulate the report of the Eighth Congress to Member States and intergovernmental and non-governmental organizations in order to ensure that it is disseminated as widely as possible and to conduct appropriate public information activities in this field;

15. Further requests the Secretary-General to submit to the General Assembly, at its forty-sixth session, a report on the measures taken to implement the present resolution;

16. Decides to include in the provisional agenda of its forty-sixth session the item entitled "Crime prevention and criminal justice".

General Assembly resolution 45/121

14 December 1990 Meeting 68 Adopted without vote  
Approved by Third Committee (A/45/756) without vote, 23 November (meeting 51); 2-nation draft (A/C.3/45/L.29/Rev.1); agenda item 100.

Sponsors: Cuba, Italy.

Financial implications: 5th Committee, A/45/945; S-G, A/C.3/45/L.37/Add.1, A/C.5/45/59.

Meeting numbers. GA 45th session: 3rd Committee 24-27, 36, 51; 5th Committee 42; plenary 68.

Also on 14 December, the General Assembly adopted resolution 45/120.

Crime prevention and criminal justice:  
expression of appreciation to the

Government and people of Cuba on the occasion of the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders  
The General Assembly,

Taking into account the significance and the results of the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, held at Havana from 27 August to 7 September 1990,

Expresses its deep appreciation to the Government and people of Cuba for acting as host to the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders,

General Assembly resolution 45/120

14 December 1990 Meeting 68 Adopted without vote  
Approved by Third Committee (A/45/756) without vote, 23 November (meeting 51); draft by Italy (A/C.3/45/L.23); agenda item 100.

Meeting numbers. GA 45th session: 3rd Committee 24-27, 36, 51; plenary 68.

### Model treaties

In December, the General Assembly considered the four model treaties recommended for its adoption by the Eighth Congress. Intended to serve as the bases for bilateral negotiations between States, the model treaties were on extradition, on transfer of proceedings in criminal mat-

ters, on mutual assistance in criminal matters, and on transfer of supervision of offenders conditionally sentenced or conditionally released. The first three model treaties were complementary and, together, would reduce the chances of criminals avoiding prosecution and punishment.

#### Model Treaty on Extradition

The Model Treaty on Extradition, together with the following Model Treaty on the Transfer of Proceedings in Criminal Matters, were intended to ensure, in so far as possible, that an offender was brought to trial. On 14 December, the General Assembly adopted resolution 45/116.

#### Model Treaty on Extradition

The General Assembly,

Bearing in mind the Milan Plan of Action, adopted by the Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders and approved by the General Assembly in its resolution 40/32 of 29 November 1985,

Bearing in mind also the Guiding Principles for Crime Prevention and Criminal Justice the Context of Development and a New International Economic Order, principle 37 of which stipulates that the United Nations should prepare model instruments suitable for use as international and regional conventions and as guides for national implementing legislation,

Recalling resolution 1 of the Seventh Congress, on organized crime, in which Member States were urged, inter alia, to increase their activity at the international level in order to combat organized crime, including, as appropriate, entering into bilateral treaties on extradition and mutual legal assistance,

Recalling also resolution 23 of the Seventh Congress, on criminal acts of a terrorist character, in which all States were called upon to take steps to strengthen co-operation, inter alia, in the area of extradition,

Culling attention to the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances,

Acknowledging the valuable contributions of Governments, non-governmental organizations and individual experts, in particular the Government of Australia and the International Association of Penal Law,

Gravely concerned by the escalation of crime, both national and transnational,

Convinced that the establishment of bilateral and multilateral arrangements for extradition will greatly contribute to the development of more effective international co-operation for the control of crime,

Conscious of the need to respect human dignity and recalling the rights conferred upon every person involved in criminal proceedings, as embodied in the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights.

Conscious that in many cases existing bilateral extradition arrangements are outdated and should be replaced by modern arrangements which take into account recent developments in international criminal law,

Recognizing the importance of a model treaty on extradition as an effective way of dealing with the com-

plex aspects and serious consequences of crime, especially in its new forms and dimensions,

1. Adopts the Model Treaty on Extradition contained in the annex to the present resolution as a useful framework that could be of assistance to States interested in negotiating and concluding bilateral agreements aimed at improving co-operation in matters of crime prevention and criminal justice;

2. Invites Member States, if they have not yet established treaty relations with other States in the area of extradition, or if they wish to revise existing treaty relations, to take into account, whenever doing so, the Model Treaty on Extradition;

3. Urges all States to strengthen further international co-operation in criminal justice;

4. Requests the Secretary-General to bring the present resolution, with the Model Treaty, to the attention of Member States;

5. Urges Member States to inform the Secretary-General periodically of efforts undertaken to establish extradition arrangements;

6. Requests the Committee on Crime Prevention and Control to review periodically the progress attained in this field;

7. Also requests the Committee on Crime Prevention and Control, where requested, to provide guidance and assistance to Member States in the development of legislation that would enable giving effect to the obligations in such treaties as are to be negotiated on the basis of the Model Treaty on Extradition;

8. Invites Member States, on request, to make available to the Secretary-General the provisions of their extradition legislation so that these may be made available to those Member States desiring to enact or further develop legislation in this field.

#### ANNEX

#### Model Treaty on Extradition

The

and the

Desirous of making more effective the co-operation of the two countries in the control of crime by concluding a treaty on extradition,

Have agreed as follows:

#### Article 1

##### Obligation to extradite

Each Party agrees to extradite to the other, upon request and subject to the provisions of the present Treaty, any person who is wanted in the requesting State for prosecution for an extraditable offence or for the imposition or enforcement of a sentence in respect of such an offence.

#### Article 2

##### Extraditable offences

1. For the purposes of the present Treaty, extraditable offences are offences that are punishable under the laws of both Parties by imprisonment or other deprivation of liberty for a maximum period of at least [one/two] year(s), or by a more severe penalty. Where the request for extradition relates to a person who is wanted for the enforcement of a sentence of imprisonment or other deprivation of liberty imposed for such an offence, extradition shall be granted only if a period of at least [four/six] months of such sentence remains to be served.

2. In determining whether an offence is an offence punishable under the laws of both Parties, it shall not matter whether:

(a) The laws of the Parties place the acts or omissions constituting the offence within the same category of offence or denominate the offence by the same terminology;

(b) Under the laws of the Parties the constituent elements of the offence differ, it being understood that the totality of the acts or omissions as presented by the requesting State shall be taken into account.

3. Where extradition of a person is sought for an offence against a law relating to taxation, customs duties, exchange control or other revenue matters, extradition may not be refused on the ground that the law of the requested State does not impose the same kind of tax or duty or does not contain a tax, customs duty or exchange regulation of the same kind as the law of the requesting State.

4. If the request for extradition includes several separate offences each of which is punishable under the laws of both Parties, but some of which do not fulfil the other conditions set out in paragraph 1 of the present article, the requested Party may grant extradition for the latter offences provided that the person is to be extradited for at least one extraditable offence.

#### Article 3

##### Mandatory grounds for refusal

Extradition shall not be granted in any of the following circumstances:

(a) If the offence for which extradition is requested is regarded by the requested State as an offence of a political nature;

(b) If the requested State has substantial grounds for believing that the request for extradition has been made for the purpose of prosecuting or punishing a person on account of that person's race, religion, nationality, ethnic origin, political opinions, sex or status, or that that person's position may be prejudiced for any of those reasons;

(c) If the offence for which extradition is requested is an offence under military law, which is not also an offence under ordinary criminal law;

(d) If there has been a final judgement rendered against the person in the requested State in respect of the offence for which the person's extradition is requested;

(e) If the person whose extradition is requested has, under the law of either Party, become immune from prosecution or punishment for any reason, including lapse of time or amnesty;

(f) If the person whose extradition is requested has been or would be subjected in the requesting State to torture or cruel, inhuman or degrading treatment or punishment or if that person has not received or would not receive the minimum guarantees in criminal proceedings, as contained in the International Covenant on Civil and Political Rights, article 14;

(g) If the judgement of the requesting State has been rendered in absentia, the convicted person has not had sufficient notice of the trial or the opportunity to arrange for his or her defence and he has not had or will not have the opportunity to have the case retried in his or her presence.

## Article 4

## Optional grounds for refusal

Extradition may be refused in any of the following circumstances:

(a) If the person whose extradition is requested is a national of the requested State. Where extradition is refused on this ground, the requested State shall, if the other State so requests, submit the case to its competent authorities with a view to taking appropriate action against the person in respect of the offence for which extradition had been requested;

(b) If the competent authorities of the requested State have decided either not to institute or to terminate proceedings against the person for the offence in respect of which extradition is requested;

(c) If a prosecution in respect of the offence for which extradition is requested is pending in the requested State against the person whose extradition is requested;

(d) If the offence for which extradition is requested carries the death penalty under the law of the requesting State, unless that State gives such assurance as the requested State considers sufficient that the death penalty will not be imposed or, if imposed, will not be carried out;

(e) If the offence for which extradition is requested has been committed outside the territory of either Party and the law of the requested State does not provide for jurisdiction over such an offence committed outside its territory in comparable circumstances;

(f) If the offence for which extradition is requested is regarded under the law of the requested State as having been committed in whole or in part within that State. Where extradition is refused on this ground, the requested State shall, if the other State so requests, submit the case to its competent authorities with a view to taking appropriate action against the person for the offence for which extradition had been requested;

(g) If the person whose extradition is requested has been sentenced or would be liable to be tried or sentenced in the requesting State by an extraordinary or ad hoc court or tribunal;

(h) If the requested State, while also taking into account the nature of the offence and the interests of the requesting State, considers that, in the circumstances of the case, the extradition of that person would be incompatible with humanitarian considerations in view of age, health or other personal circumstances of that person.

## Article 5

## Channels of communication and required documents

1. A request for extradition shall be made in writing. The request, supporting documents and subsequent communications shall be transmitted through the diplomatic channel, directly between the ministries of justice or any other authorities designated by the Parties.

2. A request for extradition shall be accompanied by the following:

(a) In all cases,

(i) As accurate a description as possible of the person sought, together with any other information that may help to establish that person's identity, nationality and location;

(ii) The text of the relevant provision of the law creating the offence or, where necessary, a statement of the law relevant to the offence and a statement of the penalty that can be imposed for the offence;

(b) If the person is accused of an offence, by a warrant issued by a court or other competent judicial authority for the arrest of the person or a certified copy of that warrant, a statement of the offence for which extradition is requested and a description of the acts or omissions constituting the alleged offence, including an indication of the time and place of its commission;

(c) If the person has been convicted of an offence, by a statement of the offence for which extradition is requested and a description of the acts or omissions constituting the offence and by the original or certified copy of the judgement or any other document setting out the conviction and the sentence imposed, the fact that the sentence is enforceable, and the extent to which the sentence remains to be served;

(d) If the person has been convicted of an offence in his or her absence, in addition to the documents set out in paragraph 2 (c) of the present article, by a statement as to the legal means available to the person to prepare his or her defence or to have the case retried in his or her presence;

(e) If the person has been convicted of an offence but no sentence has been imposed, by a statement of the offence for which extradition is requested and a description of the acts or omissions constituting the offence and by a document setting out the conviction and a statement affirming that there is an intention to impose a sentence.

3. The documents submitted in support of a request for extradition shall be accompanied by a translation into the language of the requested State or in another language acceptable to that State.

## Article 6

## Simplified extradition procedure

The requested State, if not precluded by its law, may grant extradition after receipt of a request for provisional arrest, provided that the person sought explicitly consents before a competent authority.

## Article 7

## Certification and authentication

Except as provided by the present Treaty, a request for extradition and the documents in support thereof, as well as documents or other material supplied in response to such a request, shall not require certification or authentication.

## Article 8

## Additional information

If the requested State considers that the information provided in support of a request for extradition is not sufficient, it may request that additional information be furnished within such reasonable time as it specifies.

## Article 9

## Provisional arrest

1. In case of urgency the requesting State may apply for the provisional arrest of the person sought pending the presentation of the request for extradition. The application shall be transmitted by means of the facilities of the International Criminal Police Organization, by

post or telegraph or by any other means affording a record in writing.

2. The application shall contain a description of the person sought, a statement that extradition is to be requested, a statement of the existence of one of the documents mentioned in paragraph 2 of article 5 of the present Treaty, authorizing the apprehension of the person, a statement of the punishment that can be or has been imposed for the offence, including the time left to be served and a concise statement of the facts of the case, and a statement of the location, where known, of the person.

3. The requested State shall decide on the application in accordance with its law and communicate its decision to the requesting State without delay.

4. The person arrested upon such an application shall be set at liberty upon the expiration of [40] days from the date of arrest if a request for extradition, supported by the relevant documents specified in paragraph 2 of article 5 of the present Treaty, has not been received. The present paragraph does not preclude the possibility of conditional release of the person prior to the expiration of the [40] days.

5. The release of the person pursuant to paragraph 4 of the present article shall not prevent rearrest and institution of proceedings with a view to extraditing the person sought if the request and supporting documents are subsequently received.

#### Article 10

##### Decision on the request

1. The requested State shall deal with the request for extradition pursuant to procedures provided by its own law, and shall promptly communicate its decision to the requesting State.

2. Reasons shall be given for any complete or partial refusal of the request.

#### Article 11

##### Surrender of the person

1. Upon being informed that extradition has been granted, the Parties shall, without undue delay, arrange for the surrender of the person sought and the requested State shall inform the requesting State of the length of time for which the person sought was detained with a view to surrender.

2. The person shall be removed from the territory of the requested State within such reasonable period as the requested State specifies and, if the person is not removed within that period, the requested State may release the person and may refuse to extradite that person for the same offence.

3. If circumstances beyond its control prevent a Party from surrendering or removing the person to be extradited, it shall notify the other Party. The two Parties shall mutually decide upon a new date of surrender, and the provisions of paragraph 2 of the present article shall apply.

#### Article 12

##### Postponed or conditional surrender

1. The requested State may, after making its decision on the request for extradition, postpone the surrender of a person sought, in order to proceed against that person, or, if that person has already been con-

victed, in order to enforce a sentence imposed for an offence other than that for which extradition is sought. In such a case the requested State shall advise the requesting State accordingly.

2. The requested State may, instead of postponing surrender, temporarily surrender the person sought to the requesting State in accordance with conditions to be determined between the Parties.

#### Article 13

##### Surrender of property

1. To the extent permitted under the law of the requested State and subject to the rights of third parties, which shall be duly respected, all property found in the requested State that has been acquired as a result of the offence or that may be required as evidence shall, if the requesting State so requests, be surrendered if extradition is granted.

2. The said property may, if the requesting State so requests, be surrendered to the requesting State even if the extradition agreed to cannot be carried out.

3. When the said property is liable to seizure or confiscation in the requested State, it may retain it or temporarily hand it over.

4. Where the law of the requested State or the protection of the rights of third parties so require, any property so surrendered shall be returned to the requested State free of charge after the completion of the proceedings, if that State so requests.

#### Article 14

##### Rule of speciality

1. A person extradited under the present Treaty shall not be proceeded against, sentenced, detained, re-extradited to a third State, or subjected to any other restriction of personal liberty in the territory of the requesting State for any offence committed before surrender other than:

(a) An offence for which extradition was granted;

(b) Any other offence in respect of which the requested State consents. Consent shall be given if the offence for which it is requested is itself subject to extradition in accordance with the present Treaty.

2. A request for the consent of the requested State under the present article shall be accompanied by the documents mentioned in paragraph 2 of article 5 of the present Treaty and a legal record of any statement made by the extradited person with respect to the offence.

3. Paragraph 1 of the present article shall not apply if the person has had an opportunity to leave the requesting State and has not done so within [30/45] days of final discharge in respect of the offence for which that person was extradited or if the person has voluntarily returned to the territory of the requesting State after leaving it.

#### Article 15

##### Transit

1. Where a person is to be extradited to a Party from a third State through the territory of the other party, the Party to which the person is to be extradited shall request the other Party to permit the transit of that person through its territory. This does not apply where air transport is used and no landing in the territory of the other Party is scheduled.

2. Upon receipt of such a request, which shall contain relevant information, the requested State shall deal with this request pursuant to procedures provided by its own law. The requested State shall grant the request expeditiously unless its essential interests would be prejudiced thereby.

3. The State of transit shall ensure that legal provisions exist that would enable detaining the person in custody during transit.

4. In the event of an unscheduled landing, the Party to be requested to permit transit may, at the request of the escorting officer, hold the person in custody for [48] hours, pending receipt of the transit request to be made in accordance with paragraph 1 of the present article.

#### Article 16

##### Concurrent requests

If a Party receives requests for extradition for the same person from both the other Party and a third State it shall, at its discretion, determine to which of those States the person is to be extradited.

#### Article 17

##### costs

1. The requested State shall meet the cost of any proceedings in its jurisdiction arising out of a request for extradition.

2. The requested State shall also bear the costs incurred in its territory in connection with the seizure and handing over of property, or the arrest and detention of the person whose extradition is sought.

3. The requesting State shall bear the costs incurred in conveying the person from the territory of the requested State, including transit costs.

#### Article 18

##### Final provisions

1. The present Treaty is subject to [ratification, acceptance or approval]. The instruments of [ratification, acceptance or approval] shall be exchanged as soon as possible.

2. The present Treaty shall enter into force on the thirtieth day after the day on which the instruments of [ratification, acceptance or approval] are exchanged.

3. The present Treaty shall apply to requests made after its entry into force, even if the relevant acts or omissions occurred prior to that date.

4. Either Contracting Party may denounce the present Treaty by giving notice in writing to the other Party. Such denunciation shall take effect six months following the date on which such notice is received by the other Party.

IN WITNESS WHEREOF the undersigned, being duly authorized thereto by their respective Governments, have signed the present Treaty.

DONE at \_\_\_\_\_ on \_\_\_\_\_ in the \_\_\_\_\_ and \_\_\_\_\_ languages, [both/all] texts being equally authentic.

[The text of this Treaty includes 13 footnotes of an explanatory or interpretive nature (see A/Res/45/116).]

General Assembly resolution 45/116

14 December 1990 Meeting 68 Adopted without vote

Approved by Third Committee (A/45/756) without vote, 23 November (meeting 51); draft by Eighth Congress (A/CONF.144/28); agenda item 100.

Financial implications. 5th Committee, A/45/845; S-G, A/C.3/45/L.36, A/C.5/45/59.

Meeting numbers. GA 45th session: 3rd Committee 24-27, 36, 47, 51; 5th Committee 42; plenary 68.

#### Model Treaty on the Transfer of Proceedings in Criminal Matters

On 14 December, the General Assembly adopted resolution 45/118.

#### Model Treaty on the Transfer of Proceedings in Criminal Matters

The General Assembly,

Recalling the Milan Plan of Action, adopted by the Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders and approved by the General Assembly in its resolution 40/32 of 29 November 1985,

Recalling also the Guiding Principles for Crime Prevention and Criminal Justice in the Context of Development and a New International Economic Order, principle 37 of which stipulates that the United Nations should prepare model instruments suitable for use as international and regional conventions and as guides for national implementing legislation,

Recalling further resolution 12 of the Seventh Congress, on the transfer of proceedings in criminal matters, in which the Committee on Crime Prevention and Control was requested to study the question and to consider the possibility of formulating a model agreement in this area,

Acknowledging the valuable contributions made by Governments, non-governmental organizations and individual experts to the drafting of a model treaty on the transfer of proceedings in criminal matters, in particular the International Expert Meeting on the United Nations and Law Enforcement, held under the auspices of the United Nations at Baden, Austria, from 16 to 19 November 1987, the Interregional Preparatory Meeting for the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders on topic V, "United Nations norms and guidelines in crime prevention and criminal justice: implementation and priorities for further standard setting" and the regional preparatory meetings for the Eighth Congress,

Convinced that the establishment of bilateral and multilateral arrangements for the transfer of proceedings in criminal matters will greatly contribute to the development of more effective international cooperation aimed at controlling crime,

Conscious of the need to respect human dignity and recalling the rights conferred upon every person involved in criminal proceedings, as embodied in the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights,

Recognizing the importance of a model treaty on the transfer of proceeding in criminal matters as an effective way of dealing with the complex aspects, consequences and modern evolution of transnational crime,

1. Adopts the Model Treaty on the Transfer of Proceedings in Criminal Matters, contained in the annex



to the present resolution, as a useful framework that could be of assistance to States interested in negotiating and concluding bilateral or multilateral treaties aimed at improving co-operation in matters of crime prevention and criminal justice;

2. Invites Member States, if they have not yet established treaty relations with other States in regard to transfer of proceedings in criminal matters, or if they wish to revise existing treaty relations, to take the Model Treaty into account whenever doing so;

3. Urges Member States to strengthen international co-operation in criminal justice;

4. Also urges Member States to inform the Secretary-General periodically of efforts undertaken to establish arrangements for the transfer of proceedings in criminal matters;

5. Requests the Committee on Crime Prevention and Control to conduct periodic reviews of the progress attained in this field;

6. Requests the Secretary-General to assist Member States, at their request, in the development of treaties on the transfer of proceedings in criminal matters and to report regularly thereon to the Committee.

#### ANNEX

#### Model Treaty on the Transfer of Proceedings in Criminal Matters

#### The and the

Desirous of further strengthening international co-operation and mutual assistance in criminal justice, on the basis of the principles of respect for national sovereignty and jurisdiction and of non-interference in the internal affairs of States,

Believing that such co-operation should further the ends of justice, the social resettlement of offenders and the interests of the victims of crime,

Bearing in mind that the transfer of proceedings in criminal matters contributes to effective administration of justice and to reducing conflicts of competence,

Aware that the transfer of proceedings in criminal matters can help to avoid pre-trial detention and thus reduce the prison population,

Convinced, therefore, that the transfer of proceedings in criminal matters should be promoted,

Have agreed as follows:

#### Article 1

##### Scope of application

1. When a person is suspected of having committed an offence under the law of a State which is a Contracting Party, that State may, if the interests of the proper administration of justice so require, request another State which is a Contracting Party to take proceedings in respect of this offence.

2. For the purpose of applying the present Treaty, the Contracting Parties shall take the necessary legislative measures to ensure that a request of the requesting State to take proceedings shall allow the requested State to exercise the necessary jurisdiction.

#### Article 2

##### Channels of communications

A request to take proceedings shall be made in writing. The request, supporting documents and subsequent communication shall be transmitted through diplomatic channels, directly between the Ministries of Justice or any other authorities designated by the Parties.

#### Article 3

##### Required documents

1. The request to take proceedings shall contain or be accompanied by the following information:

(a) The authority presenting the request;

(b) A description of the act for which transfer of proceedings is being requested, including the specific time and place of the offence;

(c) A statement on the results of investigations which substantiate the suspicion of an offence;

(d) The legal provisions of the requesting State on the basis of which the act is considered to be an offence;

(e) A reasonably exact statement on the identity, nationality and residence of the suspected person.

2. The documents submitted in support of a request to take proceedings shall be accompanied by a translation into the language of the requested State or into another language acceptable to that State.

#### Article 4

##### Certification and authentication

Subject to national law and unless the Parties decide otherwise, a request to take proceedings and the documents in support thereof, as well as the documents and other material supplied in response to such a request, shall not require certification or authentication.

#### Article 5

##### Decision on the request

The competent authorities of the requested State shall examine what action to take on the request to take proceedings in order to comply, as fully as possible, with the request under their own law, and shall promptly communicate their decision to the requesting State.

#### Article 6

##### Dual criminality

A request to take proceedings can be complied with only if the act on which the request is based would be an offence if committed in the territory of the requested State.

#### Article 7

##### Grounds for refusal

If the requested State refuses acceptance of a request for transfer of proceedings, it shall communicate the reasons for refusal to the requesting State. Acceptance may be refused if:

(a) The suspected person is not a national of or ordinary resident in the requested State;

(b) The act is an offence under military law, which is not also an offence under ordinary criminal law;

(c) The offence is in connection with taxes, duties, customs or exchange;

(d) The offence is regarded by the requested State as being of a political nature.

#### Article 8

##### The position of the suspected person

1. The suspected person may express to either State his or her interest in the transfer of the proceedings. Similarly, such interest may be expressed by the legal representative or close relatives of the suspected person.

2. Before a request for transfer of proceedings is made, the requesting State shall, if practicable, allow the suspected person to present his or her views on the alleged offence and the intended transfer, unless that

person has absconded or otherwise obstructed the course of justice.

#### Article 9

##### The rights of the victim

The requesting and requested States shall ensure in the transfer of proceedings that the rights of the victim of the offence, in particular his or her right to restitution or compensation, shall not be affected as a result of the transfer. If a settlement of the claim of the victim has not been reached before the transfer, the requested State shall permit the representation of the claim in the transferred proceedings, if its law provides for such a possibility. In the event of the death of the victim, these provisions shall apply to his or her dependants accordingly.

#### Article 10

##### Effects of the transfer of proceedings on the requesting State

(*ne bis in idem*)

Upon acceptance by the requested State of the request to take proceedings against the suspected person, the requesting State shall provisionally discontinue prosecution, except necessary investigation, including judicial assistance to the requested State, until the requested State informs the requesting State that the case has been finally disposed of. From that date on, the requesting State shall definitely refrain from further prosecution of the same offence.

#### Article 11

##### Effects of the transfer of proceedings on the requested State

1. The proceedings transferred upon agreement shall be governed by the law of the requested State. When charging the suspected person under its law, the requested State shall make the necessary adjustment with respect to particular elements in the legal description of the offence. Where the competence of the requested State is based on the provision set forth in paragraph 2 of article 1 of the present Treaty, the sanction pronounced in that State shall not be more severe than that provided by the law of the requesting State.

2. As far as compatible with the law of the requested State, any act with a view to proceedings or procedural requirements performed in the requesting State in accordance with its law shall have the same validity in the requested State as if the act had been performed in or by the authorities of that State.

3. The requested State shall inform the requesting State of the decision taken as a result of the proceedings. To this end a copy of any final decision shall be transmitted to the requesting State upon request.

#### Article 12

##### Provisional measures

When the requesting State announces its intention to transmit a request for transfer of proceedings, the requested State may, upon a specific request made for this purpose by the requesting State, apply all such provisional measures, including provisional detention and seizure, as could be applied under its own law if the offence in respect of which transfer of proceedings is requested had been committed in its territory.

#### Article 13

##### The plurality of criminal proceedings

When criminal proceedings are pending in two or more States against the same suspected person in respect of the same offence, the States concerned shall conduct consultations to decide which of them alone should continue the proceedings. An agreement reached thereupon shall have the consequences of a request for transfer of proceedings.

#### Article 14

##### COSTS

Any costs incurred by a Contracting Party because of a transfer of proceedings shall not be refunded, unless otherwise agreed by both the requesting and requested States.

#### Article 15

##### Final provisions

1. The present Treaty is subject to [ratification, acceptance or approval]. The instruments of [ratification, acceptance or approval] shall be exchanged as soon as possible.

2. The present Treaty shall enter into force on the thirtieth day after the day on which the instruments of [ratification, acceptance or approval] are exchanged.

3. The present Treaty shall apply to requests made after its entry into force, even if the relevant acts or omissions occurred prior to that date.

4. Either Contracting Party may denounce the present Treaty by giving notice in writing to the other Party. Such denunciation shall take effect six months following the date on which it is received by the other Party.

IN WITNESS WHEREOF the undersigned, being duly authorized thereto by their respective Governments, have signed the present Treaty.

DONE at in the and languages, [both/all] texts being equally authentic.

[The text of this Treaty includes two footnotes of an explanatory or interpretive nature (see A/RES/45/118.)]

General Assembly resolution 45/118

14 December 1990 Meeting 68 Adopted without vote  
Approved by Third Committee (A/45/756) without vote, 23 November (meeting 51); draft by Eighth Congress (A/CONF.144/28); agenda item 100.

Financial implications. 5th Committee, A/45/845; S-G, A/C.3/45/L.36, A/C.5/45/59.

Meeting numbers. GA 45th session: 3rd Committee 24-27, 36, 51; 5th Committee 42; plenary 68.

#### Model Treaty on Mutual Assistance in Criminal Matters

The Model Treaty on Mutual Assistance in Criminal Matters was intended to facilitate the acquisition of all relevant evidence for the prosecution of offences, regardless of where they were committed. It also contained an Optional Protocol aimed at the freezing and forfeiture of assets generated by criminal activities.

On 14 December, the General Assembly adopted resolution 45/117.



## Article 2

## Other arrangements

Unless the Parties decide otherwise, the present Treaty shall not affect obligations subsisting between them whether pursuant to other treaties or arrangements or otherwise.

## Article 3

## Designation of competent authorities

Each Party shall designate and indicate to the other Party an authority or authorities by or through which requests for the purpose of the present Treaty should be made or received.

## Article 4

## Refusal of assistance

1. Assistance may be refused if:

(a) The requested State is of the opinion that the request, if granted, would prejudice its sovereignty, security, public order (ordre public) or other essential public interests;

(b) The offence is regarded by the requested State as being of a political nature;

(c) There are substantial grounds for believing that the request for assistance has been made for the purpose of prosecuting a person on account of that person's race, sex, religion, nationality, ethnic origin or political opinions or that that person's position may be prejudiced for any of those reasons;

(d) The request relates to an offence that is subject to investigation or prosecution in the requested State or the prosecution of which in the requesting State would be incompatible with the requested State's law on double jeopardy (*ne bis in idem*);

(e) The assistance requested requires the requested State to carry out compulsory measures that would be inconsistent with its law and practice had the offence been the subject of investigation or prosecution under its own jurisdiction;

(f) The act is an offence under military law, which is not also an offence under ordinary criminal law.

2. Assistance shall not be refused solely on the ground of secrecy of banks and similar financial institutions.

3. The requested State may postpone the execution of the request if its immediate execution would interfere with an ongoing investigation or prosecution in the requested State.

4. Before refusing a request or postponing its execution, the requested State shall consider whether assistance may be granted subject to certain conditions. If the requesting State accepts assistance subject to these conditions, it shall comply with them.

5. Reasons shall be given for any refusal or postponement of mutual assistance.

## Article 5

## Contents of requests

1. Requests for assistance shall include:

(a) The name of the requesting office and the competent authority conducting the investigation or court proceedings to which the request relates;

(b) The purpose of the request and a brief description of the assistance sought;

(c) A description of the facts alleged to constitute the offence and a statement or text of the relevant laws, except in cases of a request for service of documents;

(d) The name and address of the person to be served, where necessary;

(e) The reasons for and details of any particular procedure or requirement that the requesting State wishes to be followed, including a statement as to whether sworn or affirmed evidence or statements are required;

(f) Specification of any time-limit within which compliance with the request is desired;

(g) Such other information as is necessary for the proper execution of the request.

2. Requests, supporting documents and other communications made pursuant to the present Treaty shall be accompanied by a translation into the language of the requested State or another language acceptable to that State.

3. If the requested State considers that the information contained in the request is not sufficient to enable the request to be dealt with, it may request additional information.

## Article 6

## Execution of requests

Subject to article 19 of the present Treaty, requests for assistance shall be carried out promptly, in the manner provided for by the law and practice of the requested State. To the extent consistent with its law and practice, the requested State shall carry out the request in the manner specified by the requesting State.

## Article 7

## Return of material to the requested State

Any property, as well as original records or documents, handed over to the requesting State under the present Treaty shall be returned to the requested State as soon as possible unless the latter waives its right of return thereof.

## Article 8

## Limitation on use

The requesting State shall not, without the consent of the requested State, use or transfer information or evidence provided by the requested State for investigations or proceedings other than those stated in the request. However, in cases where the charge is altered, the material provided may be used in so far as the offence, as charged, is an offence in respect of which mutual assistance could be provided under the present Treaty.

## Article 9

## Protection of confidentiality

Upon request:

(a) The requested State shall use its best endeavours to keep confidential the request for assistance, its contents and its supporting documents as well as the fact of granting of such assistance. If the request cannot be executed without breaching confidentiality, the requested State shall so inform the requesting State, which shall then determine whether the request should nevertheless be executed;

(b) The requesting State shall keep confidential evidence and information provided by the requested State, except to the extent that the evidence and information is needed for the investigation and proceedings described in the request.

## Article 10

## Service of documents

1. The requested State shall effect service of documents that are transmitted to it for this purpose by the requesting State.

2. A request to effect service of summonses shall be made to a requested State not less than [...] days before the date on which the appearance of a person is required. In urgent cases, the requested State may waive the time requirement.

## Article II

## Obtaining of evidence

1. The requested State shall, in conformity with its law and upon request, take the sworn or affirmed testimony, or otherwise obtain statements of persons or require them to produce items of evidence for transmission to the requesting State.

2. Upon the request of the requesting State, the parties to the relevant proceedings in the requesting State, their legal representatives and representatives of the requesting State may, subject to the laws and procedures of the requested State, be present at the proceedings.

## Article 12

## Right or obligation to decline to give evidence

1. A person who is required to give evidence in the requested or requesting State may decline to give evidence where either:

(a) The law of the requested State permits or requires that person to decline to give evidence in similar circumstances in proceedings originating in the requested State; or

(b) The law of the requesting State permits or requires that person to decline to give evidence in similar circumstances in proceedings originating in the requesting State.

2. If a person claims that there is a right or obligation to decline to give evidence under the law of the other State, the State where that person is present shall, with respect thereto, rely on a certificate of the competent authority of the other State as evidence of the existence or non-existence of that right or obligation.

## Article 13

## Availability of persons in custody to give evidence or to assist in investigations

1. Upon the request of the requesting State, and if the requested State agrees and its law so permits, a person in custody in the latter State may, subject to his or her consent, be temporarily transferred to the requesting State to give evidence or to assist in the investigations.

2. While the person transferred is required to be held in custody under the law of the requested State, the requesting State shall hold that person in custody and shall return that person in custody to the requested State at the conclusion of the matter in relation to which transfer was sought or at such earlier time as the person's presence is no longer required.

3. Where the requested State advises the requesting State that the transferred person is no longer required to be held in custody, that person shall be set at liberty and be treated as a person referred to in article 14 of the present Treaty.

## Article 14

## Availability of other persons to give evidence or assist in investigations

1. The requesting State may request the assistance of the requested State in inviting a person:

(a) To appear in proceedings in relation to a criminal matter in the requesting State unless that person is the person charged; or

(b) To assist in the investigations in relation to a criminal matter in the requesting State.

2. The requested State shall invite the person to appear as a witness or expert in proceedings or to assist in the investigations. Where appropriate, the requested State shall satisfy itself that satisfactory arrangements have been made for the person's safety.

3. The request or the summons shall indicate the approximate allowances and the travel and subsistence expenses payable by the requesting State.

4. Upon request, the requested State may grant the person an advance, which shall be refunded by the requesting State.

## Article 15

## Safe conduct

1. Subject to paragraph 2 of the present article, where a person is in the requesting State pursuant to a request made under article 13 or 14 of the present Treaty:

(a) That person shall not be detained, prosecuted, punished or subjected to any other restrictions of personal liberty in the requesting State in respect of any acts or omissions or convictions that preceded the person's departure from the requested State;

(b) That person shall not, without that person's consent, be required to give evidence in any proceeding or to assist in any investigation other than the proceeding or investigation to which the request relates.

2. Paragraph 1 of the present article shall cease to apply if that person, being free to leave, has not left the requesting State within a period of [15] consecutive days, or any longer period other-wise agreed on by the Parties, after that person has been officially told or notified that his or her presence is no longer required or, having left, has voluntarily returned.

3. A person who does not consent to a request pursuant to article 13 or accept an invitation pursuant to article 14 shall not, by reason thereof, be liable to any penalty or be subjected to any coercive measure, notwithstanding any contrary statement in the request or summons.

## Article 16

## Provision of publicly available documents and other records

1. The requested State shall provide copies of documents and records in so far as they are open to public access as part of a public register or otherwise, or in so far as they are available for purchase or inspection by the public.

2. The requested State may provide copies of any other document or record under the same conditions as such document or record may be provided to its own law enforcement and judicial authorities.

## Article 17

## Search and seizure

The requested State shall, in so far as its law permits, carry out requests for search and seizure and delivery

of any material to the requesting State for evidentiary purposes, provided that the rights of bona fide third parties are protected.

#### Article 18

##### Certification and authentication

A request for assistance and the documents in support thereof, as well as documents or other material supplied in response to such a request, shall not require certification or authentication.

#### Article 19

##### costs

The ordinary costs of executing a request shall be borne by the requested State, unless otherwise determined by the Parties. If expenses of a substantial or extraordinary nature are or will be required to execute the request, the Parties shall consult in advance to determine the terms and conditions under which the request shall be executed as well as the manner in which the costs shall be borne.

#### Article 20

##### Consultation

The Parties shall consult promptly, at the request of either, concerning the interpretation, the application or the carrying out of the present Treaty either generally or in relation to a particular case.

#### Article 21

##### Final provisions

1. The present Treaty is subject to (ratification, acceptance or approval). The instruments of [ratification, acceptance or approval] shall be exchanged as soon as possible.

2. The present Treaty shall enter into force on the thirtieth day after the day on which the instruments of [ratification, acceptance or approval] are exchanged.

3. The present Treaty shall apply to requests made after its entry into force, even if the relevant acts or omissions occurred prior to that date.

4. Either Contracting Party may denounce the present Treaty by giving notice in writing to the other Party. Such denunciation shall take effect six months following the date on which it is received by the other Party.

IN WITNESS WHEREOF the undersigned, being duly authorized thereto by their respective Governments, have signed the present Treaty.

DONE at \_\_\_ on \_\_\_ in the \_\_\_ and \_\_\_ languages, [both/all] texts being equally authentic.

[The text of this Treaty includes three footnotes of an explanatory or interpretive nature {see A/res/45/119}.]

#### Optional Protocol to the Model Treaty on Mutual Assistance in Criminal Matters concerning the proceeds of crime

1. In the present Protocol "proceeds of crime" means any property suspected, or found by a court, to be property directly or indirectly derived or realized as a result of the commission of an offence or to represent the value of property and other benefits derived from the commission of an offence.

2. The requested State shall, upon request, endeavour to ascertain whether any proceeds of the alleged crime are located within its jurisdiction and shall no-

tify the requesting State of the results of its inquiries. In making the request, the requesting State shall notify the requested State of the basis of its belief that such proceeds may be located within its jurisdiction.

3. In pursuance of a request made under paragraph 2 of the present Protocol, the requested State shall endeavour to trace assets, investigate financial dealings, and obtain other information or evidence that may help to secure the recovery of proceeds of crime.

4. Where, pursuant to paragraph 2 of the present Protocol, suspected proceeds of crime are found, the requested State shall upon request take such measures as are permitted by its law to prevent any dealing in, transfer or disposal of, those suspected proceeds of crime, pending a final determination in respect of those proceeds by a court of the requesting State.

5. The requested State shall, to the extent permitted by its law, give effect to or permit enforcement of a final order forfeiting or confiscating the proceeds of crime made by a court of the requesting State or take other appropriate action to secure the proceeds following a request by the requesting State.

6. The Parties shall ensure that the rights of bona fide third parties shall be respected in the application of the present Protocol.

IN WITNESS WHEREOF, the undersigned, being duly authorized thereto by their respective Governments, have signed the present Protocol.

DONE at \_\_\_ on \_\_\_ in the \_\_\_ and \_\_\_ languages, [both/all] texts being equally authentic.

[The text of this Treaty and Optional Protocol includes 20 footnotes of an explanatory or interpretive nature (see A/Res/45/117).]

General Assembly resolution 45/117

14 December 1990 Meeting 68 Adopted without vote  
Approved by Third Committee (A/45/756) without vote, 23 November (meeting 51); draft by Eighth Congress (A/CONF.144/28); agenda item 100.

Financial implications: 5th Committee, A/45/845; S-G, A/C.3/45/L.36, A/c.5/45/59.

Meeting numbers. GA 45th session: 3rd Committee 24-27,36,51; plenary 68.

#### Model Treaty on the Transfer of Supervision of Offenders Conditionally Sentenced or Released

The Model Treaty on the Transfer of Supervision of Offenders Conditionally Sentenced or Conditionally Released drew on experience gained under existing conventions, treaties and agreements. It took account of the scope of application, the types of transfer, and the underlying basic principles relating to national sovereignty, dual criminality, rights of the victim, double jeopardy, adaptation and non-aggravation.

The General Assembly, on 14 December, adopted resolution 45/119.

#### Model Treaty on the Transfer of Supervision of Offenders Conditionally Sentenced or Conditionally Released

The General Assembly,

Bearing in mind the Milan Plan of Action, adopted by the Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders and ap-

proved by the General Assembly in its resolution 40/32 of 29 November 1985.

Bearing in mind also the Guiding Principles for Crime Prevention and Criminal Justice in the Context of Development and a New International Economic Order, principle 37 of which stipulates that the United Nations should prepare model instruments suitable for use as international and regional conventions and as guides for national implementing legislation,

Recalling resolution 13 of the Seventh Congress, on the transfer of supervision of foreign offenders who have been conditionally sentenced or conditionally released, in which the Committee on Crime Prevention and Control was requested to study this subject and to consider the possibility of formulating a model treaty in this area,

Acknowledging the valuable contributions made by Governments, non-governmental organizations and individual experts to the drafting of a model treaty on the transfer of supervision of offenders conditionally sentenced or conditionally released, in particular the International Expert Meeting on the United Nations and Law Enforcement, held under the auspices of the United Nations at Baden, Austria, from 16 to 19 November 1987, the Interregional Preparatory Meeting for the Eighth United Nations Congress on the Prevention of Crime and the Treatment of offenders on topic V. "United Nations norms and guidelines in crime prevention and criminal justice: implementation and priorities for further standard setting" and the regional preparatory meetings for the Eighth Congress,

Convinced that the establishment of bilateral and multilateral arrangements for transfer of supervision of offenders conditionally sentenced or conditionally released will greatly contribute to the development of more effective international co-operation in penal matters,

Conscious of the need to respect human dignity and recalling the rights conferred upon every person involved in criminal proceedings, as embodied in the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights,

1. Adopts the Model Treaty on the Transfer of Supervision of Offenders Conditionally Sentenced or Conditionally Released, contained in the annex to the present resolution, as a useful framework that could be of assistance to States interested in negotiating and concluding bilateral or multilateral treaties aimed at improving co-operation in matters of crime prevention and criminal justice;

2. Invites Member States, if they have not yet established treaty relations with other States in the area of the transfer of supervision of offenders conditionally sentenced or conditionally released, or if they wish to revise existing treaty relations, to take into account the Model Treaty whenever doing so;

3. Urges all Member States to strengthen international co-operation in criminal justice;

4. Also urges Member States to inform the Secretary-General periodically of efforts undertaken to establish arrangements on the transfer of supervision of offenders conditionally sentenced or conditionally released;

5. Requests the Committee on Crime Prevention and Control to conduct periodic reviews of the progress attained in this field;

6. Requests the Secretary-General to assist Member States, at their request, in the development of treaties on the transfer of supervision of offenders conditionally sentenced or conditionally released and to report regularly thereon to the Committee.

#### ANNEX

##### Model Treaty on the Transfer of Supervision of Offenders Conditionally Sentenced or Conditionally Released

The \_\_\_\_\_ and the \_\_\_\_\_

Desirous of further strengthening international co-operation and mutual assistance in criminal justice, on the basis of the principles of respect for national sovereignty and jurisdiction and of non-interference in the internal affairs of States,

Believing that such co-operation should further the ends of justice, the social resettlement of sentenced persons and the interests of the victims of crime,

Bearing in mind that the transfer of supervision of offenders conditionally sentenced or conditionally released can contribute to an increase in the use of alternatives to imprisonment,

Aware that supervision in the home country of the offender rather than enforcement of the sentence in a country where the offender has no roots also contributes to an earlier and more effective reintegration into society,

Convinced, therefore, that the social rehabilitation of offenders and the increased application of alternatives to imprisonment would be promoted by facilitating the supervision of conditionally sentenced or conditionally released offenders in their State of ordinary residence,

Have agreed as follows:

#### Article 1

##### Scope of application

1. The present Treaty shall be applicable, if, according to a final court decision, a person has been found guilty of an offence and has been:

(a) Placed on probation without sentence having been pronounced;

(b) Given a suspended sentence involving deprivation of liberty;

(c) Given a sentence, the enforcement of which has been modified (parole) or conditionally suspended, in whole or in part, either at the time of the sentence or subsequently.

2. The State where the decision was taken (sentencing State) may request another State (administering State) to take responsibility for applying the terms of the decision (transfer of supervision)

#### Article 2

##### Channels of communications

A request for the transfer of supervision shall be made in writing. The request, supporting documents and subsequent communication shall be transmitted through diplomatic channels, directly between the Ministries of Justice or any other authorities designated by the Parties.

#### Article 3

##### Required documents

1. A request for the transfer of supervision shall contain all necessary information on the identity, nationality and residence of the sentenced person. The request shall be accompanied by the original or a copy

of any court decision referred to in article 1 of the present Treaty and a certificate that this decision is final.

2. The documents submitted in support of a request for transfer of supervision shall be accompanied by a translation into the language of the requested State or into another language acceptable to that State.

#### Article 4

##### Certification and authentication

Subject to national law and unless the Parties decide otherwise, a request for transfer of supervision and the documents in support thereof, as well as the documents and other material supplied in response to such a request, shall not require certification or authentication.

#### Article 5

##### Decision on the request

The competent authorities of the administering State shall examine what action to take on the request for supervision in order to comply, as fully as possible, with the request under their own law, and shall promptly communicate their decision to the sentencing State.

#### Article 6

##### Dual criminality

A request for transfer of supervision can be complied with only if the act on which the request is based would constitute an offence if committed in the territory of the administering State.

#### Article 7

##### Grounds for refusal

If the administering State refuses acceptance of a request for transfer of supervision, it shall communicate the reasons for refusal to the sentencing State. Acceptance may be refused where:

- (a) The sentenced person is not an ordinary resident in the administering State;
- (b) The act is an offence under military law, which is not also an offence under ordinary criminal law;
- (c) The offence is in connection with taxes, duties, customs or exchange;
- (d) The offence is regarded by the administering State as being of a political nature;
- (e) The administering State, under its own law, can no longer carry out the supervision or enforce the sanction in the event of revocation because of lapse of time.

#### Article 8

##### The position of the sentenced person

Whether sentenced or standing trial, a person may express to the sentencing State his or her interest in a transfer of supervision and his or her willingness to fulfil any conditions to be imposed. Similarly, such interest may be expressed by his or her legal representative or close relatives. Where appropriate, the Contracting States shall inform the offender or his or her close relatives of the possibilities under the present Treaty.

#### Article 9

##### The rights of the victim

The sentencing State and the administering State shall ensure in the transfer of supervision that the rights of the victims of the offence, in particular his or her rights to restitution or compensation, shall not be affected as a result of the transfer. In the event of the

death of the victim, this provision shall apply to his or her dependants accordingly.

#### Article 10

##### The effects of the transfer of supervision on the sentencing State

The acceptance by the administering State of the responsibility for applying the terms of the decision rendered in the sentencing State shall extinguish the competence of the latter State to enforce the sentence.

#### Article 11

##### The effects of the transfer of supervision on the administering State

1. The supervision transferred upon agreement and the subsequent procedure shall be carried out in accordance with the law of the administering State. That State alone shall have the right of revocation. That State may, to the extent necessary, adapt to its own law the conditions or measures prescribed, provided that such conditions or measures are, in terms of their nature or duration, not more severe than those pronounced in the sentencing State.

2. If the administering State revokes the conditional sentence or conditional release, it shall enforce the sentence in accordance with its own law without, however, going beyond the limits imposed by the sentencing State.

#### Article 12

##### Review, pardon and amnesty

1. The sentencing State alone shall have the right to decide on any application to reopen the case.
2. Each Party may grant pardon, amnesty or commutation of the sentence in accordance with the provisions of its Constitution or other laws.

#### Article 13

##### Information

1. The Contracting Parties shall keep each other informed, in so far as it is necessary, of all circumstances likely to affect measures of supervision or enforcement in the administering State. To this end they shall transmit to each other copies of any relevant decisions in this respect.

2. After expiration of the period of supervision, the administering State shall provide to the sentencing State, at its request, a final report concerning the supervised person's conduct and compliance with the measures imposed.

#### Article 14

##### costs

Supervision and enforcement costs incurred in the administering State shall not be refunded, unless otherwise agreed by both the sentencing State and the administering State.

#### Article 15

##### Final provisions

1. The present Treaty is subject to [ratification, acceptance or approval]. The instruments of [ratification, acceptance or approval] shall be exchanged as soon as possible.

2. The present Treaty shall enter into force on the thirtieth day after the day on which the instruments of [ratification, acceptance or approval] are exchanged.



3. The present Treaty shall apply to requests made after its entry into force, even if the relevant acts or omissions occurred prior to that date.

4. Either Contracting Party may denounce the present Treaty by giving notice in writing to the other Party. Such denunciation shall take effect, six months following the date on which it is received by the other Party.

IN WITNESS WHEREOF the undersigned., being duly authorized thereto by their respective Governments, have signed the present Treaty.

DONE at on - in the \_\_ and -lan - guages, [both/all] texts being equally authentic.

[The text of this Treaty includes three footnotes of an explanatory or interpretive nature (see A/RES/45/119).1

General Assembly resolution 45/119

14 December 1990 Meeting 68 Adopted without vote  
Approved by Third Committee (A/451756) without vote, 23 November (meeting 51); draft by Eighth Congress (A/CONF.144/28); agenda item 100.

Financial implications: 5th Committee, G/45/845; S-G, A/C.3/45/L.36, A/C.5/45/59.

Meeting numbers. GA 45th session: 3rd Committee 24-27, 36, 51; 5th Committee 42; plenary 68.

### Committee on Crime Prevention and Control

The Committee on Crime Prevention and Control held its eleventh session in Vienna from 5 to 16 February 1990. In its report [E/1990/31], the Committee recommended seven draft resolutions for adoption by the Economic and Social Council dealing with: the continuation of preparations for the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders; the implementation of UN standards and norms in crime prevention and criminal justice; victims of crime and abuse of power; education, training and public awareness in the field of crime prevention; prison education; UN surveys of criminal justice; and technical co-operation.

As the preparatory body for the Eighth Congress, the Committee recommended for transmission to the Congress through the Council 21 draft resolutions on specific aspects of crime prevention and treatment of offenders. Five of those annexed new draft international instruments (for details, see above, under "Congress preparations").

The Committee took note of the Secretary-General's report on UN activities in crime prevention and control, which had focused on the improvement of international co-operation by model instruments, information exchange, especially on crime victims and crime prevention, the promotion of technical co-operation, and the maintenance of standards of human rights and integrity. It welcomed the establishment of the UN African Institute for the Prevention of Crime

and the Treatment of Offenders, took note of the excerpts from the draft medium-term plan for the period 1992-1997 and selected, for endorsement by the Council, the candidates for membership in the Board of Trustees of the UN Interregional Crime and Justice Research Institute.

Besides examining a number of preparatory documents for the Eighth Congress, the Committee considered several reports on the implementation of the conclusions and recommendations of the Seventh (1985) Congress. It further considered a note by the Secretary-General on the results of the review of the functioning and programme of work of the United Nations in crime prevention and criminal justice, undertaken by a sub-committee, whose Chairman pointed out that the programme suffered from severe financial constraints compared with other UN programmes and operated at a continuing disadvantage in spite of calls for improving the situation. On 16 February, the Committee considered the draft provisional agenda for its twelfth session and documentation to be submitted under each item, adopted the report on its eleventh session, and recommended a draft decision on those two items for adoption by the Council.

An addendum [E/1990/31/Add.1] to the Committee's report provided an overview of the magnitude of the problem of contemporary crime, assessed the most efficient means of stimulating practical international action and made recommendations in that regard. It examined the problem of contemporary crime at the national and international levels in terms of its nature, extent and costs. It described the inadequacy of current international co-operation and assistance in dealing with the problem, and called for the development of an effective international crime and criminal justice programme, setting out its functions, essential elements, organizational structure and a mechanism for restructuring to make the programme more responsive to the needs of Member States.

#### ECONOMIC AND SOCIAL COUNCIL ACTION

On the basis of a draft decision recommended by the Committee on Crime Prevention and Control, the Economic and Social Council, by decision 1990/216 of 24 May, took note of the report of the Committee on its eleventh session, endorsed its request that the Secretary-General transmit to the Eighth Congress the Committee's report on the need for the creation of an effective international crime and justice programme and approved the provisional agenda and documentation for its twelfth session.

On the same date, the Council adopted resolution 1990/27.

#### Crime prevention and criminal justice

The Economic and Social Council,

Mindful of the responsibilities of the United Nations in crime prevention and criminal justice and its leading role in co-ordinating and strengthening regional and multilateral co-operation in this field,

Convinced that, to enhance its effectiveness and responsiveness and meet its increased responsibilities, the United Nations programme in crime prevention and criminal justice requires adequate resources,

Recalling its resolutions 1986/11 of 21 May 1986, 1987/53 of 28 May 1987, 1988/44 of 27 May 1988 and 1989/68 of 24 May 1989, on the review of the functioning and programme of work of the United Nations in crime prevention and criminal justice,

Recalling also General Assembly resolution 44/72 of 8 December 1989, in which the Economic and Social Council, at its first regular session of 1990, was invited to give priority consideration to the report of the Committee on Crime Prevention and Control on the work of its eleventh session,

1. Takes note of the report of the Secretary-General on crime prevention and criminal justice;

2. Welcomes the report of the Committee on Crime Prevention and Control on the work of its eleventh session;

3. Invites intergovernmental and non-governmental organizations, which have consistently contributed in a constructive and practical way to progress in the United Nations programme in crime prevention and criminal justice, to continue lending their support, particularly on the occasion of the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders;

4. Invites the General Assembly, at its forty-fifth session, in considering the report of the Eighth Congress, to take appropriate measures to ensure the timely implementation and proper follow-up of the recommendations contained therein;

5. Requests the Secretary-General to submit to the Economic and Social Council, at its first regular session of 1991, a progress report on the implementation of the present resolution, paying particular attention to action taken by the General Assembly at its forty-fifth session.

Economic and Social Council resolution 1990/27  
24 May 1990 Meeting 13 Adopted without vote

Approved by Second Committee (E/1990/69) without vote, 16 May (meeting 13); draft by Italy (E/1990/C.2/L.6); agenda item 5.

### UN Crime Prevention and Criminal Justice Programme

As requested by Economic and Social Council resolution 1989/68 [YUN 1989, p. 618], the Secretary-General prepared an April report [E/1990/36] on crime prevention and criminal justice, with particular emphasis on the review of the functioning and programme of work of the United Nations in crime prevention and criminal

justice. The Secretary-General, referring to the report [E/1990/31/Add.1] of the Committee on Crime Prevention and Control on the need for creating an effective international crime and justice programme, pointed to that report's emphasis on the seriousness of the world crime situation, the enormous human and material costs of crime, and the alarming new forms of crime that increasingly assumed transnational dimensions and whose use of advanced technological means and sophisticated organizational forms was outpacing official capacity for control. He noted that organized crime, violence, environmental offences, juvenile delinquency, victim protection, criminal justice system management, community-based sanctions, upgrading of law enforcement activities and training were highlighted as meriting special or continuing attention; that the pivotal role of criminal justice was in protecting the interests of society, safeguarding human rights and securing peaceful and democratic development; and that, therefore, effective implementation of the UN instruments and standards, as well as practical initiatives, such as the development of model agreements and effective strategies for international co-operation, were necessary.

The Secretary-General stated that an international convention had been suggested to provide an appropriate institutional framework and permit consolidation of the instruments for international co-operation in crime prevention and criminal justice. A summit or ministerial meeting was also proposed for the purpose of mobilizing the necessary political will and identifying a strategy to be pursued in dealing more effectively with the burgeoning problems of national and transnational crime.

The Secretary-General's report also described technical co-operation activities, such as interregional advisory services, provided to an increasing number of Governments in response to the growing need for viable crime prevention policies in the face of the widening reach of transnational crime. It outlined the series of preventive measures recommended by an interregional seminar on corruption in government (The Hague, Netherlands, 11-15 December 1989), which had also urged the following: periodic reviews of the adequacy of legislation and sanctions against corruption; swift, fair and equitable judicial processes; strategic planning for investigative bodies; interdisciplinary investigative task forces; enhancement of witness co-operation through financial rewards and witness protection; forfeiture and confiscation of corruptly gained assets; and provisions against money-laundering. Co-operation with the United Nations Fund for Drug Abuse Control and with the Human Rights Advisory Pro-

gramme was also described, as was co-ordination among UN institutes and relevant entities of the UN system.

In accordance with Council resolution 1989/68, a separate programme on crime prevention and criminal justice had been included in the medium-term plan for the period 1992-1997. As approved by the Committee on Crime Prevention and Control, the programme contained three sub-programmes concerned with collaborative action against transnational crime, crime prevention planning and criminal justice management, and crime prevention and criminal justice norms and standards. The strategies and activities under those sub-programmes stressed achievement of concrete targets and help to Governments in translating UN guidelines into practical reality. The main focus was on intensified international co-operation in dealing with crime problems, transcending national frontiers and requiring concerted action.

The Secretary-General noted that the Committee had drawn attention to the severe financial and other constraints under which the programme operated and had suggested the creation of a new, separately funded UN agency or a new Secretariat unit. It had also called for a procedure for selecting priority issues, for designing a programme for each issue, for assembling and deploying the resources needed, and for monitoring and evaluating the results. In addition, it had underlined the importance of an energetic fund-raising campaign for the pledging day scheduled for the Eighth Congress.

#### GENERAL ASSEMBLY ACTION

On 14 December, the General Assembly adopted resolution 45/108.

Review of the functioning and programme of work of the United Nations in crime prevention and criminal justice

The General Assembly,

Aware of the responsibility assumed by the United Nations in the field of crime prevention and criminal justice in pursuance of Economic and Social Council resolution 155 C (VII) of 13 August 1948 and General Assembly resolution 415(V) of 1 December 1950,

Recalling its resolutions 40/32 of 29 November 1985, 41/107 of 4 December 1986, 42/59 of 30 November 1987, 43/99 of 8 December 1988 and 44/72 of 8 December 1989 and Economic and Social Council resolutions 1986/11 of 21 May 1986, 1987/53 of 28 May 1987, 1988/44 of 27 May 1988 and 1989/68 of 24 May 1989, and taking note of Council resolution 1990/27 of 24 May 1990.

Recognizing the increasingly transnational character and dimensions of crime and also recognizing that the new, organized and sophisticated forms of crime call for concerted international action,

Alarmed by the high human and material costs of crime and aware that its consequences involve a substantial drain on the economies of Member States, and loss and damage to the victims of crime,

Convinced of the urgent need for more effective and responsive international mechanisms to assist countries and facilitate joint strategies in areas of mutual concern,

Noting that the Committee on Crime Prevention and Control, in its resolution 10/1 of 31 August 1988, requested its Chairman to appoint a sub-committee to provide an overview of the magnitude of the problem of crime in its economic, criminological, social and juridical aspects, to assess the most efficient means of stimulating practical international action in support of Member States and, in particular, the role of the United Nations in that regard, and to make recommendations to the Committee, at its eleventh session, concerning the most effective mechanisms for the implementation of the conclusions of the overview, and noting that a report on these matters was prepared by the sub-committee appointed by the Chairman, which was considered, reviewed, revised and approved by the Committee by its resolution 11/3 of 16 February 1990, at its eleventh session,

Noting also that the General Assembly, in its resolution 44/72, invited the Committee on Crime Prevention and Control, at its eleventh session, to give priority attention to the conclusions and recommendations of its sub-committee and to consider appropriate follow-up thereto by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders,

Taking note with appreciation of the report of the Committee on Crime Prevention and Control entitled "The need for the creation of an effective international crime and justice programme" and noting the endorsement of the report by the Eighth Congress, as well as the deliberations of the Congress thereon,

1. Decides to establish an intergovernmental working group, which, on the basis of the report of the Committee on Crime Prevention and Control entitled "The need for the creation of an effective international crime and justice programme", would produce a report elaborating proposals for an effective crime prevention and criminal justice programme and suggesting how that programme could most appropriately be implemented, and, accordingly, requests the President of the General Assembly, in consultation with the chairmen of the regional groups, to appoint no more than thirty Member States on the basis of the principle of equitable geographical distribution to constitute the membership of the working group;

2. Invites Member States, in consultation with the Secretary-General and the Chairman of the Committee on Crime Prevention and Control, to convene an early ministerial meeting:

(a) To consider the report of the intergovernmental working group in order to decide what the future crime prevention and criminal justice programme should be;

(b) To consider, in this context, the possible need for a convention or other international instrument to develop the content, structure and dynamics of that programme, including mechanisms for setting priori-

ties, securing the implementation of the programme and monitoring the results achieved;

3. Requests the Secretary-General, in preparation for the ministerial meeting, to assess the possible implications of the programme proposed by the intergovernmental working group for the resources and organization of the Secretariat and to report thereon to the ministerial meeting and to the Committee on Crime Prevention and Control;

4. Also requests the Secretary-General to take all practical measures to ensure rapid implementation of General Assembly resolutions 32/59 and 44/72 and Economic and Social Council resolutions 1986/11, 1987/53, 1989/68 and 1990/27, in so far as they relate to the strengthening and upgrading of the status of the Crime Prevention and Criminal Justice Branch of the Centre for Social Development and Humanitarian Affairs of the Secretariat, taking into account the demands on the Branch that will be created by the preparations for the meeting of the intergovernmental working group and the ministerial meeting and by the current and expected programme, including the conclusions and recommendations of the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders;

5. Invites Member States to provide active support and assistance for the development of an effective international crime prevention and criminal justice programme and of viable mechanisms for implementing it;

6. Decides that the conclusions and recommendations of the ministerial meeting should be brought to the attention of the General Assembly, under the item entitled "Crime prevention and criminal justice", for appropriate action.

General Assembly resolution 45/108

14 December 1990 Meeting 68 Adopted without vote  
Approved by Third Committee (A/45/756) without vote, 23 November (meeting 51); draft by Eighth Congress (A/CONF.144/28); agenda item 100.

Financial implications: 5th Committee, A/45/845; S-G, A/C.3/45/L.36, A/C.5/45/59.

Meeting numbers. GA 45th session: 3rd Committee 24-27, 36, 51; 5th Committee 42; plenary 68.

#### International co-operation in the context of development

On 14 December, following its consideration of the draft resolution recommended by the Eighth Congress annexing 29 recommendations for strengthening international co-operation in crime prevention and criminal justice, the General Assembly adopted resolution 45/107.

#### International co-operation for crime prevention and criminal justice in the context of development

The General Assembly,

Reaffirming the purposes and principles of the United Nations and the commitment of all States to respect the obligations assumed by them, in accordance with the Charter of the United Nations,

Convinced that crime prevention and criminal justice in the context of development should be oriented towards the observance of the principles contained in the Caracas Declaration, the Milan Plan of Action, the

Guiding Principles for Crime Prevention and Criminal Justice in the Context of Development and a New International Economic Order and other relevant resolutions and recommendations of the Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders,

Recalling its resolution 43/99 of 8 December 1988, in which it stressed the need for Member States to continue to make concerted and systematic efforts to strengthen international co-operation in crime prevention and criminal justice, as identified in the Milan Plan of Action, and to facilitate the adoption by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders of viable and constructive action-oriented strategies against crime,

Recalling also its resolution 44/72 of 8 December 1989,

Recalling further Economic and Social Council resolution 1989/68 of 24 May 1989, in which the Council reaffirmed its conviction of the importance of the programme of the United Nations in the field of crime prevention and criminal justice and the necessity of strengthening it in order to make it fully responsive to the needs and expectations of Member States,

Adopts the recommendations on international co-operation for crime prevention and criminal justice in the context of development, as contained in the annex to the present resolution.

#### ANNEX

##### Recommendations on international co-operation for crime prevention and criminal justice in the context of development

##### A. Crime prevention and criminal justice in the context of development

1. Governments should reaffirm their commitment to respect the existing international treaties and their adherence to principles expressed in the Charter of the United Nations and in other relevant international instruments. Crime can also be prevented by ensuring that those principles are not sacrificed.

2. Member States should intensify the struggle against international crime by respecting and promoting the rule of law and legality in international relations and, for that purpose, they should complete and further develop international criminal law, fully implement the obligations following from international treaties and instruments in this field (*pacta sunt servanda*), and examine their national legislation in order to ensure that it meets the needs of international criminal law.

3. Governments should accord priority attention to the promulgation and implementation of appropriate laws and regulations to control and combat transnational crime and illegal international transactions, especially by the provision of proper collaborative schemes and trained personnel. Also, national laws should be reviewed in order to ensure a more effective and adequate response to the new forms of criminal activity, not only through the application of criminal penalties, but also through civil or administrative measures.

4. The national, regional and international aspects of growing pollution and the exploitation and destruction of the environment should be recognized and controlled as a matter of urgency, in view of the increasing and alarming devastation, deriving from various

sources. Besides measures of administrative law and liability under civil law, the role of criminal law as an instrument that can help to achieve such control should be kept under review. The desirability of elaborating guiding principles for the prevention of crimes against the environment should be considered.

5. In view of the fact that advanced technology and specialized technical knowledge are employed in criminal activities pursued in international trade and commerce, including computer fraud, by the misuse of banking facilities and the manipulation of tax laws and customs regulations, law enforcement and criminal justice officials should be properly trained and provided with adequate legal and technical means to be able to detect and investigate such offences. The co-ordination and co-operation of other relevant agencies at the national level should be ensured and their capacities further improved. The development and strengthening of direct arrangements of international co-operation between the various agencies of national criminal justice systems should also be pursued.

6. Since even legitimate enterprises, organizations and associations may sometimes be involved in transnational criminal activities affecting national economies, Governments should adopt measures for the control of such activities. They should also collect information from various sources so as to have a solid base for the detection and punishment of enterprises, organizations and associations, their officials, or both, if they are involved in such criminal activities, with a view also to preventing similar conduct in the future.

7. Note should be taken of the fact that many countries lack adequate laws to deal with the emerging manifestations of transnational crime and that the adoption and implementation of appropriate instruments and measures to prevent this type of criminality are urgently needed. In this regard, the exchange of information on existing laws and regulations should be encouraged in order to facilitate the dissemination and adoption of appropriate measures.

8. Because the corrupt activities of public officials can destroy the potential effectiveness of all types of governmental programmes, hinder development, and victimize individuals and groups, it is of crucial importance that all nations should (a) review the adequacy of their criminal laws, including procedural legislation, in order to respond to all forms of corruption and related actions designed to assist or to facilitate corrupt activities, and should have recourse to sanctions that will ensure adequate deterrence; (b) devise administrative and regulatory mechanisms for the prevention of corrupt practices or the abuse of power; (c) adopt procedures for the detection, investigation and conviction of corrupt officials; (d) create legal provisions for the forfeiture of funds and property from corrupt practices; and (e) take appropriate measures against enterprises involved in corruption. The Crime Prevention and Criminal Justice Branch of the Centre for Social Development and Humanitarian Affairs of the Secretariat should co-ordinate the elaboration of materials to assist countries in these efforts, including the development of a manual to combat corruption, and should provide specialized training to judges and prosecutors that would qualify them to deal with the technical as-

pects of corruption, as well as with the experiences derived from specialized courts handling such matters.

9. Noting the alarming threat posed by illicit trafficking in narcotic drugs and psychotropic substances, which is among the worst crimes that humanity is facing, and the action taken by United Nations drug control units and bodies in this field, and concerned that, despite all the efforts made at the national, regional and international levels, this phenomenon persists unabated, it is important that efforts to combat this type of criminality be given a central place in all crime prevention and criminal justice plans and programmes. The work of the Crime Prevention and Criminal Justice Branch of the Centre for Social Development and Humanitarian Affairs in this area should be strengthened. Special assistance should be extended to developing countries for the implementation of drug abuse control programmes and the elaboration of collaborative prevention and control strategies.

10. The process of developing comprehensive model codes, especially at the regional and subregional levels, to combat crimes of transnational and international dimensions, should be encouraged. Also, efforts should be made to harmonize national criminal laws, so as to make them fully responsive to the realities and ramifications of such crimes. Practical arrangements, such as extradition, mutual assistance in criminal justice and the sharing and exchange of expertise and information, should be pursued. Adequate attention should be given to effective enforcement mechanisms in order to minimize the consequences of transborder crimes, including their effect on countries not directly involved.

11. Appropriate educational policies should be developed for making the populations of Member States more sensitive to the problem through formal educational systems and general public information programmes, with a view to promoting awareness of the ways and means by which criminal victimization can be avoided, as well as acquainting the public at large with the objectives and processes of the criminal justice system.

12. In recognition of the need for specific preventive measures related to such types of criminality as burglary, violent theft and street crime, an inventory of preventive measures should be prepared by the United Nations on the basis of an in-depth assessment and evaluation of their effectiveness in various cultural, social, economic and political contexts.

13. With respect to the victims of crime and abuse of power, a guide containing an inventory of comprehensive measures for education on the prevention of victimization, and on the protection of, and assistance and compensation to, victims should be prepared. This guide should be applied in accordance with the legal, socio-cultural and economic circumstances of each nation, taking into account the important role of non-governmental organizations in this sphere.

14. In view of its crucial function in crime prevention, the criminal justice system should be developed on the basis of the progressive rationalization and humanization of criminal laws and procedures, sentencing policies and dispositional alternatives, within the overall framework of social justice and societal aspirations.

15. A systematic approach to crime prevention planning should be pursued to provide for the incorporation of crime prevention policies into national development planning, starting from an overall reassessment of substantive criminal and procedural laws whenever appropriate. This approach would include the introduction of the processes of decriminalization, depenalization and diversion, as well as reforms of procedures that would ensure the support of members of the public and review of existing policies with a view to assessing their impact. It would also include appropriate links to be established between the criminal justice system and other development sectors, including education, employment, health, social policy and other related fields.

16. The trial process should be consonant with the cultural realities and social values of society, in order to make it understood and to permit it to operate effectively within the community it serves. Observance of human rights, equality, fairness and consistency should be ensured at all stages of the process.

#### B. International scientific and technical co-operation

17. In order to increase the effectiveness of international co-operation in crime prevention and criminal justice, concerted efforts should be made towards (a) the ratification and implementation of existing international instruments; (b) the development of bilateral and multilateral instruments; and (c) the preparation and elaboration of model instruments and standards for use at the national, bilateral, multilateral, sub-regional, regional and interregional levels.

18. The formulation of international instruments, standards and norms should include the following specific areas of concern: (a) judicial assistance treaties, in particular between common law and civil law countries, dealing with the means for obtaining evidence conforming to the requirements of the requesting State; (b) development of standardized requests for extradition and mutual assistance; (c) development of the means of providing assistance to victims of crime and abuse of power, with emphasis on the implementation of the Declaration of Basic Principles of justice for Victims of Crime and Abuse of Power, and of providing adequate protection for witnesses; (d) further consideration of issues of transnational jurisdiction in order to assist in the process of responding to requests for extradition and mutual assistance and in the implementation of international instruments; and (e) elaboration of standards for international assistance in respect of bank secrecy, facilitating the seizure and confiscation of proceeds in bank accounts derived from criminal acts. In particular, banks and other financial institutions should be urged to standardize their reporting requirements and documents so that these can be used more rapidly and effectively as evidence. More effective international standards to inhibit the laundering of money and investment connected with criminal activities, such as narcotics trafficking and terrorism, should also be developed.

19. Member States, intergovernmental and non-governmental organizations and international, national and private funding agencies should assist the United Nations in the establishment and operation of a global crime prevention and criminal justice information network. Member States are urged to contrib-

ute to this endeavour by financing equipment and expertise. Consideration should also be given to determining the categories of criminal justice data that can be provided and exchanged on a regular basis.

20. In accordance with the numerous decisions and resolutions of relevant organs of the United Nations, including the quinquennial United Nations congresses on the prevention of crime and the treatment of offenders, measures should be taken to strengthen programmes of international technical and scientific co-operation in the field of crime prevention and criminal justice on a bilateral and multilateral basis, as substantive components of broader development programmes, taking into account the special needs of developing countries and, in particular, the worsening socio-economic situation in many of them, which contributes to the increase of structural inequality and criminality.

21. In order to formulate and develop proper regional and interregional strategies of international technical and scientific co-operation in combating crime and improving the effectiveness of preventive and criminal justice activities, the programmes of technical and scientific co-operation should be directed especially towards (a) reinforcement of the technical capacities of the criminal justice agencies; (b) an upgrading of the human and technical resources in all sectors of the criminal justice system in order to stimulate technical assistance, model and demonstration projects, research activities and training programmes, in close co-operation with the United Nations institutes for the prevention of crime and the treatment of offenders and competent non-governmental organizations; (c) the further development and improvement, at the national, regional, interregional and international levels, of information bases for the collection, analysis and dissemination of data on crime trends, innovative ways and methods of crime prevention and control, and the operation of criminal justice agencies, in order to provide an appropriate basis for policy-formulation and programme implementation; (d) the promotion, through educational programmes and training activities, of the implementation of United Nations norms, guidelines and standards in crime prevention and criminal justice; and (e) the elaboration and implementation of joint strategies and collaborative arrangements to deal with crime problems of mutual concern.

22. The Crime Prevention and Criminal Justice Branch of the Centre for Social Development and Humanitarian Affairs, as the focal point of United Nations activities in this field, the United Nations institutes for the prevention of crime and the treatment of offenders, the co-operating entities like the Arab Security Studies and Training Centre, the interregional advisory services in crime prevention and criminal justice, and other relevant United Nations bodies, as well as intergovernmental and non-governmental organizations enjoying consultative status with the Economic and Social Council, should be strengthened so as to increase the scope of their operations: improve their co-ordination and diversify forms and methods of technical and scientific co-operation.

23. The role of the Committee on Crime Prevention and Control as the principal body dealing with crime prevention and criminal justice matters, which is entrusted, *inter alia*, with the preparations for the United Nations congresses on the prevention of crime

and the treatment of offenders, should be further enhanced so as to enable it to fulfil its important functions.

24. The capacity of the Crime Prevention and Criminal Justice Branch of the Centre for Social Development and Humanitarian Affairs, as the only professional and specialized entity within the United Nations system with overall responsibility for its crime prevention and criminal justice programme, should be strengthened in terms of both human and financial resources. Prompt implementation of the General Assembly and Economic and Social Council resolutions related thereto is urgently needed. In particular, priority attention should be given to the implementation of paragraphs 4 and 5 of General Assembly resolution 42/59 of 30 November 1987, in which the Assembly approved the recommendations contained in Economic and Social Council resolutions 1986/11 and 1987/53, concerning the review of the functioning and programme of work of the United Nations in the field of crime prevention and criminal justice, and requested the Secretary-General, *inter alia*, to take measures to ensure that the programme of work is supported by adequate resources; and paragraph 3 (a) of Economic and Social Council resolution 1987/53, in which the Council requested the Secretary-General to develop the Crime Prevention and Criminal Justice Branch of the Centre for Social Development and Humanitarian Affairs as a specialized body and facilitating agent in the field of crime prevention and criminal justice. Attention should also be given to other relevant resolutions of the General Assembly and the Economic and Social Council, as well as to the recommendations of the regional preparatory meetings for the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders and of the Committee on Crime Prevention and Control.

25. The United Nations institutes for the prevention of crime and the treatment of offenders should further develop their research, training and technical assistance capacities, and widen their collaborative networks through more extensive reliance on non-governmental organizations and national research and educational institutions, in order to meet the growing requests from developing countries for technical and scientific assistance. The Governments concerned, relevant regional bodies and organizations and United Nations entities should actively assist the United Nations institutes for the prevention of crime and the treatment of offenders, and, in particular, should assist the African Institute for the Prevention of Crime and the Treatment of Offenders in consolidating its status and further promoting its activities.

26. Governments should be invited to fund regional advisory services in their regions, directly or through the United Nations Development Programme, so as to develop further and complement existing structures and possibilities in this field. The regional commissions should be encouraged to do likewise and should be supported in their efforts to that end.

27. Special attention should be paid to strengthening the collaborative ties in the field of crime prevention and criminal justice between the Centre for Social Development and Humanitarian Affairs and the Department of Technical Co-operation for Development

of the Secretariat, the United Nations Development Programme, the World Bank and other relevant entities, with a view to ensuring adequate resources for technical co-operation activities in crime prevention and criminal justice. Interested Governments should give priority to the inclusion of crime prevention and criminal justice projects in the national and regional programmes proposed for the support of the United Nations Development Programme.

28. In order to fully implement the mandates emerging from the crime prevention and criminal justice programme and to provide additional technical and scientific expertise and resources for matters of international co-operation in this field, broader involvement of, and assistance by, non-governmental organizations are required.

29. Governments and other funding agencies should contribute to the United Nations Trust Fund for Social Defence in order to enable the United Nations to implement, in an adequate and effective manner, programmes of technical and scientific co-operation in this field.

General Assembly resolution 45/107

14 December 1990 Meeting 68 Adopted without vote  
Approved by Third Committee (A/45/756) without vote, 23 November (meeting 51); draft by Eighth Congress (A/CONF.144/28); agenda item 100.

Financial implications: 5th Committee, A/45/845; S-G, A/C.3/45/L.36, A/C.5/45/59.

Meeting numbers. GA 45th session: 3rd Committee 24-27,36, 47,51; 5th Committee 42; plenary 68.

#### UN standards and norms

In an April report [E/1990/36], the Secretary-General stated that, in accordance with Economic and Social Council resolution 1989/63 [YUN 1989, p. 634], a working group met (1-2 February) prior to the 1990 session of the Committee on Crime Prevention and Control to examine ways of effectively implementing the internationally adopted UN standards and norms in criminal justice and to offer guidelines and prototypes for national and international application. The group noted certain obstacles to implementation as revealed by UN surveys, among them the low priority attached to implementation, shortage of funds, inadequate human and professional resources, lack of co-ordinated action and political will, and public apathy.

The working group made proposals to assist Governments in their implementation efforts and recommended that Governments provide adequate support to UN crime prevention and criminal justice institutes for national follow-up action. It suggested that the Committee prepare a comprehensive plan assessing the various standards and mutual assistance treaties according to priorities, taking available resources into account. It considered the possibility of merging or clustering certain surveys according to their objectives. In that connection, the group distinguished four main types of standards: those deal-

ing with human rights issues, those promoting the integrity of criminal justice administration, those which were essentially 'administrative, and the more general documents. The group accorded the highest priority to those dealing with human rights issues and to the general documents, and proposed a "programmatically implementation plan". It also felt that an implementation body of Committee members or other acknowledged experts might be formed to make first-hand inquiries within countries. Regarding standards concerned with promoting the integrity of criminal justice systems, the group suggested that the UN institutes could play a leading role in personnel training, in providing information and in encouraging greater accountability, reporting periodically on those activities. A model training syllabus and in-service training were also suggested.

The working group stressed the role of NGOs in propagating and helping to apply UN standards and norms, as well as the role of the United Nations Criminal Justice Information Network. The group urged the prompt publication of the proposed compendium of all UN standards relating to crime prevention and criminal justice and envisaged a voluntary fund for the implementation of UN standards and norms.

The working group made specific recommendations, which were endorsed by the Committee in a draft resolution submitted for adoption by the Council.

#### ECONOMIC AND SOCIAL COUNCIL ACTION

On 24 May, the Economic and Social Council adopted resolution 1990/21.

Implementation of United Nations standards and norms in crime prevention and criminal justice

The Economic and Social Council,

Bearing in mind the Milan Plan of Action and the Guiding Principles for Crime Prevention and Criminal Justice in the Context of Development and a New International Economic Order, adopted by the Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders,

Bearing in mind also the Declaration of Basic Principles of justice for Victims of Crime and Abuse of Power, the Safeguards guaranteeing protection of the rights of those facing the death penalty, the Code of Conduct for Law Enforcement Officials, the Basic Principles on the Independence of the Judiciary, the Standard Minimum Rules for the Treatment of Prisoners, the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (The Beijing Rules), the Principles on the Effective Prevention and Investigation of Extra-Legal, Arbitrary and Summary Executions, and the Model Agreement on the Transfer of Foreign Prisoners,

Bearing in mind further the Procedures for the effective implementation of the Standard Minimum Rules

for the Treatment of Prisoners, the Procedures for the effective implementation of the Basic Principles on the Independence of the Judiciary and the Guidelines for the effective implementation of the Code of Conduct for Law Enforcement Officials,

Noting the difficulties that countries have found in supplying complete and accurate replies to the questionnaires designed to measure the extent of compliance with those standards and procedures,

Acknowledging the important role the United Nations has played, and continues to play, in the development of those standards and procedures through its quinquennial congresses on the prevention of crime and the treatment of offenders and the Committee on Crime Prevention and Control,

Recognizing the valuable contribution of the United Nations to those endeavours through its human rights activities, based on the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights and the Optional Protocol thereto, and the Second Optional Protocol thereto, aiming at the abolition of the death penalty, the Convention on the Rights of the Child, the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment and other relevant instruments,

Recalling General Assembly resolutions 40/146 of 13 December 1985, 41/149 of 4 December 1986, 42/143 of 7 December 1987 and 44/162 of 15 December 1989 on human rights in the administration of justice,

Recalling also Economic and Social Council resolutions 1987/53 of 28 May 1987 and 1989/68 of 24 May 1989 on the review of the functioning and programme of work of the United Nations in crime prevention and criminal justice,

Recalling further Economic and Social Council resolution 1989/63 of 24 May 1989 on the implementation of United Nations standards and norms in crime prevention and criminal justice,

Welcoming the steps taken by the Crime Prevention and Criminal Justice Branch of the Centre for Social Development and Humanitarian Affairs and by the Centre for Human Rights, of the Secretariat, to ensure even closer co-operation, particularly in the preparations for the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders,

Commending, in particular, the fact that focal points have been further developed within the Crime Prevention and Criminal Justice Branch of the Centre for Social Development and Humanitarian Affairs and the Centre for Human Rights to monitor the human rights aspects of the administration of justice in various programmes and to provide, as appropriate, advice on co-ordination and other relevant issues,

Convinced of the need for further co-operation and concerted action, as reaffirmed by the Commission on Human Rights in resolutions 1989/24 of 6 March 1989, on human rights in the administration of justice, 1989/32 of 6 March 1989, on the independence and impartiality of the judiciary, jurors and assessors and the independence of lawyers, and 1989/64 of 8 March 1989 on summary or arbitrary executions,

1. calls upon all Member States:

(a) To adopt and implement at the national level the United Nations standards in crime prevention and



criminal justice, in accordance with their constitutional processes and domestic practices;

(b) To ensure that the standards are widely publicized in at least the main or official language or languages of the country;

(c) To guarantee that justice personnel, members of the executive branch and the legislature and the public in general are informed in the most appropriate manner of the content and importance of the standards and that the standards are made available to them;

(d) To design ways and means of enhancing the observance of the standards, including the elaboration of realistic and effective implementation procedures, the use of the standards in the curricula of universities and other institutions, the organization of seminars and training courses, as well as of other meetings at the professional and non-professional levels, the more active involvement of the community and the increased support of the mass media;

(e) To promote studies on measures for the effective implementation of the standards, with emphasis on new developments in that area;

(f) To provide the needed support to the United Nations regional and interregional institutes for crime prevention and criminal justice and the Arab Security Studies and Training Centre, as well as to other entities of the United Nations system concerned with the implementation of the standards;

(g) To increase, as far as possible, the level of support for technical co-operation and advisory services, either directly or through international funding agencies, so as to promote the provision of technical co-operation to Governments requesting it;

2. Urges the Committee on Crime Prevention and Control to continue reviewing the standards and following up their implementation, to make recommendations on their future application and to identify existing obstacles to, or shortcomings in, their implementation, inter alia, through contacts with the Governments of the countries concerned, with a view to suggesting appropriate remedies;

3. Authorizes the Chairman of the Committee on Crime Prevention and Control to designate members of the Committee, with due regard to appropriate regional representation, to assist the Committee in the periods between its sessions in the implementation of specific standards, in close co-operation with the United Nations regional and interregional institutes for crime prevention and criminal justice, the Arab Security Studies and Training Centre and the other entities and organizations concerned, without financial implications for the United Nations, and to inform the Committee and its pre-sessional working groups of the results of those endeavours;

4. Invites Member States to allocate extrabudgetary funds to enable the designated members of the Committee on Crime Prevention and Control to draw on their best available professional and academic sources of information, to consult with non-governmental organizations and to hold ad hoc meetings as required;

5. Requests the Secretary-General to provide the designated members of the Committee on Crime Prevention and Control with all the assistance necessary for the successful completion of their tasks;

6. Calls upon the Committee on Crime Prevention and Control, at its twelfth session, to make specific recommendations to the Economic and Social Council on further action required for the effective implementation of existing standards, on the basis of the proposals made by the pre-sessional working group established in accordance with Council resolution 1989/63, paragraph 6, taking into account, in particular, the following issues:

(a) Measures to increase the level of support for programmes of technical co-operation and advisory services in crime prevention and criminal justice to permit more effective implementation, including special projects designed and carried out at the country level and more active involvement of potential funding agencies;

(b) The role of the United Nations, in particular of the Committee on Crime Prevention and Control, in promoting the implementation of existing standards, including modalities for strengthening existing review procedures, and more active inter-sessional involvement of Committee members and other experts;

(c) The relationship between the effectiveness of implementation and the work-load of the Committee and the Secretariat;

(d) The growing burden imposed on many States by the expansion of reporting obligations, and the need for technical assistance;

(e) The problem of inadequate reporting or excessive delays;

(f) The question of additional or alternative sources of information;

(g) The capacity of the Crime Prevention and Criminal Justice Branch of the Centre for Social Development and Humanitarian Affairs of the Secretariat to provide the Committee with the administrative and technical support required, in view of inadequate staffing and other financial constraints;

7. Authorizes the Committee on Crime Prevention and Control to continue the practice of convening a pre-sessional working group for two days before each session;

8. Requests the Secretary-General to provide the Committee on Crime Prevention and Control and its pre-sessional working group with all the assistance necessary for the successful completion of their tasks;

9. Requests the Secretary-General to ensure, through the Department of Public Information of the Secretariat, the widest possible dissemination of United Nations standards in crime prevention and criminal justice and the periodic reports on their implementation, in as many languages as possible, and to make them available to all States and to the intergovernmental and non-governmental organizations concerned,

10. Emphasizes the significant role of the United Nations regional and interregional institutes and regional commissions, the Arab Security Studies and Training Centre, the regional and interregional advisers in crime prevention and criminal justice, the specialized agencies and other organizations of the United Nations system, intergovernmental organizations and non-governmental organizations, including professional associations concerned with promoting United Nations standards in crime prevention and criminal

justice, and invites them to continue and intensify their active involvement;

11. Reaffirms the importance of developing diversified funding strategies, including recourse to voluntary and mixed multilateral and bilateral contributions for specific projects, and of strengthening the involvement of United Nations development agencies, including the United Nations Development Programme and the World Bank;

12. Invites the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders to consider the following issues:

(a) The means by which to accord adequate priority to the implementation of existing standards;

(b) The possibility of consolidating reporting arrangements.

Economic and Social Council resolution 1990/21  
24 May 1990 Meeting 13 Adopted without vote

Approved by Second Committee (E/1990/69) without vote, 11 May (meeting 11); draft by Committee on Crime Prevention and Control (E/1990/31); agenda item 5.

#### UN surveys of criminal justice

On 24 May, the Economic and Social Council adopted resolution 1990/18.

##### United Nations surveys of criminal justice

The Economic and Social Council,

Convinced of the important role of criminal justice statistics in the informed management of all criminal justice operations and of the need for comprehensive, accurate and up-to-date criminal justice data bases at the national and international levels,

Recognizing the need to continue the work on United Nations criminal justice statistics by means of periodic surveys of crime trends, the operations of criminal justice systems and crime prevention strategies and to make those surveys as uncomplicated as possible, and recognizing the major contribution that the analysis of such surveys can make to the formulation and development of criminal justice programmes,

Recognizing also that the ongoing work on computerization of matters concerning crime and justice by Member States and the United Nations will enhance the potential of Member States to respond to such surveys,

Bearing in mind its resolution 1984/48 of 25 May 1984, and resolution 9 adopted by the Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders, in which the Secretary-General was requested to allocate existing resources to allow for the enhancement of efforts to establish and develop national statistical data bases on crime and the operations of the criminal justice systems and to strengthen the work of the United Nations regional institutes in that field,

Believing that future surveys have to be simplified and undertaken more frequently and that the replies to them can be made more accurate,

1. Recommends that the Fourth United Nations Survey of Crime Trends, Operations of Criminal Justice Systems and Crime Prevention Strategies should be simplified, that it should cover the period 1987-1990 and that subsequent surveys should be carried out at two-year and ultimately one-year intervals;

2. Calls upon Member States to endeavour to provide more complete responses to the Fourth United Nations Survey;

3. Invites the United Nations regional and interregional institutes, in co-operation with the Crime Prevention and Criminal Justice Branch of the Centre for Social Development and Humanitarian Affairs and the Statistical Office of the Secretariat, to review the preparation of the survey questionnaire and the analysis and publication of the results;

4. Invites Member States, through the United Nations Trust Fund for Social Defence or in other ways, to provide financial assistance to countries for the creation and maintenance of criminal justice data bases, at the national and international levels, and to provide the necessary expertise or appropriate international analysis and policy recommendations;

5. Requests the Secretary-General, in his progress report on United Nations activities in crime prevention and criminal justice, to be submitted to the Committee on Crime Prevention and Control at its twelfth session, to make proposals for improving the number and quality of responses to the Fourth United Nations Survey and for publishing the results of such surveys in the regular reports on the state of crime and justice in the world;

6. Also requests the Secretary-General to convene a meeting, during the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, to consider the revision of the survey questionnaire, and invites Governments to include in their national delegations persons suited to that task;

7. Further requests the Secretary-General, in particular through the Crime Prevention and Criminal Justice Branch of the Centre for Social Development and Humanitarian Affairs and the Statistical Office, and in co-operation with the Department of Technical Co-operation for Development of the Secretariat, to provide assistance to the regional institutes so that training programmes may be organized for criminal justice statisticians and others involved in the preparation of the replies to the surveys with a view to increasing the rate of response;

8. Decides that the Committee on Crime Prevention and Control should review the results of the periodic surveys with a view to including them in regular United Nations technical publications on the state of crime and justice in the world.

Economic and Social Council resolution 1990/18  
24 May 1990 Meeting 13 Adopted without vote

Approved by Second Committee (E/1990/69) without vote, 11 May (meeting 11); draft by Committee on Crime Prevention and Control (E/1990/31); agenda item 5.

#### Crime prevention education, training and public awareness

On 24 May, the Economic and Social Council adopted resolution 1990/24.

##### Education, training and public awareness in the field of crime prevention

The Economic and Social Council,

Recalling that in the Milan Plan of Action, adopted by the Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders, the

Secretary-General was requested to review, in consultation with the Committee on Crime Prevention and Control, the functioning and programme of work of the United Nations regional and interregional institutes for crime prevention and criminal justice, in order to establish priorities and to ensure the continuing relevance and responsiveness of the United Nations to emerging needs,

Convinced that the continuous review and establishment of priorities should be, first of all, related to the ongoing training of criminal justice staff, sensitizing them to contemporary priorities and providing relevant in-service instruction,

Convinced also that, in order to be fully effective, standard-setting activities should include measures for their practical application for professionals in the field,

Recognizing the need for priority to be accorded to more effective crime prevention,

Reaffirming the leadership role of the United Nations in the field of crime prevention and criminal justice,

1. Recommends the establishment of a comprehensive programme of work so that the United Nations may deal in a practical and operational way, in the context of its policy, standard-setting and clearing-house functions and its central co-ordination role, with the contemporary problems of the international community in the field of crime prevention and criminal justice; the programme should include:

(a) Design of programmes for curriculum development and preparation of training material and manuals;

(b) Promotion of collaborative academic work and publications;

(c) Provision of technical advisory services to Member States and organizations, at their request;

(d) Development of data bases on different aspects of education, training and public awareness;

(e) Production of audio-visual material and other training aids;

(f) Promotion of international co-operation in respect of training and educational programmes, including the provision of scholarships, fellowships and study tours;

(g) Close collaboration with research centres and academic institutions, as well as with the private sector;

2. Requests the Secretary-General to take the necessary steps to put those recommendations into effect.

Economic and Social Council resolution 1990/24  
24 May 1990 Meeting 13 Adopted without vote  
Approved by Second Committee (E/1990/69) without vote. 11 May (meeting 11); draft by Committee on Crime Prevention and Control (E/1990/31); agenda item 5.

## Criminal justice and prison education

### Criminal justice education

On 14 December, the General Assembly adopted resolution 45/122.

#### Criminal justice education

The General Assembly,

Aware that one of the main objectives of the United Nations in the field of crime prevention and criminal justice is the continued promotion of a more effective

administration of justice, the strengthening of international co-operation in the fight against transnational crime, the observance of human rights and the pursuance of the highest standards of fairness, efficiency, humanity and professional conduct,

Recalling this context its resolution 44/72 of 8 December 1989 in which it expressed the hope that the Eighth United Nations Congress on the Prevention of Crime and the Treatment of offenders would make a major contribution to the solution of problems related to crime prevention and criminal justice,

Noting the views expressed at previous congresses concerning the need for collaboration between criminal justice agencies and educational authorities in the development of crime prevention programmes,

Recognizing that existing approaches to crime prevention and control have not always proved effective,

Calling attention to its resolution 42/104 of 7 December 1987, by which it proclaimed the year 1990 as International Literacy Year, the aim of which is the eradication of illiteracy in the world, and its resolution 44/127 of 15 December 1989,

Bearing in mind its resolution 44/61 of 8 December 1989 on the development of public information activities in the field of human rights,

Convinced that the development of public information activities in the field of criminal justice should include the creation and implementation of mechanisms to enable Member States, intergovernmental and non-governmental organizations and professional criminal justice associations to be familiar with ongoing criminal justice and crime prevention activities in the work of the United Nations,

Mindful that the Eighth Congress, in its resolution 5 of 5 September 1990 on the consolidation of the role of national correspondents in the crime prevention and criminal justice field, resolution 14 of 6 September 1990 on social aspects of crime prevention and criminal justice in the context of development, resolution 19 of 7 September 1990 on management of criminal justice and development of sentencing policies, and resolution 4 of 5 September 1990 on international co-operation and mutual assistance through training programmes and exchange of expertise, as well as in its resolution on the computerization of criminal justice, recommended to the General Assembly for adoption, made several recommendations for strengthening education activities in the criminal justice field, which included better dissemination of information on those activities among interested Member States and other parties,

mindful also that education has a potential role to play in ameliorating the conditions that give rise to crime and to the consequences of criminality,

Determined that education should play an important role in crime prevention and criminal justice through such means as education for the general awareness of the public, education of the young for crime prevention, education aimed at the total personal development of prisoners and other offenders and continuing education of the criminal justice personnel,

Aware that comprehensive approaches are required for a lasting and systemic impact on criminal justice education with a view to attaining higher standards of fairness, efficiency and professional conduct of criminal justice personnel,

1. Endorses the initiatives made by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders in the above-mentioned resolutions, which aim at strengthening national and international efforts in criminal justice education, including the enhancement of the role of criminal justice education in the activities of Member States, intergovernmental and non-governmental organizations and national correspondents in the field of crime prevention and control;

2. Invites Member States to review existing education practices in respect of both offenders and personnel in crime prevention and criminal justice;

3. Also invites Member States to involve educational experts, as appropriate, in crime prevention and criminal justice and to encourage related educational research and publications;

4. Further invites Member States to advise criminal justice staff periodically through their professional associations, journals or other publications and records, on United Nations developments relevant to their area of work;

5. Invites all Member States to include in their educational curricula materials relevant to a comprehensive understanding of criminal justice and crime prevention issues, and encourages all those responsible for criminal law and criminal justice reforms, training in law and its enforcement, the armed forces, medicine, diplomacy and other relevant fields to include appropriate criminal justice and crime prevention components in their programmes;

6. Also invites Member States to encourage collaboration between criminal justice agencies and educational authorities in the development of crime prevention programmes and to encourage educational authorities to give increased attention to ethical and socialization programmes in their curricula and to other relevant measures referred to in the inventory of comprehensive crime prevention measures submitted to the Eighth Congress;

7. Requests the Secretary-General to explore the possibility of increased use of education in crime prevention and criminal justice with a view to preparing a study on the relationship between crime, education and development and of presenting the first results in a progress report to be submitted to the Committee on Crime Prevention and Control at its twelfth session;

8. Also requests the Secretary-General, through the Department of Public Information of the Secretariat in co-operation with other offices and national correspondents in the field of crime prevention and control, to continue to develop and maintain a list of criminal justice journals and relevant public media programmes, with a view to the dissemination of information on United Nations activities in the field of crime prevention and criminal justice for educational purposes;

9. Further requests the Secretary-General to bring to the attention of relevant national criminal justice and educational authorities the United Nations standards, norms and other selected recommendations with a view to ensuring their more widespread and systematic dissemination in relevant training and educational programmes;

10. Requests the Secretary-General to develop technical co-operation programmes, including interregional advisory services, with a view to enhancing the role of education in the operation of crime prevention and criminal justice, taking into account the interdisciplinary nature of such co-operation programmes;

11. Recommends that the Secretary-General should establish, subject to the availability of extrabudgetary funds, electronic data bases within the United Nations Criminal Justice Information Network, which should include information on the network of national correspondents in the field of crime prevention and criminal justice and information on educational and training programmes in the criminal justice field, with a view to disseminating information to the international criminal justice community more effectively;

12. Invites the relevant intergovernmental and non-governmental organizations to contribute substantially, logistically and financially to the development of educational programmes within the United Nations crime prevention and criminal justice programme and to the establishing of the above-mentioned data bases;

13. Urges the United Nations institutes for the prevention of crime and the treatment of offenders to include educational issues in their research and training programmes;

14. Requests the Committee on Crime Prevention and Control, as the preparatory body for the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, to keep the matter under review;

15. Recommends that the Committee on Crime Prevention and Control and preparatory meetings to the Ninth Congress further consider the role of education with a view to facilitating educational approaches in crime prevention and criminal justice.

General Assembly resolution 45/122

14 December 1990 Meeting 68 Adopted without vote

Approved by Third Committee (A/45/756) without vote. 23 November (meeting 51); 17-nation draft (A/C.3/45/L.30); agenda item 100. Meeting numbers. GA 45th session: 3rd Committee 24-27, 36, 51; plenary 68.

### Prison education

On 24 May, the Economic and Social Council adopted resolution 1990/20.

#### Prison education

The Economic and Social Council,

Affirming the right of everyone to education, as enshrined in article 26 of the Universal Declaration of Human Rights and in articles 13 to 15 of the International Covenant on Economic, Social and Cultural Rights,

Recalling rule 77 of the Standard Minimum Rules for the Treatment of Prisoners, which states, inter alia, that provision shall be made for the further education of all prisoners capable of profiting thereby, that the education of illiterates and young prisoners shall be compulsory and that the education of prisoners shall be integrated with the educational system of the country so far as practicable,

Recalling also rule 22.1 of the United Nations Standard Minimum Rules for the Administration of Juvenile

Justice (The Beijing Rules), which states that professional education, in-service training, refresher courses and other appropriate modes of instruction shall be utilized to establish and maintain the necessary professional competence of all personnel dealing with juvenile cases, and rule 26, which stresses the role of education and vocational training for all juveniles in custody,

Bearing in mind the long-standing concern of the United Nations about the humanization of criminal justice and the protection of human rights and about the importance of education in the development of the individual and the community,

Bearing in mind also that human dignity is an inherent, inviolable quality of every human being and a pre-condition for education aiming at the development of the whole person,

Bearing in mind further that 1990, the year in which the Eighth United-Nations Congress on the Prevention of Crime and the Treatment of Offenders is to be held, is also International Literacy Year, the objectives of which are directly relevant to the individual needs of prisoners,

Noting with appreciation the significant efforts made by the United Nations, in preparing for the Eighth Congress, to give more recognition to prison education,

1. Recommends that Member States, appropriate institutions, educational counselling services and other organizations should promote prison education, inter alia by:

(a) Providing penal institutions with educators and accompanying services and raising the educational level of prison personnel;

(b) Developing professional selection procedures and staff training and supplying the necessary resources and equipment;

(c) Encouraging the provision and expansion of educational programmes for offenders in and outside p r i s o n s :

(d) Developing education suitable to the needs and abilities of prisoners and in conformity with the demands of society;

2. Also recommends that Member States should:

(a) Provide various types of education that would contribute significantly to crime prevention, resocialization of prisoners and reduction of recidivism, such as literacy education, vocational training, continuing education for updating knowledge, higher education and other programmes that promote the human development of prisoners;

(b) Consider the increased use of alternatives to imprisonment and measures for the social resettlement of prisoners with a view to facilitating their education and reintegration into society;

3. Further recommends that Member States, in developing educational policies, should take into account the following principles:

(a) Education in prison should aim at developing the whole person, bearing in mind the prisoner's social, economic and cultural background;

(b) All prisoners should have access to education, including literacy programmes, basic education, vocational training, creative, religious and cultural activities, physical education and sports, social education, higher education and library facilities;

(c) Every effort should be made to encourage prisoners to participate actively in all aspects of education:

(d) All those involved in prison administration and management should facilitate and support education as much as possible;

(e) Education should be an essential element in the prison regime; disincentives to prisoners who participate in approved formal educational programmes should be avoided;

(f) Vocational education should aim at the greater development of the individual and be sensitive to trends in the labour market;

(g) Creative and cultural activities should be given a significant role since they have a special potential for enabling prisoners to develop and express themselves;

(h) Wherever possible, prisoners should be allowed to participate in education outside the prison;

(i) Where education has to take place within the prison, the outside community should be involved as fully as possible;

(j) The necessary funds, equipment and teaching staff should be made available to enable prisoners to receive appropriate education;

4. Urges the United Nations Educational, Scientific and Cultural Organization and its International Bureau of Education, in co-operation with the regional commissions, the regional and interregional institutes for crime prevention and criminal justice, other specialized agencies and other entities within the United Nations system, other intergovernmental organizations concerned and non-governmental organizations in consultative status with the Economic and Social Council, to become actively involved in this process;

5. Requests the Secretary-General, subject to the availability of extrabudgetary funds:

(a) To develop a set of guidelines and a manual on prison education that would provide the basis necessary for the further development of prison education and would facilitate the exchange of expertise and experience on this aspect of penitentiary practice among Member States;

(b) To convene an international expert meeting on prison education, with a view to formulating action-oriented strategies in this area, with the co-operation of the regional and interregional institutes for crime prevention and criminal justice, the specialized agencies, other intergovernmental organizations concerned and non-governmental organizations in consultative status with the Economic and Social Council;

6. Also requests the Secretary-General to inform the Committee on Crime Prevention and Control, at its twelfth session, on the results of his endeavours in this area:

7. Invites the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders and the Committee on Crime Prevention and Control, at its twelfth session, to consider the question of prison education.

Economic and Social Council resolution 1990/20

24 May 1990 Meeting 13 Adopted without vote

Approved by Second Committee (A/1990/69) without vote, 11 May (meeting 11); draft by Committee on Crime Prevention and Control (E/1990/31); agenda item 5.

## Crime prevention institutes

### African Institute for the Prevention of Crime and the Treatment of Offenders

The Secretary-General indicated in an April report [E/1990/36] that the statute of the UN African Institute for the Prevention of Crime and the Treatment of Offenders, adopted in 1988, had been signed by 26 countries, including Uganda, the host country. The Institute was to be financed through contributions from African States, based on a scale of assessments determined by the Organization of African Unity (OAU), with initial support of \$2 million from UNDP for 1990-1993. In February 1990, the OAU Council of Ministers urged those of its members which had not done so to sign the statute and to make contributions in cash and in kind.

The Institute's Governing Board had been constituted in 1989 by the Conference of Ministers of the Economic Commission for Africa and its Director and Deputy Director had been appointed. The Institute was scheduled to launch its programme of activities from its permanent location in Kampala in July 1990. A comprehensive programme of training, research, information, advisory services and collaborative action had been envisaged to help the States of the region to deal effectively with crime and justice problems in the context of development.

#### ECONOMIC AND SOCIAL COUNCIL ACTION

On 24 May, the Economic and Social Council adopted resolution 1990/19.

#### Technical co-operation in the field of crime prevention and criminal justice

The Economic and Social Council,

Considering that one of the purposes of the United Nations, as proclaimed in the Charter, is to achieve international co-operation in promoting and encouraging respect for human rights and fundamental freedoms for all without distinction as to race, sex, language or religion,

Convinced that, within the framework of development, crime prevention and criminal justice should be guided by respect for the principles proclaimed in the Caracas Declaration and the Milan Plan of Action, the Guiding Principles for Crime Prevention and Criminal Justice in the Context of Development and a New International Economic Order, and other pertinent instruments adopted by the Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders,

Convinced also that concerted efforts in all areas will lead to the practical application of these principles, with full respect for human rights and fundamental freedoms,

Considering that the deteriorating socio-economic situation in some countries demands the aid of the international community, in all areas, within the frame-

work of freely concluded bilateral or multilateral conventions,

Emphasizing the usefulness of regional and interregional co-operation in crime prevention and criminal justice, as fostered by the United Nations regional and interregional institutes and other such organizations that work closely with the United Nations,

Noting with satisfaction the statutory establishment of the African Institute for the Prevention of Crime and the Treatment of Offenders, and reaffirming the vital role the Institute is called upon to play in assisting the African region in the formulation and implementation of appropriate crime prevention and criminal justice policies and programmes,

Acknowledging the economic constraints on the States members of the African region to meet their financial obligations to the Institute to enable it to start operations and to implement its mandate,

Aware of the conditions attached to funding by the United Nations Development Programme, which would limit the staffing, administrative and operational capabilities of the Institute,

Convinced that the viability of the Institute requires adequate funding on a predictable, assured and continuous basis,

1. Recommends that the international community, working through bilateral or multilateral arrangements, provide Member States, at their request, with necessary assistance, in order to contribute to the establishment of the infrastructure required for crime prevention and criminal justice;

2. Invites Member States to increase their co-operation in the field of crime prevention and criminal justice by expanding their operational activities in this area;

3. Urges the United Nations Development Programme to provide adequate funding for the African Institute for the Prevention of Crime and the Treatment of Offenders on a predictable, assured and continuous basis, for a minimum of six years, subject to biennial evaluation of performance of the Institute by its Board and the Committee on Crime Prevention and Control;

4. Urges Governments to provide supplementary financial and technical support so as to enable the United Nations to help developing countries in their efforts to identify, analyse, follow up and evaluate crime trends, to formulate crime prevention and control strategies that are effective and in harmony with their national development plans, priorities and objectives, and to implement criminal justice policies with a view to ensuring respect for United Nations principles and standards in this area;

5. Invites Member States to include crime prevention and criminal justice policies in their planning process, particularly when formulating national development plans, so as to reduce the human, social and economic costs associated with criminality and delinquency, and to allocate sufficient funds to the activities of the criminal justice system, paying appropriate attention to research and training;

6. Urges the World Bank, the United Nations Development Programme, the Department of Technical Co-operation for Development of the United Nations Secretariat and other financial organizations to continue to provide financial support and assistance

within their programme of technical co-operation activities;

7. Requests the Secretary-General to inform the Committee on Crime Prevention and Control at its twelfth session of the measures taken by the Member States to achieve the objectives of the present resolution.

Economic and Social Council resolution 1990/19  
24 May 1990 Meeting 13 Adopted without vote  
Approved by Second Committee (E/1990/69) without vote, 11 May (meeting 11); draft by Committee on Crime Prevention and Control (E/1990/31); agenda item 5.

#### GENERAL ASSEMBLY ACTION

By decision 45/428 of 14 December, the General Assembly requested the Secretary-General and UNDP to explore, as a matter of urgency, the possibilities for full funding of the African Institute for the Prevention of Crime and the Treatment of Offenders through voluntary contributions. It requested the Secretary-General to prepare a report to the Assembly at its forty-sixth (1991) session on the situation of the Institute and all other autonomous UN institutes, and to include, if appropriate, proposals for a balance between voluntary contributions and financing through the regular budget.

#### UN Interregional Crime and Justice Research Institute

On 24 May, the Economic and Social Council, by decision 1990/217, endorsed for membership in the Board of Trustees of the United Nations Interregional Crime and Justice Research Institute the following candidates who had been selected by the Committee on Crime Prevention and Control at its eleventh session: Tolani Asuni (Nigeria), Pierre-Henri Bolle (Switzerland), Dusan Cotic (Yugoslavia), Regis de Gouttes (France), Moustafa El-Augi (Lebanon), Jose A. Rios Alves da Cruz (Brazil) and Shusil Swarup Varma (India).

### Other criminal justice matters

#### Capital punishment

##### Fourth quinquennial report

Report of Secretary-General (March). In March, the Secretary-General submitted the fourth quinquennial report [E/1990/38 & <sup>Corr.1</sup>] on capital punishment, prepared mainly on the basis of information received from 43 Member States for the period 1984-1988, in response to a UN survey on the subject. The report stated that, during the period covered, nine countries had abolished the death penalty for all offences. Retentionist States in North Africa and the Middle

East had made policy changes to restrict the use of capital punishment and/or reduce the number of capital offences. The United States had reported the highest number of judicial and statutory changes, causing the mandatory death penalty statute to be struck down in some States and reinstated in others, the method of execution to be changed and capital offences to be redefined.

The report noted that the number of replies received did not provide sufficient data for a general analysis of the global use of capital punishment. Since the vast majority of retentionist States did not reply, that was particularly true for the actual number of death sentences and executions.

#### ECONOMIC AND SOCIAL COUNCIL ACTION

On 24 May, the Economic and Social Council adopted resolution 1990/29.

##### Capital punishment

The Economic and Social Council,

Recalling its resolutions 1745(LIV) of 16 May 1973, 1930(LVIII) of 6 May 1975, 1984/50 of 25 May 1984 and 1985/33 of 29 May 1985,

Recalling General Assembly resolutions 2857(XXVI) of 20 December 1971, 32/61 of 8 December 1977 and 39/118 of 14 December 1984,

Having examined the fourth quinquennial report of the Secretary-General on capital punishment, and having found certain imprecisions and errors in it, as recognized by the representative of the Secretary-General,

Aware that only forty-three Governments responded to the questionnaire sent by the Secretary-General requesting information for the preparation of the fourth quinquennial report,

1. Invites Member States to provide the Secretary-General with the information required for the preparation of the fifth quinquennial report on capital punishment, in 1995;

2. Takes note of the fact that during the period covered by the report of the Secretary-General some countries have abolished capital punishment, others have adopted a policy of reducing the number of capital offences or have reported not imposing death sentences on offenders, while others have retained capital punishment:

3. Requests the Committee on Crime Prevention and Control to keep the question of capital punishment under review;

4. Requests the Secretary-General to submit to the Council, for consideration at its second regular session of 1990, a revised version of the fourth quinquennial report;

5. Also requests the Secretary-General, in preparing the fifth quinquennial report, to draw on all available data, including current criminological research, and to invite the comments of specialized agencies and inter-governmental and non-governmental organizations on this question.

Economic and Social Council resolution 1990/29  
 24 May 1990 Meeting 13 Adopted without vote  
 Approved by Second Committee (E/1990/69/Add.1) without vote. 22 May  
 (meeting 18); d-nation draft (E/1990/C.2/L.3/Rev.1), orally revised;  
 agenda item 5.  
 Sponsors: Denmark, Finland, Netherlands, New Zealand, Romania, Swe-  
 den.

Report of Secretary-General (June). In keeping with the Council's request above, the Secretary-General in June, submitted a revised version of the fourth report [E/1990/38/Rev.1] & Rev.1/Corr.1], based on information received from 55 Governments: 5 from North Africa and the Middle East; 2 from Africa south of the Sahara; 9 from Asia and the Pacific; 11 from Latin America and the Caribbean; 6 from Eastern Europe; and 22 from Western European and other States. Of those States, 26 were totally abolitionist; 6 were abolitionist for ordinary crimes only; and 23 retained capital punishment. Within the retentionist group, 5 might be considered abolitionist de facto, since no executions had taken place for a considerable time.

An analysis of the responding States by region showed that the 5 countries from North Africa and the Middle East retained capital punishment. In Asia and the Pacific, 8 retained capital punishment (although Brunei Darussalam and Maldives could be considered abolitionist de facto), while the Philippines and Tuvalu had abolished the death penalty. All the responding States from Latin America and the Caribbean had abolished the death penalty (Mexico and Peru for ordinary crimes only, however). Of the Western European and other States, 5 retained capital punishment (although 3 could be considered abolitionist de facto), 4 were abolitionist for ordinary crimes only and the remaining 13 had abolished the death penalty without exception. In Eastern Europe, 5 countries retained capital punishment, while the German Democratic Republic abolished the death penalty for all crimes in 1987.

Of the 23 retentionist States, 3 did not disclose any statistical data and 1 provided data only on sentences. Of 20 States for which data on sentences were available, no death sentence had been imposed in Maldives, and no execution had been carried out in Belgium, Brunei Darussalam, Greece, Ireland, Maldives, the Philippines and Qatar. The countries altogether reported 2,429 capital sentences and 314 executions. Of those, 1,513 death sentences were imposed and 93 executions were carried out in the United States. Turkey reported 222 death sentences and Thailand 190. Executions also took place in Poland, Thailand and Tunisia (38 each).

The report stated that, as it was based mainly on replies received from less than one third of the

UN membership, its findings could not be regarded as reflecting world-wide trends in capital punishment. Moreover, information was not available from the majority of the retentionist States, especially those resorting most frequently to the death penalty. That 11 countries had abolished capital punishment since 1984, however, constituted a significant trend towards abolition, especially as that number was spread out among all regions. The report concluded that, while all respondents had indicated that the 1984 safeguards guaranteeing protection of the rights of those facing the death penalty [YUN 1984, p. 710] had been communicated to judges, lawyers, police, prison officers and the accused, international experience demonstrated that more needed to be done to ensure that the formalities of the law and procedure were translated into the realities of enforced rights. It also concluded that countries with discretionary capital punishment employed various mechanisms designed to limit executions to the few most serious cases, raising the issue of whether the law and procedures resulted in equitable or in arbitrary and discriminatory enforcement. The findings of many criminological studies of judicial decisions had supported the conclusion that no legal formula could be devised that would eliminate unacceptable arbitrariness and discrimination in the use of the death penalty, thus pointing to the necessity of monitoring the use of death penalty statutes.

In an addendum [E/1990/38/Rev.1/Add.1] to the revised report, also issued in June, the Secretary-General stated that five additional replies had been received, bringing the total number of responding countries to 60.

Annexed to the Secretary-General's March and revised June reports were lists of abolitionist and retentionist countries; information on types of capital offences in retentionist countries; and supplementary information on the status of capital punishment in a variety of circumstances.

Communications. By letters dated 18 July [E/1990/105] and 6 August [E/1990/119], Cuba and Antigua and Barbuda, respectively, referred to the list of retentionist countries where the death penalty was used for ordinary crimes, as annexed to the revised report, and requested that they be removed from that list since their penal codes did not contemplate the death penalty for ordinary crimes.

#### ECONOMIC AND SOCIAL COUNCIL ACTION

On 24 July, the Economic and Social Council adopted resolution 1990/51.



### Capital punishment

The Economic and Social Council,

Recalling General Assembly resolutions 2857(XXVI) of 20 December 1971, 32/61 of 8 December 1977, 39/118 of 14 December 1984 and 44/128 of 15 December 1989,

Recalling its own resolutions 1745(LIV) of 16 May 1973, 1930(LVIII) of 6 May 1975 and 1984/50 of 25 May 1989;

Recalling also its resolutions 1989/64 of 24 May 1989, on the implementation of the safeguards guaranteeing protection of the rights of those facing the death penalty, and 1989/69 of 24 May 1989,

Having examined the revised version of the fourth quinquennial report of the Secretary-General on capital punishment, which was submitted to it pursuant to its resolution 1990/29 of 24 May 1990,

Aware that only sixty Governments responded to the questionnaire sent by the Secretary-General requesting information for the preparation of the fourth quinquennial report,

1. Invites Member States to respond to the questionnaire to be sent by the Secretary-General in preparation of the fifth quinquennial report on capital punishment, in 1995, providing the information requested;

2. Notes that, in the period under review in the report of the Secretary-General, an increasing number of countries have abolished capital punishment and other countries have adopted a policy of reducing the number of capital offences or have reported not imposing death sentences on offenders, while others have retained capital punishment;

3. Requests the Committee on Crime Prevention and Control to keep the question of capital punishment under review;

4. Requests the Secretary-General, in preparing the fifth quinquennial report, to draw on all available data, including current criminological research, and to invite the comments of specialized agencies, intergovernmental organizations and non-governmental organizations in consultative status with the Economic and Social Council on this question;

5. Requests the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders to examine thoroughly the question of capital punishment under item 7 of its provisional agenda entitled "United Nations norms and guidelines in crime prevention and criminal justice: implementation and priorities for further standard-setting";

6. Recommends that the quinquennial reports of the Secretary-General on capital punishment, starting with the report to be submitted to the Economic and Social Council in 1995, should henceforth also cover the implementation of the safeguards guaranteeing protection of the rights of those facing the death penalty.

Economic and Social Council resolution 1990/51  
24 July 1990 Meeting 34 26-1-14  
13-nation draft (E/1990/L.46/Rev.1), orally amended by Cuba (adopted by vote, 19-12-7); agenda item 1.  
Meeting numbers. ESC 31, 33, 34.

### Victims of crime and abuse of power

As requested by Economic and Social Council resolution 1986/10 [YUN 1986, p. 615], the

Secretary-General submitted for consideration by the Committee on Crime Prevention and Control, at its February 1990 session, a December 1989 report [E/AC.57/1990/3] on progress in implementing the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, adopted by the Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders and by General Assembly resolution 40/34 [YUN 1985, p. 742]. The report gave an account of national and international action undertaken since his last two-yearly report [YUN 1988, p. 610], in co-operation with UN crime prevention and criminal justice institutes and other entities, to give effect to the Declaration's provisions on: access to justice and means of recourse through international and regional mechanisms and NGOs; restitution and compensation to crime victims, and services and assistance for them; research to assist in policy-making and training in victim assistance; and strategies for the prevention or curtailment of victimization.

The report stated that the new collaborative initiatives and recent developments in improving the position of crime victims were encouraging but reflected the need for more concerted national and international action to prevent and reduce victimization. It suggested an agenda for action, including UN preventive monitoring and emergency response systems, which had yet to be instituted in cases of human crises and abuses. By transferring knowledge gained in crisis intervention, mediation and other forms of conflict resolution, progress could be made in defusing tensions and stopping incipient victimization. The practice of some UN institutes of employing informal means of social control and conflict resolution as an adjunct or alternative to criminal justice could be expanded for application in relevant situations. Action-oriented research was needed to identify practices involving abuses of power that remained to be proscribed and the groups most vulnerable to those practices. Guidelines formulated from a comparative law perspective would facilitate national legislative reviews to bring existing provisions in line with changing socio-economic reality and with the degree of harm inflicted by certain kinds of conduct. The needs of certain groups should be more fully explored, such as the victims of terrorism, organized crime and communities victimized by ecological and industrial crime endangering lives, the environment and national economies. An international convention should be elaborated to help countries to assist victims, with international aid provided for the identification and handling of cases. The United Nations had a spe-

cial responsibility with regard to people's right to international protection and could provide the framework for concerted action, using the UN system, other international and regional entities, professional associations, scientific institutions and broad-based support.

Following its review of the report, the Committee approved a draft resolution on the subject for Council adoption. The Committee also considered a draft guide for criminal justice practitioners and others engaged in similar activities, prepared with the assistance of the UN-affiliated Helsinki Institute for Crime Prevention and Control. The completed Guide for Practitioners on the Basic Principles of Justice for Victims of Crime and Abuse of Power [A/CONF.144/20] was subsequently submitted to the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders.

#### ECONOMIC AND SOCIAL COUNCIL ACTION

On 24 May, the Economic and Social Council adopted resolution 1990/22.

##### Victims of crime and abuse of power

The Economic and Social Council,

Bearing in mind General Assembly resolution 40/34 of 29 November 1985, by which the Assembly adopted the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, which is contained in the annex to the resolution and which had been approved by the Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders,

Recalling that in the same resolution the General Assembly called upon Member States and other entities to take the necessary steps to give effect to the provisions contained in the Declaration and to curtail victimization,

Taking into account Economic and Social Council resolution 1989/57 of 24 May 1989 on the implementation of the Declaration,

Bearing in mind the recommendations of the preparatory meetings for the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders,

Having considered the Guide for Practitioners on the Basic Principles of Justice for Victims of Crime and Abuse of Power,

Recognizing the need for continuing efforts to give effect to the Declaration, and to adapt it to meet the full range of needs and the circumstances of different countries,

Recognizing, in particular, the need to look beyond national measures in some instances, especially where victims of transnational crimes and abuse of power are concerned,

1. Takes note of the report of the Secretary-General on the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power;

2. Requests the Secretary-General, together with all the entities of the United Nations system and other appropriate organizations, to undertake and co-ordinate the necessary action, with a humanitarian objective, to

prevent and curtail severe victimization where national means of recourse are insufficient, and:

(a) To monitor the situation;

(b) To develop and institute means of conflict resolution and mediation;

(c) To promote access to justice and redress for victims;

(d) To assist in providing material, medical and psycho-social assistance to victims and their families;

3. Invites the United Nations regional and interregional institutes to provide mechanisms for the development and international co-ordination of services for victims, and to promote the collection, collation and exchange of information and ideas in order to improve standards for the treatment of victims;

4. Requests the Secretary-General to continue to devote attention to policy and research on the situation of victims of crime and abuse of power and to the effective implementation of General Assembly resolution 40/34;

5. Recommends that Member States and the United Nations regional and interregional institutes take the necessary steps to provide professional and other persons dealing with victims with suitable training in issues concerning victims, taking into account the model training curriculum developed for this purpose;

6. Invites the United Nations funding agencies, especially the United Nations Development Programme and the Department of Technical Co-operation for Development of the Secretariat, to support technical co-operation programmes for the establishment of services for victims;

7. Requests the Secretary-General to further develop international means of recourse and redress for victims where national channels may be insufficient and to report to the Committee on Crime Prevention and Control, at its twelfth session, on the development of such means;

8. Requests the Special Rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of Minorities to take into account, in his study of compensation to victims of gross violations of human rights, the relevant work and recommendations of the Committee on Crime Prevention and Control;

9. Invites the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders to recommend wide distribution of the Guide for Practitioners on the Basic Principles of Justice for Victims of Crime and Abuse of Power and the measures for implementation of the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, submitted by a committee of experts that met at the International Institute of Higher Studies in Criminal Sciences, Syracuse, Italy, in May 1986.

Economic and Social Council resolution 1990/22

24 May 1990 Meeting 13 Adopted without vote

Approved by Second Committee (E/1990/69) without vote, 11 May (meeting 11); draft by Committee on Crime Prevention and Control (E/1990/31); agenda item 5.

#### Organized crime

Following its consideration of two resolutions adopted by the Eighth Congress, one on organized crime, and another on its prevention and

control annexing guidelines to that end (see above, under "Congress instruments and resolutions"), the General Assembly, on 14 December, adopted resolution 45/123.

#### International co-operation in combating organized crime

The General Assembly,

Recalling the responsibility assumed by the United Nations in the field of crime prevention and criminal justice,

Concerned that organized crime has increased in many parts of the world and has become more transnational in character, leading, in particular, to the spread of such negative phenomena as violence, terrorism, corruption and illegal trade in narcotic drugs and, in general, undermining the development process, impairing the quality of life and threatening human rights and fundamental freedoms,

Recalling Economic and Social Council resolution 1989/70 of 24 May 1989 and General Assembly resolution 44/71 of 8 December 1989,

Taking note of resolution 15 entitled "Organized crime" and resolution 24 entitled "Prevention and control of organized crime", adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, held at Havana from 27 August to 7 September 1990,

Recalling its resolution S-17/2 of 23 February 1990.

Convinced of the need to strengthen international co-operation in combating organized crime,

Noting with appreciation that the Eighth Congress explored the possibilities and ways of strengthening further international co-operation in combating organized crime and adopted the Guidelines for the prevention and control of organized crime, as contained in the annex to its resolution 24, as well as model treaties relating to it,

1. Urges Member States to give favourable consideration to the implementation of the Guidelines for the prevention and control of organized crime at both national and international levels;

2. Invites Member States to make available to the Secretary-General, on request, the provisions of their legislation relating to money laundering, the tracing, monitoring and forfeiture of the proceeds of crime and the monitoring of large-scale cash transactions and other measures so that they may be made available to Member States desiring to enact or further develop legislation in these fields;

3. Requests the Committee on Crime Prevention and Control to consider ways of strengthening international co-operation in combating organized crime, taking due account of the opinions of Governments, international organizations and non-governmental organizations, as well as opinions expressed at and decisions taken by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, and to submit its views, through the Economic and Social Council, to the General Assembly at its forty-seventh session;

4. Requests the Secretary-General to include activities of the United Nations crime prevention and criminal justice programme, related to organized crime, in the United Nations System-Wide Action Plan on Drug Abuse Control;

5. Calls upon Member States, international organizations and interested non-governmental organizations to co-operate with the United Nations in organizing the International Seminar on Organized Crime Control, to be held in Moscow in October 1991.

General Assembly resolution 45/123

14 December 1990 Meeting 68 Adopted without vote  
Approved by Third Committee (A/45/756) without vote, 23 November (meeting 51); 22-nation draft (A/C.3/45/L.33); agenda item 100.  
Meeting numbers. GA 45th session: 3rd Committee 24-27.36,51; plenary 68.

#### Domestic violence

Pursuant to Economic and Social Council resolution 1989/67 [YUN 1989, p., 624], the Secretary-General submitted for the consideration of the Eighth Congress a July report [A/CONF.144/17], giving an overview of the problem of domestic violence and the responses to it, based on the findings of research undertaken by scholars, law reform bodies and commissions of inquiry, and on official and other survey statistics. The report highlighted the nature, extent and dynamics of domestic violence, including within the larger societal context, and its effects, not only on the parties, but also on the entire family constellation and on future families. Response measures and other interventions designed to mitigate and help prevent or control the problem included those executed through the criminal justice system, specific services instituted to protect and assist the victims and to treat the offenders, such as emergency facilities (emergency telephone lines, hot-lines for child abuse cases, shelters for battered women), respite care, medical and mental health care, counselling and therapeutic programmes.

The report outlined a series of national and local measures pertaining to the criminal justice system and other legal means; treatment interventions and service delivery; training, education and attitude change; and information and research on all aspects of family violence. International measures were also outlined, including cross-cultural research studies on the various facets of domestic violence; comparative victimization surveys; seminars for criminal policy makers, as well as for educators, media representatives, social psychologists, the clergy and victim advocates; training for criminal justice personnel and other relevant staff; technical co-operation and assistance in applying the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power [YUN 1985, p. 742]; development of model legislation to promote redress for and assistance to crime victims; information collection and dissemination and scientific exchanges in that field; mobilization of governmental and non-governmental support and of seed money;

and promotion of collaborative initiatives by the UN system to ensure integrated action and effective follow-up of the decisions of the UN policy-making bodies and other international recommendations, especially those of the Eighth Congress.

#### GENERAL ASSEMBLY ACTION

The General Assembly, on 14 December, adopted resolution 45/114.

#### Domestic violence

The General Assembly,

Reaffirming its resolution 40/36 of 29 November 1985 on domestic violence and resolution 6 of the Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders, concerning the fair treatment of women by the criminal justice system,

Taking into account the recommendations made at the Expert Group Meeting on Violence in the Family with Special Emphasis on its Effects on Women, held at Vienna from 8 to 12 December 1986.

Also taking into account the recommendations made on the subject of domestic violence by the World Conference to Review and Appraise the Achievements of the United Nations Decade for Women: Equality, Development and Peace, the resolution on domestic violence against women submitted to the Second Committee of the Conference and the recommendations and conclusions arising from the first review and appraisal of the implementation of the Nairobi Forward-looking Strategies for the Advancement of Women to the Year 2000,

Commending the efforts of the United Nations, inter alia, through the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of the Child, to guarantee the human rights of women and children,

Recognizing the need for further work to be undertaken with respect to violence against all members of the family unit,

Welcoming the report of the Secretary-General on domestic violence,

Recalling that, in its resolution 44/82 of 8 December 1989, it proclaimed 1994 the International Year of the Family,

Bearing in mind the serious lack of information and research on domestic violence globally and the need for exchange of information on ways of dealing with this problem,

Recognizing the concern of Member States about domestic violence as an urgent problem deserving focused attention and concerted action,

Aware that domestic violence is a critical problem that has serious physical and psychological effects on individual family members and jeopardizes the health and survival of the family unit,

Recognizing that domestic violence may take many forms, both physical and psychological,

Convinced of the necessity of improving the situation of the victims of domestic violence,

Recognizing the need to focus on all victims of domestic violence and to consider common policies and specialized approaches regarding women, children,

the elderly and those especially vulnerable because of disability,

Noting that exposure to domestic violence, especially during childhood, may produce long-term effects on attitudes and behaviour, such as increased tolerance to violence in society as a whole,

Aware of the fact that many offenders, including those convicted of offences relating to domestic violence, and many victims were themselves abused as children,

Recognizing the fact that domestic violence is often a recurring phenomenon and that an effective early response, as part of a crime prevention policy, may prevent the occurrence of future incidents,

Convinced that the problem of domestic violence is prevalent and affects all segments of society regardless of class, income, culture, gender, age or religion,

Conscious that the complex problem of domestic violence is viewed differently in various cultures of different countries and that at the international level it must be addressed with sensitivity to the cultural context in each country,

1. Urges Member States to begin or continue to explore, develop and implement multidisciplinary policies, measures and strategies, within and outside of the criminal justice system, with respect to domestic violence in all its facets, including legal, law enforcement, judicial, societal, educational, psychological, economic, health-related and correctional aspects and, in particular:

(a) To take all possible steps to prevent domestic violence;

(b) To ensure fair treatment of and effective assistance to the victims of domestic violence;

(c) To increase awareness and sensitivity concerning domestic violence, in particular by fostering the education of criminal justice and other professionals in regard to this issue;

(d) To provide appropriate treatment for the offenders;

2. Recommends that Member States ensure that their systems of criminal justice and the competent bodies for juveniles and their families provide an effective and equitable response to domestic violence and that they take appropriate steps towards achieving this goal;

3. Urges Member States to exchange information, experience and research findings between governmental and non-governmental organizations regarding domestic violence, and, in this regard, recommends the use of the United Nations Criminal Justice Information Network and other available means to facilitate the exchange of information concerning domestic violence and the means of curtailing it;

4. Invites Member States, the Secretary-General and concerned intergovernmental and non-governmental organizations to include the problem of domestic violence in the preparations for and observance of the International Year of the Family within the crime prevention and criminal justice area;

5. Requests the Secretary-General to convene a working group of experts, within existing or with extrabudgetary resources, to formulate guidelines or a manual for 'practitioners concerning the problem of domestic violence for consideration at the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders and its regional pre-

paratory meetings, taking into account the conclusions of the report of the Secretary-General on domestic violence;

6. Requests the Committee on Crime Prevention and Control to consider placing the topic of domestic violence on the agenda of the Ninth Congress, as a matter of priority.

General Assembly resolution 45/114

14 December 1990 Meeting 68 Adopted without vote

Approved by Third Committee (A/45/756) without vote. 23 November (meeting 51); draft by Eighth Congress (A/CONF.144/28); agenda item 100

Financial implications. S-G, A/C.3/45/L.36.

Meeting numbers. GA 45th session: 3rd Committee 24-27,36,51; plenary 68.

### Juvenile crime

In December, the General Assembly had for its consideration three draft resolutions relating to juvenile crime which had been recommended by the Eighth Congress. The first annexed draft UN guidelines for the prevention of juvenile delinquency, to be designated the Riyadh Guidelines, the second annexed draft UN rules for the protection of juveniles deprived of their liberty, and the third concerned the instrumental use of children in criminal activities.

#### UN Guidelines for the Prevention of Juvenile Delinquency (The Riyadh Guidelines)

On 14 December, the General Assembly adopted resolution 45/112.

##### United Nations Guidelines for the Prevention of Juvenile Delinquency (The Riyadh Guidelines)

The General Assembly,

Bearing in mind the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights, as well as other international instruments pertaining to the rights and well-being of young persons, including relevant standards established by the International Labour Organization,

Bearing in mind also the Declaration of the Rights of the Child, the Convention on the Rights of the Child and the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (The Beijing Rules),

Recalling General Assembly resolution 40/33 of 29 November 1985, by which the Assembly adopted the Beijing Rules recommended by the Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders,

Recalling that the General Assembly, in its resolution 40/35 of 29 November 1985, called for the development of standards for the prevention of juvenile delinquency which would assist Member States in formulating and implementing specialized programmes and policies, emphasizing assistance, care and community involvement, and called upon the Economic and Social Council to report to the Eighth United Nations Congress on the Prevention of Crime and the Treatment of

Offenders on the progress achieved with respect to these standards, for review and action,

Recalling also that the Economic and Social Council, in section II of its resolution 1986/10 of 21 May 1986, requested the Eighth Congress to consider the draft standards for the prevention of juvenile delinquency, with a view to their adoption,

Recognizing the need to develop national, regional and international approaches and strategies for the prevention of juvenile delinquency,

Affirming that every child has basic human rights, including, in particular, access to free education,

Mindful of the large number of young persons who may or may not be in conflict with the law but who are abandoned, neglected, abused, exposed to drug abuse, and are in marginal circumstances and in general at social risk,

Taking into account the benefits of progressive policies for the prevention of delinquency and for the welfare of the community,

1. Notes with satisfaction the substantive work accomplished by the Committee on Crime Prevention and Control and the Secretary-General in the formulation of the guidelines for the prevention of juvenile delinquency;

2. Expresses appreciation for the valuable collaboration of the Arab-security Studies and Training Centre at Riyadh in hosting the International Meeting of Experts the Development of the United Nations Draft Guidelines for the Prevention of Juvenile Delinquency, held at Riyadh from 28 February to 1 March 1988, in co-operation with the United Nations Office' at Vienna;

3. Adopts the United Nations Guidelines for the Prevention of Juvenile Delinquency contained in the annex to the present resolution, to be designated "the Riyadh Guidelines";

4. Calls upon Member States, in their comprehensive crime prevention plans, to apply the Riyadh Guidelines in national law, policy and practice and to bring them to the attention of relevant authorities, including policy makers, juvenile justice personnel, educators, the mass media, practitioners and scholars;

5. Requests the Secretary-General and invites Member States to ensure the widest possible dissemination of the text of the Riyadh Guidelines in all of the official languages of the United Nations;

6. Requests the Secretary-General and invites all relevant United Nations offices and interested institutions, in particular the United Nations Children's Fund, as well as individual experts, to make a concerted effort to promote the application of the Riyadh Guidelines;

7. Also requests the Secretary-General to intensify research on particular situations of social risk and on the exploitation of children, including the use of children as instruments of criminality, with a view to developing comprehensive countermeasures and to report thereon to the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders;

8. Further requests the Secretary-General to issue a composite manual on juvenile justice standards, containing the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (The Beijing Rules), the United Nations Guidelines on the Prevention of Juvenile Delinquency (The Riyadh Guidelines)

and the United Nations Rules for the Protection of Juveniles Deprived of their Liberty, and a set of full commentaries on their provisions;

9. Urges all relevant bodies within the United Nations system to collaborate with the Secretary-General in taking appropriate measures to ensure the implementation of the present resolution;

10. Invites the Sub-Commission on Prevention of Discrimination and Protection of Minorities of the Commission on Human Rights to consider this new international instrument with a view to promoting the application of its provisions;

11. Invites Member States to support strongly the organization of technical and scientific workshops and pilot and demonstration projects on practical issues and policy matters relating to the application of the provisions of the Riyadh Guidelines and to the establishment of concrete measures for community-based services designed to respond to the special needs, problems and concerns of young persons, and requests the Secretary-General to co-ordinate efforts in this respect;

12. Also invites Member States to inform the Secretary-General on the implementation of the Riyadh Guidelines and to report regularly to the Committee on Crime Prevention and Control on the results achieved;

13. Recommends that the Committee on Crime Prevention and Control request the Ninth Congress to review the progress made in the promotion and application of the Riyadh Guidelines and the recommendations contained in the present resolution, under a separate agenda item on juvenile justice, and keep the matter under constant review.

#### ANNEX

##### United Nations Guidelines for the Prevention of Juvenile Delinquency (The Riyadh Guidelines)

#### I. Fundamental principles

1. The prevention of juvenile delinquency is an essential part of crime prevention in society. By engaging in lawful, socially useful activities and adopting a humanistic orientation towards society and outlook on life, young persons can develop non-criminogenic attitudes.

2. The successful prevention of juvenile delinquency requires efforts on the part of the entire society to ensure the harmonious development of adolescents, with respect for and promotion of their personality from early childhood.

3. For the purposes of the interpretation of the present Guidelines, a child-centred orientation should be pursued. Young persons should have an active role and partnership within society and should not be considered as mere objects of socialization or control.

4. In the implementation of the present Guidelines, in accordance with national legal systems, the well-being of young persons from their early childhood should be the focus of any preventive programme.

5. The need for and importance of progressive delinquency prevention policies and the systematic study and the elaboration of measures should be recognized. These should avoid criminalizing and penalizing a child for behaviour that does not cause serious damage to the development of the child or harm to others. Such policies and measures should involve:

(a) The provision of opportunities, in particular educational opportunities, to meet the varying needs

of young persons and to serve as a supportive framework for safeguarding the personal development of all young persons, particularly those who are demonstrably endangered or at social risk and are in need of special care and protection;

(6) Specialized philosophies and approaches for delinquency prevention, on the basis of laws, processes, institutions, facilities and a service delivery network aimed at reducing the motivation, need and opportunity for, or conditions giving rise to, the commission of infractions;

(c) Official intervention to be pursued primarily in the overall interest of the young person and guided by fairness and equity;

(d) Safeguarding the well-being, development, rights and interests of all young persons;

(e) Consideration that youthful behaviour or conduct that does not conform to overall social norms and values is often part of the maturation and growth process and tends to disappear spontaneously in most individuals with the transition to adulthood;

(f) Awareness that, in the predominant opinion of experts, labelling a young person as "deviant", "delinquent" or "pre-delinquent" often contributes to the development of a consistent pattern of undesirable behaviour by young persons.

6. Community-based services and programmes should be developed for the prevention of juvenile delinquency, particularly where no agencies have yet been established. Formal agencies of social control should only be utilized as a means of last resort.

#### II. Scope of the guidelines

7 The present Guidelines should be interpreted and implemented within the broad framework of the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the Declaration of the Rights of the Child and the Convention on the Rights of the Child, and in the context of the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (The Beijing Rules), as well as other instruments and norms relating to the rights, interests and well-being of all children and young persons.

8. The present Guidelines should also be implemented in the context of the economic, social and cultural conditions prevailing in each Member State.

#### III. General prevention

9. Comprehensive prevention plans should be instituted at every level of government and include the following:

(a) In-depth analyses of the problem and inventories of programmes, services, facilities and resources available;

(b) Well-defined responsibilities for the qualified agencies, institutions and personnel involved in preventive efforts;

(c) Mechanisms for the appropriate co-ordination of prevention efforts between governmental and non-governmental agencies;

(d) Policies, programmes and strategies based on prognostic studies to be continuously monitored and carefully evaluated in the course of implementation;

(e) Methods for effectively reducing the opportunity to commit delinquent acts;

(f) Community involvement through a wide range of services and programmes;

(g) Close interdisciplinary co-operation between national, state, provincial and local governments, with the involvement of the private sector, representative citizens of the community to be served, and labour, child-care, health education, social, law enforcement and judicial agencies in taking concerted action to prevent juvenile delinquency and youth crime;

(h) Youth participation in delinquency prevention policies and processes, including recourse to community resources, youth self-help, and victim compensation and assistance programmes;

(i) Specialized personnel at all levels.

#### IV. Socialization processes

10. Emphasis should be placed on preventive policies facilitating the successful socialization and integration of all children and young persons, in particular through the family, the community, peer groups, schools, vocational training and the world of work, as well as through voluntary organizations. Due respect should be given to the proper personal development of children and young persons, and they should be accepted as full and equal partners in socialization and integration processes.

##### A. Family

11. Every society should place a high priority on the needs and well-being of the family and of all its members.

12. Since the family is the central unit responsible for the primary socialization of children, governmental and social efforts to preserve the integrity of the family, including the extended family, should be pursued. The society has a responsibility to assist the family in providing care and protection and in ensuring the physical and mental well-being of children. Adequate arrangements including day-care should be provided.

13. Governments should establish policies that are conducive to the bringing up of children in stable and settled family environments. Families in need of assistance in the resolution of conditions of instability or conflict should be provided with requisite services.

14. Where a stable and settled family environment is lacking and when community efforts to assist parents in this regard have failed and the extended family cannot fulfil this role, alternative placements, including foster care and adoption, should be considered. Such placements should replicate, to the extent possible, a stable and settled family environment, while, at the same time, establishing a sense of permanency for children, thus avoiding problems associated with "foster drift".

15. Special attention should be given to children of families affected by problems brought about by rapid and uneven economic, social and cultural change, in particular the children of indigenous, migrant and refugee families. As such changes may disrupt the social capacity of the family to secure the traditional rearing and nurturing of children, often as a result of role and culture conflict, innovative and socially constructive modalities for the socialization of children have to be designed.

16. Measures should be taken and programmes developed to provide families with the opportunity to learn about parental roles and obligations as regards

child development and child care, promoting positive parent-child relationships, sensitizing parents to the problems of children and young persons and encouraging their involvement in family and community-based activities.

17. Governments should take measures to promote family cohesion and harmony and to discourage the separation of children from their parents, unless circumstances affecting the welfare and future of the child leave no viable alternative.

18. It is important to emphasize the socialization function of the family and extended family; it is also equally important to recognize the future role, responsibilities, participation and partnership of young persons in society.

19. In ensuring the right of the child to proper socialization, Governments and other agencies should rely on existing social and legal agencies, but, whenever traditional institutions and customs are no longer effective, they should also provide and allow for innovative measures.

##### B. Education

20. Governments are under an obligation to make public education accessible to all young persons.

21. Education systems should, in addition to their academic and vocational training activities, devote particular attention to the following:

(a) Teaching of basic values and developing respect for the child's own cultural identity and patterns, for the social values of the country in which the child is living, for civilizations different from the child's own and for human rights and fundamental freedoms;

(b) Promotion and development of the personality, talents and mental and physical abilities of young people to their fullest potential;

(c) Involvement of young persons as active and effective participants in, rather than mere objects of, the educational process;

(d) Undertaking activities that foster a sense of identity with and of belonging to the school and the community;

(e) Encouragement of young persons to understand and respect diverse views and opinions, as well as cultural and other differences;

(f) Provision of information and guidance regarding vocational training, employment opportunities and career development;

(g) Provision of positive emotional support to young persons and the avoidance of psychological maltreatment;

(h) Avoidance of harsh disciplinary measures, particularly corporal punishment.

22. Educational systems should seek to work together with parents, community organizations and agencies concerned with the activities of young persons.

23. Young persons and their families should be informed about the law and their rights and responsibilities under the law, as well as the universal value system, including United Nations instruments.

24. Educational systems should extend particular care and attention to young persons who are at social risk. Specialized prevention programmes and educational materials, curricula, approaches and tools should be developed and fully utilized.

25. Special attention should be given to comprehensive policies and strategies for the prevention of alcohol, drug and other substance abuse by young persons. Teachers and other professionals should be equipped and trained to prevent and deal with these problems. Information on the use and abuse of drugs, including alcohol, should be made available to the student body.

26. Schools should serve as resource and referral centres for the provision of medical, counselling and other services to young persons, particularly those with special needs and suffering from abuse, neglect, victimization and exploitation.

27. Through a variety of educational programmes, teachers and other adults and the student body should be sensitized to the problems, needs and perceptions of young persons, particularly those belonging to underprivileged, disadvantaged, ethnic or other minority and low-income groups.

28. School systems should attempt to meet and promote the highest professional and educational standards with respect to curricula, teaching and learning methods and approaches, and the recruitment and training of qualified teachers. Regular monitoring and assessment of performance by the appropriate professional organizations and authorities should be ensured.

29. School systems should plan, develop and implement extra-curricular activities of interest to young persons, in co-operation with community groups.

30. Special assistance should be given to children and young persons who find it difficult to comply with attendance codes, and to "drop-outs".

31. Schools should promote policies and rules that are fair and just; students should be represented in bodies formulating school policy, including policy on discipline, and decision-making.

#### C. Community

32. Community-based services and programmes which respond to the special needs, problems, interests and concerns of young persons and which offer appropriate counselling and guidance to young persons and their families should be developed, or strengthened where they exist.

33. Communities should provide, or strengthen where they exist, a wide range of community-based support measures for young persons, including community development centres, recreational facilities and services to respond to the special problems of children who are at social risk. In providing these helping measures, respect for individual rights should be ensured.

34. Special facilities should be set up to provide adequate shelter for young persons who are no longer able to live at home or who do not have homes to live in.

35. A range of services and helping measures should be provided to deal with the difficulties experienced by young persons in the transition to adulthood. Such services should include special programmes for young drug abusers which emphasize care, counselling, assistance and therapy-oriented interventions.

36. Voluntary organizations providing services for young persons should be given financial and other support by Governments and other institutions.

37. Youth organizations should be created or strengthened at the local level and given full participatory status in the management of community affairs. These organizations should encourage youth to organize collective and voluntary projects, particularly projects aimed at helping young persons in need of assistance.

38. Government agencies should take special responsibility and provide necessary services for homeless or street children; information about local facilities, accommodation, employment and other forms and sources of help should be made readily available to young persons.

39. A wide range of recreational facilities and services of particular interest to young persons should be established and made easily accessible to them.

#### D. Mass media

40. The mass media should be encouraged to ensure that young persons have access to information and material from a diversity of national and international sources.

41. The mass media should be encouraged to portray the positive contribution of young persons to society.

42. The mass media should be encouraged to disseminate information on the existence of services, facilities and opportunities for young persons in society.

43. The mass media generally, and the television and film media in particular, should be encouraged to minimize the level of pornography, drugs and violence portrayed and to display violence and exploitation disfavouredly, as well as to avoid demeaning and degrading presentations, especially of children, women and interpersonal relations, and to promote egalitarian principles and roles.

44. The mass media should be aware of its extensive social role and responsibility, as well as its influence, in communications relating to youthful drug and alcohol abuse. It should use its power for drug abuse prevention by relaying consistent messages through a balanced approach. Effective drug awareness campaigns at all levels should be promoted.

#### V. Social policy

45. Government agencies should give high priority to plans and programmes for young persons and should provide sufficient funds and other resources for the effective delivery of services, facilities and staff for adequate medical and mental health care, nutrition, housing and other relevant services, including drug and alcohol abuse prevention and treatment, ensuring that such resources reach and actually benefit young persons.

46. The institutionalization of young persons should be a measure of last resort and for the minimum necessary period, and the best interests of the young person should be of paramount importance. Criteria authorizing formal intervention of this type should be strictly defined and limited to the following situations: (a) where the child or young person has suffered harm that has been inflicted by the parents or guardians; (b) where the child or young person has been sexually, physically or emotionally abused by the parents or guardians; (c) where the child or young person has been neglected, abandoned or exploited by the parents or guardians; (d) where the child or young per-



son is threatened by physical or moral danger due to the behaviour of the parents or guardians; and (e) where a serious physical or psychological danger to the child or young person has manifested itself in his or her own behaviour and neither the parents, the guardians, the juvenile himself or herself nor non-residential community services can meet the danger by means other than institutionalization.

47. Government agencies should provide young persons with the opportunity of continuing in full-time education, funded by the State where parents or guardians are unable to support the young persons, and of receiving work experience.

48. Programmes to prevent delinquency should be planned and developed on the basis of reliable, scientific research findings, and periodically monitored, evaluated and adjusted accordingly.

49. Scientific information should be disseminated to the professional community and to the public at large about the sort of behaviour or situation which indicates or may result in physical and psychological victimization, harm and abuse, as well as exploitation, of young persons.

50. Generally, participation in plans and programmes should be voluntary. Young persons themselves should be involved in their formulation, development and implementation.

51. Governments should begin or continue to explore, develop and implement policies, measures and strategies within and outside the criminal justice system to prevent domestic violence against and affecting young persons and to ensure fair treatment to these victims of domestic violence.

#### VI. Legislation and juvenile justice administration

52. Governments should enact and enforce specific laws and procedures to promote and protect the rights and well-being of all young persons.

53. Legislation preventing the victimization, abuse, exploitation and the use for criminal activities of children and young persons should be enacted and enforced.

54. No child or young person should be subjected to harsh or degrading correction or punishment measures at home, in schools or in any other institutions.

55. Legislation and enforcement aimed at restricting and controlling accessibility of weapons of any sort to children and young persons should be pursued.

56. In order to prevent further stigmatization, victimization and criminalization of young persons, legislation should be enacted to ensure that any conduct not considered an offence or not penalized if committed by an adult is not considered an offence and not penalized if committed by a young person.

57. Consideration should be given to the establishment of an office of ombudsman or similar independent organ, which would ensure that the status, rights and interests of young persons are upheld and that proper referral to available services is made. The ombudsman or other organ designated would also supervise the implementation of the Riyadh Guidelines, the Beijing Rules and the Rules for the Protection of Juveniles Deprived of their Liberty. The ombudsman or other organ would, at regular intervals, publish a report on the progress made and on the difficulties en-

countered in the implementation of the instrument. Child advocacy services should also be established.

58. Law enforcement and other relevant personnel, of both sexes, should be trained to respond to the special needs of young persons and should be familiar with and use, to the maximum extent possible, programmes and referral possibilities for the diversion of young persons from the justice system.

59. Legislation should be enacted and strictly enforced to protect children and young persons from drug abuse and drug traffickers.

#### VII. Research, policy development and co-ordination

60. Efforts should be made and appropriate mechanisms established to promote, on both a multidisciplinary and an intradisciplinary basis, interaction and co-ordination between economic, social, educational and health agencies and services, the justice system, youth, community and development agencies and other relevant institutions.

61. The exchange of information, experience and expertise gained through projects, programmes, practices and initiatives relating to youth crime, delinquency prevention and juvenile justice should be intensified at the national, regional and international levels.

62. Regional and international co-operation on matters of youth crime, delinquency prevention and juvenile justice involving practitioners experts and decision makers should be further developed and strengthened.

63. Technical and scientific co-operation on practical and policy-related matters, particularly in training, pilot and demonstration projects, and on specific issues concerning the prevention of youth crime and juvenile delinquency should be strongly supported by all Governments, the United Nations system and other concerned organizations.

64. Collaboration should be encouraged in undertaking scientific research with respect to effective modalities for youth crime and juvenile delinquency prevention and the findings of such research should be widely disseminated and evaluated.

65. Appropriate United Nations bodies, institutes, agencies and offices should pursue close collaboration and co-ordination on various questions related to children, juvenile justice and youth crime and juvenile delinquency prevention.

66. On the basis of the present Guidelines, the United Nations Secretariat, in co-operation with interested institutions, should play an active role in the conduct of research, scientific collaboration, the formulation of policy options and the review and monitoring of their implementation, and should serve as a source of reliable information on effective modalities for delinquency prevention.

General Assembly resolution 45/112

14 December 1990 Meeting 68 Adopted without vote  
Approved by Third Committee (A/45/756) without vote, 23 November  
(meeting 51); draft by Eighth Congress (A/CONF.144/28); agenda item  
100.

Financial implications: 5th Committee, A/45/845; S-G, A/C.3/45/L.36,  
A/C.5/45/59.

Meeting numbers. GA 45th session: 3rd Committee 24-27, 36, 51; 5th  
Committee 42; plenary 68.

### UN Rules for the Protection of Juveniles Deprived of their Liberty

On 14 December, the General Assembly adopted resolution 45/113.

#### United Nations Rules for the Protection of Juveniles Deprived of their Liberty

The General Assembly,

Bearing in mind the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the Convention on the Rights of the Child, as well as other international instruments relating to the protection of the rights and well-being of young persons,

Bearing in mind also the Standard Minimum Rules for the Treatment of Prisoners adopted by the First United Nations Congress on the Prevention of Crime and the Treatment of Offenders,

Bearing in mind further the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, approved by the General Assembly by its resolution 43/173 of 9 December 1988 and contained in the annex thereto,

Recalling the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (The Beijing Rules),

Recalling also resolution 21 of the Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders, in which the Congress called for the development of rules for the protection of juveniles deprived of their liberty,

Recalling further that the Economic and Social Council, in section II of its resolution 1986/10 of 21 May 1986, requested the Secretary-General to report on progress achieved in the development of the rules to the Committee on Crime Prevention and Control at its tenth session and requested the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders to consider the proposed rules with a view to their adoption,

Alarmed at the conditions and circumstances under which juveniles are being deprived of their liberty world wide,

Aware that juveniles deprived of their liberty are highly vulnerable to abuse, victimization and the violation of their rights,

Concerned that many systems do not differentiate between adults and juveniles at various stages of the administration of justice and that juveniles are therefore being held in gaols and facilities with adults,

1. Affirms that the placement of a juvenile in an institution should always be a disposition of last resort and for the minimum necessary period;

2. Recognizes that, because of their high vulnerability, juveniles deprived of their liberty require special attention and protection and that their rights and well-being should be guaranteed during and after the period when they are deprived of their liberty;

3. Notes with appreciation the valuable work of the Secretariat and the collaboration which has been established between the Secretariat and experts, practitioners, intergovernmental organizations, the non-governmental community, particularly Amnesty International, Defence for Children International and

Rädda Barnen International (Swedish Save the Children Federation), and scientific institutions concerned with the rights of children and juvenile justice in the development of the United Nations draft Rules for the Protection of Juveniles Deprived of their Liberty;

4. Adopts the United Nations Rules for the Protection of Juveniles Deprived of their Liberty contained in the annex to the present resolution;

5. Calls upon the Committee on Crime Prevention and Control to formulate measures for the effective implementation of the Rules, with the assistance of the United Nations institutes on the prevention of crime and the treatment of offenders;

6. Invites Member States to adapt, wherever necessary, their national legislation, policies and practices, particularly in the training of all categories of juvenile justice personnel, to the spirit of the Rules, and to bring them to the attention of relevant authorities and the public in general;

7. Also invites Member States to inform the Secretary-General of their efforts to apply the Rules in law, policy and practice and to report regularly to the Committee on Crime Prevention and Control on the results achieved in their implementation;

8. Requests the Secretary-General and invites Member States to ensure the widest possible dissemination of the text of the Rules in all of the official languages of the United Nations;

9. Requests the Secretary-General to conduct comparative research, pursue the requisite collaboration and devise strategies to deal with the different categories of serious and persistent young offenders, and to prepare a policy-oriented report thereon for submission to the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders;

10. Also requests the Secretary-General and urges Member States to allocate the necessary resources to ensure the successful application and implementation of the Rules, in particular in the areas of recruitment, training and exchange of all categories of juvenile justice personnel;

11. Urges all relevant bodies of the United Nations system, in particular the United Nations Children's Fund, the regional commissions and specialized agencies, the United Nations institutes for the prevention of crime and the treatment of offenders and all concerned intergovernmental and non-governmental organizations, to collaborate with the Secretary-General and to take the necessary measures to ensure a concerted and sustained effort within their respective fields of technical competence to promote the application of the Rules;

12. Invites the Sub-Commission on Prevention of Discrimination and Protection of Minorities of the Commission on Human Rights to consider this new international instrument, with a view to promoting the application of its provisions;

13. Requests the Ninth Congress to review the progress made on the promotion and application of the Rules and on the recommendations contained in the present resolution, under a separate agenda item on juvenile justice.

## ANNEX

United Nations Rules for the Protection of  
Juveniles Deprived of their Liberty

## I. Fundamental perspectives

1. The juvenile justice system should uphold the rights and safety and promote the physical and mental well-being of juveniles. Imprisonment should be used as a last resort.

2. Juveniles should only be deprived of their liberty in accordance with the principles and procedures set forth in these Rules and in the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (The Beijing Rules). Deprivation of the liberty of a juvenile should be a disposition of last resort and for the minimum necessary period and should be limited to exceptional cases. The length of the sanction should be determined by the judicial authority, without precluding the possibility of his or her early release.

3. The Rules are intended to establish minimum standards accepted by the United Nations for the protection of juveniles deprived of their liberty in all forms, consistent with human rights and fundamental freedoms, with a view to counteracting the detrimental effects of all types of detention and to fostering integration in society.

4. The Rules should be applied impartially, without discrimination of any kind as to race, colour, sex, age, language, religion, nationality, political or other opinion, cultural beliefs or practices, property, birth or family status, ethnic or social origin, and disability. The religious and cultural beliefs, practices and moral concepts of the juvenile should be respected.

5. The Rules are designed to serve as convenient standards of reference and to provide encouragement and guidance to professionals involved in the management of the juvenile justice system.

6. The Rules should be made readily available to juvenile justice personnel in their national languages. Juveniles who are not fluent in the language spoken by the personnel of the detention facility should have the right to the services of an interpreter free of charge whenever necessary, in particular during medical examinations and disciplinary proceedings;

7. Where appropriate, States should incorporate the Rules into their legislation or amend it accordingly and provide effective remedies for their breach, including compensation when injuries are inflicted on juveniles. States should also monitor the application of the Rules.

8. The competent authorities should constantly seek to increase the awareness of the public that the care of detained juveniles and preparation for their return to society is a social service of great importance, and to this end active steps should be taken to foster open contacts between the juveniles and the local community.

9. Nothing in the Rules should be interpreted as precluding the application of the relevant United Nations and human rights instruments and standards, recognized by the international community, that are more conducive to ensuring the rights, care and protection of juveniles, children&d all young persons.

10. In the event that the practical application of particular rules contained in sections II to V, inclusive, presents any conflict with the rules contained in the

present section, compliance with the latter shall be regarded as the predominant requirement.

## II. Scope and application of the rules

11. For the purposes of the Rules, the following definitions should apply:

(a) A juvenile is every person under the age of 18. The age limit below which it should not be permitted to deprive a child of his or her liberty should be determined by law;

(b) The deprivation of liberty means any form of detention or imprisonment or the placement of a person in a public or private custodial setting, from which this person is not permitted to leave at will, by order of any judicial, administrative or other public authority.

12. The deprivation of liberty should be effected in conditions and circumstances which ensure respect for the human rights of juveniles. Juveniles detained in facilities should be guaranteed the benefit of meaningful activities and programmes which would serve to promote and sustain their health and self-respect, to foster their sense of responsibility and encourage those attitudes and skills that will assist them in developing their potential as members of society.

13. Juveniles deprived of their liberty shall not for any reason related to their status be denied the civil, economic, political, social or cultural rights to which they are entitled under national or international law, and which are compatible with the deprivation of liberty.

14. The protection of the individual rights of juveniles with special regard to the legality of the execution of the detention measures shall be ensured by the competent authority, while the objectives of social integration should be secured by regular inspections and other means of control carried out, according to international standards, national laws and regulations, by a duly constituted body authorized to visit the juveniles and not belonging to the detention facility.

15. The Rules apply to all types and forms of detention facilities in which juveniles are deprived of their liberty. Sections I, II, IV and V of the Rules apply to all detention facilities and institutional settings in which juveniles are detained, and section III applies specifically to juveniles under arrest or awaiting trial.

16. The Rules shall be implemented in the context of the economic, social and cultural conditions prevailing in each Member State.

## III. Juveniles under arrest or awaiting trial

17. Juveniles who are detained under arrest or awaiting trial ("untried") are presumed innocent and shall be treated as such. Detention before trial shall be avoided to the extent possible and limited to exceptional circumstances. Therefore, all efforts shall be made to apply alternative measures. When preventive detention is nevertheless used, juvenile courts and investigative bodies shall give the highest priority to the most expeditious processing of such cases to ensure the shortest possible duration of detention. Untried detainees should be separated from convicted juveniles.

18. The conditions under which an untried juvenile is detained should be consistent with the rules set out below, with additional specific provisions as are necessary and appropriate, given the requirements of the presumption of innocence, the duration of the detention and the legal status and circumstances of the

juvenile. These provisions would include, but not necessarily be restricted to, the following:

(a) Juveniles should have the right of legal counsel and be enabled to apply for free legal aid, where such aid is available, and to communicate regularly with their legal advisers. Privacy and confidentiality shall be ensured for such communications;

(b) Juveniles should be provided, where possible, with opportunities to pursue work, with remuneration, and continue education or training, but should not be required to do so. Work, education or training should not cause the continuation of the detention;

(c) Juveniles should receive and retain materials for their leisure and recreation as are compatible with the interests of the administration of justice.

#### IV. The management of juvenile facilities

##### A. Records

19. All reports, including legal records, medical records and records of disciplinary proceedings, and all other documents relating to the form, content and details of treatment, should be placed in a confidential individual file, which should be kept up to date, accessible only to authorized persons and classified in such a way as to be easily understood. Where possible, every juvenile should have the right to contest any fact or opinion contained in his or her file so as to permit rectification of inaccurate, unfounded or unfair statements. In order to exercise this right, there should be procedures that allow an appropriate third party to have access to and to consult the file on request. Upon release, the records of juveniles shall be sealed, and, at an appropriate time, expunged.

20. No juvenile should be received in any detention facility without a valid commitment order of a judicial, administrative or other public authority. The details of this order should be immediately entered in the register. No juvenile should be detained in any facility where there is no such register.

##### B. Admission, registration, movement and transfer

21. In every place where juveniles are detained, a complete and secure record of the following information should be kept concerning each juvenile received:

- (a) Information on the identity of the juvenile;
- (b) The fact of and reasons for commitment and the authority therefor;
- (c) The day and hour of admission, transfer and release;
- (d) Details of the notifications to parents and guardians on every admission, transfer or release of the juvenile in their care at the time of commitment;
- (e) Details of known physical and mental health problems, including drug and alcohol abuse.

22. The information on admission, place, transfer and release should be provided without delay to the parents and guardians or closest relative of the juvenile concerned.

23. As soon as possible after reception, full reports and relevant information on the personal situation and circumstances of each juvenile should be drawn up and submitted to the administration.

24. On admission, all juveniles shall be given a copy of the rules governing the detention facility and a written description of their rights and obligations in a language they can understand, together with the address

of the authorities competent to receive complaints, as well as the address of public or private agencies and organizations which provide legal assistance. For those juveniles who are illiterate or who cannot understand the language in the written form, the information should be conveyed in a manner enabling full comprehension.

25. All juveniles should be helped to understand the regulations governing the internal organization of the facility, the goals and methodology of the care provided, the disciplinary requirements and procedures, other authorized methods of seeking information and of making complaints, and all such other matters as are necessary to enable them to understand fully their rights and obligations during detention.

26. The transport of juveniles should be carried out at the expense of the administration in conveyances with adequate ventilation and light, in conditions that should in no way subject them to hardship or indignity. Juveniles should not be transferred from one facility to another arbitrarily.

##### C. Classification and placement

27. As soon as possible after the moment of admission, each juvenile should be interviewed, and a psychological and social report identifying any factors relevant to the specific type and level of care and programme required by the juvenile should be prepared. This report, together with the report prepared by a medical officer who has examined the juvenile upon admission, should be forwarded to the director for purposes of determining the most appropriate placement for the juvenile within the facility and the specific type and level of care and programme required and to be pursued. When special rehabilitative treatment is required, and the length of stay in the facility permits, trained personnel of the facility should prepare a written, individualized treatment plan specifying treatment objectives and time-frame and the means, stages and delays with which the objectives should be approached.

28. The detention of juveniles should only take place under conditions that take full account of their particular needs, status and special requirements according to their age, personality, sex and type of offence, as well as mental and physical health, and which ensure their protection from harmful influences and risk situations. The principal criterion for the separation of different categories of juveniles deprived of their liberty should be the provision of the type of care best suited to the particular needs of the individuals concerned and the protection of their physical, mental and moral integrity and well-being.

29. In all detention facilities juveniles should be separated from adults, unless they are members of the same family. Under controlled conditions, juveniles may be brought together with carefully selected adults as part of a special programme that has been shown to be beneficial for the juveniles concerned.

30. Open detention facilities for juveniles should be established. Open detention facilities are those with no or minimal security measures. The population in such detention facilities should be as small as possible. The number of juveniles detained in closed facilities should be small enough to enable individualized treatment. Detention facilities for juveniles should be de-

centralized and of such size as to facilitate access and contact between the juveniles and their families. Small-scale detention facilities should be established and integrated into the social, economic and cultural environment of the community.

#### D. Physical environment and accommodation

31. Juveniles deprived of their liberty have the right to facilities and services that meet all the requirements of health and human dignity.

32. The design of detention facilities for juveniles and the physical environment should be in keeping with the rehabilitative aim of residential treatment, with due regard to the need of the juvenile for privacy, sensory stimuli, opportunities for association with peers and participation in sports, physical exercise and leisure-time activities. The design and structure of juvenile detention facilities should be such as to minimize the risk of fire and to ensure safe evacuation from the premises. There should be an effective alarm system in case of fire, as well as formal and drilled procedures to ensure the safety of the juveniles. Detention facilities should not be located in areas where there are known health or other hazards or risks.

33. Sleeping accommodation should normally consist of small group dormitories or individual bedrooms, account being taken of local standards. During sleeping hours there should be regular, unobtrusive supervision of all sleeping areas, including individual rooms and group dormitories, in order to ensure the protection of each juvenile. Every juvenile should, in accordance with local or national standards, be provided with separate and sufficient bedding, which should be clean when issued, kept in good order and changed often enough to ensure cleanliness.

34. Sanitary installations should be so located and of a sufficient standard to enable every juvenile to comply, as required, with their physical needs in privacy and in a clean and decent manner.

35. The possession of personal effects is a basic element of the right to privacy and essential to the psychological well-being of the juvenile. The right of every juvenile to possess personal effects and to have adequate storage facilities for them should be fully recognized and respected. Personal effects that the juvenile does not choose to retain or that are confiscated should be placed in safe custody. An inventory thereof should be signed by the juvenile. Steps should be taken to keep them in good condition. All such articles and money should be returned to the juvenile on release, except in so far as he or she has been authorized to spend money or send such property out of the facility. If a juvenile receives or is found in possession of any medicine, the medical officer should decide what use should be made of it.

36. To the extent possible juveniles should have the right to use their own clothing. Detention facilities should ensure that each juvenile has personal clothing suitable for the climate and adequate to ensure good health, and which should in no manner be degrading or humiliating. Juveniles removed from or leaving a facility for any purpose should be allowed to wear their own clothing.

37. Every detention facility shall ensure that every juvenile receives food that is suitably prepared and presented at normal meal times and of a quality and quan-

tity to satisfy the standards of dietetics, hygiene and health and, as far as possible, religious and cultural requirements. Clean drinking water should be available to every juvenile at any time.

#### E. Education, vocational training and work

38. Every juvenile of compulsory school age has the right to education suited to his or her needs and abilities and designed to prepare him or her for return to society. Such education should be provided outside the detention facility in community schools wherever possible and, in any case, by qualified teachers through programmes integrated with the education system of the country so that, after release, juveniles may continue their education without difficulty. Special attention should be given by the administration of the detention facilities to the education of juveniles of foreign origin or with particular cultural or ethnic needs. Juveniles who are illiterate or have cognitive or learning difficulties should have the right to special education.

39. Juveniles above compulsory school age who wish to continue their education should be permitted and encouraged to do so, and every effort should be made to provide them with access to appropriate educational programmes.

40. Diplomas or educational certificates awarded to juveniles while in detention should not indicate in any way that the juvenile has been institutionalized.

41. Every detention facility should provide access to a library that is adequately stocked with both instructional and recreational books and periodicals suitable for the juveniles, who should be encouraged and enabled to make full use of it.

42. Every juvenile should have the right to receive vocational training in occupations likely to prepare him or her for future employment.

43. With due regard to proper vocational selection and to the requirements of institutional administration, juveniles should be able to choose the type of work they wish to perform.

44. All protective national and international standards applicable to child labour and young workers should apply to juveniles deprived of their liberty.

45. Wherever possible, juveniles should be provided with the opportunity to perform remunerated labour, if possible within the local community, as a complement to the vocational training provided in order to enhance the possibility of finding suitable employment when they return to their communities. The type of work should be such as to provide appropriate training that will be of benefit to the juveniles following release. The organization and methods of work offered in detention facilities should resemble as closely as possible those of similar work in the community, so as to prepare juveniles for the conditions of normal occupational life.

46. Every juvenile who performs work should have the right to an equitable remuneration. The interests of the juveniles and of their vocational training should not be subordinated to the purpose of making profit for the detention facility or a third party. Part of the earnings of a juvenile should normally be set aside to constitute a savings fund to be handed over to the juvenile on release. The juvenile should have the right to use the remainder of those earnings to purchase arti-

cles for his or her own use or to indemnify the victim injured by his or her offence or to send it to his or her family or other persons outside the detention facility.

#### F. Recreation

47. Every juvenile should have the right to a suitable amount of time for daily free exercise, in the open air whenever weather permits, during which time appropriate recreational and physical training should normally be provided. Adequate space, installations and equipment should be provided for these activities. Every juvenile should have additional time for daily leisure activities, part of which should be devoted, if the juvenile so wishes, to arts and crafts skill development. The detention facility should ensure that each juvenile is physically able to participate in the available programmes of physical education. Remedial physical education and therapy should be offered, under medical supervision, to juveniles needing it.

#### G. Religion

48. Every juvenile should be allowed to satisfy the needs of his or her religious and spiritual life, in particular by attending the services or meetings provided in the detention facility or by conducting his or her own services and having possession of the necessary books or items of religious observance and instruction of his or her denomination. If a detention facility contains a sufficient number of juveniles of a given religion, one or more qualified representatives of that religion should be appointed or approved and allowed to hold regular services and to pay pastoral visits in private to juveniles at their request. Every juvenile should have the right to receive visits from a qualified representative of any religion of his or her choice, as well as the right not to participate in religious services and freely to decline religious education, counselling or indoctrination.

#### H. Medical care

49. Every juvenile shall receive adequate medical care, both preventive and remedial, including dental, ophthalmological and mental health care, as well as pharmaceutical products and special diets as medically indicated. All such medical care should, where possible, be provided to detained juveniles through the appropriate health facilities and services of the community in which the detention facility is located, in order to prevent stigmatization of the juvenile and promote self-respect and integration into the community.

50. Every juvenile has a right to be examined by a physician immediately upon admission to a detention facility, for the purpose of recording any evidence of prior ill-treatment and identifying any physical or mental condition requiring medical attention.

51. The medical services provided to juveniles should seek to detect and should treat any physical or mental illness, substance abuse or other condition that may hinder the integration of the juvenile into society. Every detention facility for juveniles should have immediate access to adequate medical facilities and equipment appropriate to the number and requirements of its residents and staff trained in preventive health care and the handling of medical emergencies. Every juvenile who is ill, who complains of illness or who demonstrates symptoms of physical or mental difficulties should be examined promptly by a medical officer.

52. Any medical officer who has reason to believe that the physical or mental health of a juvenile has been or will be injuriously affected by continued detention, a hunger strike or any condition of detention should report this fact immediately to the director of the detention facility in question and to the independent authority responsible for safeguarding the well-being of the juvenile.

53. A juvenile who is suffering from mental illness should be treated in a specialized institution under independent medical management. Steps should be taken, by arrangement with appropriate agencies, to ensure any necessary continuation of mental health care after release.

54. Juvenile detention facilities should adopt specialized drug abuse prevention and rehabilitation programmes administered by qualified personnel. These programmes should be adapted to the age, sex and other requirements of the juveniles concerned, and detoxification facilities and services staffed by trained personnel should be available to drug- or alcohol-dependent juveniles.

55. Medicines should be administered only for necessary treatment on medical grounds and, when possible, after having obtained the informed consent of the juvenile concerned. In particular, they must not be administered with a view to eliciting information or a confession, as a punishment or as a means of restraint. Juveniles shall never be testees in the experimental use of drugs and treatment. The administration of any drug should always be authorized and carried out by qualified medical personnel.

#### I. Notification of illness, injury and death

56. The family or guardian of a juvenile and any other person designated by the juvenile have the right to be informed of the state of health of the juvenile on request and in the event of any important changes in the health of the juvenile. The director of the detention facility should notify immediately the family or guardian of the juvenile concerned, or other designated person, in case of death, illness requiring transfer of the juvenile to an outside medical facility, or a condition requiring clinical care within the detention facility for more than 48 hours. Notification should also be given to the consular authorities of the State of which a foreign juvenile is a citizen.

57. Upon the death of a juvenile during the period of deprivation of liberty, the nearest relative should have the right to inspect the death certificate, see the body and determine the method of disposal of the body. Upon the death of a juvenile in detention, there should be an independent inquiry into the causes of death, the report of which should be made accessible to the nearest relative. This inquiry should also be made when the death of a juvenile occurs within six months from the date of his or her release from the detention facility and there is reason to believe that the death is related to the period of detention.

58. A juvenile should be informed at the earliest possible time of the death, serious illness or injury of any immediate family member and should be provided with the opportunity to attend the funeral of the deceased or go to the bedside of a critically ill relative.

#### J. Contacts with the wider community

59. Every means should be provided to ensure that juveniles have adequate communication with the outside world, which is an integral part of the right to fair and humane treatment and is essential to the preparation of juveniles for their return to society. Juveniles should be allowed to communicate with their families, friends and other persons or representatives of reputable outside organizations, to leave detention facilities for a visit to their home and family and to receive special permission to leave the detention facility for educational, vocational or other important reasons. Should the juvenile be serving a sentence, the time spent outside a detention facility should be counted as Part of the period of sentence.

60. Every juvenile should have the right to receive regular and frequent visits, in principle once a week and not less than once a month, in circumstances that respect the need of the juvenile for privacy, contact and unrestricted communication with the family and the defence counsel.

61. Every juvenile should have the right to communicate in writing or by telephone at least twice a week with the person of his or her choice, unless legally restricted, and should be assisted as necessary in order effectively to enjoy this right. Every juvenile should have the right to receive correspondence.

62. Juveniles should have the opportunity to keep themselves informed regularly of the news by reading newspapers, periodicals and other publications, through access to radio and television programmes and motion pictures, and through the visits of the representatives of any lawful club or organization in which the juvenile is interested.

#### K. Limitations of physical restraint and the use of force

63. Recourse to instruments of restraint and to force for any purpose should be prohibited, except as set forth in rule 64 below.

64. Instruments of restraint and force can only be used in exceptional cases, where all other control methods have been exhausted and failed, and only as explicitly authorized and specified by law and regulation. They should not cause humiliation or degradation, and should be used restrictively and only for the shortest possible period of time. By order of the director of the administration, such instruments might be resorted to in order to prevent the juvenile from inflicting self-injury, injuries to others or serious destruction of property. In such instances, the director should at once consult medical and other relevant personnel and report to the higher administrative authority.

65. The carrying and use of weapons by personnel should be prohibited in any facility where juveniles are detained.

#### L. Disciplinary procedures

66. Any disciplinary measures and procedures should maintain the interest of safety and an ordered community life and should be consistent with the upholding of the inherent dignity of the juvenile and the fundamental objective of institutional care, namely, instilling a sense of justice, self-respect and respect for the basic rights of every person.

67. All disciplinary measures constituting cruel, inhuman or degrading treatment shall be strictly prohib-

ited, including corporal punishment, placement in a dark cell, closed or solitary confinement or any other punishment that may compromise the physical or mental health of the juvenile concerned. The reduction of diet and the restriction or denial of contact with family members should be prohibited for any purpose. Labour should always be viewed as an educational tool and a means of promoting the self-respect of the juvenile in preparing him or her for return to the community and should not be imposed as a disciplinary sanction. No juvenile should be sanctioned more than once for the same disciplinary infraction. Collective sanctions should be prohibited.

68. Legislation or regulations adopted by the competent administrative authority should establish norms concerning the following, taking full account of the fundamental characteristics, needs and rights of juveniles:

- (a) Conduct constituting a disciplinary offence;
- (b) Type and duration of disciplinary sanctions that may be inflicted;
- (c) The authority competent to impose such sanctions;
- (d) The authority competent to consider appeals.

69. A report of misconduct should be presented promptly to the competent authority, which should decide on it without undue delay. The competent authority should conduct a thorough examination of the case.

70. No juvenile should be disciplinarily sanctioned except in strict accordance with the terms of the law and regulations in force. No juvenile should be sanctioned unless he or she has been informed of the alleged infraction in a manner appropriate to the full understanding of the juvenile, and given a proper opportunity of presenting his or her defence, including the right of appeal to a competent impartial authority. Complete records should be kept of all disciplinary proceedings.

71. No juveniles should be responsible for disciplinary functions except in the supervision of specified social, educational or sports activities or in self-government programmes.

#### M. Inspection and complaints

72. Qualified inspectors or an equivalent duly constituted authority not belonging to the administration of the facility should be empowered to conduct inspections on a regular basis and to undertake unannounced inspections on their own initiative, and should enjoy full guarantees of independence in the exercise of this function. Inspectors should have unrestricted access to all persons employed by or working in any facility where juveniles are or may be deprived of their liberty, to all juveniles and to all records of such facilities.

73. Qualified medical officers attached to the inspecting authority or the public health service should participate in the inspections, evaluating compliance with the rules concerning the physical environment, hygiene, accommodation, food, exercise and medical services, as well as any other aspect or conditions of institutional life that affect the physical and mental health of juveniles. Every juvenile should have the right to talk in confidence to any inspecting officer.

74. After completing the inspection, the inspector should be required to submit a report on the findings. The report should include an evaluation of the compli-

ante of the detention facilities with the present rules and relevant provisions of national law, and recommendations regarding any steps considered necessary to ensure compliance with them. Any facts discovered by an inspector that appear to indicate that a violation of legal provisions concerning the rights of juveniles or the operation of a juvenile detention facility has occurred should be communicated to the competent authorities for investigation and prosecution.

75. Every juvenile should have the opportunity of making requests or complaints to the director of the detention facility and to his or her authorized representative.

76. Every juvenile should have the right to make a request or complaint, without censorship as to substance, to the central administration, the judicial authority or other proper authorities through approved channels, and to be informed of the response without delay.

77. Efforts should be made to establish an independent office (ombudsman) to receive and investigate complaints made by juveniles deprived of their liberty and to assist in the achievement of equitable settlements.

78. Every juvenile should have the right to request assistance from family members, legal counsellors, humanitarian groups or others where possible, in order to make a complaint. Illiterate juveniles should be provided with assistance should they need to use the services of public or private agencies and organizations which provide legal counsel or which are competent to receive complaints.

#### N. Return to the community

79. All juveniles should benefit from arrangements designed to assist them in returning to society, family life, education or employment after release. Procedures, including early release, and special courses should be devised to this end.

80. Competent authorities should provide or ensure services to assist juveniles in re-establishing themselves in society and to lessen prejudice against such juveniles. These services should ensure, to the extent possible, that the juvenile is provided with suitable residence, employment, clothing, and sufficient means to maintain himself or herself upon release in order to facilitate successful reintegration. The representatives of agencies providing such services should be consulted and should have access to juveniles while detained, with a view to assisting them in their return to the community.

#### V. Personnel

81. Personnel should be qualified and include a sufficient number of specialists such as educators, vocational instructors, counsellors, social workers, psychiatrists and psychologists. These and other specialist staff should normally be employed on a permanent basis. This should not preclude part-time or volunteer workers when the level of support and training they can provide is appropriate and beneficial. Detention facilities should make use of all remedial, educational, moral, spiritual, and other resources and forms of assistance that are appropriate and available in the community, according to the individual needs and problems of detained juveniles.

82. The administration should provide for the careful selection and recruitment of every grade and type of personnel, since the proper management of detention facilities depends on their integrity, humanity, ability and professional capacity to deal with juveniles, as well as personal suitability for the work.

83. To secure the foregoing ends, personnel should be appointed as professional officers with adequate remuneration to attract and retain suitable women and men. The personnel of juvenile detention facilities should be continually encouraged to fulfil their duties and obligations in a humane, committed, professional, fair and efficient manner, to conduct themselves at all times in such a way as to deserve and gain the respect of the juveniles, and to provide juveniles with a positive role model and perspective.

84. The administration should introduce forms of organization and management that facilitate communications between different categories of staff in each detention facility so as to enhance co-operation between the various services engaged in the care of juveniles, as well as between staff and the administration, with a view to ensuring that staff directly in contact with juveniles are able to function in conditions favourable to the efficient fulfilment of their duties.

85. The personnel should receive such training as will enable them to carry out their responsibilities effectively, in particular training in child psychology, child welfare and international standards and norms of human rights and the rights of the child, including the present Rules. The personnel should maintain and improve their knowledge and professional capacity by attending courses of in-service training, to be organized at suitable intervals throughout their career.

86. The director of a facility should be adequately qualified for his or her task, with administrative ability and suitable training and experience, and should carry out his or her duties on a full-time basis.

87. In the performance of their duties, personnel of detention facilities should respect and protect the human dignity and fundamental human rights of all juveniles, in particular, as follows:

(a) No member of the detention facility or institutional personnel may inflict, instigate or tolerate any act of torture or any form of harsh, cruel, inhuman or degrading treatment, punishment, correction or discipline under any pretext or circumstance whatsoever;

(b) All personnel should rigorously oppose and combat any act of corruption, reporting it without delay to the competent authorities;

(c) All personnel should respect the present Rules. Personnel who have reason to believe that a serious violation of the present Rules has occurred or is about to occur should report the matter to their superior authorities or organs vested with reviewing or remedial power;

(d) All personnel should ensure the full protection of the physical and mental health of juveniles, including protection from physical, sexual and emotional abuse and exploitation, and should take immediate action to secure medical attention whenever required;

(e) All personnel should respect the right of the juvenile to privacy, and in particular should safeguard all confidential matters concerning juveniles or their families learned as a result of their professional capacity;



(f) All personnel should seek to minimize any differences between life inside and outside the detention facility which tend to lessen due respect for the dignity of juveniles as human beings.

General Assembly resolution 45/113  
14 December 1990 Meeting 68 Adopted without vote  
Approved by Third Committee (A/45/756) without vote, 23 November (meeting 51); draft by Eighth Congress (A/CONF.144/28), amended by United States (A/C.3/45/L.46); agenda item 100.  
Financial implications. S-G, A/C.3/45/L.36.  
Meeting numbers. GA 45th session: 3rd Committee 24-27, 36, 47, 51; plenary 66.

#### Instrumental use of children in criminal activities

On 14 December, the General Assembly adopted resolution 45/115.

##### Instrumental use of children in criminal activities

The General Assembly,

Bearing in mind the Convention on the Rights of the Child and the Declaration of the Rights of the Child, as well as the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances,

Bearing in mind also the United Nations Standard Minimum Rules for the Administration of juvenile Justice (The Beijing Rules), the United Nations Guidelines for the Prevention of Juvenile Delinquency (The Riyadh Guidelines) and the United Nations Rules for the Protection of Juveniles Deprived of their Liberty,

Recalling that, in its resolution 44/82 of 8 December 1989, it proclaimed 1994 the International Year of the Family,

Recalling and reaffirming its resolutions 43/121 of 8 December 1988 on the use of children in the illicit traffic in narcotic drugs and rehabilitation of drug-addicted minors and 40/35 of 29 November 1985 on the development of standards for the prevention of juvenile delinquency, as well as Economic and Social Council resolutions 1989/66 of 24 May 1989 on the Beijing Rules and 1990/33 of 24 May 1990 on the reduction of demand and prevention of drug consumption among young persons in the Near and Middle East,

Recognizing that within the traditional forms of child exploitation the instrumental use of children in criminal activities, especially those aimed at illicit profit making, has become an increasingly grave phenomenon,

Concerned that children are being led by adults into a criminal lifestyle, which hinders their development and denies them opportunities for a healthy and responsible role in society,

Considering that the instrumental use of children by adults in profit-making criminal activities is a grave practice that represents a violation of social norms and a deprivation of the right of children to proper development, education and upbringing and prejudices their future,

Emphasizing that categories of children, such as those who are runaway, vagrant, wayward or "street" children, are targets for exploitation, including seduction into drug trafficking and abuse, prostitution, pornography, theft, burglary, begging and homicide for reward,

1. Requests Member States and the Secretary-General to take measures with a view to formulating programmes to deal with the problem of the instrumental use of children in criminal activities and to take effective action by, inter alia:

(a) Undertaking research and a systematic analysis of the phenomenon;

(b) Developing training and awareness-raising activities in order to make law enforcement and other justice personnel, as well as policy makers, sensitive to those situations of social risk that cause children to be manipulated by adults into engaging in crime;

(c) Taking measures in combating criminality with a view to ensuring that appropriate sanctions are applied against adults who are the instigators and authors of crimes, rather than against the children involved who themselves are victims of criminality by virtue of their being exposed to crime;

(d) Developing comprehensive policies, programmes and effective preventive and remedial measures, in order to eliminate the involvement and exploitation of children by adults in criminal activities;

2. Requests the Secretary-General to study the situation in different countries and to report on the implementation of the present resolution to the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders;

3. Also requests the Secretary-General to invite the collaboration of the Centre for Human Rights and the Division of Narcotic Drugs of the Secretariat, the United Nations Fund for Drug Abuse Control, the World Health Organization, the United Nations Children's Fund, the Office of the United Nations High Commissioner for Refugees, the United Nations Educational, Scientific and Cultural Organization and the United Nations institutes for the prevention of crime and the treatment of offenders and other concerned institutes in the implementation of the present resolution;

4. Requests the Committee on Crime Prevention and Control to consider this matter and to keep it under constant review.

General Assembly resolution 45/115  
14 December 1990 Meeting 68 Adopted without vote  
Approved by Third Committee (A/45/756) without vote, 23 November (meeting 51); draft by Eighth Congress (A/CONF.144/28); agenda item 100.  
Financial implications. 5th Committee, A/45/845; S-G, A/C.3/45/L.36, A/C.5/45/59.  
Meeting numbers. GA 45th session: 3rd Committee 24-27, 36, 51; 5th Committee 42; plenary 68.

#### Treatment of prisoners

In December, the General Assembly considered three draft resolutions on matters relating to the treatment of prisoners recommended by the Eighth Congress. The first annexed draft UN standard minimum rules for non-custodial measures, to be known as the Tokyo Rules, the second annexed draft basic principles for the treatment of prisoners, and the third concerned the computerization of criminal justice.

Report of Secretary-General. In a July report [A/CONF.144/11] submitted to the Eighth Con-

gress, the Secretary-General provided updated information on the implementation of the 1955 Standard Minimum Rules for the Treatment of Prisoners, endorsed by the Economic and Social Council in 1957 [YUN 1957, p. 254]. The report was based on replies received from 49 countries to the Secretary-General's request for information on the application, dissemination and implementation of the Rules as well as on a number of special issues, including the status and human rights of prisoners, reduction of prison population, transfer of foreign prisoners, medical services, discipline and punishment, prison work, education and vocational training, treatment programmes, outside contacts and institutional personnel.

The report's purpose was to provide an overview of the extent of the implementation of the Rules as reported by each country and a better understanding of current implementation difficulties, to suggest viable remedies, and to enable the United Nations to assist Member States, at their request, in improving prison conditions through, *inter alia*, the services of the regional and interregional UN institutes for crime prevention and treatment of offenders.

#### UN Standard Minimum Rules for Non-custodial Measures (The Tokyo Rules)

On 14 December, the General Assembly adopted resolution 45/110.

##### United Nations Standard Minimum Rules for Non-custodial Measures (The Tokyo Rules)

The General Assembly,

Bearing in mind the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights, as well as other international human rights instruments pertaining to the rights of persons in conflict with the law,

Bearing in mind also the Standard Minimum Rules for the Treatment of Prisoners, adopted by the First United Nations Congress on the Prevention of Crime and the Treatment of Offenders, and the important contribution of those Rules to national policies and practices,

Recalling resolution 8 of the Sixth United Nations Congress on the Prevention of Crime and the Treatment of Offenders on alternatives to imprisonment,

Recalling also resolution 16 of the Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders on the reduction of the prison population, alternatives to imprisonment, and social integration of offenders,

Recalling further section XI of Economic and Social Council resolution 1986/10 of 21 May 1986, on alternatives to imprisonment, in which the Secretary-General was requested to prepare a report on alternatives to imprisonment for the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders and to study that question with a view to the formulation of basic principles in that area, with the as-

sistance of the United Nations institutes for the prevention of crime and the treatment of offenders,

Recognizing the need to develop local, national, regional and international approaches and strategies in the field of non-institutional treatment of offenders and the need to formulate standard minimum rules, as emphasized in the section of the report of the Committee on Crime Prevention and Control on its fourth session, concerning the methods and measures likely to be most effective in preventing crime and improving the treatment of offenders,

Convinced that alternatives to imprisonment can be an effective means of treating offenders within the community to the best advantage of both the offenders and society,

Aware that the restriction of liberty is justifiable only from the viewpoints of public safety, crime prevention, just retribution and deterrence and that the ultimate goal of the criminal justice system is the reintegration of the offender into society,

Emphasizing that the increasing prison population and prison overcrowding in many countries constitute factors that create difficulties for the proper implementation of the Standard Minimum Rules for the Treatment of Prisoners,

Noting with appreciation the work accomplished by the Committee on Crime Prevention and Control, as well as by the Interregional Preparatory Meeting for the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders on topic II, "Criminal justice policies in relation to problems of imprisonment, other penal sanctions and alternative measures", and by the regional preparatory meetings for the Eighth Congress,

Expressing its gratitude to the United Nations Asia and Far East Institute for the Prevention of Crime and the Treatment of Offenders for the work accomplished in the development of standard minimum rules for non-custodial measures, as well as to the various inter-governmental and non-governmental organizations involved, in particular, the International Penal and Penitentiary Foundation for its contribution to the preparatory work,

1. Adopts the United Nations Standard Minimum Rules for Non-custodial Measures, contained in the annex to the present resolution, and approves the recommendation of the Committee on Crime Prevention and Control that the Rules should be known as "the Tokyo Rules";

2. Recommends the Tokyo Rules for implementation at the national, regional and interregional levels, taking into account the political, economic, social and cultural circumstances and traditions of countries;

3. Calls upon Member States to apply the Tokyo Rules in their policies and practice;

4. Invites Member States to bring the Tokyo Rules to the attention of, in particular, law enforcement officials, prosecutors, judges, probation officers, lawyers, victims, offenders, social services and non-governmental organizations involved in the application of non-custodial measures, as well as members of the executive, the legislature and the general public;

5. Requests Member States to report on the implementation of the Tokyo Rules every five years, beginning in 1994;

6. Urges the regional commissions, the United Nations institutes for the prevention of crime and the treatment of offenders, specialized agencies and other entities within the United Nations system, other inter-governmental organizations concerned and non-governmental organizations in consultative status with the Economic and Social Council to be actively involved in the implementation of the Tokyo Rules;

7. Culls upon the Committee on Crime Prevention and Control to consider, as a matter of priority, the implementation of the present resolution;

8. Requests the Secretary-General to take the necessary steps to prepare a commentary to the Tokyo Rules, which is to be submitted to the Committee on Crime Prevention and Control at its twelfth session for approval and further dissemination, paying special attention to the legal safeguards, the implementation of the Rules and the development of similar guidelines at the regional level;

9. Invites the United Nations institutes for the prevention of crime and the treatment of offenders to assist the Secretary-General in that task;

10. Urges intergovernmental and non-governmental organizations and other entities concerned to remain actively involved in this initiative;

11. Requests the Secretary-General to take steps, as appropriate, to ensure the widest possible dissemination of the Tokyo Rules, including their transmission to Governments, interested intergovernmental and non-governmental organizations and other parties concerned;

12. Also requests the Secretary-General to prepare every five years, beginning in 1964, a report on the implementation of the Tokyo Rules for submission to the committee on Crime Prevention and Control;

13. Further requests the Secretary-General to assist Member States, at their request, in the implementation of the Tokyo Rules and to report regularly thereon to the Committee on Crime Prevention and Control;

14. Requests that the present resolution and the text of the annex be brought to the attention of all United Nations bodies concerned and be included in the next edition of the United Nations publication entitled *Human Rights: A Compilation of International Instruments*.

#### ANNEX

##### United Nations Standard Minimum Rules for Non-custodial Measures (The Tokyo Rules)

#### I. General principles

##### 1. Fundamental aims

- 1.1 The present Standard Minimum Rules provide a set of basic principles to promote the use of non-custodial measures, as well as minimum safeguards for persons subject to alternatives to imprisonment.
- 1.2 The Rules are intended to promote greater community involvement in the management of criminal justice, specifically in the treatment of offenders, as well as to promote among offenders a sense of responsibility towards society.
- 1.3 The Rules shall be implemented taking into account the political, economic, social and cultural conditions of each country and the aims and objectives of its criminal justice system.

1.4 When implementing the Rules, Member States shall endeavour to ensure a proper balance between the rights of individual offenders, the rights of victims, and the concern of society for public safety and crime prevention.

1.5 Member States shall develop non-custodial measures within their legal systems to provide other options, thus reducing the use of imprisonment, and to rationalize criminal justice policies, taking into account the observance of human rights, the requirements of social justice and the rehabilitation needs of the offender.

##### 2. The scope of non-custodial measures

2.1 The relevant provisions of the present Rules shall be applied to all persons subject to prosecution, trial or the execution of a sentence, at all stages of the administration of criminal justice. For the purposes of the Rules, these persons are referred to as "offenders", irrespective of whether they are suspected, accused or sentenced.

2.2 The Rules shall be applied without any discrimination on the grounds of race, colour, sex, age, language, religion, political or other opinion, national or social origin, property, birth or other status.

2.3 In order to provide greater flexibility consistent with the nature and gravity of the offence, with the personality and background of the offender and with the protection of society and to avoid unnecessary use of imprisonment, the criminal justice system should provide a wide range of non-custodial measures, from pre-trial to post-sentencing dispositions. The number and types of non-custodial measures available should be determined in such a way that consistent sentencing remains possible.

2.4 The development of new non-custodial measures should be encouraged and closely monitored and their use systematically evaluated.

2.5 Consideration shall be given to dealing with offenders in the community, avoiding as far as possible resort to formal proceedings or trial by a court, in accordance with legal safeguards and the rule of law.

2.6 Non-custodial measures should be used in accordance with the principle of minimum intervention.

2.7 The use of non-custodial measures should be part of the movement towards depenalization and decriminalization instead of interfering with or delaying efforts in that direction.

##### 3. Legal safeguards

3.1 The introduction, definition and application of non-custodial measures shall be prescribed by law.

3.2 The selection of a non-custodial measure shall be based on an assessment of established criteria in respect of both the nature and gravity of the offence and the personality, the background of the offender, the purposes of sentencing and the rights of victims.

3.3 Discretion by the judicial or other competent independent authority shall be exercised at all stages of the proceedings by ensuring full ac-

countability and only in accordance with the rule of law.'

- 3.4 Non-custodial measures imposing an obligation on the offender, applied before or instead of formal proceeding; & trial, shall require the offender's consent.
- 3.5 Decisions on the imposition of non-custodial measures shall be subject to review by a judicial or other competent independent authority, upon application by the offender.
- 3.6 The offender shall be entitled to make a request or complaint to a judicial or other competent independent authority on matters affecting his or her individual rights in the implementation of non-custodial measures.
- 3.7 Appropriate machinery shall be provided for the recourse and, if possible, redress of any grievance related to non-compliance with internationally recognized human rights.
- 3.8 Non-custodial measures shall not involve medical or psychological experimentation on, or undue risk of physical or mental injury to, the offender.
- 3.9 The dignity of the offender subject to non-custodial measures shall be protected at all times.
- 3.10 In the implementation of non-custodial measures, the offender's rights shall not be restricted further than was authorized by the competent authority that rendered the original decision.
- 3.11 In the application of non-custodial measures, the offender's right to privacy shall be respected, as shall be the right to privacy of the offender's family.
- 3.12 The offender's personal records shall be kept strictly confidential and closed to third parties. Access to such records shall be limited to persons directly concerned with the disposition of the offender's case or to other duly authorized persons.

#### 4. Saving clause

- 4.1 Nothing in the present Rules shall be interpreted as precluding the application of the Standard Minimum Rules for the Treatment of Prisoners, the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (The Beijing Rules), the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment or any other human rights instruments and standards recognized by the international community and relating to the treatment of offenders and the protection of their basic human rights.

### II. Pre-trial stage

#### 5. Pre-trial dispositions

- 5.1 Where appropriate and compatible with the legal system, the police, the prosecution service or other agencies dealing with criminal cases should be empowered to discharge the offender if they consider that it is not necessary to proceed with the case for the protection of society, crime prevention or the promotion of respect for the law and the rights of victims. For the purpose of deciding upon the appropriateness of

discharge or determination of proceedings, a set of established criteria shall be developed within each legal system. For minor cases the prosecutor may impose suitable non-custodial measures, as appropriate.

#### 6. Avoidance of pre-trial detention

- 6.1 Pre-trial detention shall be used as a means of last resort in criminal proceedings, with due regard for the investigation of the alleged offence and for the protection of society and the victim.
- 6.2 Alternatives to pre-trial detention shall be employed at as early a stage as possible. Pre-trial detention shall last no longer than necessary to achieve the objectives stated under rule 6.1 and shall be administered humanely and with respect for the inherent dignity of human beings.
- 6.3 The offender shall have the right to appeal to a judicial or other competent independent authority in cases where pre-trial detention is employed.

### III. Trial and sentencing stage

#### 7. Social inquiry reports

- 7.1 If the possibility of social inquiry reports exists, the judicial authority may avail itself of a report prepared by a competent, authorized official or agency. The report should contain social information on the offender that is relevant to the person's pattern of offending and current offences. It should also contain information and recommendations that are relevant to the sentencing procedure. The report shall be factual, objective and unbiased, with any expression of opinion clearly identified.

#### 8. Sentencing dispositions

- 8.1 The judicial authority, having at its disposal a range of non-custodial measures, should take into consideration in making its decision the rehabilitative needs of the offender, the protection of society and the interests of the victim, who should be consulted whenever appropriate.
- 8.2 Sentencing authorities may dispose of cases in the following ways:
  - (a) Verbal sanctions, such as admonition, reprimand and warning;
  - (b) Conditional discharge;
  - (c) Status penalties;
  - (d) Economic sanctions and monetary penalties, such as fines and day-fines;
  - (e) Confiscation or an expropriation order;
  - (f) Restitution to the victim or a compensation order;
  - (g) Suspended or deferred sentence;
  - (h) Probation and judicial supervision;
  - (i) A community service order;
  - (j) Referral to an attendance centre;
  - (k) House arrest;
  - (l) Any other mode of non-institutional treatment;
  - (m) Some combination of the measures listed above.

#### IV. Post-sentencing stage

##### 9. Post-sentencing dispositions

- 9.1 The competent authority shall have at its disposal a wide range of p&t-sentencing alternatives in order to avoid institutionalization and to assist offenders in their early reintegration into society.
- 9.2 Post-sentencing dispositions may include:
  - (a) Furlough and half-way houses;
  - (b) Work or education release;
  - (c) Various forms of parole;
  - (d) Remission;
  - (e) Pardon.
- 9.3 The decision on post-sentencing dispositions, except in the case of pardon, shall be subject to review by a judicial or other competent independent authority, upon application of the offender.
- 9.4 Any form of release from an institution to a non-custodial programme shall be considered at the earliest possible stage.

#### V Implementation of non-custodial measures

##### 10. Supervision

- 10.1 The purpose of supervision is to reduce reoffending and to assist the offender's integration into society in a way which minimizes the likelihood of a return to crime.
- 10.2 If a non-custodial measure entails supervision, the latter shall be carried out by a competent authority under the specific conditions prescribed by law.
- 10.3 Within the framework of a given non-custodial measure, the most suitable type of supervision and treatment should be determined for each individual case aimed at assisting the offender to work on his or her offending. Supervision and treatment should be periodically reviewed and adjusted as necessary.
- 10.4 Offenders should, when needed, be provided with psychological, social and material assistance and with opportunities to strengthen links with the community and facilitate their reintegration into society.

##### 11. Duration

- 11.1 The duration of a non-custodial measure shall not exceed the period established by the competent authority in accordance with the law.
- 11.2 Provision may be made for early termination of the measure if the offender has responded favourably to it.

##### 12. Conditions

- 12.1 If the competent authority shall determine the conditions to be observed by the offender, it should take into account both the needs of society and the needs and rights of the offender and the victim.
- 12.2 The conditions to be observed shall be practical, precise and as few as possible, and shall be aimed at reducing the likelihood of an offender relapsing into criminal behaviour and at increasing the offender's chances of social integration, taking into account the needs of the victim.

- 12.3 At the beginning of the application of a non-custodial measure, the offender shall receive an explanation, orally and in writing, of the conditions governing the application of the measure, including the offender's obligations and rights.

- 12.4 The conditions may be modified by the competent authority under the established statutory provisions, in accordance with the progress made by the offender.

##### 13. Treatment process

- 13.1 Within the framework of a given non-custodial measure, in appropriate cases, various schemes, such as case-work, group therapy, residential programmes and the specialized treatment of various categories of offenders, should be developed to meet the needs of offenders more effectively.
- 13.2 Treatment should be conducted by professionals who have suitable training and practical experience.
- 13.3 When it is decided that treatment is necessary, efforts should be made to understand the offender's background, personality, aptitude, intelligence, values and, especially, the circumstances leading to the commission of the offence.
- 13.4 The competent authority may involve the community and social support systems in the application of non-custodial measures.
- 13.5 Case-load assignments shall be maintained as far as practicable at a manageable level to ensure the effective implementation of treatment programmes.
- 13.6 For each offender, a case record shall be established and maintained by the competent authority.

##### 14. Discipline and breach of conditions

- 14.1 A breach of the conditions to be observed by the offender may result in a modification or revocation of the non-custodial measure.
- 14.2 The modification or revocation of the non-custodial measure shall be made by the competent authority; this shall be done only after a careful examination of the facts adduced by both the supervising officer and the offender.
- 14.3 The failure of a non-custodial measure should not automatically lead to the imposition of a custodial measure.
- 14.4 In the event of a modification or revocation of the non-custodial measure, the competent authority shall attempt to establish a suitable alternative non-custodial measure. A sentence of imprisonment may be imposed only in the absence of other suitable alternatives.
- 14.5 The power to arrest and detain the offender under supervision in cases where there is a breach of the conditions shall be prescribed by law.
- 14.6 Upon modification or revocation of the non-custodial measure, the offender shall have the right to appeal to a judicial or other competent independent authority.

## VI. Staff

## 15. Recruitment

- 15.1 There shall be no discrimination in the recruitment of staff on the grounds of race, colour, sex, age, language, religion, political or other opinion, national or social origin, property, birth or other status. The policy regarding staff recruitment should take into consideration national policies of affirmative action and reflect the diversity of the offenders to be supervised.
- 15.2 Persons appointed to apply non-custodial measures should be personally suitable and, whenever possible, have appropriate professional training and practical experience. Such qualifications shall be clearly specified.
- 15.3 To secure and retain qualified professional staff, appropriate service status, adequate salary and benefits commensurate with the nature of the work should be ensured and ample opportunities should be provided for professional growth and career development.

## 16. Staff training

- 16.1 The objective of training shall be to make clear to staff their responsibilities with regard to rehabilitating the offender, ensuring the offender's rights and protecting society. Training should also give staff an understanding of the need to co-operate in and co-ordinate activities with the agencies concerned.
- 16.2 Before entering duty, staff shall be given training that includes instruction on the nature of non-custodial measures, the purposes of supervision and the various modalities of the application of non-custodial measures.
- 16.3 After entering on duty, staff shall maintain and improve their knowledge and professional capacity by attending in-service training and refresher courses. Adequate facilities shall be made available for that purpose.

## VII. Volunteers and other community resources

## 17. Public participation

- 17.1 Public participation should be encouraged as it is a major resource and one of the most important factors in improving ties between offenders undergoing non-custodial measures and the family and community. It should complement the efforts of the criminal justice administration.
- 17.2 Public participation should be regarded as an opportunity for members of the community to contribute to the protection of their society.

## 18. Public understanding and co-operation

- 18.1 Government agencies, the private sector and the general public should be encouraged to support voluntary organizations that promote non-custodial measures.
- 18.2 Conferences, seminars, symposia and other activities should be regularly organized to stimulate awareness of the need for public participation in the application of non-custodial measures.
- 18.3 All forms of the mass media should be utilized to help to create a constructive public attitude, leading to activities conducive to a broader ap-

plication of non-custodial treatment and the social integration of offenders.

- 18.4 Every effort should be made to inform the public of the importance of its role in the implementation of non-custodial measures.

## 19. Volunteers

- 19.1 Volunteers shall be carefully screened and recruited on the basis of their aptitude for and interest in the work involved. They shall be properly trained for the specific responsibilities to be discharged by them and shall have access to support and counselling from, and the opportunity to consult with, the competent authority.
- 19.2 Volunteers should encourage offenders and their families to develop meaningful ties with the community and a broader sphere of contact by providing counselling and other appropriate forms of assistance according to their capacity and the offenders' needs.
- 19.3 Volunteers shall be insured against accident, injury and public liability when carrying out their duties. They shall be reimbursed for authorized expenditures incurred in the course of their work. Public recognition should be extended to them for the services they render for the well-being of the community.

## VIII. Research, planning, policy formulation and evaluation

## 20. Research and planning

- 20.1 As an essential aspect of the planning process, efforts should be made to involve both public and private bodies in the organization and promotion of research on the non-custodial treatment of offenders.
- 20.2 Research on the problems that confront clients, practitioners, the community and policy makers should be carried out on a regular basis.
- 20.3 Research and information mechanisms should be built into the criminal justice system for the collection and analysis of data and statistics on the implementation of non-custodial treatment for offenders.

## 21. Policy formulation and programme development

- 21.1 Programmes for non-custodial measures should be systematically planned and implemented as an integral part of the criminal justice system within the national development process.
- 21.2 Regular evaluations should be carried out with a view to implementing non-custodial measures more effectively.
- 21.3 Periodic reviews should be conducted to assess the objectives, functioning and effectiveness of non-custodial measures.

## 22. Linkages with relevant agencies and activities

- 22.1 Suitable mechanisms should be evolved at various levels to facilitate the establishment of linkages between services responsible for non-custodial measures, other branches of the criminal justice system, social development and welfare agencies, both governmental and non-governmental, in such fields as health, housing, education and labour, and the mass media.

## 23. International co-operation

- 23.1 Efforts shall be made to promote scientific co-operation between countries in the field of non-institutional treatment. Research, training, technical assistance and the exchange of information among Member States on non-custodial measures should be strengthened, through the United Nations institutes for the prevention of crime and the treatment of offenders, in close collaboration with the Crime Prevention and Criminal Justice Branch of the Centre for Social Development and Humanitarian Affairs of the United Nations Secretariat.
- 23.2 Comparative studies and the harmonization of legislative provisions should be furthered to expand the range of non-institutional options and facilitate their application across national frontiers, in accordance with the Model Treaty on the Transfer of Supervision of Offenders Conditionally Sentenced or Conditionally Released.

General Assembly resolution 45/110

14 December 1990 Meeting 68 Adopted without vote

Approved by Third Committee (A/45/756) without vote, 23 November (meeting 51); draft by Eighth Congress (A/CONF.144/28); agenda item 100.

Financial implications. 5th Committee, A/45/845; S-G, A/C.3/45/L.36, A/C.5/45/59.

Meeting numbers. GA 45th session: 3rd Committee 24-27, 36, 51; 5th Committee 42; plenary 68.

## Basic Principles for the Treatment of Prisoners

On 14 December, the General Assembly adopted resolution 45/111.

## Basic Principles for the Treatment of Prisoners

The General Assembly,

Bearing in mind the long-standing concern of the United Nations for the humanization of criminal justice and the protection of human rights,

Bearing in mind also that sound policies of crime prevention and control are essential to viable planning for economic and social development,

Recognizing that the Standard Minimum Rules for the Treatment of Prisoners, adopted by the First United Nations Congress on the Prevention of Crime and the Treatment of Offenders, are of great value and influence in the development of penal policy and practice,

Considering the concern of previous United Nations congresses on the prevention of crime and the treatment of offenders, regarding the obstacles of various kinds that prevent the full implementation of the Standard Minimum Rules,

Believing that the full implementation of the Standard Minimum Rules would be facilitated by the articulation of the basic principles underlying them,

Recalling resolution 10 on the status of prisoners and resolution 17 on the human rights of prisoners, adopted by the Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders,

Recalling also the statement submitted at the tenth session of the Committee on Crime Prevention and Control by Caritas Internationalis, the Commission of the Churches on International Affairs of the World Council of Churches, the International Association of

Educators for World Peace, the International Council for Adult Education, the International Federation of Human Rights, the International Prisoners' Aid Association, the International Union of Students, the World Alliance of Young Men's Christian Associations and the World Council of Indigenous Peoples, which are non-governmental organizations in consultative status with the Economic and Social Council, category II,

Recalling further the relevant recommendations contained in the report of the Interregional Preparatory Meeting for the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders on topic II, "Criminal justice policies in relation to problems of imprisonment, other penal sanctions and alternative measures",

Aware that the Eighth Congress coincided with International Literacy Year, proclaimed by the General Assembly in its resolution 42/104 of 7 December 1987,

Desiring to reflect the perspective noted by the Seventh Congress, namely, that the function of the criminal justice system is to contribute to safeguarding the basic values and norms of society,

Recognizing the usefulness of drafting a declaration on the human rights of prisoners,

Affirms the Basic Principles for the Treatment of Prisoners, contained in the annex to the present resolution, and requests the Secretary-General to bring them to the attention of Member States.

## ANNEX

## Basic Principles for the Treatment of Prisoners

1. All prisoners shall be treated with the respect due to their inherent dignity and value as human beings.

2. There shall be no discrimination on the grounds of race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

3. It is, however, desirable to respect the religious beliefs and cultural precepts of the group to which prisoners belong, whenever local conditions so require.

4. The responsibility of prisons for the custody of prisoners and for the protection of society against crime shall be discharged in keeping with a State's other social objectives and its fundamental responsibilities for promoting the well-being and development of all members of society.

5. Except for those limitations that are demonstrably necessitated by the fact of incarceration, all prisoners shall retain the human rights and fundamental freedoms set out in the Universal Declaration of Human Rights and, where the State concerned is a party, the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights and the Optional Protocol thereto, as well as such other rights as are set out in other United Nations covenants.

6. All prisoners shall have the right to take part in cultural activities and education aimed at the full development of the human personality.

7. Efforts addressed to the abolition of solitary confinement as a punishment, or to the restriction of its use, should be undertaken and encouraged.

8. Conditions shall be created enabling prisoners to undertake meaningful remunerated employment which will facilitate their reintegration into the coun-

try's labour market and permit them to contribute to their own financial support and to that of their families.

9. Prisoners shall have access to the health services available in the country without discrimination on the grounds of their legal situation.

10. With the participation and help of the community and social institution, and with due regard to the interests of victims, favourable conditions shall be created for the reintegration of the ex-prisoner into society under the best possible conditions.

11. The above Principles shall be applied impartially.

General Assembly resolution 45/111

14 December 1990 Meeting 68 Adopted without vote

Approved by Third Committee (A/45/756) without vote, 23 November (meeting 51); draft by Eighth Congress (A/CONF.144/28), amended by United States (A/C.3/45/L.46); agenda item 100.

Financial implications. S-G, A/C.3/45/L.36.

Meeting numbers. GA 45th session: 3rd Committee 24-27,36,45,51; plenary 68.

### Computerization of criminal justice

In a July report [A/CONF.144/14], the UN Secretariat described the role of computerization in the administration of criminal justice as a means of improving its efficiency, taking into account the fair and humane treatment of offenders. In addition to describing UN action in that area, the report reviewed the prerequisites for computerization and discussed modalities for international co-operation in computerizing the management of criminal justice. Those modalities included development of guidelines for decision makers and users of computer output, strengthening of the world-wide United Nations Criminal Justice Information Network, and preparation of technical co-operation projects for introducing computers in the management of criminal justice and for training criminal justice staff in their use.

The report set out a variety of possibilities for bilateral and multilateral co-operation at the international level. Among them were assistance to national authorities in the development of methodologies for the creation and use of information systems tailored to national needs; regional, sub-regional or interregional training seminars to sensitize policy makers to the need to plan for and implement computerization projects; international collection, dissemination and exchange of information on appropriate general purpose software and training courses; networking mechanisms to broaden the scope of information exchange among Member States and institutions; bilateral and multilateral assistance in national training programmes for trainers, user-managers and systems personnel; and formulation and implementation of specific projects, upon request of Member States, to be financed bilaterally and multilaterally.

In an August addendum [A/CONF.144/14/Add.1] to the report, the Secretariat presented an executive summary of the Manual on Computerization in the Management of Criminal Justice.

### GENERAL ASSEMBLY ACTION

On 14 December, the General Assembly adopted resolution 45/109.

#### Computerization of criminal justice

The General Assembly,

Recalling its resolution 44/72 of 8 December 1989, in which the question of computerization of criminal justice was addressed,

Recalling also resolution 9 of the Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders on the development of crime and criminal justice information and statistical systems,

Recalling further Economic and Social Council resolution 1986/12 of 21 May 1986,

Bearing in mind the recommendations on the computerization of criminal justice administration contained in the report of the Interregional Preparatory Meeting for the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders on topic II, "Criminal justice policies in relation to problems of imprisonment, other penal sanctions and alternative measures", which emanated from the European Seminar on Computerization of Criminal Justice Information Systems: Realities, Methods, Prospects and Effects, held at Popowo, Poland, from 18 to 22 May

Aware that crime poses a serious problem for the personal security of individuals and for their enjoyment of human rights, thereby adversely affecting the quality of life and harming the development process,

Aware also that inefficiencies, inequalities or failures in the administration of criminal justice may themselves infringe on the rights and personal security of individuals,

Recognizing that the computerization of criminal justice administration is an important mechanism for the promotion of the efficient and humane management of criminal justice as long as the protection of privacy, the respect for human rights and fundamental freedoms are taken into account,

Taking note with appreciation of the principles on the storage, use and protection of data enunciated in the final report of the Special Rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of Minorities on guidelines for the regulation of computerized personal data files,

Recognizing that computerization of criminal justice is an important mechanism for the production of statistical information that would benefit national Governments and the international community by providing data on crime trends and the operation of criminal justice systems,

Recognizing also that the growth of crime nationally and internationally calls for enhanced international co-operation,

Noting that the European Seminar and the first United Nations workshop on the computerization of criminal justice information organized within the



framework of the Eighth Congress offered a suitable opportunity to share experiences and establish viable policy options on this issue,

Conscious that the promotion of the computerization of criminal justice administration among Member States requires the enhancement of technical co-operation activities,

Emphasizing the common problems faced by all Member States in the administration and computerization of criminal justice, and the fact that both developing and developed countries may, through an enhanced capacity for an exchange of information on an international level, benefit from such international co-operation in the process of computerization,

Mindful that technical co-operation requires extensive expertise and resources and new logistical arrangements for the speedy delivery of services relating to the computerization of criminal justice administration,

Noting with appreciation the draft directory of automated criminal justice information systems submitted by the Helsinki Institute for Crime Prevention and Control, affiliated with the United Nations, to the first United Nations workshop on the computerization of criminal justice information,

1. Calls upon the Secretary-General, to the extent that the activities referred to in the present resolution cannot be undertaken within existing resources and with available expertise, to prepare proposals for submission to potential donors in the governmental, inter-governmental and private sectors, in possible consortium, for the provision of such funding and expertise; such proposals should include pilot projects to demonstrate the value and viability of such activities, and should serve as a basis for ensuring long-term resource support from diverse sources;

2. Requests the Secretary-General, in co-operation with the network of United Nations institutes for the prevention of crime and the treatment of offenders, to strengthen the Global Crime and Criminal Justice Information Network by:

(a) Developing and distributing appropriate publications, reports and newsletters;

(b) Developing a directory of innovative programmes for the computerization of the administration of criminal justice;

(c) Organizing regional and interregional meetings, seminars and workshops on a continuing basis;

(d) Maintaining an up-to-date roster of individuals and organizations to form the basis of an international technical co-operation infrastructure;

(e) Enhancing communication between Member States by utilizing an electronic information network;

(f) Facilitating the exchange of criminal justice computer applications;

3. Also requests the Secretary-General, in co-operation with the network of United Nations institutes for the prevention of crime and the treatment of offenders, to establish a technical co-operation programme for the systematization and computerization of criminal justice in order to offer training, assess needs, formulate and execute specific projects, and to report on the results achieved to the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders;

4. Further requests the Secretary-General to establish an international group of experts which would be supported by the Department of Technical Co-operation for Development of the Secretariat, would report regularly to the Secretary-General and would have inter-regional representation and responsibility for:

(a) Reviewing and assessing national experiences in the computerization of criminal justice;

(b) Overseeing the establishment of the technical co-operation programme;

(c) Monitoring the activities of the technical co-operation programme;

(d) Informing Member States of the potential availability of funds and services from various donors in the governmental, intergovernmental and private sectors;

(e) Informing such donors of the needs of Member States for assistance;

(f) Consulting with relevant experts in the private sector in the field of criminal justice;

5. Requests that adequate information on the experience of Member States with systematization and computerization should be included in the Global Crime and Criminal Justice Information Network and that the necessary facilities for the exchange of general substantive information between Member States should be provided in the Network;

6. Requests the Secretary-General and Member States to pay special attention to the developing countries in providing technical assistance and co-operation for the formulation of information programmes and statistics regarding crime and criminal justice;

7. Urges Member States, intergovernmental and non-governmental organizations, specialized agencies and other bodies, including, in particular, the United Nations Development Programme and the World Bank, and interested entities in the private sector with technical co-operation programmes, to consider giving high priority to criminal justice systematization and computerization projects in such programmes;

8. Also urges Member States to assist the Secretary-General in the funding of the Global Crime and Criminal Justice Information Network, the technical co-operation programme and the work of the international group of experts;

9. Requests the Committee on Crime Prevention and Control, in preparing the provisional agenda for the Ninth Congress, to consider including the question of the computerization of the administration of criminal justice as one of the items, and to consider also the organization of the second United Nations workshop on the computerization of criminal justice information within the framework of the Ninth Congress in order to allow for the sharing of experiences in technical co-operation among Member States and other interested parties on the improvement of the administration of criminal justice.

General Assembly resolution 45/109

14 December 1990 Meeting 68 Adopted without vote  
Approved by Third Committee (A/45/156) without vote, 23 November (meeting 51); draft by Eighth Congress (A/CONF.144/28); agenda item 100.

Financial implications. 5th Committee, A(45/845); S-G, A/C.3/45/L.36, A/C.5/45/59.

Meeting numbers. GA 45th session: 3rd Committee 24-27. 36, 51; 5th Committee 42; plenary 68.

## Human resources

### Human resources development

In October, the Secretary-General submitted a report [A/45/451] on developing human resources for development, prepared in response to General Assembly resolution 44/213 [YUN 1989, p. 596]. The report examined the policies and practices in developing countries for human resources development in the context of the patterns of resource allocation among the fundamental sectors of health, nutrition and education, not only within each of those sectors but also between rural and urban areas. It further examined international support for national efforts in terms of direct aid, higher education in developed countries, employment in transnational corporations operating in developing countries, and public discussion of human resources development in international forums sponsored by intergovernmental organizations. The report stated that, in many respects, the emphasis on the human condition came closer to general ideas about the purpose of development than strictly economic measures such as gross domestic product per capita, but that, generally, most measures of human development showed a strong relationship with the level of economic development. It drew attention to human resources development as both a source of immediate gains in human well-being and a crucial means of expanding the productive capacity of economies.

The report found that there was a demonstrable waste of human resources in developing countries due to early death, recurring and disabling sickness and illiteracy, and an obvious need for the acquisition of a variety of new skills, for which education was essential. It stated that, although striking progress had been made in human resources development in those countries as a whole, the decade of the 1980s was marked by stagnation and reversals in many of them, especially in Africa and Latin America. A fresh start on human resources development was thus essential to raise the standards of well-being, which largely depended, however, on the policies of developing countries themselves. Granted that adequate resources for the purpose were essential, development of human resources could be greatly served by the reallocation of more available resources from secondary and tertiary education to primary education, from curative medical services to primary health care, and from subsidies for the politically vocal to subsidies for adequate nutrition and satisfactory hygiene for the needy. In view of the long-term contribution

to total growth made by equitable distribution of resources, a larger proportion of government resources should be mobilized to enable broader access to human resource benefits, which would mean changing the conditions under which high-income groups often received subsidies at the expense of lower-income groups.

Given the large amount of resources allocated for human resources development in developing countries, efficiency in their use was important. For example, if fairly simple structures were used to provide educational facilities, capital expenditure on education could be more widely spread. The close association between health and nutrition improvements and progress in school pointed to the need for considering policies in those areas. Attention should be paid to the supply of teaching materials in educational institutions and of drugs and equipment in health institutions, as well as to better management practices and accountability to consumers, to make for higher productivity.

International measures cited as contributing to the improvement of human resources development policies in developing countries included comparative analyses of those policies undertaken by international institutions, as well as closer analyses of patterns of resource allocation, cost structures and management practices, and drawing to the attention of the public and political leaders the importance of and opportunities for human resources development in their economies. Also cited was giving students from developing countries the opportunity to study in developed countries.

### Human resources development through technical cooperation

The Joint Inspection Unit (JIU), in a report transmitted to the General Assembly by the Secretary-General in February [A/45/113], presented a broad study of the technical cooperation activities of various bodies and organizations in the UN system on human resources development and drew attention to the problems they faced in implementing their programmes. The UN organs covered in the study were the Secretariat's Department of Technical Cooperation for Development, the United Nations Development Programme (UNDP), the United Nations Population Fund, the five regional commissions, with specific coverage of the activities of the Economic and Social Commission for Asia and the Pacific, and 11 specialized agencies.

JIU concluded that the UN system's contribution to human resources development was undeniable and that Member States were the principal beneficiaries. That contribution often failed,

however, to be well integrated into the developing countries' development process and lacked co-ordination so that optimum benefit could not be derived from it. For instance, difficulties had been encountered in placing fellows or trainees in higher educational institutions in the West due to stringent admission requirements. There was a high wastage rate of those who had successfully completed training, because either their Governments did not assign them in areas for which they had been specifically trained, or they were not given the opportunity to enter fully into the production process.

In conclusion, JIU pointed to the need for a more co-ordinated approach to the question of human resources development. Accordingly, it recommended that, first, the Secretary-General be authorized to establish an inter-agency "focal point", which could be assigned to UNDP, to monitor and assess co-ordination of the preparation of human resource development programmes and of their implementation by Member States and UN agencies, to advise them of progress made and difficulties encountered and to report annually to the General Assembly on results, proposals and new developments. Second, activities should be more oriented towards promoting human fulfilment at the grass roots, thereby to ensure active participation at that level in the development process. Third, human resources development and its integration in the development process should be kept as a permanent agenda item of the meetings of the Ad Hoc Committee of the Whole for the Preparation of the International Development Strategy for the Fourth United Nations Development Decade (1991-2000) (see PART THREE, Chapter I), to enable a more thorough discussion of criteria, the methodological approach and all other aspects of the subject.

The Administrative Committee on Co-ordination (ACC), whose comments on the JIU report were transmitted to the Assembly in October [A/45/113/Add.1], shared JIU's view that knowledge and understanding of the fundamental underlying relationships between human resources development and social and economic development, and of the strong interactions among the several components of human resources development, was still inadequate. While ACC found the report useful as a compendium of human resources development activities, a solid analytical framework based on clearly established methodology and terms of reference would have made the report more persuasive.

As to JIU's recommendations, ACC agreed on the importance of co-ordination among agencies in programme implementation. It felt, however,

that co-ordination arrangements must be flexible to take account of the broad scope and diversified nature of the activities undertaken by organizations. ACC members moreover pointed out that several modalities already existed for achieving better co-ordination. Regarding the possibility of entrusting the focal-point function to UNDP, many ACC members were of the view that human resource development activities in the UN system went beyond UNDP-funded projects, and such a focal point might not be suitable to deal with training projects or activities financed directly by individual donor Governments. As to grass-roots mobilization, it was pointed out that certain training programmes were directed to higher professional levels because of the highly technical and professional nature of some agencies' training programmes. ACC welcomed and agreed with the third recommendation and believed its discussion could be pursued in the Economic and Social Council.

#### GENERAL ASSEMBLY ACTION

On 21 December, the General Assembly adopted resolution 45/191.

#### Developing human resources for development

The General Assembly,

Reaffirming that the human being is at the centre of all development activities,

Considering that human resources are an essential means of achieving economic and social development goals,

Recalling its resolution 44/213 of 22 December 1989 on developing human resources for development and other earlier resolutions on the same subject, as well as Economic and Social Council resolution 1989/120 of 28 July 1989 on the development of human resources,

Referring to its resolution S-18/3 of 1 May 1990, the annex to which contains the Declaration on International Economic Co-operation, in particular the Revitalization of Economic Growth and Development of the Developing Countries and the International Development Strategy for the Fourth United Nations Development Decade, in particular the relevant sections thereof on human resources development,

Reaffirming the contribution to the elaboration of the concept of human resources development made by the Jakarta Plan of Action on Human Resources Development in the Region of the Economic and Social Commission for Asia and the Pacific, the Khartoum Declaration: Towards a Human-focused Approach to Socio-economic Recovery and Development in Africa, the African Alternative Framework to Structural Adjustment Programmes for Socio-economic Recovery and Transformation and the communique of the tenth Meeting of the Conference of Heads of Government of the Caribbean Community, held at Grand Anse, Grenada, from 3 to 7 July 1989,

Welcoming the World Declaration on the Survival, Protection and Development of Children and the Plan of Action for Implementing the World Declaration on the Survival, Protection and Development of Children

in the 1990s, adopted by the World Summit for Children, held in New York on 29 and 30 September 1990, as well as the African Charter for Popular Participation in Development and Transformation, adopted at the twenty-fifth session of the Economic Commission for Africa and sixteenth meeting of the Conference of Ministers responsible for Economic Planning and Development, the Paris Declaration and the Programme of Action for the Least Developed Countries for the 1990s, adopted by the Second United Nations Conference on the Least Developed Countries, held in Paris from 3 to 14 September 1990, and the World Declaration on Education for All and the Framework for Action to Meet Basic Learning Needs, adopted by the World Conference on Education for All,

Taking note of the report of the Joint Inspection Unit on human resources development through technical co-operation,

Recognizing that the concept of human resources development, while specifically referring only to the human resource component of development programming, is intimately linked in a broad sense with many other elements and requires integrated and concerted strategies, policies, plans and programmes to ensure the development of the full potential of human beings,

Recognizing also that human resources development should contribute to total human development, which enlarges the choices available to people in developing their lives and in fulfilling their aspirations,

Reaffirming that strategies and policies for human resources development of each country should be in accordance with its national priorities, values, traditions, culture and stage of development,

Emphasizing that education, in particular basic education, which facilitates the acquisition and upgrading of skills, and continued demand-oriented technical training are inextricably linked to economic growth and sustained development of developing countries,

Recognizing the importance of improved educational opportunities for women and their greater integration into the development process,

Recognizing also that education and training programmes, including distance education programmes, utilizing appropriate and sustainable technologies can broaden and improve the range of resources available to developing countries, helping them meet their requirements with regard to human resources development,

Stressing the importance of international co-operation in supporting national efforts for human resources development in developing countries, and stressing also that both North-South and South-South co-operation, including economic and technical co-operation among developing countries, can play a valuable role in this field,

Emphasizing the need for the organs, organizations and bodies of the United Nations system to continue to give priority to human resources development in developing countries,

1. Takes note of the report of the Secretary-General;

2. Takes note with appreciation of the human-centred approach to the development process set out in the Human Development Report 1990, sponsored by the United Nations Development Programme, invites Governments to give due consideration to the ideas and recommendations contained therein, and invites the organs,

organizations and bodies of the United Nations system to do likewise, bearing in mind the work envisaged in the report;

3. Recognizes that the achievement of a higher standard of living and the well-being of individuals and peoples in general, through self-reliance and sustained development, constitutes one of the basic goals of human resources development in developing countries;

4. Emphasizes that human resources development in a context of political freedom, popular participation, respect for human rights, justice and equity is essential to economic growth and development;

5. Emphasizes also that basic education and continued objective-directed training are the most essential elements in human resources development;

6. Recognizes the importance of appropriate and sustainable technologies in the training and educational processes in developing countries and, in this context, stresses the role of intensified international co-operation through, inter alia, the transfer of relevant technology;

7. Stresses the need for increased emphasis on co-operation in education programmes, including distance education programmes, in order to accelerate human resources development in developing countries;

8. Emphasizes the vital importance of national capacity-building in developing countries, and encourages the United Nations system, particularly the United Nations Development Programme, to intensify activities in support of national efforts in this regard;

9. Emphasizes also the critical importance of qualified national personnel in national capacity-building, and calls upon the international community to pay greater attention to the serious problem of the brain drain from developing countries;

10. Emphasizes further the need to integrate human resources development into comprehensive strategies for human development, including supportive measures in vital and related areas such as population, health, nutrition, water, sanitation, housing, communications and employment, and to assess the progress in those areas through appropriate qualitative and quantitative indicators;

11. Stresses that the search for solutions to the problems of the most vulnerable population groups in developing countries should constitute an integral part of human resources development strategies;

12. Recognizes that improving the economic and social status of women is essential to the attainment of human resources development objectives, and stresses that their role should be fully taken into account in human resources development strategies so that they can better contribute to and benefit from development processes;

13. Recognizes also the importance of the development of children and young people and their integration into human resources development programmes in developing countries;

14. Stresses the vital importance of co-operation between the public and private sectors in human resources development, particularly through the effective implementation of policies, plans and programmes for economic development and the optimal use of resources to that end;

15. Stresses also the importance of international support for national efforts and regional programmes for human resources development in developing countries and the need to increase the flow of resources to developing countries for those activities;

16. Calls upon the international community, including the multilateral financial and development institutions, to support the efforts of developing countries in human resources development, in accordance with their national priorities and plans, through, *inter alia*, operational activities of the United Nations system;

17. Requests the Secretary-General to submit to the General Assembly at its forty-sixth session a report on the implementation of the present resolution, including ways and means of strengthening his co-ordination of the activities of the United Nations system related to human resources development, as well as proposals for action by members of the international community further to promote and intensify co-operation in this field;

18. Decides to include in the agenda of its forty-sixth session an item entitled "Human resources development".

General Assembly resolution 45/191

21 December 1990 Meeting 71 Adopted without vote

Approved by Second Committee (A/45/849/Add.1) without vote, 10 December (meeting 53); draft by Vice-Chairman (A/C.2/45/L78) based on informal consultations on draft by Bolivia for Group of 77 (A/C.2/45/L30); agenda item 79.

Meeting numbers. GA 45th session: 2nd Committee 19-21, 42, 53; plenary 71.

## UNDP activities

### Human Development Report

The Human Development Report 1990, published by UNDP, was the first in a series of annual reports on the human dimension of development. Its orientation was practical and pragmatic and it aimed to analyse country experience in order to distill practical insights. Its purpose was not to recommend any particular model of development but to make relevant experience available to all policy makers. Its five chapters dealt with the definition and measurement of human development; an analysis of human development since 1960; economic growth and human development; human development strategies for the 1990s; and a special focus on urbanization and human development.

As defined by the Report, human development was a process of enlarging people's choices, the three essential ones being to lead a long and healthy life, to be educated and to have access to resources needed for a decent standard of living. Additional choices ranged from political, economic and social freedom to opportunities for being creative and productive and for enjoying personal self-respect and guaranteed human rights. Human development involved achieving a balance between the acquisition of human capabilities-improved health, knowledge and skills-

and the use made of them. According to that concept of human development, development in general must be more than just concerned with the expansion of income and wealth; it must embrace the total human condition.

The Report's central message was that, while growth in national production was absolutely necessary to meet all essential human objectives, it was important to study how successfully growth translated into human development in various societies. For example, it was important to study what policies had led some societies to achieve high levels of human development despite modest levels of per capita income while others had failed to translate their comparatively high income levels and rapid economic growth into commensurate levels of human development.

According to the Report's main conclusions and policy messages, the developing countries had made significant progress towards human development in the last three decades: life expectancy had risen from 46 years in 1960 to 62 years in 1987, the adult literacy rate had increased from 43 per cent to 60 per cent, the under-five mortality rate had been halved, primary health care had been extended to 61 per cent of the population and safe drinking water to 55 per cent, and the rise in food production had exceeded the rise (of 2 billion) in population by about 20 per cent. During the same period, North-South gaps in basic human development had narrowed considerably, even as income gaps had widened: in 1987, the average per capita income in the South had been only 6 per cent of that in the North, but its average life expectancy and literacy rates had been 80 per cent and 66 per cent, respectively, of the averages in the North; developing countries had reduced their average infant mortality from nearly 200 deaths per 1,000 live births to about 80 in nearly four decades (1950-1988), a feat that took the industrial countries nearly a century to accomplish. Averages of progress in human development concealed large disparities within developing countries between urban and rural areas, between rich and poor, and between men and women: rural areas had half the urban areas' access to health services and safe drinking water, the literacy rate for women was still only two thirds that for men, and the levels of health, nutrition and education among high-income groups far exceeded those of the poor.

Respectable levels of human development were possible even at modest levels of income, as demonstrated by, among a number of other countries, Sri Lanka, which had managed a life expectancy of 71 years and an adult literacy rate of 87 per cent with a per capita income of \$400; by contrast, Saudi Arabia, where per capita in-

come was \$6,200, life expectancy was only 64 years and the adult literacy rate was an estimated 55 per cent. The link between economic growth and human progress was not automatic. Social subsidies were absolutely necessary for poor income groups.

Developing countries were not too poor to pay for human development and also take care of economic growth: restructuring budget priorities to balance economic and social spending should move to the top of the national agenda; and Governments should improve the efficiency of social spending by creating a policy and budgetary framework to allow a more desirable mix among various social expenditures, for example, by reorienting priorities from highly trained doctors to paramedics, from urban to rural services, from general to vocational education, from expensive housing for the privileged to sites and service projects for the poor, from the formal to the informal sector and to programmes for the unemployed and underemployed. The human costs of adjustments were often a matter of choice, not of compulsion: in a sudden squeeze on resources, it was for policy makers to decide whether budgetary cuts would fall on military spending, parastatals and social subsidies for privileged groups or on essential health, education and well-targeted food subsidies. A favourable external environment was vital to support human development strategies in the 1990s, which called for a satisfactory solution of the lingering debt crisis, with debts drastically written down and a debt refinancing facility created within the International Monetary Fund and the World Bank.

Some developing countries, especially in Africa, needed external assistance more than others; between 1979 and 1985, the number of Africans below the poverty line had increased by almost two thirds, compared with an average increase of one fifth in the entire developing world, and was projected to rise from around 250 million in 1985 to more than 400 million by the end of the century. Technical co-operation had to be restructured if it was to help build human capabilities and national capacities in developing countries; programmes should focus more on human development issues to broaden the base for more effective national capacity-building; and emphasis should be placed on improving the availability of relevant social indicators and on assisting Governments to formulate their own human development plans. A participatory approach, including the involvement of non-governmental organizations (NGOs), was crucial to any viable strategy for human development

and a significant reduction in population growth rates was essential for visible improvements in human development levels. The rapid population growth in the developing world was becoming concentrated in cities, a process that seemed inevitable and required effective government programmes to deal with its consequent problems. Finally, sustainable development strategies should meet the needs of current generations without compromising the ability of future generations to meet their needs.

**Governing Council action.** On 22 June [E/1990/29(dec.90/13)], the UNDP Governing Council took note of UNDP efforts in the area of human development, including publication of the Human Development Report. It requested the Administrator to assist with convening regional consultations, within existing resources, so that the specific human development concerns and priorities of developing countries could be identified and taken into account in the context of the future work on that issue. It further requested him to inform it of the outcome of those consultations at its 1991 session in order to facilitate a decision on future work in human development.

#### Education and literacy

##### International Literacy Year and World Conference on Education for All

The year 1990, proclaimed by General Assembly resolution 42/104 [YUN 1987, p. 654] as International Literacy Year, was marked by the World Conference on Education for All (Jomtien, Thailand, 5-9 March), sponsored by the United Nations Educational, Scientific and Cultural Organization (UNESCO), UNDP, the United Nations Children's Fund and the World Bank, joined by a number of co-sponsors and associate sponsors. The Conference had three principal objectives: to highlight the importance and impact of basic education and to renew commitment to make it available to all; to forge a global consensus on a framework for action to meet the basic learning needs of children, youth and adults; and to provide a forum for sharing experiences and research results to invigorate ongoing and planned programmes. On 9 March, the Conference adopted the World Declaration on Education for All and a Framework for Action to Meet Basic Learning Needs. It also endorsed two statements on follow-up to the Conference.

Details of the Conference, as well as of the activities and measures undertaken during International Literacy Year, were provided by the UNESCO Director-General in a report [A/46/281-E/1991/112] transmitted by the Secretary-General

to the General Assembly through the Economic and Social Council. The report noted that the Declaration consisted of three parts: its purpose, which was to meet the basic learning needs of every person; an expanded vision encompassing universalizing access and promoting equity, focusing on learning, broadening the means and scope of basic education, enhancing the environment for learning and strengthening partnerships at all levels; and a statement of requirements, including developing a supporting policy context, mobilizing resources and strengthening international solidarity. Also noted were the Framework for Action setting forth principles, policies and approaches for implementing the Declaration; and a statement on follow-up to the Conference stressing that the principal follow-up would be at the country level. The second statement concerned principles on the involvement of NGOs in follow-up activities with non-NCO bodies.

#### UN research and training institutes

##### UN Institute for Training and Research

Further restructuring of the United Nations Institute for Training and Research (UNITAR) took place during 1990. As requested by General Assembly resolution 42/197 [YUN 1987, p. 656], its staff was more drastically reduced and its statute was amended to reflect the various changes that the restructuring had introduced in its organization and functioning. Despite the drastic staff reduction, the volume of UNITAR activities had continued to grow, thanks to resources mobilized through special-purpose grants and to the dynamism of the UNITAR staff and fellows. Also, the number of UNITAR trainees had increased; the increase was 1,053 between June 1986 and June 1988 and 1,779 between June 1988 and June 1990, or nearly 70 per cent.

##### Activities

The Executive Director of UNITAR reported in October [A/45/14] on the implementation of the Institute's training and research programmes and matters concerning its functioning during the period from July 1988 to June 1990. As in previous years, the UNITAR, under its training programme for international co-operation and multilateral diplomacy, continued to organize orientation courses on the role, function and work of the United Nations for new members of permanent missions to the United Nations in New York and Geneva and on practices and procedures of organs and institutions of the UN system; workshops on the drafting of international

legal instruments, on the structure, retrieval and use of UN documentation for documentalists and other permanent mission members; annual seminars on international development issues for senior members; seminars or workshops on the setting, issues and techniques of multilateral economic negotiations; and briefing seminars for new delegates to the Assembly sessions. UNITAR also continued to organize at The Hague, Netherlands, the joint United Nations/UNITAR international law fellowship programme for government legal advisers from developing countries, as well as courses in international co-operation and multilateral diplomacy for other government officials of those countries. Under a special-purpose grant from the Ford Foundation and in co-operation with the United Nations Centre for Human Rights, UNITAR was preparing a manual on human rights reporting, due for completion before year's end.

Under its training programme for economic and social development, UNITAR held two seminars relating to debt management: an awareness seminar for senior officials from the United Republic of Tanzania (Dar es Salam, 14-15 January) and Uganda (Kampala, 17-20 January) and a training seminar on the legal aspects of the subject (Nairobi, Kenya, 19 February-2 March). Also held, under the auspices of the United Nations Environment Programme and UNITAR, was a 16-week training programme that began in May (Bangkok, Thailand) for 12 scientists from the International Centre for Integrated Mountain Development and from two participating countries.

Research activities during the year encompassed the publication of books, monographs and pamphlets, as well as the organization of research seminars and conferences. The book entitled *The United Nations and International Business*, produced under a project on the economic and social history of the United Nations, was commercially published in 1990. The third issue of the UNITAR Newsletter was published in June/July. A directory of some 337 research projects undertaken by more than 140 institutions in 26 European countries was being printed, and a comprehensive guide on the workings of the UN system in Geneva—a major centre of UN-related multilateral diplomacy and of diverse institutions with which that diplomacy was concerned—was in preparation for publication before year's end. The quarterly newsletter *The Heavy Oiler* continued to be published by the UNITAR/UNDP Centre for Heavy Crude and Tar Sands.

### Financing

The General Fund of UNITAR was used to fund only those training activities in international co-operation and multilateral diplomacy benefiting all Member States, i.e., members of permanent missions to the United Nations in New York and in Geneva, as well as to satisfy some training needs of the UN Secretariat. All other UNITAR training activities, in that field or in economic and social development, were funded through special-purpose grants. The Executive Director of UNITAR stated that the Institute's financial situation remained a matter of deep concern as government contributions to the General Fund continued to decline. To enable the Institute to repay its debt to the United Nations and to establish a reserve fund to improve that situation, General Assembly resolution 42/197 [YUN 1987, p. 656] had approved the Secretary-General's recommendation for the sale of the entire UNITAR headquarters property. The building remained unsold in 1990, however, due to a depressed real estate market.

In a November report on UNITAR [A/45/634], the Secretary-General discussed financial questions relating to the UNITAR budget and budgetary performance in 1990. He noted that the Executive Director presented to the UNITAR Board of Trustees at its twenty-eighth session (New York, 16-20 April) an expenditure budget for 1990 of \$1,335,550, together with a new budget for programme support costs of \$277,600, consistent with Assembly resolution 42/197. Their combined sum of \$1,613,150 represented a 36 per cent increase over the 1989 budget of \$1,186,700. Difficulties of timing did not permit the Advisory Committee on Administrative and Budgetary Questions (ACABQ) to review the proposed budget, as called for by Assembly resolution 44/175 [YUN 1989, p. 600], prior to its approval by the Board of Trustees in April. To avoid recurrence of the same situation, the Board decided to hold its future regular sessions in mid-May. Meanwhile, the Board conditionally approved the proposed budget on the understanding that the Executive Director, in consultation with the UN Controller, would make whatever revisions were necessary to conform with ACABQ's comments. It agreed to review the budget again at its September special session if those comments were of a substantive nature.

ACABQ's comments focused on the presentation and format of the budget proposals, the level of the estimated expenditures and the timing of the budget preparation. It recommended, inter alia, that the proposed reclassification of two P-5 posts to the D-1 level, as approved by the Assembly, should not be implemented in the light of

UNITAR's current financial difficulties and that the amount of \$150,000 as interest income from the reserve fund for 1990 should be deleted from income estimates since the UNITAR building had not been sold. The Executive Director explained to the Board in September that the absence of that interest income meant the United Nations would have to advance UNITAR \$400,000, instead of the \$250,000 initially envisaged, to balance the budget. As the Board felt it was too late substantively to modify the budget, it authorized the Executive Director, subject to the availability of funds, to incur expenditure not to exceed the corresponding 1989 expenditure between the beginning of the budgetary year, on 1 January, and the date of the budget's formal approval.

The Secretary-General noted that budgetary performance in 1990 had been disappointing; income had again not matched expectations. At the same time, UNITAR had been unable to effect savings in expenditures to offset the income shortfall and expenditures against a reserve account set up two years before had continued to mount. The combined effect of the shortfalls and deficits disclosed that UNITAR's debt to the United Nations might be estimated at about \$4.2 million by the end of 1990. Adding that to the \$4,410,566 advanced by the United Nations in 1989, UNITAR's total indebtedness was projected at \$9.1 million by 31 December 1990.

The Secretary-General stated that, despite his efforts at laying down foundations for an enduring revitalization of the Institute, there had been no solution to the financial difficulties facing it. While the Assembly had repeatedly reaffirmed its support for the continuing relevance and importance of the Institute's mandate, Member States had not provided sufficient voluntary contributions to the General Fund, whose expenditures had repeatedly exceeded its income. UNITAR's debt to the United Nations had reached a level that could not be raised further without calling into question UNITAR's ability ever to repay its debt. For the Secretary-General, there would appear to be only two possible solutions: a resumption, at significantly higher and predictable levels, of government voluntary contributions to the General Fund, or significant allocations to it from the UN regular budget on a continuing basis. As the first option was unlikely to materialize, the Secretary-General believed that the recommendations advanced by the Board of Trustees in September deserved the Assembly's careful consideration.

Those recommendations called for: deferring payments of UNITAR's debt to the United Nations, pending the sale of its headquarters building, for about five years or shorter, in the expecta-



tion that the real estate market would improve in that time; UN budget support of the General Fund, given the purposes for which that Fund was used; and UN funding for UNITAR research on the United Nations, given the difficulty of raising voluntary contributions for that activity. If the Assembly was not prepared to act on those recommendations, the Secretary-General indicated that it might wish to decide what other course of action should be taken.

According to the financial report and audited financial statements of UNITAR for the year ended 31 December 1990 [A/46/5/Add.4], the General Fund showed an income of \$680,966 and expenditures of \$1,398,676, or \$717,710 in excess of income. The Fund also showed assets of \$340,981 against which were liabilities totalling \$4,187,507 (of which \$4,059,917 was due to the United Nations), a deficit of \$2,650,732, and cumulative expenditures (for 1988, 1989 and 1990) of \$1,195,794 against the Reserve Account. That Account was where certain costs were being carried temporarily outside the UNITAR budget against the anticipated proceeds from the proposed sale of the UNITAR property.

The Special Purpose Grants Fund indicated a total income of \$3,476,478, while expenditures amounted to \$2,543,467, or an excess of \$933,011 in income over expenditure. Against the Fund's total assets of \$1,961,790 were liabilities amounting to \$225,899, leaving a balance in the Fund of \$1,735,891. The Special Account for Programme Support Costs reflected an income of \$168,670 and expenditures of \$148,494, leaving an available balance of \$20,176.

The Board of Auditors recommended, among other corrective actions, that steps be taken to improve the liquidity position of the General Fund and to maximize unused working capital of the Special Purpose Grants Fund; that guidelines on the utilization of the Reserve Account be established, with UNITAR being more involved in the control of that account; and that preparation of budget proposals take into consideration the downturn in revenue resources for more realistic assumptions and projections.

By resolution 45/235 of 21 December, the Assembly accepted the financial report and audited financial statements of UNITAR for the period ended 31 December 1989 [A/45/5/Add.4], which had been submitted in 1990.

### Restructuring

In response to General Assembly resolution 44/175 [YUN 1989, p. 600], the Secretary-General presented a November report [A/45/634] on the restructuring of UNITAR, on financial questions and on longer-term issues related to the financ-

ing of UNITAR. The report indicated that UNITAR's draft work programme for the 1990-1991 biennium had been prepared on the basis of the criteria laid down by Assembly resolution 42/197 [YUN 1987, p. 656] for the restructuring of UNITAR. The work programme provided for a core programme of activities funded through the General Fund and an expanded programme of activities funded through extrabudgetary resources, the former focusing on training in international co-operation and multilateral diplomacy, and the latter on training for economic and social development, and research on the United Nations, in energy and natural resources and on the future of the main developing regions of the world. In keeping with other provisions of the same resolution, the draft work programme reflected priority setting in the light of available financial resources and a research programme entirely funded through special-purpose grants. To implement adequately its work programme, UNITAR continued to resort to the services, free of charge, of full-time senior fellows appointed by the Secretary-General, who, in accordance with established procedures, extended for another year the term of the eight full-time senior fellows appointed in 1989 [YUN 1989, p. 599] and appointed a ninth senior fellow for 1990. In connection with the Assembly's authorization enabling UNITAR to enter into arrangements to execute UNDP-funded projects falling within its functions, UNITAR had agreed with UNDP in January that, when serving as executing agency, it would adhere to UNDP standard basic executive agency agreements.

The report stated that, at its 1990 special session (New York, 10-12 September), the Board of Trustees approved a proposed project for the establishment of a UNITAR training centre for international co-operation and socio-economic development in Atlanta, Georgia, it being understood that the centre would become operational only if the United States did not object to its location and that its creation and functioning would not incur any financial cost to the UNITAR budget. On 12 September, the United States communicated to the Executive Director that, after a careful review in accordance with its obligations and responsibilities as the host country to the United Nations, it could not concur with the proposal.

As to the Assembly's request that the Secretary-General proceed rapidly with the sale of the UNITAR headquarters building, the report noted that the Secretary-General had submitted two progress reports to the Board of Trustees at its April and September sessions. Those reports indicated that, as reported to ACABQ, efforts to

sell the building at the highest obtainable price had failed to produce a buyer. The Secretary-General would consult with ACABQ in due course on the appropriate disposition of the building.

The report further noted that the stringent restructuring of the Institute—which had taken a heavy toll on its staff and could not be further intensified without bringing the work of the Institute to a standstill—had not prevented UNITAR from slipping into repeated fiscal deficits and growing indebtedness vis-a-vis the United Nations. In brief, the process of revitalizing the Institute on a long-term basis after years of financial tribulations appeared to have reached a new impasse as a solution had yet to be found to the problem of devising ways and means to fund the Institute's core budget. The matter of the long-term issues related to the financing of the Institute was reviewed by the Board of Trustees at its September special session in order to respond to the Secretary-General's request for suggestions on effective ways of solving the problem. The Board adopted a number of recommendations (see above, under "Financing"), which the Secretary-General transmitted to the Assembly.

Annexed to the report were the results of a meeting (Geneva, 11 July 1990) of autonomous research institutes of the United Nations, organized by the Director-General for Development and International Economic Co-operation. Held in response to Assembly resolution 44/175 [YUN 1989, p. 600], the meeting discussed ways and means of building upon the already existing network of functional relationships among research institutes to enable them to move towards a flexible and more sustained system of interaction that could lead to mutually reinforcing initiatives within the framework of their respective mandates and to make appropriate contributions to the work of UN intergovernmental bodies as well.

The research institutes attending the meeting included UNITAR, the United Nations University, the United Nations Research Institute for Social Development, the United Nations Institute for Disarmament Research, the United Nations Interregional Crime and Justice Research Institute, the International Research and Training Institute for the Advancement of Women, the Latin American and Caribbean Institute for Economic and Social Planning, the African Institute for Economic Development and Planning, the Research Administration Office of the World Bank, the International Monetary Fund Institute, and the International Institute for Labour Studies.

#### GENERAL ASSEMBLY ACTION

On 21 December, the General Assembly adopted resolution 45/219.

#### United Nations Institute for Training and Research

The General Assembly,

Recalling resolutions 41/172 of 5 December 1986, 42/197 of 11 December 1987, 43/201 of 20 December 1988 and 44/175 of 19 December 1989.

Having considered the report of the Secretary-General and the report of the Executive Director of the United Nations Institute for Training and Research, and taking into account the statements made before the Second Committee on 30 November 1990 by the representative of the Secretary-General and the Executive Director of the Institute,

Recognizing the continuing importance and relevance of the functions of the Institute particularly in the field of training,

Recognizing also the need for Governments to contribute or increase their voluntary contributions, as appropriate, to the Institute,

Noting with concern the continuing lack of a sufficiently broad base of donor countries supporting the Institute,

Paying tribute to the Institute for its activities since its creation in 1965,

Deeply concerned that the sale of the headquarters property of the Institute, which would have enabled a reserve fund for the Institute to be established, has not yet been completed,

Noting with concern that the 1990 United Nations Pledging Conference for Development Activities did not provide the General Fund of the United Nations Institute for Training and Research with the level of resources required for it to maintain a minimum training programme and institutional structure,

1. Takes note of the report of the Secretary-General prepared pursuant to General Assembly resolution 44/175 and the report of the Executive Director of the United Nations Institute for Training and Research;

2. Strongly reiterates its urgent desire that the Institute sell its headquarters property at the earliest reasonable opportunity, preferably within the next twelve months;

3. Requests the Secretary-General to appoint an appropriately qualified high-level independent consultant, to be paid from extrabudgetary resources, who would submit a report directly to the Secretary-General containing recommendations on:

(a) The continued relevance of the mandate of the Institute, taking into account the relevant resolutions of the General Assembly and other research and training activities of the United Nations system, a review and assessment of all aspects of the current activities of the Institute and their benefits to the United Nations and its Member States, inter alia, in the fields of the maintenance of peace and security and the promotion of economic and social development, and an assessment of whether those activities can be more effectively carried out by the Institute or by other bodies in the United Nations system;

(b) The overall staffing requirements for the Institute, including the number and level of such staff, in order to meet satisfactorily the needs of the United Nations and its Member States;

(c) The financial means for meeting those needs, based on the findings;

(d) The feasibility of utilizing the facilities of the Institute for the training of personnel for peace-keeping operations;

4. Also requests the Secretary-General to submit the report of the independent consultant to the Advisory Committee on Administrative and Budgetary Questions and to the Board of Trustees of the Institute for comment and to the General Assembly at its forty-sixth session;

5. Requests that the budgetary proposals of the Institute continue to be submitted to the Advisory Committee on Administrative and Budgetary Questions for review and comment prior to approval by the Board of Trustees of the Institute;

6. Reaffirms that the activities of the Institute that are not funded from the General Fund of the United Nations Institute for Training and Research shall continue to be funded through voluntary contributions mobilized as special-purpose grants from Governments, intergovernmental organizations, foundations and other non-governmental sources;

7. Agrees with the recommendation of the Secretary-General that the Institute should, immediately after the sale of its property, repay the amounts currently owed to the United Nations and use the balance to establish a reserve fund for the Institute;

8. Recommends that the Institute, with the Advisory Committee on Administrative and Budgetary Questions, should consider financial mechanisms in order to finance its General Fund budget for 1991;

9. Decides to take a decision on the future of the Institute at its forty-sixth session, in accordance with the provisions of General Assembly resolution 42/197;

10. Encourages the Secretary-General to continue to explore new modalities for greater interfacing among United Nations research bodies, and requests the Director-General for Development and International Economic Co-operation to continue to organize meetings of United Nations research institutes with a view to enhancing practical co-operation among them, particularly in regard to the formulation and implementation of their programmes and plans;

11. Requests the Secretary-General to report to the General Assembly at its forty-sixth session on the implementation of the present resolution.

General Assembly resolution 45/219

21 December 1990 Meeting 71 Adopted without vote

Approved by Second Committee (A/45/855) without vote, 11 December (meeting 54); draft by Vice-Chairman (A/C.2/45/L.89), based on informal consultations on draft by United Kingdom (A/C.2/45/L.68); agenda item 85.

Meeting numbers. GA 45th session: 2nd Committee 48, 50, 51, 54; plenary 71.

## UN University

### Activities

The institutional development of the United Nations University (UNU), an autonomous academic institution within the UN system, remained of paramount concern in 1990 to the University's Rector and Council. Several meet-

ings were held (Paris, July and September; Tokyo, October) to which various consultants and advisers were invited to assist UNU to elaborate a comprehensive institutional development strategy, in particular to strengthen its institutional presence in developing countries.

The Council, in its report on the work of UNU in 1990 [E/1991/15], stated that the most important event of the year was the start of programme activities in research, training and dissemination under UNU's second medium-term perspective for 1990-1995, organized under five interrelated areas reflecting the major global issues of concern to UNU: peace, culture and governance; the global economy; global life support systems; science and technology; and population, health and human welfare. While the first medium-term perspective (1982-1987) had concentrated on broadening the work of UNU beyond its initial three programmes into timely research on important emerging issues, the second aimed at developing strength in certain areas through UN U's institutional mechanisms.

Under examination in programme area 1 were governance and conflict resolution, programme proposals and activities for which were discussed at a meeting (Bogota, Colombia, May); multilateralism and the UN system, for which an initial consultative meeting was held to review a draft programme proposal and initial research activities (Paris, June); and culture and development, the theme, as it concerned the Asia and Pacific region, of two international conferences (Fukuoka, Kyushu, Japan, March and September). Under programme area 2 were activities related to: hunger and poverty, discussed at a conference (Helsinki, Finland, July); money, finance and trade, the subject of an April meeting and a planning conference (Ottawa, Canada, September); the economics of environment and development; and women in development, studies on which were brought before research conferences in July. The UNU World Institute for Development Economics Research (WIDER) in Helsinki carried out the programmes under that programme area.

Activities under programme area 3 centred on: mountain ecology and sustainable development; a programme for natural resources in Africa; the human dimensions of global change, in connection with which three meetings were held (Moscow, March; The Hague, September; Mexico, November), as were an international conference (August/September) and a symposium (Palma de Mallorca, Spain, November); sustainable development in the humid tropics; and energy, technology and environment. Programme area 4 was concerned with the implications of advances in science and technology, science and technol-

ogy for development, biotechnology in Latin America and the Caribbean, and microprocessors and informatics. Programme area 5 dealt with alternative rural-urban configurations, which was debated at a symposium (UNU Centre, October), food and nutrition for human and social development, the subject of a major global conference (Washington, D.C., November); and the implications of demographic change.

Regarding the year's training activities, 29 UNU fellows completed their studies, bringing to 1,026 the total number of fellows trained by UNU since 1976. Fifty-four fellows started their training in, among other studies, economics and quantitative techniques, new and renewable sources of energy, geothermal energy, remote sensing technology, science and technology policy, food science and technology, and biotechnology. Most of the new fellowships had been made possible through cost-sharing arrangements with national scientific and research institutions and funds from external sources. Other training activities were also undertaken in conjunction with the five programme areas.

With the reorganization at the beginning of the year of the University's publication unit as the United Nations University Press, steps were taken to improve manuscript assessment to ensure high-quality publications, to expand sales and distribution, and to increase advertising, book notices and reviews. The new direction of the UNU Press was described in a widely distributed brochure entitled *United Nations University as a Scholarly Publisher: the United Nations University Press*. In addition to continuing publication of issues of the four UNU journals—*Food and Nutrition Bulletin (F&B)*, *Abstracts of Selected Solar Energy Technology (ASSET)*, *Mountain Research and Development*, and *Food Composition Data*—UNU published 27 books between January and August, listed in annex II of the Council's report. Also published were two issues of the University newsletter, *Work in Progress*, on the themes "A comprehensive view of the world in the 1990s" and "Universal human values".

Added to UNU's research and training centres were the newly established Institute for New Technologies, in the Netherlands, which became operational in June, and the Institute for Natural Resources in Africa, whose Director was appointed in April. Consistent with the priorities of the second medium-term perspective, eight new proposals were under consideration for: three institutes, for advanced studies in Japan, for software technology and for leadership development; four research and training centres, on global environment and human health, culture and development, governance and new and re-

newable energy sources; and a programme on ocean affairs and marine science.

The report noted that 1990 marked the fifteenth anniversary of the commencement of UNU's full operations in Tokyo with the assumption of office by its Rector. To commemorate the event, UNU organized two international symposia: one on the mega-city and mankind's future (Tokyo, October) and another on Japan's role in development and aid to the Association of South-East Asian Nations (November).

UNU continued to be financed entirely by voluntary contributions from Governments and other sources. As at 31 December 1990, it had received \$177.6 million in actual payments to its Endowment Fund, from the investment of which UNU derived its main income. During 1990, 21 Governments and two other benefactors pledged and/or contributed a total of \$11.08 million. In addition, \$2,528,909 for specific programmes was contributed by a number of foundations and organizations, including UNDP and the World Bank.

During the year, the Rector and other senior staff undertook fund-raising missions to 23 countries. A meeting held (Paris, July) to discuss the University's institutional development, also discussed fund-raising strategies.

#### UNU Council

The UNU Council held two sessions in 1990: its thirty-fifth in Maastricht, Netherlands, from 25 to 29 June; and its thirty-sixth in Tokyo from 10 to 14 December. Symposia were held during the sessions, on emerging new technologies during the first and on "The changing world: towards the twenty-first century" during the second.

At the June session, the Council focused on the organization of the University's work and on the fundamental issues involving the establishment of its research and training centres and programmes. Management of the Endowment Fund was also discussed, with special consideration given to the question of reinvestment in the Fund of all windfall gains in income arising from unanticipated changes in exchange rates.

At the December session, the Council, on the recommendation of the Committee on Institutional and Programmatic Development, approved the proposed UNU supplementary and revised programme; on the recommendation of the Committee on Finance and Budget, it approved the budget for the biennium 1990-1991. Other items considered included the implementation of programme activities under the second (1990-1995) medium-term perspective, developments in the UNU Press, management of the Endowment Fund, the preliminary report of the

UNU/WIDER review and evaluation team, and the Council's 1990 report on UNU. In addition, the Council elected its Chairman and Vice-Chairmen for 1991, as well as the Chairmen and members of each of its four committees.

#### GENERAL ASSEMBLY ACTION

On 21 December, the General Assembly, which had for its consideration the report on the work of UNU in 1989 [YUN 1989, p. 601], submitted to it at its current session, adopted resolution 45/220.

#### United Nations University

The General Assembly,

Recalling its resolution 2951(XXVII) of 11 December 1972 on the establishment of the United Nations University,

Recalling also its resolution 43/200 of 20 December 1988 on the United Nations University,

Taking cognizance of the important progress made by the University and the relevance of its work to the concerns of the United Nations,

Having considered the report of the Council of the United Nations University on the work of the University in 1989 and the statement concerning its development in 1990, made by the Rector of the University before the Second Committee on 26 November 1990,

Noting with appreciation the financial and other contributions made by Governments and organizations in support of the University,

Also noting with appreciation the progress made with regard to the permanent headquarters building in Japan,

Taking note of decision 4.2.2 on the United Nations University adopted on 18 May 1990 by the Executive Board of the United Nations Educational, Scientific and Cultural Organization at its one hundred and thirty-fourth session,

1. Welcomes the implementation of the University's programmes of research, advanced training and dissemination of knowledge, within the framework of its second medium-term perspective, for 1990-1995;

2. Requests the Council of the United Nations University to review, within the mandate of its charter, the role and functions of the University Centre in the light of the expansion of its research and training centres and programmes, with a view to maintaining the coherence of the University as a whole;

3. Takes note of the continued high quality and usefulness of the work of the World Institute for Development Economics Research of the United Nations University, in Finland, and of the decision of the University to undertake a review and evaluation of the work of the Institute, which has completed its first five years of operation;

4. Notes with satisfaction the commencement of the work of the Institute for New Technologies of the United Nations University, in the Netherlands, which constitutes a major expansion of the overall programme of the University;

5. Welcomes the progress made in the initiation of a programme for natural resources in Africa, in furtherance of the Lagos Plan of Action for the Implementation of the Monrovia Strategy for the Economic Devel-

opment of Africa, which is expected to lead to the full realization of the Institute for Natural Resources in Africa;

6. Notes with appreciation the progress made with regard to the International Institute for Software Technology of the United Nations University, to be located in Macau;

7. Also notes with appreciation the progress made with regard to the proposed Institute of Advanced Studies in Japan;

8. Requests the University to continue to foster its substantive collaboration with the United Nations and its system of organizations, in particular with the United Nations Educational, Scientific and Cultural Organization, in areas of global concern;

9. Takes note of the University's important institutional developments and requests it to strengthen its collaboration with international, regional and national academic and scientific institutions, particularly in developing countries, in addressing the global issues elaborated in its second medium-term perspective;

10. Requests the University to continue to intensify its fund-raising efforts to augment its Endowment Fund and mobilize operating contributions and other programme and project support;

11. Appeals to all States to contribute to the Endowment Fund of the University and to make operating contributions, including support for its research and training centres and programmes, in order to enable it to expand its world-wide activities, particularly in developing countries, and thus fulfil its mandate in accordance with its charter and the relevant resolutions of the General Assembly.

General Assembly resolution 45/220

21 December 1990 Meeting 71 Adopted without vote  
Approved by Second Committee (A/45/855) without vote, 11 December (meeting 54); 30-nation draft (A/C.2/45/L.70/Rev.1); agenda item 85.  
Meeting numbers. GA 45th session: 2nd Committee 48, 50, 51, 54; plenary 71.

By resolution 45/235, also of 21 December, the Assembly accepted the financial report and audited financial statements of UNU for the biennium ended 31 December 1989 [A/45/5, vol. III], which had been submitted in 1990.

#### University for Peace

##### Tenth anniversary

In 1990, the University for Peace, established by General Assembly resolution 35/55 [YUN 1980, p. 1006], marked its tenth anniversary. The University's host country, Costa Rica, speaking before the Assembly on 24 October, stated that the University had worked for the last 10 years to promote graduate studies. It had developed two masters programmes for students from five continents, one in communications for peace, offered at University headquarters in Costa Rica, and the other in development and peace studies, offered at the University's European Centre in Belgrade, Yugoslavia. An agreement had been concluded

with the Government of Colombia for the establishment in Bogota of an international centre (of the University) for the peaceful settlement of conflicts. The University had organized conferences, seminars, short courses and meetings in more than 17 countries, at which core curriculum subjects were emphasized, especially those in education for peace, the peaceful resolution of conflicts, negotiation skills, environment studies, human rights and international relations. It had also promoted research programmes stressing Central American issues. More than 15,000 people had been exposed to the University's messages. The University currently included a Centre for Information and Documentation for Peace, the Gandhi Centre for Television Production and the International Radio for Peace, transmitting short-wave programmes in Spanish, English, French and German, 16 hours a day.

In observance of its tenth anniversary, the University was organizing a round of high-level conferences on such topics as new development patterns, on the eve of the twenty-first century, prospects for a Central American community, and external and social debt in Latin America.

#### GENERAL ASSEMBLY ACTION

On 24 October, the General Assembly adopted resolution 45/8.

#### Tenth anniversary of the University for Peace

The General Assembly,

Recalling its resolutions 33/109 of 18 December 1978, 34/111 of 14 December 1979 and 35/55 of 5 December 1980, on the establishment of the University for Peace,

Recalling also Economic and Social Council resolutions 1985/2 of 24 May 1985 and 1986/6 of 21 May 1986 and its resolution 41/175 of 5 December 1986,

Taking into account the positive contribution which the University has made to the cause of peace through the various international programmes it has developed during its first ten years, in particular those focusing on Central America, as a contribution to efforts to promote peace, security and trust amongst the countries of the region and the economic and social development of that part of the American continent,

Beating in mind that 1990 marks the end of the first decade of continuous work and activities by this institution dedicated to research and education for peace,

1. Welcomes the fact that in 1990 the University for Peace completes its first decade of activities in the cause of peace, in accordance with the purposes and objectives for which it was established;

2. Invites Member States to accede to the International Agreement for the Establishment of the University for Peace;

3. Appeals to Member States and governmental and non-governmental agencies which provide financial assistance for research to make financial contributions in order further to advance the objectives of the University;

4. Requests the Secretary-General to establish an agreement on co-operation between the United Nations and the University, in accordance with the Charter of the University;

5. Expresses its appreciation to Costa Rica, the host country, for its valuable support and contribution to the operation of the University;

6. Requests the Secretary-General to transmit the present appeal to all Member States so as to ensure the smooth operation of the University;

7. Also requests the Secretary-General to report to the General Assembly at its forty-sixth session on the implementation of the present resolution.

General Assembly resolution 45/8

24 October 1990

Meeting 34

Adopted without vote

40-nation draft (A/45/L.10 & Add.1); agenda item 150.